CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, March 22, 2021

The City Commission met in formal session Monday, March 22, 2021 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Darlene Galambos, City Clerk
Isabelle Lopez, City Attorney
Meredith Breidenstein, Assistant City Manager
Todd Grant, Director, Public Works
David Birchim, Director, Planning and Building
Melissa Wissel, Communications Director
Barry Fox, Police Chief
Laura Morse, Recording Secretary

Mayor Upchurch requested a moment of silence for Erik Veston, City of St. Augustine employee, who had recently passed away.

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Tim Fleming, Christ Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Commissioner Blonder requested the addition of the 'Mayor's Monarch Butterfly Pledge' as Item 14.B.

Commissioner Sikes-Kline requested moving Item 14.A. to Item 7.B. *Items of Great Public Importance* to allow Tara Meeks, Tourism Development Director, Tourist Development Council (TDC), to speak on the topic.

MOTION

Commissioner Sikes-Kline MOVED to approve the Regular Agenda as restated. The motion was SECONDED by Commissioner Blonder and APPROVED BY UNANIMOUS VOICE VOTE.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Proclamation 2021-03: Proclaims March 2021 as Archaeology Month

Mayor Upchurch read the Proclamation which was accepted on behalf of the City by Dr. Andrea White, Archeologist, City of St. Augustine.

3.B. Proclamation 2021-04: Proclaims April 2021 as Water Conservation Month

Commissioner Horvath read the Proclamation, and Dr. Jennifer Mitchell, Public Communications Coordinator, St. Johns Water Management District, accepted along with Todd Grant, Director, Public Works, City of St. Augustine.

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

The Commission heard from the following members of the public:

- Chris Fulmer
- BJ Kalaidi

Public comment was closed.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA - MARCH 22, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON APRIL 12, 2021:

(None)

CA.3. Reminder of Upcoming Meetings:

- April 12, 2021 - 5pm - Regular City Commission Meeting
- April 26, 2021 - 5pm - Regular City Commission Meeting
- May 10, 2021 - 5pm - Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- January 25, 2021, Regular Commission Meeting
- February 8, 2021, Regular Commission Meeting
- February 22, 2021, Regular Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE{S):

- 107 Plantation Point Drive - Patricia Dunn

CA.6. NOTIFICATION OF PROCLAMATIONS / CERTIFICATES OF RECOGNITION ISSUED:

- Proclamation 2021-05: Proclaiming March 24, 2021 as Education and Sharing Day. *(N. Sikes-Kline, Commissioner)*

CA.7. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION / RECOGNITION. (COMMISSION APPROVAL REQUIRED). {TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.8. Subrecipient subaward funding agreement between St. Johns County and the City. *(M. Breidenstein, Assistant City Manager)*

CA.9. February financial report. *(M. Simpson, Director, Finance)*

CA.10. Final subdivision plat - Inlet View (replat). *(D. Birchim, Director, Planning and Building)*

CA.11. Appointment to the City of St. Augustine Audit Review Committee. *(D. Galambos, City Clerk)*

CA.12. Invoices to Cavendish Partners, P.A. regarding Masci General Contractor, Inc. v COSA in the amount of $1,534.00 and regarding Marlowe v COSA in the amount of $3,770.00. *(/. Lopez, City Attorney)*

End Consent Agenda

<u>5.A.</u> Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

6. APPEALS

(None)

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

Item 14.A. '*5th Cent Tourism Bed Tax Option'* discussed here.

Commissioner Sikes-Kline reviewed the topic and advised that the TDC did not take a position at their March 15th meeting, but requested more input from the City of St. Augustine, City of St. Augustine Beach and the community regarding their support of the fifth cent tax levy and intended spending plans. She introduced Ms. Meeks who had prepared a summary letter of modifications ('Letter') from the TDC meeting.[1]

There was lengthy discussion among the Commission and Ms. Meeks regarding the following:

- The Board of County Commissioners (BCC) would have a spending plan and one vote whether to move forward with the fifth cent tax
- A spending plan should have been in place prior to voting for the tax
- Proposal was under legislative authority for State to use revenues from tourism development tax, not local discretionary sales surtax
- Concern with rumor that most spending from fifth cent revenues would fund northern County beach renourishment, which had limited beach access and few benefits for tourists or citizens
- Important mobility and pedestrian access needs would better serve the area
- Previous City discussions to obtain BCC money for tourism impact assistance were unsuccessful, and City required a plan to present items the fifth penny would cover
- TDC tax had more needs than dollars, and the greatest needs and priorities to further tourism development in St. Johns County were under review
- Tourist Development Tax regulated at two levels:
  - State level by Florida statute
  - County level by County ordinance
- The County was eligible to levy a fifth cent tax under State statute, with spending plan required when tax was levied
- TDC sought to modify their development plan via ordinance that carried year to year and dictated how funds could be spent
- County would take allocated funds in Category 3 for beach nourishment and maintenance, and re-locate to Category 5, providing 30% of funds
- Tourism advertising was currently 1.5 pennies, or 36% of funds

At the request of Commissioner Horvath, Ms. Meeks reviewed the funds allocation within the TDC's five-category plan and noted each penny received was worth approximately $3 million which totaled $12 million per year:

Category 1 - Destination Marketing

- Primarily funded visitors and convention bureau contract
- Received 1.5 pennies, or $4.5 million
- 37.5% of annual revenue

[1] Provided to Commission at meeting

Category 2 - Arts and Culture
- Received .5 pennies, or $1.5 million
- 12.5% of annual revenue

Category 3 - Parks and Recreation
- Received .5 pennies, or $1.5 million
- 12.5% of annual revenue

Category 4 - Administrative Special Uses
- Funded variety of items such as staff salaries, fireworks, Nights of Lights, contract service for TPC
- Received .8 pennies, or $2.4 million
- 20% of annual revenue

Category 5 - Tourism Assets
- Received .7 pennies, or $2.1 million
- 17.5% of annual revenue

Mr. Regan stated the City's fundamental interest was tourism infrastructure for parking and mobility; therefore, allocation of one-half of a fifth cent could bond about $20 million, and with user revenues this could finance transportation improvements for the tourism economy.

Commissioner Sikes-Kline requested adding language to the Letter regarding parking and beach access under *'Category 5 Beach Expenditure'.* She stated the discussion genesis centered around re-nourishment dollar needs and she believed the BCC would pass the tax. She reminded the Commission of their previous support and discussions of the fifth penny and money distribution for transportation, infrastructure and operations to combat tourism impacts. She reiterated that the TDC funded fireworks, the Visitor Information Center and the Nights of Lights, and the Commission should think clearly about input, and not objecting to the tax passage.

Commissioner Blonder was not objectionable to the passage of the fifth cent; however, she stated concern with it's allocation to an area that would not address the City's major concerns.

Commissioner Valdes supported the passage but noted the City should demand more of the money distribution, since St. Augustine was the epicenter of attraction to St. Johns County, and the real impacts were within a five-mile radius of the City.

Mayor Upchurch noted his appreciation for Ms. Meeks data, but expressed frustration with a lack of information provided in the Commission packets which prohibited a full understanding of the topic; however, he concurred with Commissioner Blonder's observation that it was problematic to spend monies from tourism development funds for re-nourishment of North Beach. He suggested if the Commission willed the bonding of one-half a penny of TDC money, they should request a mayoral letter providing an example of how the bonding portion could be used for a parking or mobility plan, which would be a compelling argument.

There was Commission consensus to not support the distribution of funds from the fifth cent tax for renourishment of the northern County beaches.

MOTION

Mayor Upchurch MOVED that the Commission go on record that in the event of the passage of an additional fifth cent, that the Commission respectfully request a half a cent of that to be used for the appropriate category and provide an example of how the revenue would be used, bonding in particular. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

AYES: Upchurch, Valdes, Horvath, Blonder, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>7.C.</u> Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

(None)

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

9.B.1. Resolution 2021-12: Establishes a cart fee for new residential customers and a cart swap fee for customers requesting new carts.

Mr. Grant reviewed the Resolution and the involved fees.

The Commission discussed:

- Issue surfaced in 2020 when approximately 115 homes required new carts and fee was not included within the residential garbage collection fee
- Assumed cart stayed with home when sold, but there were many scenarios when that was not the case
- Initial flow-based fees incorporated the $100 cart fee for newly constructed homes and were paid for by developer
- If existing home demolished and carts not available, homeowner would pay fee

Commissioner Sikes-Kline stated she did not support the $100 fee, as the City should supply and include in budget; however, she did support the $30 swap fee.

Commissioner Blonder suggested since solid waste costs were based on weight, that a composting program or waste reduction educational campaign would assist with taxpayer dollars, improve overall sustainability of the City, and reduce the carbon footprint.

Mr. Grant advised the composting program was under discussion, that a residential composting program versus commercial was cost prohibitive and on a volunteer basis, and analysis showed that commercial accounts currently balanced out the cost of residential pickup.

MOTION

Commissioner Blonder MOVED to approve Resolution 2021-12. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Blonder, Horvath, Valdes, Upchurch
NAYES: Sikes-Kline
MOTION APPROVED 4/1

9.B.2. Resolution 2021-13: Supports HB 3409 regarding appropriation for the Lincolnville Museum.

Isabelle Lopez, City Attorney, reviewed the Resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2021-13. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Valdes,

Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.3. Resolution 2021-14: Supports HB 3901 regarding appropriation for the West Augustine Care Center.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2021-14. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Blonder, Valdes, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.4. Resolution 2021-15: Supports HB 1481 and SB 1988 regarding regulations for vacation rentals.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-15. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.5. Resolution 2021-16: Supports SB 1954, HB 7019 and HB 7021 regarding the Resilient Florida Grant Program and Trust Fund.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-16. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION

AYES: Sikes-Kline, Blonder, Valdes, Horvath, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.6. Resolution 2021-17: Supports SB 1186, HB 1379, HJR 1377, and SJR 1182 regarding ad valorem tax breaks.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Blonder MOVED to pass Resolution 2021-17. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Blonder, Upchurch, Horvath, Sikes-Kline, Valdes
NAYES: None
MOTION APPROVED UNANIMOUSLY

10. STAFF REPORTS AND PRESENTATIONS

10.A. Presentation regarding the City's Tree Canopy Enhancement Program

Mr. Grant reviewed the topic and reminded the Commission that two hurricanes and tropical storms had damaged or destroyed right-of-way (ROW) tree canopy. He acknowledged Glabra Skipp, Environmental Program Coordinator, for making great progress with the internal Sustainability Plan and the Tree Canopy Enhancement Program (Program). He advised the Business Recognition Program was forthcoming for Commission review, and the Organic Waste Initiative would be revisited once the opportunity presented to host workshops. He thanked the following City personnel for assisting with the Program:

- Reuben Franklin, Director, Public Works
- Isabelle Lopez, City Attorney
- Jamie Perkins, CRA Administrator
- Mark Hartley, Manager, Streets and Grounds

Mayor Upchurch indicated that excellent ideas surfaced from the February 19, 2020 Sustainability Workshop and COVID had hindered progress, but he was optimistic that the workshops would resume soon.

Ms. Skipp delivered the presentation.[2]

The Commission and Mr. Grant discussed:

- Press release on program generated positive feedback
- Homeowner purchase of trees in ROW required application through Utilities / Public Works
- Program designed to enhance entire neighborhood
- Lincolnville Community Rehabilitation Association (LCRA)'s budget potential for Program applications within Lincolnville and Ms. Perkins working with those who lacked resources
- Considered hollies, elms and maples as supplement to live oaks and palms
- Reviewed installation of trees by licensed Contractor avoiding City staff time constraints
- Five tree species allowed which mirrored the City of Orlando program
- Hybrid program would benefit by allowing shared costs between homeowners paying for trees and City planting trees which would be an option in the application for Program
- Reviewed inclusion of many ideas in application, such as 'in memoriam' trees
- Planting only native trees in areas with existing irrigation system to ensure survival, and use a Gator Bag for areas without irrigation system
- Withdrawing funds from Streets and Grounds budget would not impact pressure washing program, which was in Mobility budget
- Partnership with owner under Program included owner's commitment to nurture the tree during early growth phase
- Program addressed importance of resiliency issues, such as flooding

Mr. Grant requested the Commission's approval for the City Manager to direct $10,000 from the Streets and Grounds budget to fund the Program.

Mr. Regan advised he requested that staff create a line-item budget transfer to show funding credibility for the Program, the money would carry into the next fiscal year, and additional monies would be added during the budget process for a more comprehensive figure.

MOTION

Commissioner Sikes-Kline MOVED to allocate the $10,000 via the City Manager. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Valdes, Horvath, Blonder
NAYES: None
MOTION APPROVED UNANIMOUSLY

11. ITEMS BY CITY ATTORNEY

<u>11.A.</u> Legislative Tracking

Ms. Lopez advised that HB 219, which stripped the City's ability to regulate short-term rentals, was scheduled for Committee that day, but was postponed due to conflict with companion SB 522's modification showing favorability to local governments. She noted HB 403 / SB 266 (Home-based Businesses) received a favorable report in Committee and was headed to the Rules Committee.

[2] Attached to original Commission packet

Mr. Regan stated that Representative Cyndi Stephenson inquired about the City's position on HB 883 / SB 60, which prohibited County and City Code Enforcement officials from taking anonymous complaints for code enforcement issues. He asked the Commission to state their position on the issue so he could respond to Representative Stephenson.

There was Commission consensus for a mayoral letter stating the Commission's opposition of HB 883 / SB 60, hence allowing the continuance of anonymous code complaints to ensure matters would not go un-addressed due to citizen fear or neighbor versus neighbor issues.

Mayor Upchurch requested that the City Attorney and City Clerk prepare the appropriate correspondence, and that Mr. Regan express the Commission's appreciation to Representative Stephenson for reaching out regarding the topic.

12. ITEMS BY CITY CLERK

Darlene Galambos, City Clerk, announced that a purchase order had been submitted for audiovisual equipment with expected receipt within 30 to 60 days, and the construction plan details for set-up of this new equipment in the Alcazar Room were being finalized.

The Commission discussed:

- Temporary system for providing higher service level was not simple due to number of issues
- Considering review of Alcazar Room space configuration and current CDC guidelines to provide as much accessibility as possible
- Finding an alternate and temporary venue for Commission meetings, such as Fullerwood School, that enabled audiovisual recording
- Sentiment in community that the Commission was attempting to operate privately was not factual
- Temporary system could be repaired at a significant cost, or utilize second option of alternative venue

Mayor Upchurch indicated his reluctance to utilize another location, which placed City staff with additional work, until they were ensured the Alcazar Room's capacity was adequately used, while following current CDC guidelines.

13. ITEMS BY CITY MANAGER

<u>13.A.</u> Discussion regarding SB 1944 / HB 1567 providing a statutory mechanism for the removal of pole attachments and speed the removal of double poles

Mr. Regan reviewed the topic and corresponding legislation. He advised that when Florida Power and Light (FPL) replaced existing poles with resilient ones, the other utility companies often took years to move their utility which left unsightly double poles. He stated this statutory requirement instructed companies to quickly transfer utilities upon notification and would expedite the removal of double poles and allow FPL to recover the cost for moving them, if necessary.

Mr. Regan asked the Commission to adopt an affirmative position on the two legislative items, then a letter would be prepared for submittal with a subsequent resolution.

MOTION

Commissioner Sikes-Kline MOVED to affirm SB 1944 / HB 1567. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

Mr. Regan announced the Fish and Wildlife Commission granted the City $30,000 to remove invasive and non-native plant species, such as Brazilian Pepper, on the entire acreage of Fish Island. He thanked J.B. Miller, Land Development Coordinator, for his hard work to secure the grant.

Mr. Regan announced the City's work with the re-enactment community in St. Johns County to create a re-enactment of the 200th anniversary of Spain's transfer of Florida to the United States. He indicated the City focused on the re-enactment component, while the County handled larger celebration issues, and a presentation on the topic would be forthcoming.

Mr. Regan announced the intent to move forward with planning the Fourth of July fireworks show, following all CDC guidelines, so the City would have flexibility with contracts and plans should the event require cancellation.

14. ITEMS BY MAYOR AND COMMISSIONERS

14.A. 5th Cent Tourism Bed Tax Option

Item moved under 7.B.

Commissioner Blonder advised of recent community requests for mayoral support of a *Monarch Pledge* due March 31st that required a City pledge of support to enhance the monarch butterfly habitat.[3] She noted that habitat loss and climate change were main contributors to a loss of 95% of the eastern and 99% of the western monarch butterfly population, and the education and promotion of milkweed growth was a primary goal to revitalize monarch butterflies.

Mayor Upchurch advised that at the encouragement of the Commission, he would sign the Pledge, but requested the City Clerk prepare a resolution to bring before the Commission.

Commissioner Valdes apologized for missing the previous Commission meeting and thanked the Commission for supporting the work of the Building Code Task Force.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:43 P.M.[4]

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

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[3] Distributed to the Commission at meeting.

[4] Transcribed by Laura Morse