



MINUTES

SPECIAL COMMISSION MEETING AND IMMEDIATELY FOLLOWING, THE REGULAR COMMISSION MEETING

MONDAY, MARCH 2, 2020 AT 5:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

I. CALL TO ORDER

Mayor England called the meeting to order at 5:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

Mayor England asked City Clerk Raddatz for roll call.

Present: Mayor England, Vice Mayor Kostka, Commissioner George, Commissioner Rumrell, and Commissioner Samora.

Also present were: City Manager Royle, City Attorney Wilson, Police Chief Hardwick, Finance Director Douylliez, City Clerk Raddatz, Building Official Law, and Public Works Director Tredik.

Mayor England moved on to Item IV, Selection of the City Attorney.

IV. SELECTION OF CITY ATTORNEY

A. Review and Discussion of Candidates' Responses

Mayor England introduced Item IV.A. and explained that the Commission asked City Attorney Wilson to send out contracts to all the City Attorney applicants for signatures in order to make sure they agreed with the pricing and responsibilities because the previous candidate that was picked changed the pricing after they agreed to the terms. Three candidates who signed and agreed to the contracts were Attorney Ralf Brookes, Douglas Law Firm, and Naples & Spence Law Firm. She suggested to the Commission to proceed with the interview of Naples & Spence Law Firm, who the Commission did not interview previously, and then give three minutes to the other candidates who had already been interviewed in case they had any additional comments to make.

The Commission agreed to proceed as suggested.

Attorneys David Naples and John "Jack" Spence, Naples & Spence Law Firm, 2807 North 10th Street, Suite 7, St. Augustine, Florida, advised that they practice civil litigation, estate planning, family, and business law. They have been practicing in St. Augustine since 2010. Attorney Naples

commented that he has lived in St. Augustine since 2009 and Attorney Spence lives in Duval County. He explained that the firm has been in practice for 2 ½ years and growing. He remarked that this would be an opportunity for their business to expand and to get into other areas of law, such as municipal law. Attorney Naples advised that he and Attorney Spence were looking for the opportunity to serve and build the firm on referrals by gaining the trust of the community. He commented that the firm works closely with St. Johns County legally and has been given pro bono awards for their work, the attorneys received six awards each within seven years. He explained that most of their cases are in town, including non-profits like Safe Rescue.

Attorney Spence advised that their firm has a good reputation and is professional. He also commented that their firm is easy to work with and non-confrontational.

Attorney Naples explained that most of their cases are in litigation, but their position is to try to avoid litigation and because of their background they know how to avoid litigation and it would be part of their goal for the City.

Mayor England asked how the firm heard about the position being opened since the firm applied late in the process.

Attorney Naples advised that Attorney Doug Burnett, previous City Attorney, encouraged him to apply when he was leaving, but at the time he was a new attorney and working for another firm, so he didn't apply. He explained that he missed the deadline for this opening and recently got to know City Attorney Wilson through the community and when the other firm fell through the firm decided that they did not want to miss this opportunity. He spoke with City Manager Royle and who advised him that his firm could apply if they wanted to.

Commissioner Samora asked if Naples & Spence Law Firm has had any experience in representing government in litigation.

Attorney Naples advised no, his firm has not represented a municipality, but the firm has handled issues with local government code enforcement. He explained that the firm is familiar with government and how it works and has been working with St. Johns County to try to pass an ordinance on an animal abuse registry with the County Attorney. He explained that from that experience, the firm has an idea of the interworking behind the government, but no work experience.

Attorney Spence advised that he was on the Continuum of Care (COC) Board and knows how a Board works.

Commissioner Dylan advised that he had the same question as Commissioner Samora, and background of the firm was important. He asked if his firm agreed to the form that was sent out.

Attorney Naples advised yes and commented that he signed the contract and sent it back to the Commission.

Commissioner Kostka advised in full disclosure that Attorney Naples worked with her when she first started her business in 2012 because her accountant failed to pay her taxes, which he remedied. Attorney Spence helped set up her corporation paperwork for another business related to music. She commented that both attorneys are thorough in their work but asked how the firm

proposes to breach the gap of experience in government. She explained that it is an entirely different field of law.

Attorney Naples advised that he knows City Attorney Wilson, and should there be a problem, he could contact Attorney Wilson for help on any concerns. He explained that the attorneys would educate themselves and commented that he could bring themselves up to speed quickly. His goal was to work with the Commission hand in hand.

Commissioner George in full disclosure advised that she has worked with both Attorney Naples and Attorney Spence on a couple of cases. She explained that both attorneys have an excellent reputation and are amicable. She commented that she enjoyed working with them even as opposing counsel. She explained that in this position the lack of direct experience does give her concern even though she was sure that they could get up to speed quickly. She remarked that during a Commission meeting procedural items arise and she would be concerned that they would not know the answers. She asked if they have anything to add to appease that concern, she would appreciate hearing from them.

Attorney Naples advised that the Commission has good candidates that have more experience than their firm has, but after reading the minutes there were concerns from the Commission about the last attorney that was picked and explained that his firm is more about the fit and would learn as quickly as possible. He commented that he wants to work with people who want to work with them and that is how they find their clients.

Attorney George advised that her clients take her into new areas of the law and explained that there may be various opportunities to work with communities for collaboration in the future and it is a good point.

Commissioner Samora asked who the primary City Attorney would be and who would be the backup.

Attorney Naples explained that he would be primary, but they would work together. He advised that prior to coming to this meeting he met with another attorney that may be part of their firm depending on the Commission's decision. He commented that if he was not available, Attorney Spence would answer questions or attend meetings.

Commissioner Kostka asked if the firm had any comments on the high-profile cases from the City.

Attorney Naples advised that he has seen in the papers about Embassy Suites waterpark that was resolved through the efforts of City Attorney Wilson, but he did not investigate the legalities of the case.

Mayor England thanked the firm for applying and remarked that it was very nice to meet the members of the firm. She then asked the Douglas Law Firm to come to the podium and to keep their comments to three minutes.

Attorneys Charlie Douglas, Attorney Linda Campbell, and Attorney Lex Taylor, Douglas Law Firm, 1 News Place, St. Augustine, FL, introduced themselves.

Attorney Douglas advised that his firm was here because they would like to serve the City. He explained that he has experience with the Putnam County School Board, which is the largest government body in Putnam County with a budget of \$90 million. He advised that he is the attorney for the school board, but Attorneys Taylor and Campbell participate as well with presentations. He commented that all the firm members would be involved with the City of St. Augustine Beach and would be involved with everything going on at the City via emails, in case a scheduling conflict arose another attorney would be able to fill in. He explained that the firm has experience with human resources, finance, policies and procedures, Sunshine Law, public records requests, and all issues that are involved with a municipality. He explained that Attorney Taylor has experience in growth management and Attorney Campbell has 30 years of government work in New Jersey.

Commissioner Samora asked if there were any material changes since the firm last applied.

Attorney Douglas advised no.

Mayor England thanked him for coming and staying with the City through the process.

Attorney Ralf Brookes, 1217 East Cape Coral Parkway #107, Cape Coral, FL, advised that he really wants to be the next City of St. Augustine Beach City Attorney. He remarked that if he receives the position, he would like to have an office in St. Augustine as well. He commented that he has had his own government practice since 1998 and has been certified in city, county, and local government law since 2004 and has represented four coastal communities in Florida. He explained that he was a land use and zoning counsel for Monroe County and worked for Islamorada, Village of Islands, as a Special Magistrate for land use claim and environmental law disputes. He also worked as an Assistant County Attorney for Sarasota under three county attorneys. He said that his travel is not a concern because he can make it to the meetings and would be at the City anytime the Commission needs him. He explained that the Attorney Dennis Bayer would be a substitute attorney if he could not make a meeting. Attorney Bayer has been a Special Magistrate for zoning cases including St. Augustine and St. Augustine Beach and has been a City Attorney for the Cities of Beverly Beach and Flagler Beach, with an office in Flagler Beach. He remarked that he could start tomorrow.

Commissioner Samora asked if Attorney Brookes sent Attorney Bayer's resume.

Attorney Brookes advised yes.

Commissioner Samora asked if any of Attorney Brookes' workload has changed.

Attorney Brookes advised no; he would not be the City of Madeira Beach's City Attorney. He advised that he still works for Yankeetown, but he does not attend all their meetings because it is not required.

B. Public Comment

Mayor England opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that Naples & Spence Law Firm are the best lawyers in town, and they represented him. He explained that Attorney Brookes is without a doubt

an outstanding attorney on land use planning and environmental law. He suggested that Attorney Brookes work with Naples & Spence Law Firm for St. Augustine Beach because he saved Fish Island and the Outpost from being destroyed.

Mayor England closed the Public Comments section and moved on to Item IV.C.

C. Selection of City Attorney

Commissioner George advised that she was extremely impressed with Attorney Brookes at the last meeting and that he wants to work with the Commission and has litigation background as well, which is a good balance. She explained that it is important to have a municipal certification in order to become an expert in that type of law. She explained that having a certification is a game changer to her. She commented that Attorney Brookes was her second choice on the first round, and he has a backup now.

Mayor England advised that there still is a conflict with Attorney Brookes' other city obligations that he represents on the same night as our City and he does a lot of traveling.

Commissioner George advised that Yankeetown does not need Attorney Brookes presence at their meetings because they are such a small town and they will change their meeting schedules if he asked. She also advised that Attorney Brookes is not accepting Madeira Beach's position, so it neutralizes that concern for her.

Commissioner Samora advised that he is concerned about Attorney Brookes' schedule because the Commission struggles with their schedules to meet for Special Commission meetings, etc. and he might not be available. He commented that he has reservations about a one-person firm because of the workload, attendance at the Commission and Comprehensive Planning and Zoning Board meetings, and finishing all the documentation that needs to get done. He likes the fact that two firms are locally based, which is important because they are part of the community and immersed in the community. It gives them a well-rounded view and how it affects the City of St. Augustine Beach. He also likes in-firm backup instead of someone outside of the firm that may not be able to attend meetings and are disengaged.

Commissioner Rumrell advised that being certified as a municipal attorney is important; however, he is concerned if there is an emergency and documentation needs to be done when Attorney Brookes is on the road, that might be a problem. He commented that he wants to be able to have dialogue with an attorney and likes the fact of having a local counsel. He advised that the Commission needs to decide which means more, certification or localness. He explained that he doesn't want to hire someone and then in five months the Commission has to hire someone else. He is disappointed that there were not more applicants.

Commissioner George explained that it is important that the lead attorney is at the meetings because of specialized knowledge needed. She commented that she has a lot of reservation hiring an attorney without experience because the full impact of the advice given to the Commission won't be known until the future. She explained that emergency meetings do arise and would have to be coordinated.

Vice Mayor Kostka remarked that the Commission should be able to reach a decision tonight because there are three qualified candidates.

Mayor England commented that there is a local law firm with experience. She then asked City Clerk Raddatz for the tally sheets and to read the totals.

City Clerk Raddatz read the tally sheets as follows:

Douglas Law Firm had three votes.

Attorney Ralf Brookes had two votes.

City Clerk Raddatz congratulated the Douglas Law Firm for being hired for the new City Attorney position (Exhibit 1).

Mayor England asked for a motion.

Motion: to extend the contract to Douglas Law Firm. **Moved by** Commissioner George, **Seconded by** Commissioner Kostka. Motion passed unanimously.

V. ADJOURNMENT

Mayor England asked for a motion to adjourn.

Motion: to adjourn. **Moved by** Commissioner George, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor England adjourned the meeting at 5:40 p.m. and then recessed the meeting.

Commissioner George left the meeting at 5:45 p.m. due to a family emergency.

Mayor England reconvened for the Regular Commission meeting at 5:50 p.m.


Margaret England, Mayor

ATTEST:


Beverly Raddatz, City Clerk