



Resolution 2020-39 Notice: Rules of Decorum

The speaker may present their viewpoint in this limited public forum without using terminology or gestures that cause a disruptive environment for public officials in the discharge of their duties or cause a disruptive environment hostile to the participation of other members of the public. Any person violating the rules of decorum as described in this section or otherwise displaying disruptive behavior, such as but not limited to, shouting, noisemaking, issuing threats, harassing or intimidating members of the public, interfering with the duties of elected or appointed officials and City staff during a public meeting, or otherwise interrupting or disrupting the proceedings may be removed from the public assembly pursuant to law.

Each speaker must comply with the following rules of decorum when addressing the commission, board or committee:

- The speaker may not address the commission, board or committee from the audience.
- The speaker may only approach the podium to speak when recognized by the chairperson.
- The speaker may not approach the dais without the chairperson's permission.
- The speaker must direct questions and comments at the commission, board or committee, through the chairperson.
- The speaker must observe the time limits set for public comment.
- The speaker at a public hearing must limit his or her comments to the subject of the hearing.
- The speaker must avoid making irrelevant, repetitive, personal, impertinent or slanderous comments.

A speaker violating these rules of decorum or otherwise disrupting a meeting may be gaveled out of order by the chairperson, and if the speaker willfully refuses to abide by the lawful order of the chairperson to cede the floor and cease and desist all disruptive behavior, the speaker may be removed for disrupting a public assembly pursuant to Chapter 871.01, Florida Statutes.



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, JULY 12, 2021 - 5:00 PM
ALCAZAR ROOM**

1. CALL TO ORDER

- ◆ Roll Call
- ◆ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ◆ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

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

- ◆ 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

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

(PRESENTATIONS (MAXIMUM OF 10 MINUTES PER PRESENTATION)). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

7.B. Items of Great Public Importance

7.B.1. Update regarding Project Swing. (*J. Piggott, Director General Services*)

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.A.1. Ordinance 2021-12: Amendments to Chapter 28, Division 2, Vacation Rentals. (*I. Lopez, City Attorney*)

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

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

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.A.1. Ordinance 2021-13: Amends Chapter 11, Section 11-29, Standards of Review for Conservation Overlay Zone 2. (*D. May, Assistant City Attorney*)

9.A.2. Ordinance 2021-14: Disallowing the intentional release of balloons within the City limits. (*D. May, Assistant City Attorney*)

9.B. Resolutions

9.B.1. Resolution 2021-26: Approval of the tentative proposed millage rate for fiscal year 2021/2022. (*M. Simpson, Director Finance*)

10. STAFF REPORTS AND PRESENTATIONS

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY CITY CLERK

12.A. Discussion concerning scheduling workshops. (*D. Galambos, City Clerk*)

13. ITEMS BY CITY MANAGER

13.A. Discussion of items to be included in the 2022 St. Johns County Legislative Action Plan. (*J. Regan, City Manager*)

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CONSENT AGENDA - JULY 12, 2021

- CA.1.** Preview of upcoming Commission meetings.
- CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON AUGUST 9, 2021:**
- Ordinance 2021-13
 - Ordinance 2021-14
- CA.3. Reminder of Upcoming Meetings:**
- July 26, 2021, City Commission Meeting - C A N C E L L E D
 - August 9, 2021, 3pm, Special Budget Meeting
 - August 9, 2021, 5pm, City Commission Meeting
 - August 19, 2021, 9am, Special Budget Meeting
- CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:**
- May 11, 2021 - Strategic Planning and Midyear Budget Analysis
 - May 24, 2021 - Regular City Commission Meeting
 - June 14, 2021 - Regular City Commission Meeting
- CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.**
- 104 North Whitney Street; William Waterman and Arturo Contreras
- CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.**
- CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.**
- CA.8.** Approval of request by Vice Mayor for letter of support for her application to the Active People, Healthy Nation Champions Institute. *(J. Regan, City Manager)*
- CA.9.** Acceptance of legal department quarterly report. *(I. Lopez, City Attorney)*
- CA.10** Approval for direct deposit of the premium tax contribution for the St. Augustine Police officer's retirement system to be deposited directly into their fund. *(D. Galambos, City Clerk)*
- CA.11** Approval of invoice for payment in the MASCI v. City of St. Augustine matter in the amount of \$5,071.78. *(I. Lopez, City Attorney)*

End Consent Agenda

CITY OF ST. AUGUSTINE

M E M O R A N D U M

TO: John P. Regan
City Manager

DATE: July 1, 2021

RE: Project Swing Update

A few weeks ago, I briefed the commission on the safety issues regarding project swing (South side of the park). Since that meeting, the city has asked the community for their thoughts and opinions utilizing emails and a survey. The survey alone resulted in tremendous amount of feedback and support from the community, providing the city with clear direction the city should follow regarding the future of the park. Overwhelmingly, the community's feedback was to rehabilitate the existing park and keep it as is.

In addition, the original team leaders of Mike Davis, Les Thomas, Troy Blevins, and Phil McDaniel, who completed this community project 24 years ago, stepped forward and are offering their services again. This leadership group is willing to take on this project, working with other residence in the community, to complete this rehabilitation project. Their goal is this project could be completed by November 2022, the 25th anniversary of Project Swing. In addition, Commissioner Valdes, along with staff, has volunteered to become the Commission's liaison for this project.

This project, when completed, would look very similar to what it looked like 24 years ago. Project Swing would be rehabilitated by professional builders, be funded by community donations, utilize composite wood decking, and correct ADA issues.

If you concur with this memo, please placed this item on the July 12th City Commission meeting agenda under staff reports. As always, please do not hesitate to contact me if you have any questions. Thank you for your assistance.



James C. Piggott
Director, General Services

JCP

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor, and Commissioners

DATE: June 22, 2021

RE: **ORDINANCE 2021-12: AMENDMENTS TO REGULATION OF VACATION RENTALS**

The City Attorney's office conducted a review of the regulations adopted pursuant to Ordinance 2019-50 for the Regulation of Vacation Rentals. That review reveals the need for amendment to provide clarification of the intent and current practices of the city regarding required inspections and registration information in compliance with state law.

The Planning and Zoning Board reviewed these amendments and made positive recommendation for approval at its June 1, 2021, meeting.

The amendments include:

- Remove "property maintenance code" from Section 28-147 "Annual Inspection" and provide clarification that registration information provided by an applicant will be verified on site for approval in Section 28-146 "Registration."
- Remove "zoning code" from Section 28-147 "Annual Inspection" and provide a requirement for the zoning designation of the vacation rental for the purpose of determining whether the rental is monthly, weekly, or requires a submerged land lease in Section 28-146 "Registration."
- Clarify the full language regarding Florida Fire Prevention Code, Life-Safety Code, NFPA 101 in Section 28-147 "Annual Inspection."
- Clarify the language of "alarm" versus "detector" as well as the full language of Florida Fire Prevention Code, Life-Safety Code, NFPA 101 in Section 28-150 "Life-Safety."

Please place Ordinance 2021-12 on the agenda for second reading at the July 12, 2021 City Commission meeting.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Amendments to Chapter 28, Division 2, Vacation Rentals

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 28, ARTICLE III, DIVISION 2, SECTION 28-146 PROVIDING REQUIREMENTS FOR REGISTRATION; AMENDING SECTION 28-147 CLARIFYING ANNUAL INSPECTIONS; AMENDING SECTION 28-150 CLARIFYING REQUIRED NFPA LIFE-SAFETY CODE REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and,

WHEREAS, the City Commission found that regulation of Short-Term Rentals is in the best interest of public health, safety and general welfare by passage of Ordinance 2019-50; and

WHEREAS, in order to clarify the intent of the regulations, the City wishes to adopt an amendment of terms to clearly define the applicable law as the Florida Fire Prevention Code, Life-Safety Code, NFPA 101; and

WHEREAS, the amendment clarifies the intent of the City, and avoids any potential confusion on required registration information, required inspections, the practice of the City, and compliance with state law; and

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its June 1, 2021 regular meeting; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Chapter 28, Article III, Division 2., Section 28-146. Chapter 28, Article III, Division 2., Sections 28-146 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-146 – Registration

Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of

registration and thereafter annually. The information provided on each listing of a vacation rental must accurately reflect the information submitted on the registration form. All information provided in the required registration application will be verified on site prior to approval of registration. Listings that inaccurately reflect information on the registration form information will be considered a separate violation of this code. The registration will include the following:

- (i) Address of the vacation rental.
- (ii) Name, address, and contact information of the property owner.
- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 28-147 of this code.
- (ix) The zoning designation of the vacation rental to determine whether the vacation rental is monthly, weekly, or requires a submerged land lease.

Section 2. Amending Chapter 28, Article III, Division 2., Section 28-147. Chapter 28, Article III, Division 2., Sections 28-147 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-147 – Annual Inspection

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the Florida Fire Prevention Code, ~~life~~Life-safety ~~Safety code~~Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time, ~~zoning code, and property maintenance code.~~

Section 3. Amending Chapter 28, Article III, Division 2., Section 28-150. Chapter 28, Article III, Division 2., Sections 28-150 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-150 Life-Safety

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke ~~detector~~alarm, a carbon monoxide ~~detector~~alarm, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the Florida Fire Prevention

~~Code, life~~Life-safety Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time~~or building code.~~

- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the Florida Fire Prevention Code, Life Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time~~building code~~. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 7. Effective Date. This ordinance shall become effective upon passage.

PASSED by the City Commission of the City of St. Augustine, Florida, this ____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice-Mayor, and members of the City Commission

DATE: June 30, 2021

RE: AMENDMENTS TO CHAPTER 11, SECTION 11-29, STANDARDS OF REVIEW FOR CONSERVATION OVERLAY ZONE 2

Recent correspondence from a citizen highlighted some inconsistencies within Section 11-29(b) regarding permitted structures within Conservation Overlay Zone 2. Specifically, the language regarding "[t]he first (landward of the most restrictive jurisdictional line) twenty-five (25) feet in Conservation Overlay Zone 2 shall remain undeveloped" appears to prohibit structures such as bulkheads, seawalls, or even walkways to permitted docks in Conservation Overlay Zone 1.

The City Commission noted this discrepancy and directed staff to update the City Code to provide for that consistency in regard to the permitted structures. In addition, the City Commission directed staff to take a holistic view of overall consistency with the Conservation and Coastal Management Goals of the Comprehensive Plan. These more in-depth changes will begin in the coming fiscal year as they require the services of an environmental consultant.

The Planning and Zoning Board reviewed these amendments and made positive recommendation for approval at its July 6, 2021, meeting.

The amendments to address consistency for review of Conservation Overlay Zone 2 include:

- Addition of language to ensure consistency with the definition of Conservation Overlay Zone 2 to protect Zone 3 from extreme high-water conditions.
- Addition of language to clarify that the items provided in subsections (1) – (4) are permitted structures.
- Addition of language to clarify that bulkheads, seawalls, and retaining walls are permitted structures.

Thank you for your consideration of this matter. Please contact me if you have any questions or comments.

Thank you.



Denise C. May
Assistant City Attorney

xc: David Birchim, Planning & Building Director
Isabelle Lopez, City Attorney

Agenda Title:

Amendments to Chapter 11, Section 11-29, Standards of Review for Conservation Overlay Zone 2

ORDINANCE NO. 2021-13

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 11, ARTICLE II, SECTION 11-29 PROVIDING CLARIFICATION AND CONSISTENCY OF PERMITTED STRUCTURES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, Chapter 11, Article II, Section 11-27 of the City of St. Augustine code defines Conservation Overlay Zone 2 and provides that a primary purpose of Zone 2 is to protect Conservation Overlay Zone 3 from extreme high water conditions; and

WHEREAS, certain language contained within Section 11-29(b) providing for standards of review for Conservation Overlay Zone 2 appears to conflict with the defined purpose of Zone 2 and with the permitted activities as identified in subsections (1) – (4); and

WHEREAS, amendment is necessary to provide clarification and consistency internally; and

WHEREAS, after review, the Planning and Zoning Board recommended approval of the amendments at its July 6, 2021 regular meeting; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Chapter 11, Article II, Section 11-29. Chapter 11, Article II, Section 11-29 of the Code of the City of St. Augustine, is hereby amended as follows:

“Sec. 11-29 – Standards for review.

...

- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect: and consistent with the purpose of Conservation Overlay Zone 2 to protect Zone 3 from extreme high-water conditions. At no time

shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line) twenty-five (25) feet in Conservation Overlay Zone 2 shall remain undeveloped except as provided in (1) – (4) of this subsection. ~~or, if~~ the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

...

- (4) Reasonably sized bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the buffer).

..."

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall become effective upon passage.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day
of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: July 1, 2021

RE: **ORDINANCE 2021-14: RELEASE OF BALLOONS**

Please find enclosed Ordinance 2021-14 that disallows the intentional release of any helium or lighter-than-air gas filled balloons into the air within the city limits of the City of St. Augustine. Violations of this ordinance would be punishable as civil infractions.

Please place Ordinance 2021-14 on the regular City Commission agenda for first reading on July 12, 2021.

Thank you.


Denise C. May
Assistant City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Disallowing the intentional release of balloons within the city limits

ORDINANCE NO. 2021-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE I, CHAPTER 22, SECTION 22-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR DISALLOWANCE OF THE INTENTIONAL RELEASE OF HELIUM FILLED BALLOONS WITHIN THE CITY LIMITS; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the release of helium, foil, mylar or “biodegradable” balloons into the atmosphere has a deleterious effect on the environment when the balloons inevitably deflate; and

WHEREAS, these balloons inevitably return to our land and to our waterways as litter, they can travel thousands of miles, and create a blight in pristine, remote areas; and

WHEREAS, these balloons, many of which land in rivers, streams, marshes, and the oceans, represent one of the most common and destructive forms of floating garbage; and

WHEREAS, even biodegradable balloons can take up to four years to decompose and therefore cause the same injury to animals as non-biodegradable balloons; and

WHEREAS, latex and mylar balloons released outdoors kill countless animals that become entangled in the string or attempt to ingest the balloon; and

WHEREAS, experts rate balloons the single most deadly debris to sea birds and third most deadly to sea turtles and marine mammals; and

WHEREAS, Florida has more miles of coastline than any other state in the lower forty-eight and 90% of all nesting sea turtles in the U.S. nest on Florida’s beaches; and

WHEREAS, sea turtles ingest balloons, mistaking them for jellyfish thereby threatening and endangering all sea turtles worldwide; and

WHEREAS, mylar balloons can cause power outages when caught on power lines. In Kissimmee, Florida, a total of 4200 homes and businesses have lost power in three separate

incidents of balloons entangling in power lines according to the Kissimmee Utility Authority. Many outages have also occurred in the Florida Keys due to mylar balloons; and

WHEREAS, the Florida Legislature in Florida Statutes section 379.233 found that the release of balloons poses a danger and nuisance to the environment, particularly to wildlife and marine animals; and

WHEREAS, a ban on balloon releases would have a negligible impact on the balloon and party industry, since nearly all balloons are purchased for indoor decoration; and

WHEREAS, the City Commission of the City of St. Augustine believes balloon releases should be prohibited to protect the air, land, and waters of the City; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Chapter 22, Article I, Section 22-2. Chapter 22, Article I, Sections 22-2 is hereby amended, as follows:

Sec. 22-2. - Littering.

(a) It shall be unlawful for any person to throw, place, deposit or allow to fall or drain into or on any street, lane or alley, or the sidewalks of any street or lane, or the public places of the city, the peel, rind or covering of any fruit, vegetable or melon, or any garbage, trash, offal, wastepaper, dodger, printed circular, litter sweepings, crustacea or mollusks, including drainage therefrom, or waste of any kind, or to leave thereon or therein an unreasonable time any sink, barrel, box or receptacle for garbage, slop water or waste of any kind, liquid or solid.

(b) It shall be unlawful for any person, group, or corporation to intentionally release any helium or lighter-than-air gas filled balloons into the air within the city limits. Offenses under this section shall be punishable as a civil infraction with a penalty of no more than one hundred dollars (\$100.00) per violation.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this Ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, PE
City Manager

DATE: June 25, 2021

RE: Agenda Item – Tentative Proposed Millage

Please place on the July 12, 2021 City Commission Meeting Agenda, Resolution 2021-26 to approve the tentative proposed millage rate for fiscal year 2021/2022.

If you have any questions, please feel free to contact me.

Sincerely,



Mark E. Simpson, CPA
Director of Financial Services

MES:tsh

Attachments

CC: Darlene Galambos, City Clerk
Melissa Wissel, Communications Manager

RESOLUTION NO. 2021-26

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE, FLORIDA ADOPTING THE
TENTATIVE LEVY OF AD VALOREM TAXES FOR FISCAL
YEAR 2021-2022.**

WHEREAS, the City Commission of the City of St. Augustine, Florida has determined the proposed millage rate of the City of St. Augustine, Florida shall be 7.500 mills and;

WHEREAS, the City Commission of the City of St. Augustine, Florida has determined its rolled-back rate is 7.2020 mills and;

WHEREAS, the City Commission of the City of St. Augustine, Florida has determined a public hearing on the proposed millage rate and budget will be held on Thursday, September 9, 2021 at 5:05 p.m.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA:

Section 1. The proposed millage rate of the City of St. Augustine, Florida, shall be 7.500 mills for the general operating budget which constitutes the total proposed millage rate and which represents a 4.14% increase over the rolled-back rate.

Section 2. The City Manager of the City of St. Augustine, Florida is hereby directed, as Chief Executive Officer of the City of St. Augustine, Florida to appropriately notify and advise the Property Appraiser of the County of St. Johns of such proposed millage rate and public hearing date.

ADOPTED in regular session of the City Commission of the City of St. Augustine, Florida, this 12th day of July 2021.

Tracy Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: June 30, 2021

RE: Scheduling Workshop Meeting Dates

During the previous Commission meetings, there were discussions regarding creating a workshop schedule to discuss individual topics such as resiliency, solid waste fees, review of the Vision Plan. Below are some suggested dates for consideration.

Tuesday, August 24, 2021 (afternoon)

Friday, August 27, 2021

Monday, August 30, 2021

Friday, September 3, 2021

Monday, September 20, 2021

An additional option would be to meet prior to the regular Commission meetings at 3pm.



Darlene Galambos
City Clerk



St. Johns County Board of County Commissioners

Office of the County Administrator

June 10, 2021



John Regan, City Manager
City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085

Dear Mr. Regan: *John,*

This letter is to solicit input from the City of St. Augustine as we prepare recommended items to include in the 2022 St. Johns County Legislative Action Plan. The document is a focused list of St. Johns County issues for which we request financial or legislative assistance and other support from our state and/or federal legislative delegation members.

Topics of consideration could include regulatory issues, requests for financial assistance, legal requirements, or any other potential legislative action that would impact your organization or St. Johns County. I invite you to submit any items you feel should be included in the upcoming Legislative Action Plan. When submitting an item, please include the specific action(s) being requested from members of our delegation.

Please submit all items in writing to this office no later than Friday, July 16, 2021. If no response is received, we will presume you have no issues to include in the 2022 Legislative Action Plan.

Sincerely,

Hunter S. Conrad

Hunter S. Conrad
County Administrator

CITY OF ST. AUGUSTINE

City Commission Special Workshop Meeting Strategic Planning and Midyear Budget Analysis Tuesday, May 11, 2021

The City Commission met in formal session Tuesday, May 11, 2021 at 8:35 A.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
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Mark Simpson, Director, Finance
David Birchim, Director, Planning and Building
Reuben Franklin, Director, Public Works
Melissa Wissel, Communications Manager
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary

2. General Public Comments

Public comment was opened and the Commission heard from the following member of the public:

- BJ Kalaidi

Public comment was closed.

3. Discussion pertaining to the mid-year budget analysis

Mark Simpson, Director, Financial Services, presented a preliminary mid-year budget analysis.¹ He indicated in lieu of last year's uncertainty and challenges, a conservative budget was completed, and he was pleased with each Fund's results. He reviewed the

General, Utility, Stormwater, Solid Waste and Marina and Visitor Information Center (VIC) Funds and added the following:

- Budget was roughly \$60 million
- Revenues and Expenses were performing as planned
- General Fund saw bulk of ad valorem received at beginning of fiscal year and 'debit card' approach was used
- Auditor inaccurately stated the Utility Fund was a 'cash cow'; it showed large surplus at year end because of contributed non-cash capital based on developers' contributions
- Stormwater Fund projections were based on cash, budget based on cash-in and cash-out, and depreciation not considered which could affect year end

¹ Attached to original Commission packet

- Solid Waste Fund was most problematic Fund and required stabilization and the recently passed revenue enhancement would recoup some costs of providing carts to residents
- Marina Fund performed extremely well with a full year of marina operation infrastructure in-tact
- VIC Fund performed better than expected with parking garage revenues returning during Nights of Lights and large tourist influx with the State being open

The Commission discussed:

- Reimbursements from COVID related expenditures not factored into budget
- CARES Act reimbursement contract signed with expected \$1.2 million to be deposited in reserves from last year, which would assist with Fire Department expenses incurred during last fiscal year
- Additional \$300,000 from CARES Act would apply to fiscal year 2021 and most was appropriated for Commission room upgrades
- \$150,000 in VIC maintenance was anticipated, would use \$250,000 from the Sinking Fund (not used annually but balance accumulated) for capital maintenance and signed contracts during COVID for \$400,000
- Sinking Fund not used in 2019 fiscal year
- Solid Waste Fund rate adjustments would be discussed in June 2021:
 - Peer city comparative rates showed City rates way down
 - Needed monthly rates increased to \$22 or \$23 instead of \$17
 - New solid waste vehicles needed to run streets efficiently, assets were expensive, and all other funding source remedies were exhausted

4. Strategic Plan Discussion and Update

John Regan, City Manager, stated the Strategic Plan was the City's most important document which had been provided to the

Commission, and included principles and objectives that moved towards the City's Vision Plan. He advised the workshop's intent was to engage Commission discussion of the Strategic Plan's projects and objectives, which would be refined for a more manageable direction for the City workforce, and would ultimately become reflective in the City's budget.

Mayor Upchurch inquired about timing and availability of Federal and State stimulus and infrastructure money.

Mr. Regan responded the State required 123 additional staff to manage \$500 million in current budget appropriations for sea-level rise and anticipated opening submittals in September. He indicated most federal stimulus package money was slotted within the State administrative systems with funds allocation co-blending between State and Federal government.

Mr. Regan recommended listing the implementation of the Transportation and Parking Master Plan as a specific Strategic Plan line-item project, since this topic pertained to mobility.

Mayor Upchurch referenced the City's acquisition and ownership of King Street, and discussed the following with the Commission:

- Pleased with City staff efforts
- Incumbent upon City to manage destiny, since King Street was not a State priority
- Acquisition allowed City to address resiliency and mobility issues, and continuance of economic revitalization of West King Street
- Inability for City to control mobility and livability if State controlled a significant artery in middle of City
- City was not in Florida Department of Transportation (FDOT) five-year project timeline
- FDOT was constrained and worked under specific parameters

- Drainage project discussed at May 10, 2021 Commission meeting had been worked on since 2008
- Caution should be taken to ensure enough money was available from the Community Redevelopment Agency (CRA) to maintain King Street, as bulk of money set aside was for maintenance
- A City owned King Street would enable creativity and control of City's destiny
- At some future point City access would require limitations, which City was unable to do if not owner; therefore, how could City not acquire entry corridors
- Consider affect on local businesses to shut down King Street for construction

Mr. Regan stated the topic of expanding access through control of all FDOT right-of-ways (ROWS) should be an idea for future discussion.

Isabelle Lopez, City Attorney, advised the City was unable to limit or restrict access on public roads, whether owned by the City or FDOT. She stated a vehicular road could be turned into a pedestrian by-way; however, the City could not be selective on who could access the roads.

Mayor Upchurch suggested the City's police station (PD) was inadequately and poorly placed, he opposed the idea 30 years ago and it had taken a valuable piece of property from the community. He stated the Broudy Project had many community benefits, including PD relocation to private land, which required the City to rethink traditional zoning ideas and principles, but would tremendously benefit the community. He suggested returning the current PD property to private owners.

The Commission discussed:

- Location of police station (PD) was inadequate due to flooding issues
- Unsure how any development at the inlet harbor would alleviate flooding at the PD

- Appreciated the centrality of PD location, but it was intended as part of the San Sebastian project
- PD location in private hands had many benefits
- Policing would still be adequate if located station west of US1
- Study was required on relocating PD to Broudy property
- Moving PD from current constrained space would be an improvement
- Working with San Sebastian project and pump utilization, and King Street project would benefit existing PD location
- Address flooding, as a squad of police cars damaged from saltwater flooding would be a huge capital expense
- Questioned how Sebastian River project would help with flooding during hurricanes

Mr. Regan stated this was the first time the Commission requested prioritization of the PD and Fire Station 'siting work'. He noted the topic fell under Infrastructure Planning and Construction which historically was utility work; however, the timing to review re-financing was great since money was cheap. He stated it was City staff's job to present studies and options for the Commission's review and decision, but the key issue was to place this topic into the Plan.

Mayor Upchurch expressed concerns with the City's IT system security, as noted by the auditor. He stated the interference with federal agencies and the recent Colonial Pipeline issue should initiate a serious assessment of the City's vulnerability to cyberattacks.

Commissioner Sikes-Kline proposed the following list of ideas for discussion:

- Out of touch with community after a year of COVID and Zoom meetings; therefore, a 'Citizens Survey' should be distributed to obtain community priorities, with Commission review of the questions prior to submittal

- Spruce up City, pay attention to aesthetics and how public assets looked to community, which should include the downtown lighting plan
- Supported ability for police officers to take home patrol cars
- Unique person required for code enforcement after hours and weekends, as everyone knew enforcement was not occurring after 5:00 p.m.
- The Island City Fire Department was outdated, barely functional and needed a new station on Anastasia Island and issue had been postponed for too long
- City should be prepared with mobility fee numbers and contribution to plan funding for a circulator during 'fifth cent' discussions with the Tourist Development Council (TDC)
- Get serious regarding assessment of night life in Strategic Plan with review of Key Performance Indicators; work on downtown crime statistics and incident volume as well as business inventory mix
- Management of tourism and the Visitor's Information Center (VIC):
 - City's VIC had 90% of the visitors, or 382,000 out of 3 neighboring visitor centers in 2020
 - VIC space retrofitted years ago to accommodate fine art and cultural exhibits, but had been under-utilized; therefore, City should seize opportunity to utilize the space to tell the City's story to the community
 - Develop plan with community developers and partnerships to "elevate the experience of the visitor" at the VIC
 - Suggested hybrid staff committee task force with community experts in the field and develop a mission statement

Commissioner Horvath mentioned Workforce Needs and Housing, and she discussed with the Commission the preparation of the '312' and '80 acre' properties, the mineral rights issue with the '80 acre' site, Brownfield cleanup of 312 site

and other money source potential, and the actual 28 to 30 acres of buildable property on the 312 site.

Commissioner Horvath noted her interest in Arts, Education and Community.

The Commission and Mr. Regan discussed:

- Performing arts building was looking at the 312 site and requested Commission approval to secure a portion of the site for their building
- 312 site could be combination of affordable housing, performing arts, and a parking garage
- City markers were dated and old and in desperate need of re-design
- \$37,000 in budget for contracting work on the markers and staff reviewed options
- Start a public art initiative for the markers which may also solicit good signage ideas on entry corridors and also art that anchored May Street
- Retention and recruitment of City staff was difficult due to cost of living and housing availability and could use portion of 312 site for affordable housing for City staff with use of grants and subsidization
- Federal programs diffused benefit to the City on controlling who lived within limits, with more strings attached
- Lincolnville and residential parking issue required neighborhood education and involvement and community desire to affect a solution and City program was not forceful, but designed as 'if you want this program we can help'

Commissioner Horvath mentioned the City of Jacksonville received 1% of money from developers towards public art, and she questioned whether the City could replicate this into the City's Code.

Ms. Lopez advised the City could not disproportionately assess a certain amount from new development, but it had to be proportionate and directly related to the developer's growth. She suggested the

creation of a matrix for public art and would research the topic in further detail.

Mr. Regan suggested a Commission workplan task to place the evaluation and proposals of the highest and best use for the 312 property under livability objectives.

At the request of Commissioner Blonder, the Commission examined the topic of Livability and Character within the Vision Plan, and the following was discussed:

- City fell short with livability and character
- King Street was a priority for mobility issue and car alternatives
- Two components to flooding were sea-level rise from storm tidal water and precipitation levels
- Staff should prioritize projects for Commission's review of geographical impacts
- Water retention from precipitation should be priority with incentivizing rooftop gardens and cisterns, bioswales, rain gardens and reduction of the urban heat island affect
- People desired to learn ways to incorporate sustainability into residential or commercial property
- Shipyard project was encouraging
- Stepped up education and outreach program needed to assist with technology transmission at local level
- Modify Strategic Plan at the design stage of projects to identify resilient strategies requiring evaluation, including retention detention and pollution control
- Developer of Shipyard's project was versatile on sustainability and would set precedent for new developments, and San Sebastian project could also address sustainability issues
- Incentivize developers or provide credit for projects which reduced impact on the City's water treatment, like coverage for impervious surfaces, rate structuring with stormwater retention or low-flow plumbing in major commercial hotels

- Utilize the lead program, or leadership in energy in environmental and atmospheric design resources and water efficiency to define City objective
- City was 90% developed and buildings were now looked at for design issues, with existing neighborhoods requiring analysis
- Buildings should be designed with ability to be lifted in the future, if necessary
- Parking was uncontrolled pollution invoking garage / stackable parking idea
- Limited availability for new re-development, but future saw lots of opportunities for re-development
- Importance of mobility fee structure for future new and re-development
- Many properties were underutilized: King and US1, circa 1950 hotels on Anastasia

Commissioner Blonder addressed the topic of increasing grants administration staff.

The Commission and Mr. Regan discussed:

- Meeting challenges of flooding and resiliency would cost more than taxpayer base
- Leveraging grant monies and securing opportunities for these funding areas was critical; therefore, the number one staffing priority was to add a position in grants administration
- State legislature approved significant amounts of money for resiliency
- Many funding opportunities available for living shorelines, adaptations to sea-level rise, and increased erosion
- Contract the grants administration task out with assistance from legislative consultants
- Federal grants were a complex issue because rules frequently changed causing potential to lose grants; City currently at risk of losing \$10 million grant

Commissioner Blonder requested the status of how the City was doing with achieving the Diversity, Equity and Inclusion objective, and noted concern with community divisiveness

at all levels, and the objective should bridge the divide.

Mr. Regan and the Commission discussed:

- Statistics were monitored monthly, and an ad hoc group assisted with networking to locate qualified candidates
- Internal programs focused on retention, mentoring and promotion
- Second most important staffing position to be proposed was in Human Resources, and position would assist with locating and recruiting qualified minority candidates
- Two separate training groups assisted with devising budget estimates and a work plan
 - First group included visions through community with discussion of difficult topic of racism
 - Second group went through organization with structural racism theory
- Accelerated plans for the West Augustine sewer
- Programs initiated in celebration of the Lincolnville CRA preservation of historic African American institutions with upcoming ceremonies
- Build thematic approach on ways to invite visitors to the City using VIC cultural and arts events and initiatives
- Addition of Human Resource, Grants, and Code enforcement staff was dependent upon the funding, and parameters that affected funding, such as material price increases; 'Human Resource' and 'Grants' position would come from the General Fund, and the Utility Fund would also be used to enhance staffing and equipment
- Typical for 30 different position requests at any given time, but approval of only two or three, and this year would see many staff changes to meet City requirements
- Planning and Building reviewed staffing modification options to accommodate a more proactive approach to issues such as sea-level rise

Mr. Regan advised that a workshop was required regarding Solid Waste fleet modernization, automation and rate adjustments.

Commissioner Sikes-Kline commended the excellent job done by the City's historical preservation planners and asked Jenny Wolfe, Senior Historic Preservation Planner, to provide a report on current grant applications.

Commissioner Sikes-Kline commended Mr. Regan on his previous promise and goal to ensure cultural changes within staff. She noted he was loyal, took a long approach, and had delivered on bringing bright minds, new talented faces and rising stars, which had proven very well for the City.

Commissioner Blonder inquired about the lifespan of the 2014 Vision Plan and the time duration between updates. She noted the City had seen an enormity of changes the past five years, and had struggled with livability and preserving character which caused the loss of long-time residents. She requested a Plan update with more specific goals and asked for Commission support to re-visit this topic.

Commissioner Horvath noted that a Vision Plan was completed nearly 20 years prior to the one in 2014, and now seven years later she was in support of updating the Vision Plan; however, it was a significant effort and she referred to Mr. Regan on the topic.

Mayor Upchurch stated he was not favorable to update the Vision Plan, as annually the framework of the Strategic Plan was used, which was indicative that it resonated with the Commission as community leaders. He noted the work in the Strategic Plan was used to direct 'boots on the ground' projects, the Plan was excellent, and the deficiencies were not there to warrant spending the time, money, and energy to update it. He said the Plan assisted his decision regarding the removal of the City confederate monument.

Commissioner Sikes-Kline suggested the Strategic Plan was elegantly built, had excellent framework, and included principles of livability, vitality, authenticity, and character. She noted many of the concepts would reign clear 50 years into the future, the strategic results looked good, the goals were solid, and if any updates were to be done, the objectives should be the focus. She stated the Commission could envision as much as they wanted; however, so many things had changed such as the economy, hurricanes, COVID, short-term rentals, and home offices.

Commissioner Sikes-Kline reviewed the Key Performance Indicators within the Strategic Plan's Arts, Education and Community and suggested the continuance of the UF preservation of government house and the LaFlorida Project; however, these were established and not required as Performance Indicators.

Commissioner Blonder stated the Vision Plan should be a clear picture in their minds of what the City should look like in 10, 20, 50 years, and her vision was not clear. She noted the Sustainability objective required the most refinement, as it was written in 2014 prior to Hurricanes Matthew and Irma, and pre 'sunny day flooding'. She suggested that preservation of the City's character and the affects to authenticity and 'small residential community' attribute was paramount, and she hypothesized the citizen survey would reveal 'small town attribute' as the number one citizen importance, with mobility and flooding to follow. She concluded certain refinements of the Vision Plan were necessary to ensure it was tightly aligned to the Strategic Plan objectives.

Commissioner Horvath suggested a workshop to revise and update the Vision Plan.

Commissioner Valdes advised the focus should be on the clear and present danger, and difficult issues of ocean rise, flooding, vacation rentals and saving the City from

mother nature; otherwise, none of this mattered.

Mayor Upchurch suggested that procedurally the Commission should contemplate the Citizen Survey to ensure the questions were crafted in ways that spoke to the Strategic Plan issues, then return to a workshop session to discuss the input and Plan revisions, particularly lower-level 'granular' Performance Indicators.

Mr. Regan advised the Vision Plan could be updated with refinement and reformatting at the will of the Commission. He suggested that while updating the Vision Plan, accountability to the Plan had not been addressed and should be completed to provide insightful information.

Mr. Regan stated many events from the past few years proved the City required a proactive approach to future issues, and the Commission was certainly proactive. He advised City staff would thoroughly review the Commission's suggestions and return with a strike-through version of the Plan for their review and discussion.

The Commission recessed from 10:28 a.m. until 10:37 a.m.

Mr. Regan provided a summary of the information discussed during the workshop:

- King Street: better articulate and track objectives more directly
- Workforce Housing: Seek non-traditional approaches in caring for citizens with utilization of City property, creative financing methods to limit strings attached, take objective and remove 'enhancing partnerships' and replace with 'create workforce housing'
 - Use the 312 wastewater property as a multipurpose integrated site
 - Clear out mineral rights on 80 acre site, address complicated issue involving landowner Mosaic and refine County objective

- Arts and Culture: Address livability including public art and delivery methods with public participation to be identified in a workplan, VIC modification to showcase exhibitions, shift focus to infrastructure to fit City's mission
- Resiliency and Sustainability: Incentivize good behavior within this category
- Infrastructure Planning and Construction: Recognition of new police and fire station
- Code Enforcement: New proactive approach plan under Barry Fox included after hours and weekend code enforcement which would still report under Planning and Building
- Citizen Survey: Would be brought back to the Commission for review of questions prior to community submittal
- City Staff positions: Various positions needed, including Human Resources, Grants, and Code Enforcement
- Improvement of Livability and Character within Strategic Plan
- IT Security: This was not in objectives but should be budgeted, as not enough could be done to prevent cyber attacks

Mr. Regan concluded that great information was presented, and other topics and items would morph from the discussion, such as staff goals to modify the CRA, and a second workshop would be scheduled to review the revisions discussed regarding Solid Waste. He expressed his appreciation for the Commission's time and insight.

Mayor Upchurch stated the Commission meetings were reactive to issues and did not permit the opportunity to freely discuss ideas. He concluded the informality of workshops allowed in depth discussion of topics, the ability to build upon smart ideas, proactive approaches to problems, and free discussion.

5. Adjournment

There being no further business, the meeting was adjourned at 10:57 A.M.²

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

² Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, May 24, 2021

The City Commission met in formal session Monday, May 24, 2021 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Vice Mayor Nancy Sikes-Kline, and the following were present:

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

Absent: Tracy Upchurch, Mayor/City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Jim Piggot, Director, General Services
Melissa Wissel, Communications Director
Barry Fox, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Tom Marsh, Stake Presidency of the Church of Jesus Christ of Latter-Day Saints, delivered the invocation, and Commissioner Horvath led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

John Regan, City Manager, requested the addition of a public safety item to be presented by Jim Piggot, Director, General Services, under *Item 10. Staff Reports and Presentations*.

Darlene Galambos, City Clerk, requested the addition of an item under *Item 12. Items by City Clerk*, which was a request to use the City seal.

MOTION

Commissioner Valdes **MOVED** to approve the Regular Agenda as modified. The motion was **SECONDED** by Commissioner Horvath and **APPROVED BY UNANIMOUS VOICE VOTE**.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Annual Citizenship Awards - Graduating Seniors/2021:

Vice Mayor Sikes-Kline presented the Awards to the following graduating seniors, who had exemplified leadership and service to both their St. Johns County school and the community:

- Abigail Huber, Bartram Trail High School
- Jacob Douberly, Creekside High School
- Lucy Morfit, Ponte Vedra High School

- Devon Philcox, St. Augustine High School
- Peyton Gatlin, Pedro Menendez High School
- Ja'Myra Harris, Florida School for the Deaf and the Blind
- Seth Bowman, St. Johns Technical High School
- Chiara Brambilla, St. Joseph Academy

Vice Mayor Sikes-Kline requested a brief recess.¹

3.B. Proclamation 2021-06 - Proclaiming June 2021 as Pride Month

Vice Mayor Sikes-Kline delivered the Proclamation which was accepted by Sara Bloomberg, Protea Montessori Consultants and LGBTQIA activist.

Proclamation 2021-11 - Proclaiming May 2021 as National Drug Court Month

Vice Mayor Sikes-Kline delivered the Proclamation which was accepted by former Commissioner and Honorable Judge Alexander R. Christine, Jr., Seventh Judicial Circuit, St. Johns County.

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:

- Jenai Master
- Trish Becker
- Mary Cobb
- Avery Black
- Chris Fulmer
- Bruce Bates
- Rachel Erickson
- Mattie Harms
- B.J. Kalaidi

Public comment was closed.

5. CONSENT AGENDA

Mr. Regan read the Consent Agenda.

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JUNE 14, 2021:

- Ordinance 2021-10
- Ordinance 2021-11

CA.3. Reminder of Upcoming Meetings:

- June 14, 2021, 5pm, City Commission Meeting
- June 21, 2021, 3pm, Special Meeting, Discussion of 2022 Budget Assumptions (Revenues)
- June 28, 2021, 5pm, City Commission Meeting

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

(None)

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

(None)

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION / RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.7. NOTIFICATION OF PROCLAMATIONS / CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.8. Approval of Contract between the City and the School Board for two resource officers for the City elementary schools. (*M. Breidenstein, Assistant City Manager*)

¹ Recess taken from 5:18 P.M. until 5:24 P.M.

CA.9. Annual report evaluating the progress of the implementation of the floodplain management plan. (R. Franklin, Director Public Works)

CA.10. Invoices for payment:

- Cavendish Partners, P.A. Marlowe Case \$1,189.00
- Cavendish Partners, P.A. Masci Case \$4,757.08

End Consent Agenda

At the request of Vice Mayor Sikes-Kline, Mr. Regan advised the Floodplain Management Plan would be posted on the City's website.

5.A. Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Valdes 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

(None)

7.C. 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

9.A.1. Ordinance 2021-10: Amends certain sections of Chapter 8 and updates portions of the City Code.

Richard Schauland, City Building Official, reviewed the Ordinance. He delivered a presentation which indicated the updated building and building regulations to the City's Code, to include modifications to the Floodplain Management and Coastal Construction sections for compliance with the Federal Emergency Management Agency (FEMA) regulations.² He advised that language included in the Ordinance had been approved by the State and FEMA.

Mr. Schauland advised Commissioner Valdes that although trailer homes did not exist in the City, language changes were made to that section to comply with FEMA.

² Included in original Commission packet

MOTION

Commissioner Horvath MOVED to approve Ordinance 2021-10 on first reading and move to second reading. The motion was SECONDED by Commissioner Blonder.

Isabelle Lopez, City Attorney, read the title as follows:

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 8, ARTICLE II ADOPTED BUILDING CODES; ARTICLE III COASTAL CONSTRUCTION, AND ARTICLE V FLOODPLAIN MANAGEMENT OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Horvath, Blonder, Valdes, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2021-11: Provides for administrative procedures for various categories of real estate acquisitions by the City.

Ms. Lopez reviewed the Ordinance provisions which related to 'ground rule' revisions in the City's purchasing manual and addressed purchasing commodities and other procurements. She requested Commission feedback regarding the changes.

The Commission discussed:

- A 'Paramount Public Purpose' example was expending substantial funds to re-engineer infrastructure such as sea walls or lift stations that must be located in a particular place
- Essentiality need for City to obtain particular property if seller did not want to go through a lengthy and expensive condemnation
- Language should state 'any purchase price above \$250,000 should require one appraisal', as requiring two appraisals for properties above one million was excessive
- Small property purchases, such as easements, would become more prevalent as City worked with sea-level projects

There was Commission consensus on the following modifications to the Ordinance:

- Remove the requirement for two appraisals in Section 2.2 of the Ordinance, and state 'one appraisal for anything over \$250,000'
- Raise the maximum level for the first category, which would be purchases by the City Manager, up to \$75,000

Ms. Lopez stated she would appropriately adjust all numerical measures within the Ordinance to adhere to the requested changes.

MOTION

Commissioner Valdes MOVED to approve Ordinance 2021-11 on first reading with the requested changes, place on second reading read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING CHAPTER 2, ARTICLE I, SECTION 2-2 PROVIDING PROCEDURES FOR REAL

ESTATE ACQUISITIONS BY THE CITY;
PROVIDING FOR SEVERABILITY OF
PROVISIONS; PROVIDING FOR
CODIFICATION; REPEALING ALL
ORDINANCES IN CONFLICT HERewith;
AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

**AYES: Valdes, Horvath, Blonder,
Sikes-Kline**

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

(None)

10. STAFF REPORTS AND PRESENTATIONS

Item 10.A. added to Agenda.

10.A. Jim Piggot, Director, General Services, updated the Commission regarding the status of Swing Park, a community playground constructed in 1997, and designed by Play by Design, LLC. He stated the City was contacted by Lee Archin, Certified Playground Inspector, and the original on-site project consultant, to perform an informal walkthrough and advise of safety issues.

Mr. Piggot noted the larger kids' park on the south side of the pavilion was inspected, and not the toddler's side. He indicated that Mr. Archin brought attention to loose towers, splintered posts, spongey deck, rotted flooring, damaged slide, broken tire chain and deficiency with current ADA standards.³

Mr. Piggot advised that out of an abundance of caution, fencing was placed around the area, and the park had been temporarily closed at the suggestion of Mr. Archin. He stated City staff would thoroughly review Mr. Archin's formal report once received, and the City would have option to fix or replace the playground, which had surpassed the

general lifespan of 20 years due to attentive City repairs. He concluded the cost to repair or replace the playground was unknown; however, the City could seek financial contributors to assist with repairs, should that be the direction taken.

The Commission and Mr. Regan discussed:

- Closure of park was correct action
- Numerous style options for replacement of park would be reviewed by City staff
- Future work would be subject to the procurement standards with bids and proposals appropriately vetted
- Community involvement encouraged, as park was a special City asset in a great location
- Refurbishment of park would maintain the nostalgia
- Institute a campaign around Park's 25th anniversary to rally the community
- Park closed until further notice
- Consider all options including repair, refurbish, replace, or a combination after receipt of Mr. Archin's report

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

Darlene Galambos, City Clerk, advised the City's Archeology Department had requested use of the City seal to grace the back of a children's book 'Diego the Donkey' which would be provided free to local schools. She noted Diego was an impressive archeological find and an important part of the City's history.⁴

MOTION

Commissioner Horvath MOVED to approve the use of the City Seal by the City's Archeology Department on the book 'Diego the Donkey'. The motion was SECONDED by Commissioner

³ Photographs attached to original minutes

⁴ Letter of request attached to original minutes

Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

13. ITEMS BY CITY MANAGER

Mr. Regan announced the opening of the Gallimore Community Pool for the summer season on Friday, May 28th at 1:00 P.M.

Mr. Regan reminded the Commission of the dedication of the Herbie Wiles Park.

Mr. Regan advised that based on prior meeting discussions regarding the Red Cox Road intersection, Xavier Pellicier, Mobility Manager, was assigned to follow up with the Florida Department of Transportation.

Mr. Regan informed the audience that the City did not fund the www.visitstaugustine.com site.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Blonder requested that City staff clarify language regarding construction adjacent to a wetland within the Conservation Overlay Zone, and stated consistency was needed with the Conservation Overlay Zones, the City's Code and the Comprehensive Plan. She suggested staff update the Code regarding wetlands protection, specifically the Land Development Code, which should be consistent with the Comprehensive Plan as well as the conservation overlay development section.

There was Commission consensus to support the requests listed by Commissioner Blonder.

Commissioner Horvath advised that she had shared with the Commission the Northeast Florida Regional Council document which listed the productive work done for the past six months.

Commissioner Valdes announced a San Sebastian River cleanup plan to occur after July 4th. He noted local restaurant and hotel

owners along the River and the public would be invited to participate in the cleanup to preserve sea-life, and updates would be forthcoming.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:39 P.M.⁵

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

⁵ Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, June 14, 2021

The City Commission met in formal session Monday, June 14, 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

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Matt McCloghry, Colonial Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

Commissioner Horvath MOVED to approve the Regular Agenda. The motion was SECONDED by Commissioner Blonder and APPROVED BY UNANIMOUS VOICE VOTE.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Certificate of Appreciation presented to Representative Cyndi Stevenson.

Commissioner Sikes-Kline presented the Certificate to Representative Cyndi Stevenson, thanked her for the attentiveness she provided the City, and expressed appreciation for her assistance with obtaining funding for the West Augustine sewer project.

Mayor Upchurch concurred with Commissioner Sikes-Kline's comments, and stated Representative Stevenson's leadership recognized the importance of many issues.

Representative Stevenson expressed her gratitude for the acknowledgement and stated she was honored to represent the amazing City of St. Augustine and to work with the Commission and City leaders.

3.B. Proclamation 2021-21: Proclaims June 26, 2021 as Greek Landing Day.

Commissioner Valdes delivered the Proclamation which was accepted by Bishop Demetrios of Mokissos.

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

The Commission heard from the following member of the public:

- Shawn Morrison

Public comment was closed.

5. CONSENT AGENDA

David Birchim, Director, Planning and Building, read the Consent Agenda in the absence of John Regan, City Manager.

CONSENT AGENDA – JUNE 14, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JUNE 28, 2021:

- Ordinance 2021-12

CA.3. Reminder of Upcoming Meetings:

- June 16, 2021, 9am, Special PZB Meeting
- June 21, 2021, 3pm, Special Meeting, Discussion of 2022 Budget Assumptions (Revenues)
- June 28, 2021, 5pm, City Commission Meeting
- July 12, 2021, 5pm, City Commission Meeting

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

- April 26, 2021, Regular City Commission Meeting
- May 10, 2021, Regular City Commission Meeting

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

- Jennifer and Andrew Sims - 267 Cervantes Avenue

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION / RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.7. NOTIFICATION OF PROCLAMATIONS / CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.8. Approval of License for Use of City Right-of-Way at 17 Hope Street. (*R. Franklin, Director Public Works*)

CA.9. Approval of order releasing the Code Enforcement lien levied against 97 Masters Drive as paid in full. (*I. Lopez, City Attorney*)

CA.10. Approval to advise St. Johns County of the City's exclusion from the application for the Community Development Block Grant as it may impede future grants that may be applied for. (*C. Sakryd, Deputy Director General Services*)

CA.11. Invoice for payment to Cavendish Partners, P.A. in the Marlowe v City matter for \$15,322.45. (*I. Lopez, City Attorney*)

End Consent Agenda

5.A. 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.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Blonder, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

6. APPEALS

(None)

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

7.A. General Public Presentations

7.A.1. Informational presentation on the Internal Institute of Gastronomy, Culture, Arts and Tourism by Chris Pranis, Director of Sales & Marketing for Embassy Suites by Hilton St. Augustine Beach Oceanfront Resort.

Mayor Upchurch introduced Mr. Pranis.

Mr. Pranis questioned the Commission on their vision of the City's brand and contingency plans to achieve that brand. He stated his team's intent was to get St. Augustine and St. Johns County to become the first "World Region of Gastronomy" in the Americas, awarded by the International Institute of Gastronomy, Culture, Arts and Tourism (IGCAT) based in Spain.

Mr. Pranis stated the distinctiveness of the City was the cultural heritage and culinary tourism, and IGCAT supported cultural, economic, social, and environmental development by linking food, hospitality, tourism, culture, health, and sustainability. He cited local industry support from hotels,

restaurants, chefs, educational institutions, farmers, and producers of artisanal products. He concluded that City support for this designation promoted a positive outlook for citizens and businesses, and support from various levels was necessary in the initiative's forward momentum. He said the City was uniquely positioned with historical and heritage culture, Menorcan ancestry, and Menorca / Spain connections.

Commissioner Blonder stated she was impressed at the potential of connecting the agricultural community with the gastronomic community, which was a key element in sustainability and nutrition.

At the request of Commissioner Sikes-Kline, Mr. Pranis stated he needed support from the Commission to move forward and show local businesses this idea was good for the community.

MOTION

Commission Blonder MOVED that staff work out the details and agreements that would define the City's role in helping us to become eligible to compete for the IGCAT award in 2023. The motion was SECONDED by Mayor Upchurch.

Mayor Upchurch acknowledged Maria Isabel Montoya, CEO, MiAddvantage, who supported this initiative. He thanked Mr. Pranis for the presentation and applauded his leadership role in bringing this topic forward. He noted the excitement from the sister City of Menorca in Spain to partner with the City of St. Augustine, and this initiative was not about more, but about quality.

Commissioner Sikes-Kline stated frequent discussions were necessary regarding a different type of visitor versus the number of visitors, and she did not want certain aspects of history to get lost, such as the Gulla Geechee heritage.

Commissioner Valdes expressed his excitement with the topic and that he believed it would create a more diverse and interesting culinary environment and attract a different group of people.

VOTE ON MOTION

AYES: Blonder, Upchurch, Valdes, Horvath, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

7.B. Items of Great Public Importance

7.B.1. Presentation by Margaret Reeger with the Florida Department of Financial Services regarding Hurricane Financial Preparedness.

Ms. Reeger introduced FLtreasurehunt.gov which registered unclaimed monies due from businesses. She stated one in five Floridians had unclaimed property, and St. Johns County currently showed \$16 million in unclaimed funds.

Ms. Reeger reviewed the services offered by the Florida Department of Financial Services (DFS), including assisting citizens with hurricane financial preparedness and consumer awareness. She indicated the importance of reviewing homeowner's insurance policies due to skyrocketing costs of building materials. She noted in 2019 the Division of Consumer Services recovered more than \$36 million for Hurricane Michael victims through the insurance consumer helpline and temporary insurance 'villages' set up to assist Floridians with filing claims. She suggested citizens contact the DFS with inquiries prior to seeking legal advice, since once an attorney had been spoken to, DFS would be unable to assist.

At the request of Commissioner Blonder, Melissa Wissel, Director, Communications, advised that DFS' website link would be placed on the City's website.

7.C. Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2021-10: Amends certain sections of Chapter 8 and updates portions of the City Code.

Richard Schauland, City Building Official, reviewed the Ordinance and summated the City Code modifications addressed by the amendments.

Public hearing was opened; however, there was no response.

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-10 on second reading, read by title only. The motion was SECONDED by Mayor Upchurch.

Isabelle Lopez, City Attorney, read the title as follows:

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 8, ARTICLE II ADOPTED BUILDING CODES; ARTICLE III COASTAL CONSTRUCTION, AND ARTICLE V FLOODPLAIN MANAGEMENT OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR

SEVERANCE OF INVALID PROVISIONS;
AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Horvath,
Valdes, Blonder

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2021-11: Administrative procedures for various categories of real estate acquisitions by the City.

Ms. Lopez reviewed the Ordinance and summated the discussions from the Ordinance's first reading.

Public hearing was opened; however, there was no response.

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-11 on second reading, read by title only. The motion was SECONDED by Commissioner Valdes.

Commissioner Valdes questioned the frequency of real estate purchases above \$75,000, which required Commission approval, and the time to get the item on the City Commission meeting agenda.

Reuben Franklin, Director, Public Works, suggested the topic recently began to surface with pumping station relocations, and one acquisition was currently in process. He stated he was unable to answer how many acquisitions required approval; however, the need would become necessary as they sought property on which to move critical infrastructure, and he did not envision any issues due to the frequency of Commission meetings.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING CHAPTER 2, ARTICLE I, SECTION 2-2 PROVIDING PROCEDURES FOR REAL ESTATE ACQUISITIONS BY THE CITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Blonder, Horvath, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

9.A.1. Ordinance 2021-12: Amends Chapter 28, Article III, Division 2, related to vacation rentals.

Ms. Lopez, City Attorney, reviewed the Ordinance and stated there were no substantive changes, but amendments to clarify City Code terminology in reference to vacation rentals.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-12 on first reading, place on second reading read by title

only. The motion was **SECONDED** by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 28, ARTICLE III, DIVISION 2, SECTION 28-146 PROVIDING REQUIREMENTS FOR REGISTRATION; AMENDING SECTION 28-147 CLARIFYING ANNUAL INSPECTIONS; AMENDING SECTION 28-150 CLARIFYING REQUIRED NFPA LIFE-SAFETY CODE REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Blonder, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

9.B.1. Resolution 2021-25: Authorizes the annual renewal of the Traffic Signal Maintenance and Compensation Agreement between the Florida Department of Transportation and the City.

Mr. Franklin reviewed the Resolution and the Agreement which included the maintenance of 32 traffic signals in the City.

MOTION

Mayor Upchurch MOVED to approve Resolution 2021-25. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Upchurch, Horvath, Sikes-Kline, Blonder, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

10. STAFF REPORTS AND PRESENTATIONS

(None)

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

(None)

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Blonder advised of a recent lightning strike to a neighbor's home and commended the St. Augustine Fire Department for their professionalism and skills. She stated everyone should take thunderstorms seriously and remain indoors when they occur.

Commissioner Sikes-Kline stated her appreciation that Fish Island was on the cover of the North Florida Land Trust Annual Report.

Commissioner Sikes-Kline announced that June 15, 2021 was the last day for the Anastasia Boulevard study which was available on the City's Facebook page and the North Florida Transportation Planning Organization website.

Commissioner Sikes-Kline reminded the Commission the Board of County Commissioners (BCC) would meet June 15th and discuss the fifth penny bed tax and seek provisions for transportation infrastructure. She encouraged the

Commission to contact the BCC to share the importance of the topic. She indicated the topic of elevating the visitor demographic type and profile had re-surfaced, and industry feedback suggested the City was at carrying capacity and unable to accommodate more people, as there was not enough pavement. She concluded the idea was to get less people that spent more and hoped the Commission could guide an initiative or project to let the BCC know this required serious attention with direction to the Tourist Development Council.

At the request of Mayor Upchurch, Commissioner Sikes-Kline clarified she was comfortable with the drafted proposal that was sent to the BCC.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:02 P.M.¹

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

¹ Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: June 22, 2021

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 104 N. WHITNEY STREET**

Enclosed is a Satisfaction and Release of Mortgage for 104 N. Whitney Street, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine, William Waterman, and Arturo Contreras. The mortgage was recorded in the Public Records of St. Johns County on September 19, 2019. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the July 12, 2021 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

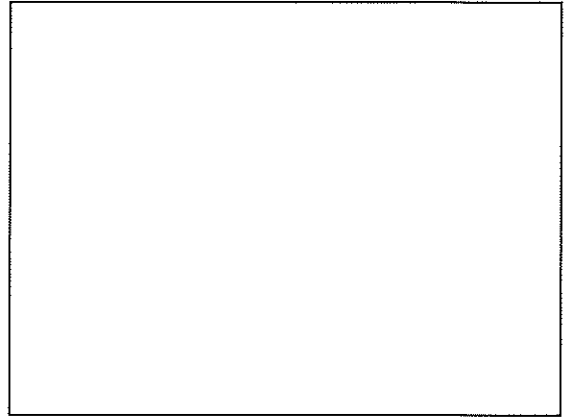


Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085



**SATISFACTION AND
RELEASE OF MORTGAGE**

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **WILLIAM WATERMAN and ARTURO CONTRERAS**, whose address is 4 Fort Mose Trail, St. Augustine, Florida 32084, their heirs, assigns or successors in title (hereinafter referred to as "Mortgagors"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated September 11, 2019, recorded at Official Records Book 4797, Page 1742, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 4797, Page 1742, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this ____ day of _____, 2021.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☐ physical presence or ☐ online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2021.

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOT 2, BLOCK 31, OF OSCEOLA ACRES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 30, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL ID NUMBER: 105410-0020

LOCATION ADDRESS: 104 N. WHITNEY STREET, ST. AUGUSTINE, FLORIDA 32084

**UNIT CONNECTION FEE
MORTGAGE**

Public Records of St. Johns County, FL
Clerk number: 2019069488
BK: 4797 PG: 1742
9/19/2019 8:36 AM
Recording \$61.00
Doc M: \$18.20
Int. Tax \$10.23

THIS MORTGAGE, by and between **William Waterman and Arturo Contreras** whose address is 104 N Whitney Street, St. Augustine, FL 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of \$55.15 for 120 months, with the first payment due October 15, 2019.

11th September, 2019 IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this

Signed, sealed and delivered in the presence of:

Amanda Anderson
Witness
Printed Name: Amanda Anderson

Cori A Niles
Witness
Printed Name: Cori A Niles

Amanda Anderson
Witness
Printed Name: Amanda Anderson

Cori A Niles
Witness
Printed Name: Cori A Niles

BY: W. Waterman
(Printed Name) William Waterman
(Address) 104 N Whitney Street

BY: Arturo Contreras
(Printed Name) Arturo Contreras
(Address) 104 N Whitney Street

*** NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE ***

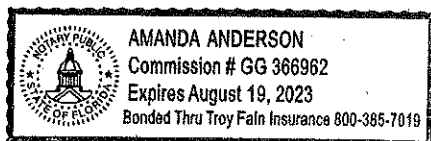
FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **William Waterman**, who is personally known to me or who has produced Driver License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 11th, September 2019



Amanda Anderson
Notary Public, State of Florida

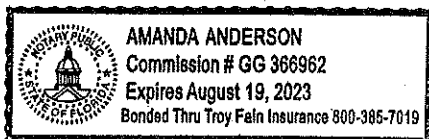
FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Arturo Contreras**, who is personally known to me or who has produced Driver License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 11th, September 2019



Amanda Anderson
Notary Public, State of Florida

Exhibit "A"

LEGAL DESCRIPTION

Lot 2, Block 31, of OSCEOLA ACRES, according to the map or plat thereof, as recorded in Plat Book 4, Page 30, of the Public Records of St. Johns County, Florida.

a/k/a 104 N. Whitney Street, Saint Augustine, FL 32084

Parcel: 1054100020

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: William Waterman and Arturo Contreras
ADDRESS: 104 N Whitney Street
St. Augustine, FL 32084

\$5,117.13

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **104 N Whitney Street, St. Augustine, FL 32084**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **5,117.13 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **5.35 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **55.15 Dollars**, commencing on **October 15, 2019** and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

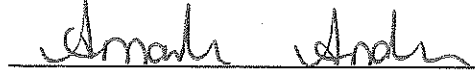
All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

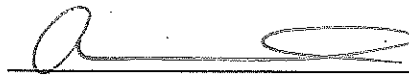
Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

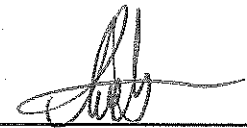
Signed, sealed and delivered **dated as of** 11th, September 2019, in the presence of:

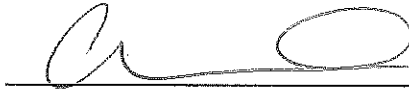

Witness
Printed Name: Amanda Anderson

BY: 
(Printed Name) William Waterman
(Address) 104 N Whitney Street


Witness
Printed Name: Cori A Niles


Witness
Printed Name: Amanda Anderson

BY: 
(Printed Name) Arturo Contreras
(Address) 104 N Whitney Street


Witness
Printed Name: Cori A Niles

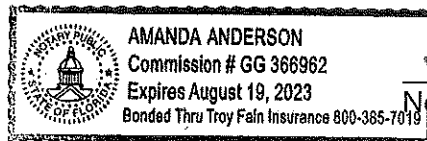
FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **William Waterman**, who is personally known to me or who has produced Driver License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 11th, September, 2019



Amanda Anderson
Notary Public, State of Florida

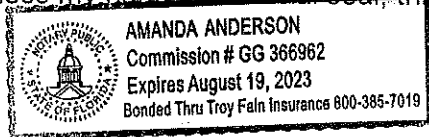
FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Arturo Contreras**, who is personally known to me or who has produced Driver License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 11th, September, 2019



Amanda Anderson
Notary Public, State of Florida

John Regan

From: Nancy Sikes-Kline
Sent: Friday, July 2, 2021 12:38 PM
To: Lucy Fountain
Cc: John Regan
Subject: Request to Place Item on Adenda

Good Afternoon Mr. Regan,

Will you please place an item on the July 12, 2021 Regular City Commission Meeting agenda requesting a letter of support (from the commission) for my application to the Active People, Healthy Nation Champions Institute. The application process is competitive in nature so I would appreciate a letter of support from the Mayor and Commissioners expressing commitment to the implementation of local initiatives related to activity-friendly routes to everyday destinations and Complete Streets. If accepted, I will be given the opportunity to receive comprehensive training to help our community promote activity-friendly routes to everyday destinations.

The Champions Institute is an opportunity for local elected officials such as myself "to gain the knowledge needed to effectively advocate for and support safer and more Complete Streets" in sustainable, equitable and inclusive ways. This program is an initiative of Smart Growth America (SGA) and the Centers for Disease Control and Prevention's Division of Nutrition, Physical Activity, and Obesity. There is no application fee or cost for the training program. The only obligation is my time spent in the program, which will be by remote access.

Thank you for your consideration in this request.

Nancy R. Sikes-Kline
Vice Mayor/Commissioner
City of St. Augustine, Florida
(904) 806-6203

Please note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: July 2, 2021

RE: QUARTERLY REPORT: 3RD QUARTER FY 2020-2021

Please find enclosed the following documents reflecting the fiscal year 2020-2021 3rd quarter in review for the City Attorney's office:

- ❖ **WORK LOG DRAFTING & REVIEW CHART (161 ITEMS)**
 - ❖ **PUBLIC MEETINGS ATTENDANCE CHART (59 HOURS)**
 - ❖ **CITY ORDINANCE VIOLATION DISPOSITION CHART (19 CASES)**
 - ❖ **STAFF & NEW BOARD MEMBER TRAINING CHART (9 HOURS)**
 - ❖ **ORDINANCE & RESOLUTION CHART (12 ITEMS)**
-

This quarterly report mirrors the same categories as our annual report. As always, should you wish to meet with me individually to discuss any of this information, or the specifics of a particular matter, please do not hesitate to let me know.

Matters of ongoing civil litigation with retained outside counsel appropriated from General Fund Reserves, invoiced monthly and approved on consent agenda are:

- 1) Marlowe v. City (*Docks and the City's submerged lands and riparian ownership*)
- 2) MASCI v. City (*Breach of Contract*)
- 3) Doan Trust v. City (*Unitrust income beneficiaries dispute involving City*)

In addition, the Florida League of Cities provides coverage on some damages-based litigation.

Matters of ongoing litigation being handled in house are:

- 1) J. C. Penney Company, Inc. (*Bankruptcy*)
- 2) NPC International, Inc. (*Bankruptcy*)
- 3) Edgerton v. City (*Injunction Against Removal of Confederate Monument*)

We are continuing to monitor the multi-party claim of exactions regarding the City's vacation rental ordinances that we received and have rejected those claims. The related lawsuit filed seeking injunctive relief and damages continues to be handled by our insurance defense team through the Florida League of Cities.

Other litigation matters of note are:

- 1) Nager v. City (*Injunction Against Face Coverings*): On January 8, 2021, the Court entered an order denying Plaintiff's Complaint for Emergency Injunctive Relief.

- 2) Pacetti v. City (*Injunction Against Removal of Confederate Monument*): On September 8, 2020, the Court entered an order granting Plaintiff's Notice of Voluntary Dismissal with prejudice.

Code review updates our office has continued to work on are:

- 1) Sign Code Amendments: This includes a complete first draft overhaul of the City's sign code. Ordinance 2021-06 was passed by the City Commission at its May 10, 2021 meeting.

In addition, the City Attorney's office worked with the Clerk and our legislative consultant updating the City Commission on bills of interest during this year's legislative session and coordinated with various legislative committees. We presented the end of session legislative update to the City Commission at its May 10, 2021 regular meeting. Our office tracked seventy-four (74) bills this session, preemptively addressed an issue regarding craft distilleries by adopting Ordinance 2021-08, and have begun discussions with staff on drafts to update any affected City codes.

Please place this quarterly report on the consent agenda for the July 12, 2021 City Commission meeting. The attached charts are included for the Commission's information and I am available for a presentation if the Commission requests one.

Sincerely,

/s/ Isabelle C. Lopez

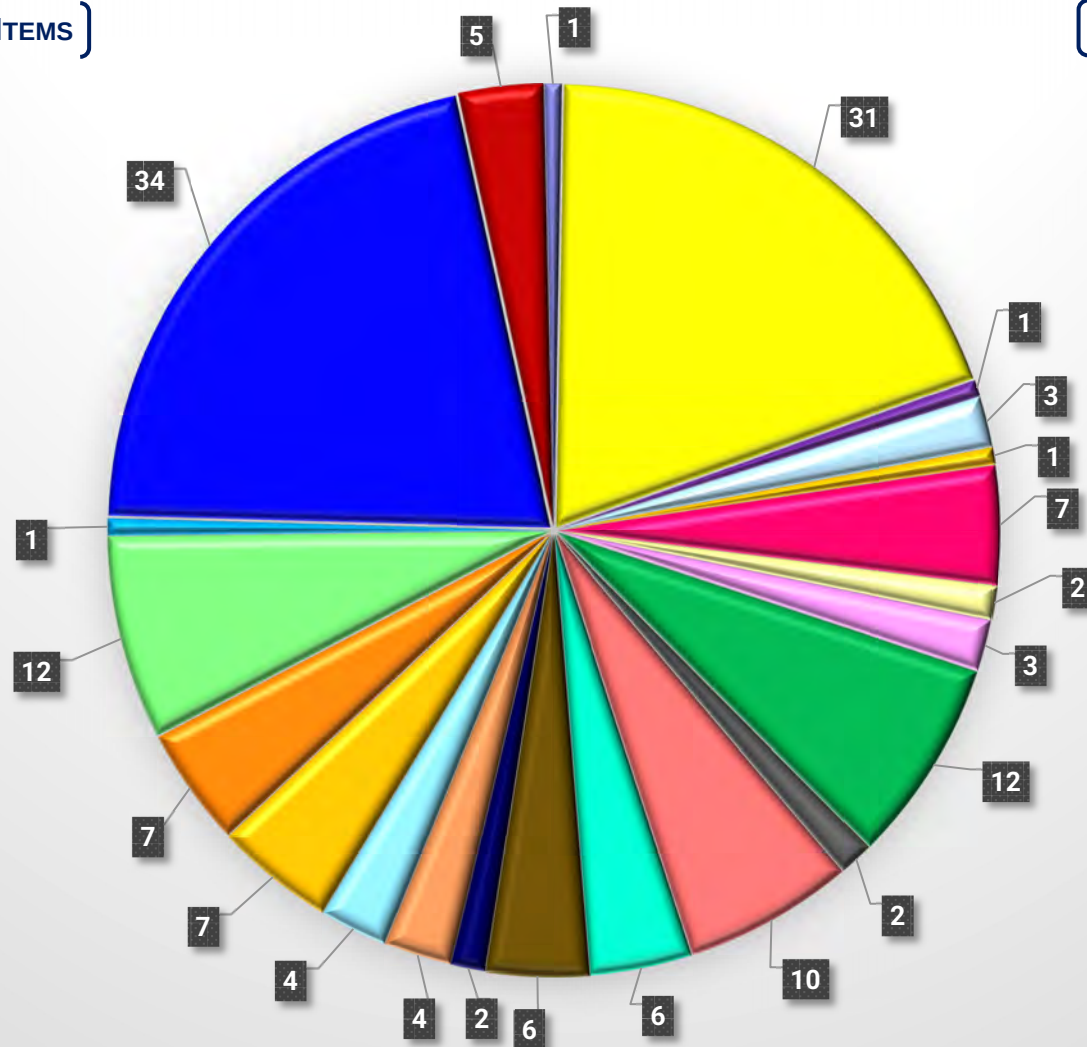
Isabelle C. Lopez
City Attorney

Attachments

WORK LOG DRAFTING & REVIEW: 3RD QUARTER FY 2020-2021

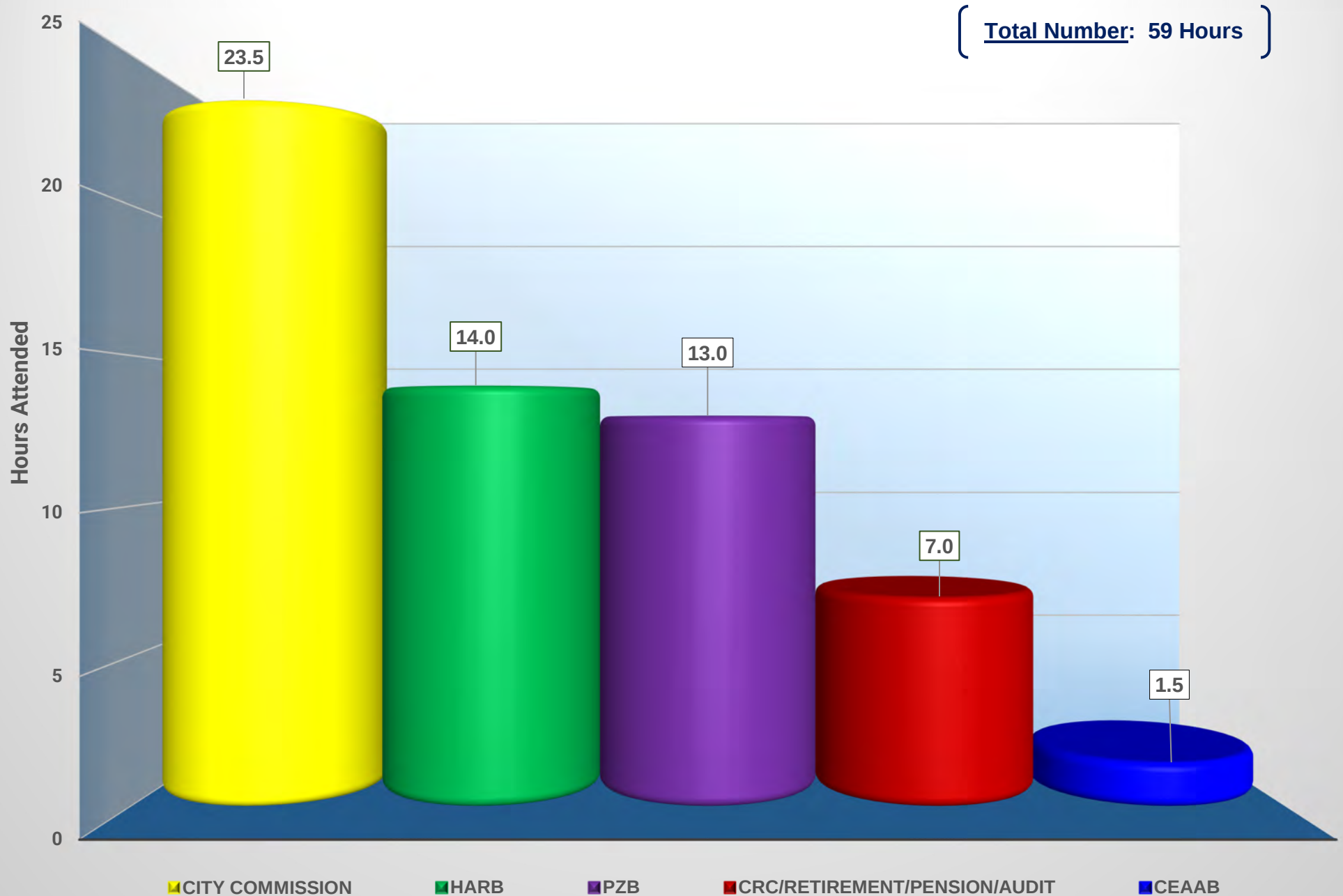
(BY NUMBER OF ITEMS)

(TOTAL: 161 ITEMS)

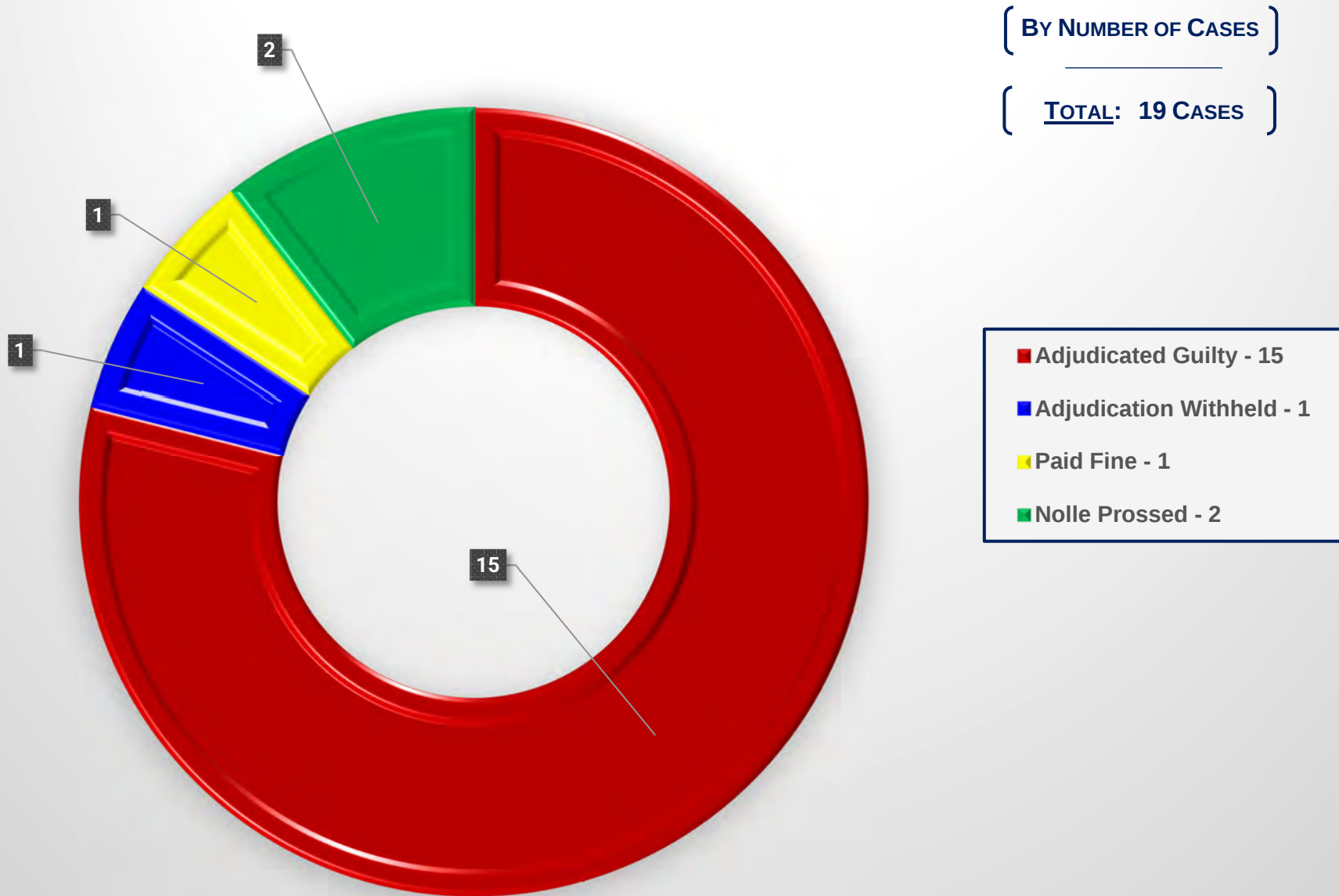


Agreement - 31	Application - 1	Bill of Sale - 3	Claim of Lien - 1
Contract - 7	Correspondence - 2	Easement - 3	Form - 12
Interlocal Agreement - 2	Lease Agreement - 10	License - 6	Lien Release - 6
Maintenance Bond - 2	Memorandum - 4	Order - 4	Ordinance - 7
Performance Bond - 7	Pleading - 12	Policy - 1	Research - 34
Resolution - 5	Submerged Lands Lease - 1		

PUBLIC MEETING ATTENDANCE: 3RD QUARTER FY 2020-2021



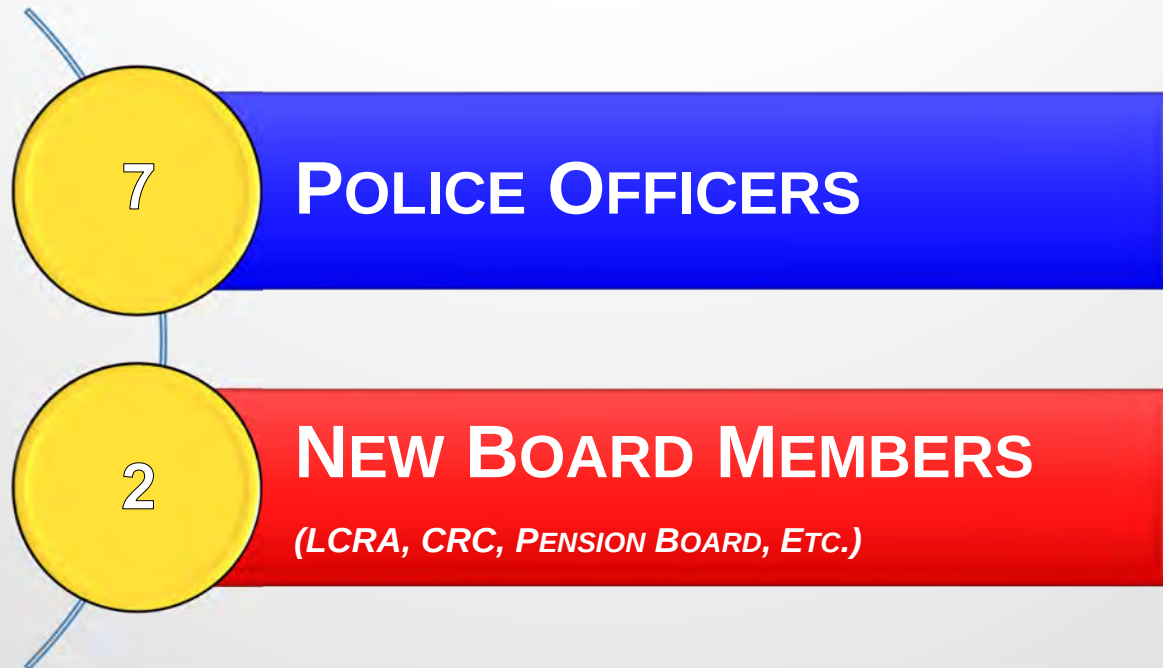
CITY ORDINANCE VIOLATIONS: 3RD QUARTER FY 2020-2021



STAFF & NEW BOARD MEMBER TRAINING: 3RD QUARTER FY 2020-2021

(BY NUMBER OF HOURS)

(TOTAL: 9 HOURS)



ORDINANCES & RESOLUTIONS – 3RD QUARTER FY 2020-2021

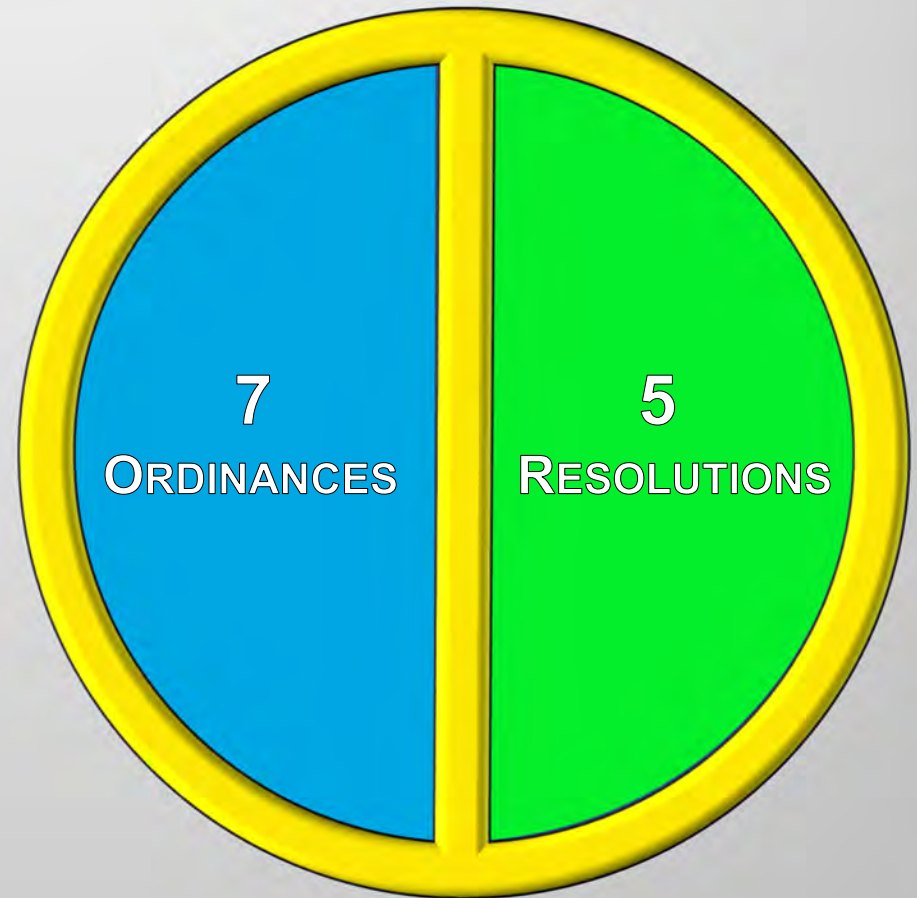
(TOTAL: 12 ITEMS)

ORDINANCES

- 2021-08: Definition of Bar
- 2021-09: Development Agreements
- 2021-10: Amendment to Building Code
- 2021-11: Real Estate Acquisition Procedures
- 2021-12: Amendment to Short-Term Rentals
- 2021-13: Amendment to Conservation Overlay Zones
- 2021-14: Disallowing the Release of Helium Balloons

RESOLUTIONS

- 2021-22: Opioid Litigation Memorandum of Understanding
- 2021-23: Official Seafood of the City
- 2021-24: Flagler Memorial Presbyterian Church Grant Support
- 2021-26: Tentative Millage Rate
- 2021-28: Capital Improvement Bonds



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: July 2, 2021

RE: Approval for State of Florida Financial Services/Direct Deposit

During their previous meeting, the City of St. Augustine's Police Officer's Retirement System Board of Trustees gave their approval to draft a letter to be executed by the Mayor authorizing payments of the premium tax be directly sent to the Board of Trustees and to have all future distributions directly deposited. This request is for the City of St. Augustine City Commission's approval for the Mayor to execute the appropriate documents.

Should you concur, please place this matter on the Consent Agenda for the July 12, 2021 meeting.



Darlene Galambos
City Clerk



City of St. Augustine, Mayor Tracey Upchurch
P.O. Box 210, St. Augustine, Florida 32085
City Hall, 75 King St., St. Augustine, Fl., 32084
904.825.1006 / 904.825.1096 Fax
TUpchurch@citystaug.com

07/12/2021

Department of Management Services/Division of Retirement

Attn: Ms. Julie Browning

P.O. Box 3010

Tallahassee, Fl. 32315-3010

Pursuant to F.S.S. Ch. 185, Section 185.11, a participating municipality may authorize payment of the premium tax directly to the Board of Trustees.

The appropriate paperwork has been forwarded to the State of Florida Financial Services/Direct Deposit section to set up direct deposit for the City of St. Augustine's Police Officer's Retirement System premium tax monies effective for all future distributions.

Please accept this as authorization for the City of St. Augustine's Police Officer's F.S.S.CH. 185 premium tax contribution to be deposited directly into their Fund as directed by their Board of Trustees.

Sincerely,

Tracy Upchurch
Mayor

cc: Steve Fricke, Chairman, St Augustine Police Officers' Retirement System

Mark Simpson, Finance Director, City of St. Augustine

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
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DATE: July 2, 2021

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Darlene Galambos
City Clerk



City of St. Augustine, Mayor Tracey Upchurch
P.O. Box 210, St. Augustine, Florida 32085
City Hall, 75 King St., St. Augustine, Fl., 32084
904.825.1006 / 904.825.1096 Fax
TUpchurch@citystaug.com

07/12/2021

Department of Management Services/Division of Retirement
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Tallahassee, Fl. 32315-3010

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Tracy Upchurch
Mayor

cc: Steve Fricke, Chairman, St Augustine Police Officers' Retirement System

Mark Simpson, Finance Director, City of St. Augustine

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: July 2, 2021

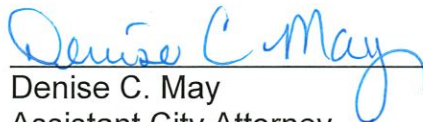
RE: **MASCI v. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 06-2021-05-2026 dated July 1, 2021 from Cavendish Partners, P.A. for legal services rendered from May 1, 2021 through June 30, 2021 regarding the MASCI General Contractor, Inc. v. City of St. Augustine matter.

The amount currently due is **\$5,071.78**. We have reviewed the billing and submit same to you for placement on the consent agenda for the July 12, 2021 City Commission meeting.

*{ WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S
FEES AND COSTS ON THIS MATTER EQUALS \$23,428.36. }*

Thank you.


Denise C. May
Assistant City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk
Mark Simpson, Financial Services

CAVENDISH PARTNERS

P.A.

200 West Forsyth Street, Suite 1300
Jacksonville, FL 32202

INVOICE

Date: 07/01/2021
Invoice #: 06-2021-05-2026
Matter: Masci
File #: 2026

INVOICE TOTAL AND BALANCE DUE \$5,071.78

Bill To:

Isabelle Lopez, City Attorney
75 King Street
P.O. Box 210

St Augustine, FL 32085

Due Date: 07/31/2021

Please Remit Payment To:

Cavendish Partners, P.A.
200 West Forsyth Street
Suite 1300
Jacksonville, FL 32202

**PAYMENTS RECEIVED AFTER 07/01/2021 ARE
NOT REFLECTED IN THIS BALANCE DUE INVOICE**