



MINUTES

REGULAR CITY COMMISSION MEETING
MONDAY, JANUARY 9, 2023, AT 6:00 P.M.

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

I. CALL TO ORDER

Mayor Samora called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Commission recited the Pledge of Allegiance.

III. SWEARING IN OF CITY COMMISSIONERS FOR SEATS 1, 2, 4, AND 5

- a. Seat 1: Ms. Beth Sweeny
- b. Seat 3: Ms. Undine George
- c. Seat 4: Ms. Virginia Morgan
- d. Seat 5: Mr. Don Samora

The four Commissioners recited the Oath of Office and were sworn in by City Clerk Fitzgerald.

IV. ROLL CALL

Present: Mayor Donald Samora, Vice Mayor Rumrell, and Commissioners Undine C. George, Beth Sweeny, and Virginia Morgan.

Also present were City Manager Max Royle, City Attorney Jeremiah Blocker, Police Chief Daniel Carswell, Police Commander T.G. Harrell, City Clerk Dariana Fitzgerald, Building Official Brian Law, and Public Works Director Bill Tredik.

V. ELECTION OF MAYOR AND VICE MAYOR FOR 2023

Commissioner George nominated Mayor Samora to continue for another term. There were no other nominations.

Commissioner George nominated Vice Mayor Rumrell to continue for another term. There were no other nominations.

Mayor Samora and Vice Mayor Rumrell were both unanimously approved for another one-year term.

VI. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETING ON DECEMBER 5, 2022

Motion: To approve the minutes of regular Commission meeting on December 5, 2022. **Moved** by Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

VII. ADDITIONS OR DELETIONS OF THE AGENDA

There were none.

VIII. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

There were none.

IX. PRESENTATIONS

Report by Mr. Jason Harrah, U.S. Army Corps of Engineers, of Beach Restoration Project, June through December 2023

Mr. Jason Harrah, U.S. Army Corps of Engineers, presented a PowerPoint [Exhibit A]. He advised that the bar area is roughly 6.8 nautical miles off the coast and that we want the contractor to maximize as much as they can for future use. He indicated where they would get the sand from offshore, load it onto the ship, and work their way to connect to a pipe to pump it to waiting bulldozers on the beach. He moved on to the next slide and advised that the dunes are non-federal and have accreted over time, the berm elevation is nine feet, and they would go out approximately one hundred feet. He advised that just north of the pier it would be built out to almost four hundred feet so that sand can migrate to the south to fill in those portions of the beach. This project will put about two million cubic yards of sand on the beach with the north taper at Anastasia State Park and the south taper at Ocean Hammock Park. He said that there will be two staging areas for contractor equipment that would temporarily be shut down during construction, one at Pope Road and the other is an access-only point on A Street.

He moved on to the next slide regarding dune walkovers and advised that the contractors would get within about ten feet of the walkovers and then contract laborers would hand-pack the sand behind them which could initially bury some of the stairs. He discussed the schedule and said that he anticipated work to start in mid-July 2023 and finish no later than January 2024.

He moved on to the next slide regarding community connections and advised that he would work with the City Manager to coordinate for any community planned events, but that he would prefer to limit interruptions as much as possible because this project is very expensive at about \$50,000 an hour to run. He said that there would also be information posted on their website and Facebook page, St. Johns County's website, etc. and that it would be updated weekly.

He moved on to the next slide which discussed what to expect during construction, such as noise, pipes, equipment, etc. which is a safety issue and will be contracted with the local authorities to help during construction. He advised that one-thousand-foot sections of the beach would be closed off during construction. He said that after construction the beach will naturally reshape, and that City/County could perform any dune repairs needed. He advised that it takes a large number of agencies to make these projects happen and that all the environmental regulations would be met.

Mayor Samora asked if it would be going on throughout turtle nesting season. Mr. Harrah said yes and that they have certified people to relocate turtle nests as needed.

Vice Mayor Rumrell asked if he had worked anything out with Embassy Suites. Mr. Harrah advised that Embassy Suites must go through the Army Corp of Engineers for any work that they want to do and that they are in the process of rebuilding the seawall by putting a lot more rock in front of it, which looks like it will be approved. He said that they would bury the rock with the sand that is being brought in and build the wall afterwards.

Commissioner Sweeny asked how far away the noise would be heard. Mr. Harrah advised that the specifications state that the contractor must meet any local City/State codes and noise

ordinances, etc. He said that they work 24/7 to finish as quickly as possible and that the main noise complaint is from the backup alarms. He advised that it would not be a significant disruption to beachgoers during the peak season because they only shut down one thousand feet at a time.

Commissioner Morgan asked if vehicles would only be able to enter at the A Street access point but could then travel north and south. Mr. Harrah advised that the access point is where a lot of the equipment would be brought on the beach and then afterwards would mainly be truck traffic. He advised that they would leave that public access point open as long as possible until they are getting close to that area. Commissioner Morgan asked how it would affect beach driving. Mr. Harrah said that he believed it could be left open while the contractors are working north of A Street, then shut beach driving down completely during construction in the area and reopen it after they complete the sand work.

Commissioner Sweeny asked if the pipe could be delivered at night to lessen the impact. Mr. Harrah said that it could be done, but that is when people would be hearing the alarms and that he would discuss any of those types of preferences with the City Manager and the contractor.

Mayor Samora asked Police Chief Carswell for his concerns. Chief Carswell advised that he has been here for the past three projects and that they have always gone smoothly with minimal complaints about closures, etc. Mayor Samora asked if beach driving was closed for previous projects. Chief Carswell advised that the closures were only for short windows of time.

Mayor Samora asked what the timeline would be. Mr. Harrah advised that as soon as the contract is awarded that the goal is to start before storm season in July and have the majority done by September.

Mayor Samora thanked Mr. Harrah for his presentation. Mr. Harrah said that he would be happy to meet any of the Commissioners on the beach and give a tour of the site.

Mayor Samora moved on to Item X and advised that public comments are welcome and encouraged, that the Commission values their input, and that anyone that wished to address the Commission on non-agenda topics would have three minutes to speak.

X. PUBLIC COMMENTS

Wiley Page, 4 Ocean Trace Road, St. Augustine Beach, FL, met with City staff in December to discuss drainage projects/issues at Ocean Trace condos; that Mr. Tredik had advised that he would undertake a master drainage study for the area and asked if there was an update or any upcoming public meetings; invited the Commission to come see the area after it rains; other areas are having similar problems and he is hopeful that it is moving forward.

Public Works Director Tredik stated that a public meeting would likely be held in the spring for the Stormwater Master Plan Update and that Ocean Trace would be discussed. He advised that if a project is developed for it, there would probably be several public meetings. He advised that he could do a meeting before the Master Plan Update but that he did not think that he would have as much information. He said that he would like to have a project list ready as we move forward on other items so that the Commission can make informed decisions.

Mayor Samora moved on to Item XI.

XI. COMMISSIONER COMMENTS

Commissioner George welcomed Commissioner Morgan and congratulated the other Commissioners for being sworn in. She said that at the last meeting she offered to reach out to Marsh Creek, etc. regarding any interest or private financing for studies on a possible traffic light and that she made good contact with the HOA President and that she is waiting for further details.

She said that in the course of events leading up to one of our agenda items that an interesting issue arose which made her think that we probably need to spend time reviewing and discussing the role that online petitions play in our public engagement and she suggested that it be added to an upcoming agenda. She said that there seems to be some legal classifications that would impact it such as criteria, policies, etc. because there were some stumbling blocks.

Commissioner Sweeny also congratulated her fellow Commissioners and welcomed Commissioner Morgan. She asked the City Manager to pass on her appreciation to the City's Event Coordinator, Ms. Conlon, for another wonderful New Year's Eve fireworks event. She thanked the Police and City staff as well. She asked if this new Commission could review their assignments on a future agenda. She asked how the City decides which projects to submit for funding, etc. City

Manager Royle advised that each year the City sends a list of priorities to St. Johns County and to the Northeast Florida Regional Council. He said that as far as legislative action that happens during the legislative session, that the Florida League of Cities is very prompt in keeping the City informed of the status of various Bills and that there is also a website to keep track of it. He said that some cities send representatives to Tallahassee to lobby but that we have not done that in the past because we are rather small. He advised that there are certain issues that draw attention such as short-term rentals and whether to fight the deregulation of them. He advised that we could meet with Representative Cyndi Stevenson or Senator Travis Hutson and that Vice Mayor Rumrell has been the most active with the legislators.

Mayor Samora asked if there is a time when it would be more advantageous to get together and talk about our priorities. Vice Mayor Rumrell advised that he would talk about it during his comments.

Commissioner Morgan thanked the Commission and congratulated the other Commissioners. She also agreed that the fireworks were fantastic. She advised that she participated in the webinar today and that there are House and Senate Bills about short-term rentals and that the legislative session will be starting soon and that we want to be prepared. She said that there are several areas where the sidewalk curbs are not conducive for bicyclists such as at the corner of 11th Street and A1A South and at Sea Grove. Director Tredik advised that he would be happy to meet with Commissioner Morgan to discuss those locations and if need be, to coordinate with the County. Commissioner George asked to add the sidewalk across from Whispering Oaks into Ocean Hammock Park. Director Tredik advised that they were not designed for bicycles, but people ride on them because they are not comfortable riding on the narrow shoulder of the road. Commissioner Morgan advised that she observed all the new walkovers and that they look fantastic. Mayor Samora advised that during Commissioner Comments, we can discuss things, add things to an agenda, etc., but cannot vote on anything.

Vice Mayor Rumrell congratulated Commissioner Morgan and the other Commissioners for being sworn in. He thanked the Police Department for a safe New Year's Eve fireworks event and thanked Public Works and Ms. Conlon as well. He said that he went to the delegation meeting at the County several weeks ago and gave them a broad overview of what the City would be asking for and that there are a lot of grants out there right now for flooding and resiliency. He advised that he would be happy to work with Commissioner Sweeny who has a lot of contacts in Tallahassee.

Mayor Samora reiterated his fellow Commissioners' thanks to City staff regarding the fireworks event and said that he looks forward to it every year. He asked if the Commission would receive a recap from Ms. Conlon. City Manager Royle advised that he and Ms. Conlon talked about it today and that she wanted to wait and give a recap of all the holiday events, possibly in February or March. Mayor Samora said the sooner the better. City Manager Royle advised that he would have

it for February. Mayor Samora asked the City Manager if the Commissioner assignments could be discussed now or should it be on an agenda. City Manager Royle said that Mayor Samora could continue as the City's rep for the Tourist Development Council (TDC) and the Vice Mayor could continue as the City's rep for the Visitors and Convention Bureau (VCB). City Clerk Fitzgerald advised that former Commissioner England was on the North Florida Transportation Planning Organization (TPO), which now has a vacancy. City Manager Royle suggested to put this topic on the agenda and to think about assignments and that the City Clerk could look around to see what other committees we have because they change. Commissioner George advised that Commissioner Sweeny is on the St. Johns County Chamber of Commerce and that she is on the Florida Shore and Beach Preservation Association (FSBPA).

Mayor Samora advised that the Commission is supposed to do evaluations of the Police Chief and the City Manager every year, which is typically done this month. He asked for it to be put on the agenda as well so that it could be done by the first quarter of the year.

Mayor Samora moved on to Item XIII.

XII. PUBLIC HEARINGS

There were none.

XIII. CONSENT

(Note: Consent items can be approved by one motion and vote unless a Commissioner wants to remove an item for discussion and a separate vote)

Vice Mayor Rumrell asked for Consent Item 2. To be pulled for further discussion.

1. Proclamation to Proclaim the City's Acknowledgement That Human Trafficking Should Be Eradicated
2. Budget Resolution 23-01, to Appropriate \$33,000 for Additional Costs for the 2nd Street West Construction Project
3. Resolution 23-01, to Declare Items of City Property as Surplus and Authorize Their Disposal

Mayor Samora invited the representatives from the American Association of University Women to speak about Consent Item 1.

Cathie Altman, American Association of University Women, along with Kenlie Kubart, Betty Griffin Center, thanked the Commission, especially Commissioner George, for sponsoring the Proclamation again this year and advised that they are having a panel discussion Saturday morning at the Health Department, and she handed out a flyer [Exhibit B].

Motion: To approve Consent Agenda Items # 1 and 3. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Vice Mayor Rumrell advised that he spoke to Director Tredik about Consent Item 2, Budget Resolution 23-01, but that he wanted the public to be updated as well since we have had quite a few budget resolutions from Public Works lately. He said that it is important for transparency, and we need to make sure where our funds are going.

Public Works Director Tredik advised that he is glad that it was pulled because it gives him an opportunity to discuss why this budget resolution is needed. He said that the 2nd Street project has been in the works for a long time and that the design contract with Crawford, Murphy & Tilly (CMT) was done in March of 2021 when Amendment 34 was written, which only had \$5,400 for post design services and now we are in a different place with economics, staff, etc.

for what it would take to do it. He said that \$5,400 is not enough money and that he had hoped to bring some services in house in 2021, but we do not have the staff to do so. He said that Public Works Engineering only has two staff members. He said that we have so many duties in Public Works and that he may expand his staff report in the future to show some of those duties to give an understanding of the things that are going on routinely and there are not enough hours in the day for staff to do those things. We would either need to budget more money or hire more staff. He said that since there is a wave of work that we are experiencing, there is a lot of logic to contracting the projects and build it into the project cost. Some of the contracts going on right now are: the Mizell weir, the 2nd Street project, the dune walkovers, Ocean Hammock Park, Ocean Walk (which is slated for this spring), Oceanside Circle (which is going to construction in the spring), Ocean Hammock Park walkway and observation platform, the A Street parking lot, Magnolia Dunes/Atlantic Oaks Circle in 2024, the 7th, 8th, and 9th Streets drainage, and others that will come from the Stormwater Master Plan. There is also the Stormwater Utility which we will be talking about in a little while along with the sanitation issues that we deal with.

He said that the bottom line is that we either need money in these contracts or we need staff. He said that we would not be able to do the projects that we are getting grant money to do, or they may be poor quality. He advised that the \$33,000 is for an additional design to incorporate 3rd Lane which the Commission voted to incorporate via a change order and it took a lot of time to coordinate with other entities such as the County to relocate the water main. He said that he believed that he could get it done for a little less than the \$33,000 by using his staff to the best of his ability, assuming that there are no other changes. He advised that the schedule delays have been mostly due to supply chain issues.

Mayor Samora asked if that answered the Vice Mayor's questions. Vice Mayor Rumrell said yes and that he and Director Tredik have had this conversation. He said that the other thing that he wanted to bring up is that Director Tredik had mentioned hiring someone which could cost upwards of \$100,000 and since these projects are going to come to an end, that we could probably get a consultant for \$33,000 and utilize them for some of the grants. He said that staying on top of the grants is very important so that we do not have a shortfall and a consultant would alleviate some of the pressure from Director Tredik.

Mayor Samora said that he heard two years' worth of projects that are already on the books and that Director Tredik needs to come to the Commission with his ideas for a potential solution to manage these projects going forward. Director Tredik advised that he would bring it up during the budget cycle. He said that we are in the middle of this project, and we need to keep going. It has been his focus to try to keep this project rolling and he agreed that it is in his court to bring it to the Commission.

Commissioner George said for clarification, if she recalled properly the last few overages that have resulted in the budget allocations have not been for administrative oversight or inspections but were for increased costs. Director Tredik said that he believed that was true, but that he would have to check and that we have not had many change orders but that they are a fact of life when you are building things. He referenced that there was one change order for the Mizell weir project, which is low and usually there are ways to offset changes. He said that this request is not related to that, it is just for project oversight and unfortunately there will probably be change orders on future projects because costs are so unpredictable. He advised that he budgets these projects in advance and when the project gets to the construction phase based on last year's numbers, sometimes it is not enough. He said that it may mean being a little more aggressive in our budgeting but that we struggle with a limited

budget to meet all the needs of the City and sometimes the balancing does not work, and more money is asked for.

Commissioner George agreed that it happens, and that Director Tredik does a great job and that she appreciates all his hard work, planning, and expertise. She said that if this type of scope of work is going to be a trend going forward with such a long list of projects, to be mindful of it in advance and bring a proposal to the Commission because we are open to considering his recommendations. Director Tredik advised that consultants are very useful when you do not have enough for a full-time employee or are on a limited time frame but if we have three years of work ahead, then that is a different story, and we may need to think about staff. He advised that he would bring some proposals with options back to the Commission and move forward from there.

Vice Mayor Rumrell asked the City Manager to try to get it for this year, not wait until next year, and to get it moving quickly. City Manager Royle agreed.

Commissioner Sweeny asked what the timeline is for a consultant being hired and for this budget resolution passing today. Director Tredik advised that CMT is on a continuing contract with the City and that the time sensitivity is now because they are already working for us, he needs them every day, and it is critical. Commissioner Sweeny said that she does not like to spend this amount of money, which is potentially a third of the cost of an employee position, because she believes that Director Tredik probably does need another employee. She said that she would much rather invest these funds for a full-time position that could help him with other projects and that she would like further discussion vs. putting the funds towards this this year. Director Tredik advised that if we do not have CMT do this work for us, then we would be hurting on this project. He said that we need them, he does not have the time, staff does not have the time/manpower to do it.

Commissioner George asked if there is a conflict for CMT to provide the oversight for their own design. Director Tredik advised that he did not believe that there is a conflict legally that he is aware of, and it is actually in some ways preferable because they know the project better. He said that huge projects have advantages to bringing in a third party. He said that CMT is a consultant, they are in the business of making money, but they have been good at trying to keep costs under control and he has confidence in them to inspect the work. City Attorney Blocker advised that he did not believe there would be a conflict.

Commissioner Sweeny said that the \$25,000 for inspection services states that it is a total of up to 157 inspection hours, so if they are not billing us hourly, would they get the \$25,000 regardless of the number of hours. Director Tredik advised that they will bill us hourly based upon the amount of hours spent on the job and that the \$25,000 is a "not to be exceeded" set fee. Commissioner Sweeny asked to make sure that that is clearly stated in the contract. Commissioner George said that she believed it is stated in the main body of the contract that the City has with them. Director Tredik advised that the City has been billing with CMT this way for quite some time.

Vice Mayor Rumrell asked if this would add more cost to the residents since we are charging a non-ad valorem. Director Tredik said no because we have reached the maximum amount that the Commission approved.

Mayor Samora opened Public Comments. Being none, he closed Public Comments.

Motion: To approve Budget Resolution 23-01. **Moved by** Commissioner George, **Seconded by** Mayor Samora.

Mayor Samora asked for a roll call vote. City Clerk Fitzgerald read the roll call.

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| Commissioner Sweeny | No |
| Commissioner George | Yes |
| Commissioner Morgan | Yes |
| Mayor Samora | Yes |
| Vice Mayor Rumrell | No |

Motion passes 3-2.

Mayor Samora asked Director Tredik to please give more notice if this should come up again in the future. He moved on to Item XIV.4.

XIV. OLD BUSINESS

4. Relocation of Ocean Hammock Park Boardwalk: Review of Information and Consideration of Scheduling a Special Meeting (Presenters: Max Royle, City Manager; Bill Tredik, Public Works Director)

Mayor Samora said that at the last meeting the Commission outlined the requests for information for staff to bring back and they did compile some of that information and we are here to review it.

City Attorney Blocker stated that one of the key points about this is making sure that we have enough information to go through the due diligence process. He advised that based on the information today, he did not believe that we could complete a full legal review and he recommended getting more details to fully evaluate it from every angle.

Commissioner George asked the City Attorney for clarification as to whom we need more details from. City Attorney Blocker advised that the letter sent by Mr. Hammann recommended something that he would call a “public/private partnership” and that we would need to determine what the parameters of that would be, the potential funding, the liability, etc. so that staff could go through the full due diligence process for dealing with public land because there is other funding tied to this. He suggested to see more before we fully appraise the Commission regarding any legal pitfalls going forward. Commissioner George asked if that would be coming from an individual or is there an entity that is proposing some kind of a public/private partnership. City Attorney Blocker advised that he is not aware of any entity at this point and that he believed that it is a number of private citizens, which may be a good idea going forward but that it would be difficult to engage in a public/private partnership with the information that we have so far.

Commissioner Sweeny said that there have been a lot of discussions about the legality of how a private donation would work and she asked if it would need to flow through some sort of entity for the City to create a public/private partnership rather than an informal group of residents. City Attorney Blocker said that he believed what was proposed was up to approximately \$500,000 that would be donated to the City with no strings attached but obviously there would be some ethical considerations that would have to be evaluated whenever private citizens donate money to a local government. He said that it seemed to him to be described as some sort of citizen partnership with the City on this project and that it is very common for private citizens to form entities to partner with local governments, with funding being acquired and donated for a public purpose, and that they are usually non-profits. He advised that usually there is a proposal, a contract, designs, etc. and that one of the challenges here is that you have about \$1.5 million that is tied up in this from an outside entity and part of the covenants/restrictions specifically limit any type of change to the design

or the structure which would create some challenges and we want to make sure that that funding would not be jeopardized. We would need a fully developed proposal and make sure what those implications are.

Commissioner Sweeny said that we would need a proposal in order to get clearance from the grantor and she asked what that would entail. She said that we would need a revised site plan and work through the legality of the public/private partnership to be able to provide the details needed and whether they would grant it. City Attorney Blocker said it is important to provide the information regarding who we are partnering with, the liability associated with it, what the funding is, and to finalize it into some kind of contract that we can understand. He said that we would want to understand what the changes and the benefits are in detail for staff to review and understand when dealing with public land and public money. He said then we would want to make sure that we are not jeopardizing funding from the outside entities that have already provided funding. He said that it is hard to say right now because it is only an idea and not a proposal. Mayor Samora said to legally vet it we would need a contract or a proposal. City Attorney Block said yes, that would be his recommendation.

Commissioner George said that by vetting you are not deciding to agree to it or to complete the partnership or even act upon it, but to simply be able to evaluate it. She asked if the Commission had anything from a legal standpoint to evaluate it as a proposal. City Attorney Block said that he did not believe that you could fully evaluate this based upon what has been proposed.

Mayor Samora said that one key piece of information that the Commission asked for last time was whether our grant funding would be jeopardized. He said that the City Attorney is telling us that we need this other information before we can bring it to the Commission to evaluate whether or not the idea holds any merit to us. City Attorney Blocker said that the most important thing is to understand what is being proposed from every level and what funding could potentially be jeopardized and be able to take those plans to the other funding source so that the Commission could make an informed decision.

Commissioner Sweeny said that she appreciated the City Attorney providing this legal guidance for the Commission and she understands that it is in response to the things that the Commission asked for but that she is also frustrated that we are a year into this and none of this guidance had been previously provided. She said that she believed that the City Attorney's guidance is sound and that she wants to make sure that the Commission is in a place to move forward productively and get it wrapped up as soon as possible. She asked if it would be appropriate for the City Attorney to meet with the interested parties or what would be the appropriate avenue to use so that all entities understand what is expected of them at this point in the process. City Attorney Blocker said that he would do whatever the Commission would like and that he could explain to those citizens some of the areas where we need more information, but that the biggest thing we need is some type of contract/written proposal, which is not uncommon. He advised that there are attorneys in the community that would be helpful and there is a process for a public/private partnership. He recommended that the residents pursue the public/private approach and package it so that staff can do their due diligence and make an informed recommendation so that the Commission can make an informed decision.

Commissioner George asked the City Attorney if he would recommend that the staff take any further action with no proposal. City Attorney Blocker said that it is difficult from a legal standpoint to evaluate it any further and that there was nothing in the letter or anything that he has seen that allows him to recommend moving forward at this point.

Mayor Samora said that he is one hundred percent in agreement with Commissioner Sweeny and that we need to move this forward and that he does not want to come back to another meeting just to move the ball again. He said that we asked for certain information and this has been going on for quite some time. He asked if the parties that are bringing this idea to the Commission could be asked to contact the City Attorney. City Attorney Blocker said yes and to be clear that his firm works for the Commission and that he would encourage them to pursue a public/private relationship and to get the parameters. He said that there are examples of that in St. Johns County and the surrounding areas that would allow them to have something to be brought to the Commission that staff could evaluate, look at the legal implications, the liability, and how the funding could be targeted in ethical ways, etc.

Mayor Samora said that as far as Commissioner George's question of whether we want staff to continue to work on this, we have discussed one point and hopefully everyone has reviewed the other information included in the packet and if we feel that we need more information from staff that we are entitled to ask for that.

Commissioner Sweeny said that she did not see anything in the packet regarding the cost of maintenance for the current boardwalk going forward and that she would still like to see that information such as when it was put in, its life expectancy, its anticipated maintenance, etc. She said that she has heard that the pilings under water are starting to rot and if we are looking at anticipated significant maintenance costs down the road then it would be pertinent to the conversation. She said that she has seen areas of the handrails that are starting to rot and would need to be replaced and asked what the cost estimates are for it.

Commissioner George advised that she did not want staff to spend a lot of time on a proposal that we do not have, which is also opposed by a gross majority of the community. She said that we have enough information to make a decision whether or not to continue to discuss this further and that she would like to hear from the public who have been waiting patiently and there is no point in prolonging it. She asked the City Attorney if acting on this could jeopardize our current or future funding. City Attorney Blocker said potentially. Commissioner George advised that she did not want to waste the money of the citizens who have an informal idea to tell them to hire an attorney to put together something that is not going to succeed, and it is unfair to them and that we should have a philosophical discussion and vote on it after public comment is provided.

Mayor Samora agreed with Commissioner George and said that if there is a consensus of this Commission that it is not worth moving forward based on the current information that he would entertain that.

Commissioner George said that we are at risk of setting a precedent when someone comes forward and says they want to pay the City to do something and how much time are we going to instruct staff to spend on every idea, whether they are great ideas or not. She said that when we are dealing with public land and public projects that she does not want to create a precedent where we wind up spending two-thirds of staff time over five or six meetings recapitulating all the "what ifs" about a project where the ones that had the idea did not put it together in a legally appropriate way and it is not our job to do that for them. She said that if that has not been communicated by the City previously, then we need to apologize, and that we have received enough involvement and public participation.

Mayor Samora advised that the Commission would take that up after Public Comment. Vice Mayor Rumrell advised that he is a factual person and would still like to see all the facts laid out in front of him so that the decision that we make as a Commission is fact based. He said that he is appreciative of public/private partnerships because he has done them in

Jacksonville, and he understands the need for them. However, in his opinion, you cannot vote on something if you do not have all the facts.

Commissioner Morgan said that she echoed what we have already heard and what Commissioner Sweeny said. She said that in reviewing all the things in preparation that there were several things about the maintenance cost estimate that were also previously brought up by former Commissioner England and that she did not see that in the packet. She said that it is an important consideration to balance the cost of potentially moving the walkway vs. the maintenance cost for the current walkway and what is the best value for the City from a monetary standpoint not even considering all the other issues. She said that she has strong reservations about not having an actual proposal in front of us. She said that there are a lot of people here who feel very strongly about this, but that this is the first time for her sitting on this side of the bench. She advised that she has attended nearly every meeting for the past year and that almost every full house meeting has been on Ocean Hammock Park walkway, and she realizes how important it is to everyone here including the Commission. She said that she also respects that the citizens are spending their time to come here to speak about something important and that they want the Commission to make a decision when we are fully informed and doing our due diligence and considering all the factors. She said that money is not the only issue, but it is an important issue, and we have to balance what is being put in front of us, the maintenance costs, etc. and whether this would jeopardize the funds that the City already received. She said that she would like to see this matter resolved as much as everyone in this room but if we continue to bring it up each month at the meetings and we do not have all the facts to make a decision, then we are doing everyone a disservice.

Mayor Samora said that this Park is probably one of the largest assets the City has, and it is unique, and we want to do it right. He opened Public Comments.

Eric DeVita, 28 Oceanside Circle, St. Augustine Beach, FL, appreciated that the Commission is open-minded; disappointed that this is even being brought up because the Commission has heard from the vast majority of people over the past year and this is a ludicrous discussion to have; the setup is fine right now and it is a fantastic piece of property; we are going to move something that a couple of people with a lot of money want done because they do not like having a walkway next to their house; how will this sound in the press if someone can write a check and get what they want regardless of how good it is for the people or what the Commission thinks; you should be listening to the people; the walkway is in fantastic shape and his wife walks it usually twice a day; this is a ludicrous idea and asked who would even discuss this.

Mayor Samora asked everyone to please hold their applause and/or boos that may be intimidating to others and to be welcoming to everyone.

Caryn Chambers, 17-A Lisbon Street, St. Augustine Beach, FL, seconded what Mr. DeVita said; the fact that it is being entertained is insulting; the community wants the boardwalk to stay and we voted you in and not to do the bidding of millionaires; the rest of the community that you are here to serve is allowing them to say that they do not like us walking by the boardwalk; does not live in a gated community and has concerns about security just like everyone else; does not get to buy property next to her because I am worried about security; asked if she could give the City \$100,000 to stop people from walking by her house; walks the boardwalk at least four times a month and she only passes about five people, even in the summer; does not know what people are talking about regarding noise and danger; our safety concerns are dealt with by the police who are doing a fine job; it is hard to believe that there is going to be an invader that is going to climb through the swamp to get to the community and she has

never heard of it happening; does not think that it is something that we should do and that the money is conditional, it is conditional on the City moving the boardwalk.

Doug Gibson, 105 Whispering Oaks Circle, St. Augustine Beach, FL, thanked the Commission and City Manager for all they do and for listening to everyone's comments; strong advocate for keeping the boardwalk where it is; cannot imagine someone with money moving next to the boardwalk and then asking for it to be moved; it does not make sense and is a waste of time and of taxpayers' money and should not happen; their security concerns are not valid and the police reports over the past five plus years show that there are no security issues; if we move the boardwalk should we also close down the sidewalk in front of it; if there is no valid reason for moving it, then it makes it look like the Commission has something secret going on with the people in that community and it is not right; taxpayers' money cannot support an extra penny sales tax and then ask us to tear down the boardwalk and move it fifty feet the other way; no one in this community will ever vote for any more tax money to help fund anything if you start wasting our money.

Louis Geanuleas, 233 North Forest Dune Drive, St. Augustine Beach, FL, said that he was a guy that came here about a year ago and suggested that the City do this but that he does not live next to the boardwalk; showed the City's plan of the Park [Exhibit C] and said that Phase 2 will add 5,000 square feet of concrete to undeveloped land; Phase 3 would add another 13,500 square feet of concrete and 3,000 square feet of new boardwalk with two thirds of it going through wetlands that no one seems to be concerned about; all the areas shown in magenta are new boardwalks through wetlands; this is a very invasive, intrusive plan; 96.49% of Sea Colony supports this and he is tired of the misrepresentation and lies on social media; the City is already adding amenities to the park so for privacy and security concerns Sea Colony suggested to take out 1,400 feet of the existing boardwalk and loop in a new connection from the access point to the cement path that the City is going to build anyway and build a new beach access walkover and eliminate the spur to come down to connect to it; there is no conspiracy, it is just people that do not want to be harassed when this Park starts attracting a lot of people; the showers and bathrooms will attract the homeless; it is not an unreasonable request.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, agreed with what Mr. Geanuleas; it would be nice if we did not have to pass through the wetlands, but it was voted on and passed, so what are you going to do; showed [Exhibit D] and said that this will be important if there is litigation in the future; the Florida Recreation Development Assistance Program (FRDAP) property was given to the public and not the Florida Communities Trust (FCT) property which is in the middle; he showed a letter and said that it was dedicated to public in perpetuity for the general public which is very important; he showed another letter and said that if there is a replacement of the point-to-point elevated boardwalk, we should expect a comparable scope and quality which would be a very interesting thing if it ever does go to court; who determines what the new grade level path system should be and if it is comparable to the point-to-point elevated that we have today which is a big thing for the handicapped; he showed the letter that come from the three owners and to his knowledge only three owners are contributing and that there are strings attached; showed the Park plan and said that he does not like it and if there is a way to convince FCT to consider the FRDAP property as part of the path system that would be great but that he does not know if you can change these permits until the three families are able to make some movement; showed a diagram of what it would look like if the three people are successful in moving the boardwalk; showed a copy of the Mayor's letter to the Ethics Board which he said was completely wrong; he said we are the opposition now and losing that point-to-point elevated boardwalk is a big

issue especially for the handicapped; wants these documents to be on record because this meeting goes onto linkforachange.org and it is important that people see these documents.

Someone spoke from the audience away from the microphone and was inaudible for the minutes. Mayor Samora said that if we do it for one, we have to do it for all.

Greg Hammann, 648 Ocean Palm Way, St. Augustine Beach, FL, said he is the person that wrote the letter and this is the first time that he has heard that there is an issue; he and the City Manager had a thirty minute meeting about six months ago so we have only taken thirty minutes of people's time and the rest we have done on our own; the letter said that they would give \$600,000 and it is not just Sea Colony because others agree; we were also told to keep this above board and not tell lies or give inaccurate information which we have done; we have been blamed for destroying wetlands and doing all sorts of terrible things when all we are talking about is making a small revision; the people of Whispering Oaks have asked for a buffer themselves and yet we cannot have a buffer even though we are willing to pay to have a new one put in; the former City Attorney agreed with it and has gone through it and highlighted it for Director Tredik; he would be happy to hook the former and new City Attorneys up to get it straight; we are trying to keep this simple, we are not the bad guys, and we did not ask to build the Park, but we are trying to do it in a way that it is a win for everyone.

Bobby Crum, 301 Spanish Oak Court, St. Augustine Beach, FL, said that over 3,500 people have signed a petition against removing the boardwalk; if you are not going to factor that in to your decision, then what do we need to do; this petition is really all the information that you need at this point; it says on the City's website that you are not planning to remove the boardwalk, yet it is an agenda item tonight so there is some misinformation and he asked why it is on the website; encouraged the Commission to pay attention to the petition because this is a very important issue to people who use the boardwalk, the wildlife, and it is a beautiful resource; encouraged the Commission to vote tonight to stop wasting time, end this, and move on.

Mayor Samora closed Public Comments and asked for Commission discussion. He said that the purpose of this agenda item tonight was to review the material and decide if there was enough material present to schedule a separate meeting where decisions could be made and the City Attorney advised that he did not have enough information to legally vet this yet and that it is a foregone conclusion that we do not have enough information to schedule another meeting. It was brought up in our initial discussion by Commissioner George that we should see if there is a consensus of the Commission based on what we already know, then determine whether to continue spending time on this. He would open it up for further Commission discussion and see if there is a consensus and give direction.

Commissioner George said that she would like to make a motion. Mayor Samora advised that he would like to have further discussion at this time. Commissioner George agreed to wait on her motion, but advised that she would be making a motion tonight.

Vice Mayor Rumrell advised that he hears the people from Whispering Oaks and other areas loud and clear but that he also hears the Sea Colony people. He said that based on his conversation with legal, that he does not feel comfortable voting up or down until we have all the facts. He said that he understands that people are upset but asked to take emotion out of it and deal with the facts, which is what the Commission has to do. He said that he does not necessarily agree with Sea Colony, but that he probably agrees with the Whispering Oaks residents to some degree. He wants to make sure that the facts are presented and that he would take the City Attorney's recommendation, which is that we do not have enough facts in front of us to make a sound decision.

Commissioner Sweeny agreed with Vice Mayor Rumrell. She said that she also hears the concerns and shares some of them and that this is not a foregone conclusion in her mind at all. She said that when she looked at the petition, she did not feel that it factually explained the situation. She said that she explained to a resident that there is already going to be a pathway through the center of the Park and that the issue being discussed is whether or not to have two boardwalks with one providing beach access and the other not. She said that that person said that they were going to remove their name from the petition because they did not understand what they were signing so she does believe that there are some people that do not understand that there is a path going in and that we would now potentially have two paths. She said that when she considered the proposal, that it is not about giving the rich Sea Colony people their way. She said that for her, this is about looking at the design of the Park and seeing what makes the most sense and would reduce the number of paths over wetlands with the greatest functionality of the Park. She gave a scenario of taking her child to the Park's playground and then having to backtrack with all her gear to get to the other path to the beach. She would like to make it clear and said that she does not want to insult anyone by her consideration of a policy decision as a Commissioner. There are reasons that each of us have for remaining open-minded about this discussion and it is not that she is getting a kickback behind everyone's back.

Commissioner Morgan said that for her to try to decide what the appropriate thing to do is, is to try to understand what Commissioner George's motion would be because we are in a situation now where the City Attorney has recommended that what we have before us is an idea and less of a formal actionable proposal to vote on. She said that it seems to her that she may be proposing to table it and not pursue it at the moment until something more formal is brought forward. She would like to know where we are going with this because that would make her position and comments a little different.

Commissioner George said that as a lawyer, Commissioner Morgan is spot on with that conundrum because if there isn't anything actionable, then how could there be a motion. She said that she does not want to give false hopes to the small number in the community who want to support and even pay for this so why encourage them to spend money to hire an attorney for a formal proposal. She said that she has been compiling a list of the facts for which she would be rendering her own decision. She said that her motion would say something like: based upon facts as we know them, there is no interest by the City Commission to relocate the Boardwalk. Those facts include: that the center concept could jeopardize future and present funding; we are aware of a gross majority in the community who are opposed to it including what might be estimated at 3,700 signers of a petition against it and 900 listed 32080 as their zip code; that the memorandum from the Police Chief states very clearly that a relocation or the location of any point of the boardwalk would have no impact on the security concerns that Sea Colony is speaking of and those concerns would be best addressed with their own fencing improvements and greater security enhancements at their own beach access points; that this informal group is refusing to give a guarantee of funding for the total cost involved; that they had originally stated \$600,000 and the letter in today's packet reflects a \$500,000 figure so it is actually decreasing; that our City Charter opposes the removal of beach access points; that grant funding in Florida is typically scored higher based upon the number of beach access points and therefore to remove any one beach access point or swapping one out would not square well with the Charter.

Commissioner Morgan said that she was not asking for that level of detail, but that she appreciated Commissioner George filling us in on all those things because she has some reservations and that she cannot take off her attorney hat even though she is not acting as an attorney here. She said that she has concerns about the liability that we would incur right now

without more information about how the grant would be affected and what entity/person would be signing off on it if it were even approved. She said that those are her two major reservations with moving forward at all. She wants to be as open-minded as she can about whether or not it would ultimately be approved or not and those reservations would prevent her from feeling like we were able to go forward. However, she also does not want to discourage someone who wants to pursue this matter to bring something more formal to the Commission, but that would be up to them whether they would want to use their resources for that.

Commissioner George advised that she did not believe that there would be any risk in voting in opposition to a proposal that is not really a proposal, but she believed that the only risk comes with moving forward. Commissioner Morgan said that Commissioner George said that she did not want to give false hope to anyone but if they are presenting that amount of resources to give to the City, that she did not believe that it would be irrational to assume that they would want to pursue this matter in a more formal setting, even if they had to expend some resources.

Commissioner George said that she believed that the Commission owed the public some indication as to where they stand individually or collectively. She said that we have had three meetings on this where we could not talk about it because there were questions regarding the ethics of several Commissioners' participation. This is the second meeting where the Commission can speak and there have been a lot of opinions generated. She said that there is always going to be false information circulated on any topic, especially when it is a controversial one, but that she did not believe that most people's positions would change. She said that she understands that Commissioner Sweeny encountered one person that was open-minded to it when they heard the facts, but the people who use the boardwalk every day are not going to change their minds and that it a lot of people. She advised that she is comfortable in her decision and would like to communicate that she would not be able to support this based upon the facts that she knows and that her motion would be that we would not spend further time on it.

Motion: That based upon facts as we know them, there is no interest by the City Commission to relocate the Boardwalk. Those facts include: that the center concept could jeopardize future and present funding; we are aware of a gross majority in the community who are opposed to it including what might be an estimated 3,700 signers of a petition against it and 900 listed 32080 as their zip code; that the memorandum from the Police Chief states very clearly that a relocation or the location of any point of the boardwalk would have no impact on the security concerns that Sea Colony is speaking of and those concerns would be best addressed with their own fencing improvements and greater security enhancements at their own beach access points; that this informal group is refusing to give a guarantee of funding for the total cost involved; that they had originally stated \$600,000 and the letter in today's packet reflects a \$500,000 figure so it is actually decreasing; that our City Charter opposes the removal of beach access points; that grant funding in Florida is typically scored higher based upon the number of beach access points and therefore to remove any one beach access point or swapping one out would not square well with the Charter. **Moved by Commissioner George. Motion failed for lack of a second.**

Mayor Samora said that he appreciated everyone weighing in on where they stand on this and that there is no way that the public has all the information, but they may have all the information that they care about. He advised that we do not know if this is going to jeopardize grant funding and we do not have the information to even submit a request for an opinion to the entity that provided the grant money. He said that there is an asset out there that is going

to need repairs or replacement at some point and that the City is going to have to either pay for it or abandon it at that point. Commissioner George said that we have that on all of our beach walkovers and that the State and the Department of Environmental Protection (DEP) have a policy of preference for raised walkovers because it keeps people out of the natural ecosystem. Mayor Samora advised that we requested that staff provide information regarding the lifespan of the current boardwalk, what the replacement costs would be, but that we did not get that information. He said that he did not think that that was too much to ask and that it would go into his decision as well. Commissioner George said that we need a separate delineation of what the longevity is of the marine-grade piers because it is not pressure treated wood for the decking, it is Trex brand composite decking material. Mayor Samora advised that one reason this came up is because the disrepair of the handrails was brought up by a citizen at one of our meetings and what the replacement costs would be prior to the discussion regarding moving the boardwalk. Commissioner George said that she did not believe that that was a recommendation from staff. Mayor Samora said that it was a comment from the public which prompted a short discussion regarding the cost of repairs to the current boardwalk. He advised that it just weighs into the decision but is not a determining factor for him. He said that when Phase 2 of the Park came before the Commission for approval, that the Bermuda Run residents showed up asking for more than the twenty-five-foot buffer for their community and that the Commission agreed. He said that now Sea Colony is asking for not only the same consideration but offering to pay the expenses associated with it and that they deserve to have equal consideration. He said that he would like to have the rest of the information gathered so that we can make an informed decision.

Vice Mayor Rumrell advised that his direction is to not have this as an agenda item until we have the facts because people come and sit through all these meetings, and they are in the same spot that we are. He suggested that as a courtesy to everyone, to come back with one meeting that has been vetted by legal, staff, etc., and if the grants are in discord, then it would be the end of game. He said that until we get to that point that he would prefer not to have it as an agenda item because all we are doing is causing more ruckus.

Mayor Samora said that the longer it stays unresolved, the longer it is going to stir up the community and he asked the City Attorney if a motion would be needed. City Attorney Blocker said that it is an agenda item, and it might be helpful to table it and give direction to staff or until there is a formal proposal.

Commissioner Sweeny agreed with the Vice Mayor's comments and that she did not want to keep doing this until we have something that we could take action on.

Commissioner George said that if the City receives a proposal that is capable of being vetted, then what is the process of evaluating its impact on our past, current, and future grant funding and are we putting ourselves in jeopardy. She questioned whether we should let FCT and others know that this is something that we are entertaining and if it could be vetted without much of an appearance of endorsements. City Attorney Blocker advised that the biggest issue with getting a definitive answer is to get something from their legal team stating that this is not jeopardizing any funding that is in place, and to fully vet and understand what is being proposed and considered. He said that he did not think that asking would jeopardize the funding because it would be the Commission and staff doing their due diligence and is completely reasonable to ask. Commissioner George asked how much of a sure response would we get. City Attorney Blocker recommended getting it in writing. He said that because this is public land, public money, and the implications of the underlying issues of the grant, that it is important to have something in writing that these changes are not jeopardizing the City's funding. Commissioner George asked if that would be something that his office would

do. City Attorney Blocker advised that he could work with the City Manager on it. Commissioner George asked if would fall under the City's regular contract or would it be additional legal fees. City Attorney Blocker advised that as long as we have a proposal that we can understand that it would help us get information from the grantor.

Commissioner George asked the City Attorney if he would recommend that if the proposal gets codified that it should come back to the Commission for review before staff engages any more time vetting it. City Attorney Blocker advised that it could be vetted by individual Commissioners and staff without the Board taking action at that time. He said that the purpose of reviewing it is to see what the implications are and if there are any legal concerns because of private citizens partnering with the City. He said that the Commission may decide that it is not worth putting it as an agenda item unless there is interest in moving forward. He said that each Commissioner asked specific legal questions and that we do not have anything that we could vet legally and that he and staff have made efforts to get more information.

Commissioner Sweeny said that if there is an actionable proposal that is brought forward that we would want to see it and discuss it before we show it to any agency because we may want to tweak the proposal. City Attorney Blocker said however the Commission wants to proceed so that you have the answers to make an informed decision. Commissioner Sweeny said that one of us could individually ask for it to be an agenda item.

Mayor Samora suggested that the Commission should entertain a motion to table this item. Commissioner George said that she did not believe that a motion was needed. City Attorney Blocker advised that it could just be tabled, or it could be formally done by a motion. Mayor Samora asked if we should specify it to be tabled until we have a proposal or a legal opinion or is it better to table with not action. Commissioner George suggested to table it with no action. Vice Mayor Rumrell advised that he did not want it to impede what the City must do for the grant.

Commissioner Sweeny advised that the action requested for the item was whether we need more information and that we have decided yes; and whether we are ready to schedule a one-topic special meeting and that we are not. She said that we have managed the action items that were publicized.

Commissioner Morgan added that what Commissioner George asked the City Attorney was if we should be talking about this now or waiting until we have a more formal proposal before we reach out to FCT because she wants to ensure we do things in the right order. She said that before she would feel comfortable considering all the other items listed in the previous motion that she would want to know if it would jeopardize the funding and that she did not know if that would be something we would need to do first.

Commissioner Sweeny said that if they bring forth a proposal, then staff and the City Attorney would review it, send it on to those agencies for review, and that the act of inquiry would not be of any jeopardy. She said that our questions would be answered and then brought back to us.

Mayor Samora advised that there will be no action tonight and that we would wait and see if there is a proposal. City Manager Royle advised that it is his understanding that we are waiting for the proposers of relocating the boardwalk to make a more substantial proposal. Commissioner George said yes, the emphasis is on them and that we do not need staff to do anything or write the proposal for them and that it needs to be communicated very clearly because it would be a conflict of interest. Mayor Samora said that he thinks that the donators were supposed to get with staff and the City Attorney. City Manager Royle said that if they

give us a proposal that he and the City Attorney would deem whether it is sufficient enough to send to the Florida Communities Trust (FCT) and if not it would go back to the citizens.

Commissioner Sweeny said to be fair and not further waste anyone's time and because this is the first that many have heard the need for this, that she wants to make sure that everyone understands what they need and what constitutes an actionable proposal and perhaps if they seek out an attorney that they may be able to provide them the clarity that they need or that we could provide them with what they need. She said that if this is what moving forward hinges upon, that she wants to ensure that everyone is clear as to what is needed. City Attorney Blocker said to be clear the difficulty is that this is not the Homeowners' Association (HOA) that we would be partnering with and that that would add clarity to this. He said that he did not know whether any of us are sure what the next steps are to be taken by these private citizens and it is difficult to give them direction and if they are interested in bringing a proposal to the City that there are some steps that they are going to have to take and that he could hopefully point them in the right direction. He advised that there are examples of this throughout the State and that it is a fairly common situation for entities to form and partner with local government, but that he could not advise them. He advised that his representation is with the City, not with the private citizens, and that he would not want to create a conflict. Commissioner Sweeny agreed and said that she wanted to ensure that it is understood that the expectation is that they would need to form some sort of legal entity and that the City cannot ethically accept a private donation of that sum with just a letter. City Attorney Blocker advised that this Commission, independent of any citizen, could make a decision to move the boardwalk and present the plan to the funding entity. He explained that when you bring private citizens in that want to fund it and/or provide direction for it that there becomes a potential challenge to the funding. He said that he could not give them any advice but that he could encourage them, and that public/private entities are a great way to go and could be very effective.

A citizen spoke away from the microphone and was not audible for the minutes. Mayor Samora advised that Public Comment is over and that any citizen could contact individual Commissioners or staff and that the contact information is on the City's website.

Mayor Samora thanked everyone for their input, and he moved on to Item XIV.5.

5. Undergrounding of Power Lines Along A1A Beach Boulevard: Continuation of Discussion (Presenter: Max Royle, City Manager)

City Manager Royle advised that the one-cent sales tax did not pass and if it had, then it would have been a potential revenue source to proceed. He asked if the Commission is interested in proceeding and what would be the next step for staff. He said that if the Commission wants to proceed, that he would recommend getting information because we cannot ask the voters to decide until we have all the information. He said that we would put funding in the FY 2024 budget to hire a consultant to develop a proposal for what all the steps would be, the potential cost to underground utilities, and a potential means to pay for it (i.e. grants, etc.).

Mayor Samora said that undergrounding of powerlines has come up repeatedly and we finally made some progress getting some information this past year. He asked for Commissioner discussion as to whether this is still a big topic for us and if we want to budget for a consultant for FY 2024. He said that this is something that is important, and that the community seems to have some interest in it. He said that the City Manager has recommended that we gather more information which is way outside of the scope of City staff and would lead him to support bringing in a consultant. He said that the City Manager believes that it would be enough time for a consultant to put the information together to go to a referendum on 2024

ballot. City Manager Royle advised that that is assuming that there is really only one feasible way to fund it, with an ad valorem tax. By asking the voters to approve an additional quarter or half a mill to pay for it with the additional understanding that they themselves would have to bear additional costs to connect their building to the underground system. He questioned whether the entire City would have to pay that tax or only a certain number of the properties along the Boulevard. He advised that some of the subdivisions already have underground utilities and he asked what the scope of the referendum would be, whom do we ask, and is ad valorem taxation the only way to fund it. Commissioner George advised that those would all be good questions for the consultant, but that those thoroughfares would be used by everyone including those that already have underground utilities. Mayor Samora said that there may be other funding sources that we are completely unaware of.

Commissioner Sweeny asked what the anticipated cost would be for the consultant. Commissioner George said that she recalls that they gave a range of \$10,000 to \$30,000 for the initial phase. City Manager Royle advised that he would find that out and that he would contact other similar cities that have used a consultant and find out what it entails. Commissioner George advised that it is a reasonable investment to make and that the data we get would be applicable for many years into the future.

Mayor Samora opened Public Comment.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, a few meetings back when the City talked about undergrounding utilities, there were some people that did not have the money for it; asked if there was any potential for a tax rebate for residents to deduct the cost over a ten-year or twenty-year period; undergrounding is something that we have to eventually deal with.

Mayor Samora closed Public Comments.

Commissioner Sweeny asked if the City has a legal obligation and is that option available to us. Commissioner George advised that we are not allowed to do that legally. City Attorney Blocker advised that he is not aware of that being an option. Commissioner George advised that the City could pay the cost and then the homeowner could pay the City back over twenty years which would make it affordable and lessen the hardship.

Mayor Samora advised that the Commission would move forward with the City Manager's suggestions. He moved on to Item XVI.

XV. NEW BUSINESS

XVI. STAFF COMMENTS

City Manager Royle advised that he appreciated the kind remarks regarding Ms. Conlon's efforts for a good "Light Up the Night" New Year's Eve event. He said that Ms. Conlon advised him that the overall comments were very favorable with a few that were upset that we did not have food trucks, etc. and that she would be back to give the Commission an update.

Chief Carswell thanked Director Tredik's staff at Public Works for the "Light Up the Night" event. He advised that local, County, and Federal agencies all come together to help keep everyone safe and that we had zero incidents and that it was a bigger turnout this year than last year. He advised that the Ron Parker Day event is Thursday, January 12th, at 11:00 a.m.

City Attorney Blocker congratulated Commissioner Morgan and thanked the Commission for their service.


Mayor Samora thanked everyone for their vote of confidence to allow him to be their Mayor again and, after a meeting like tonight, he appreciates this Commissions ability to work through things. He reminded everyone of the upcoming SEPAC meeting January 10th at 6:00 p.m.; the Ron Parker Day event on January 12th at 11:00 a.m.; the Martin Luther King, Jr. holiday January 16th and that City offices will be closed; and the Planning and Zoning Board meeting January 17th at 6:00 p.m.

XVII. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

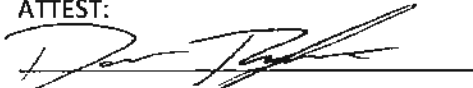
Motion: to adjourn. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora adjourned the meeting at 8:35 p.m.



Donald Samora, Mayor

ATTEST:



Dariana Fitzgerald, City Clerk

ST. JOHNS COUNTY, FL

Shore Protection Project (St. Augustine Beach)

Presentation for: St. Augustine Beach Commission

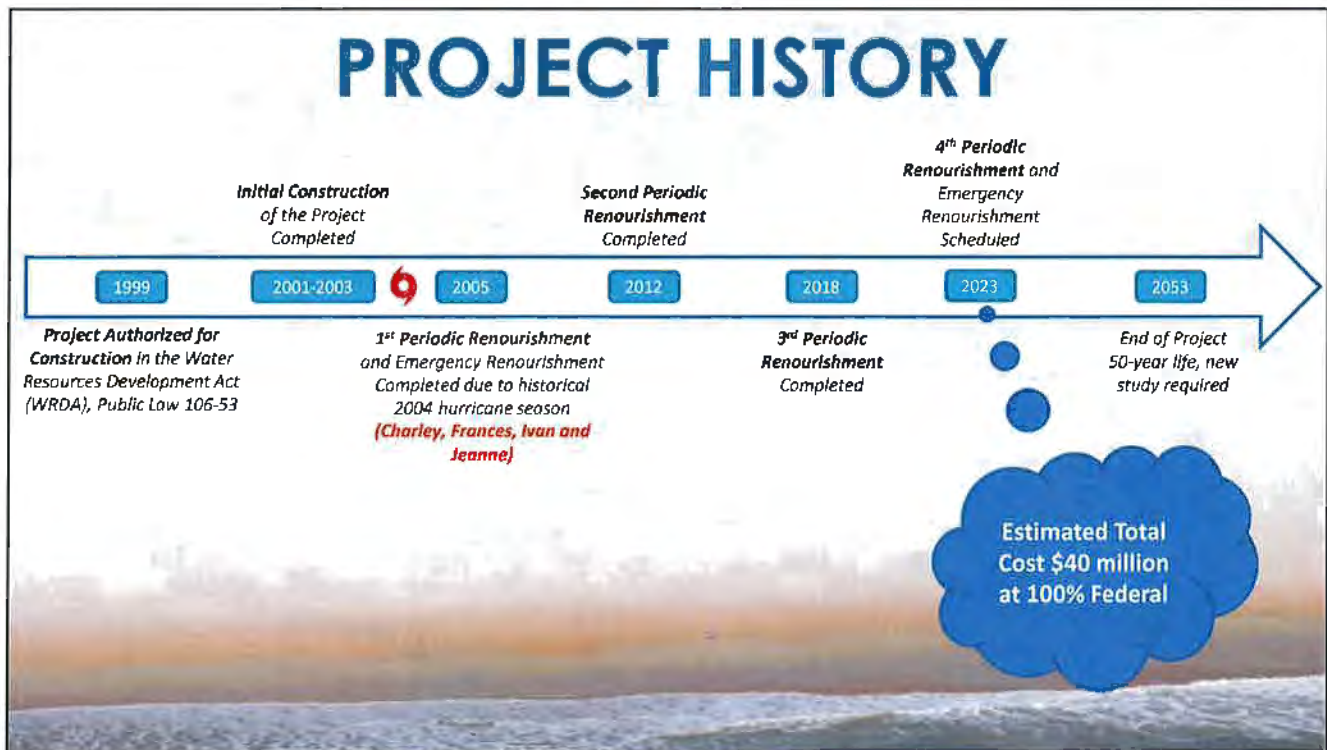
Jason Harrah, Senior Project Manager
U.S. Army Corps of Engineers
Jacksonville District
Jason.S.Harrah@usace.army.mil





January 9, 2023

1



2

Exhibit A-1
Date 1-09-2023

KEY FACTS

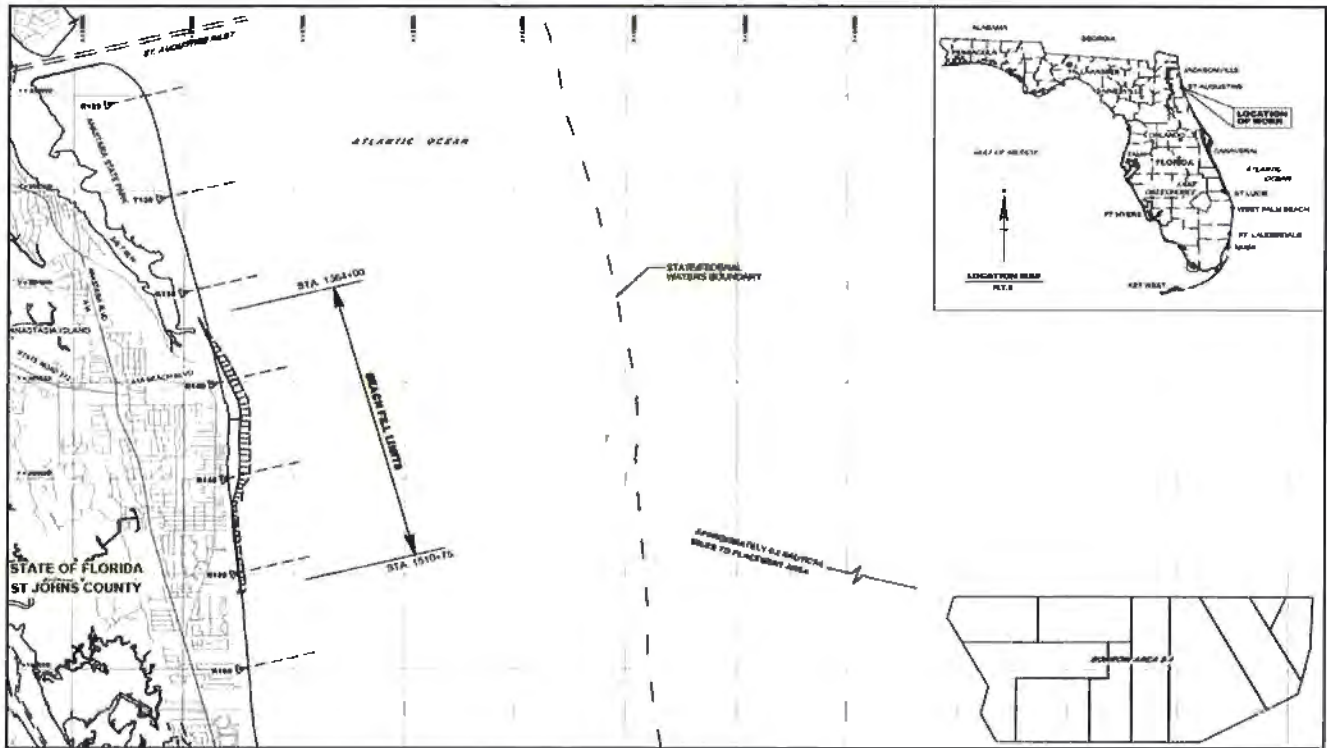
- **Project Non-Federal Sponsor:** St. Johns County (Board of County Commissioners)
- **Initial Construction Completed:** 2001 - 2003
- **Project remains authorized for 50 years** after completion of initial construction (2053)
- Renourishments authorized **every 5 years** (could be sooner if conditions warrant)
- **Project Cost Share: 80.5% Fed – 19.5% Non-Fed**
- Project Qualifies for Emergency Renourishment Funding (Stafford Act) after named storms w/Presidential Declaration and Approved Project Information Report (PIR) – **100% Federal**
- **Sponsor required to maintain project** between construction events (check signage, tilling, vegetation, condition monitoring, environmental monitoring, etc.)

3

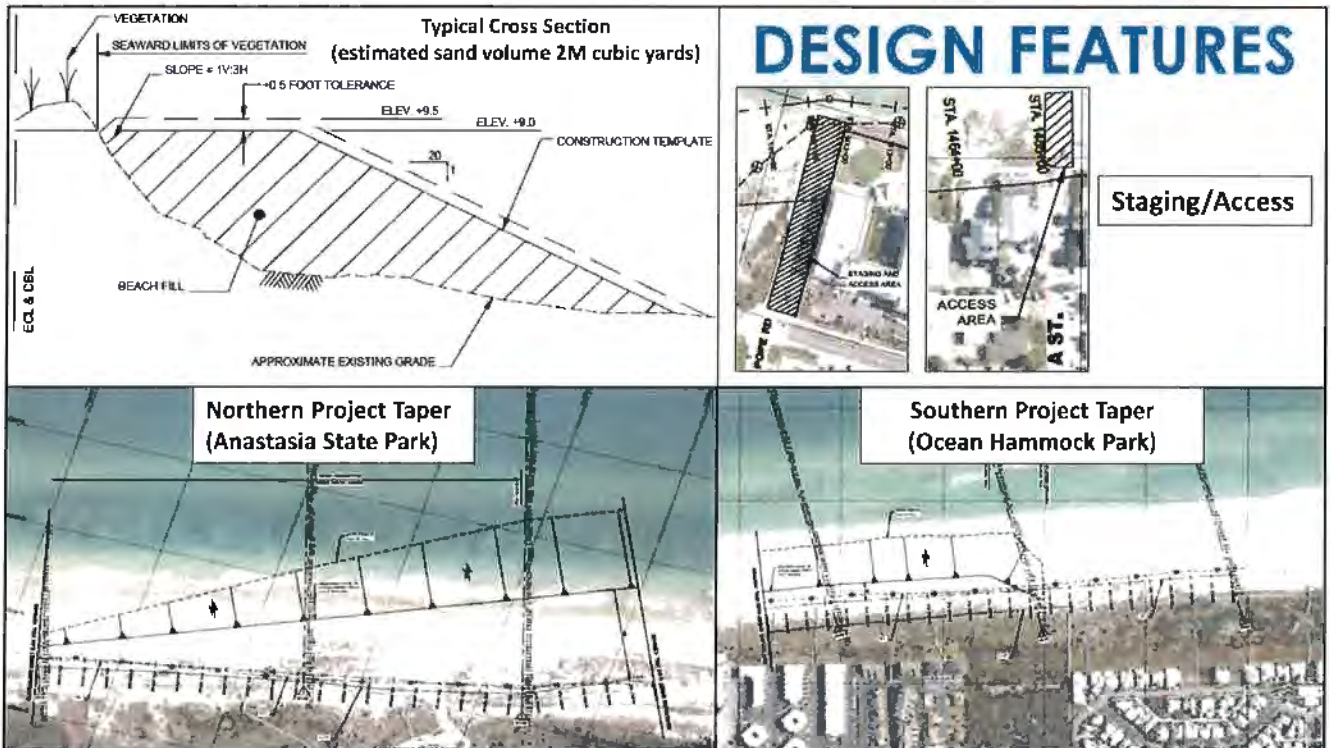


4

Exhibit A-2Date 1-09-2023



5

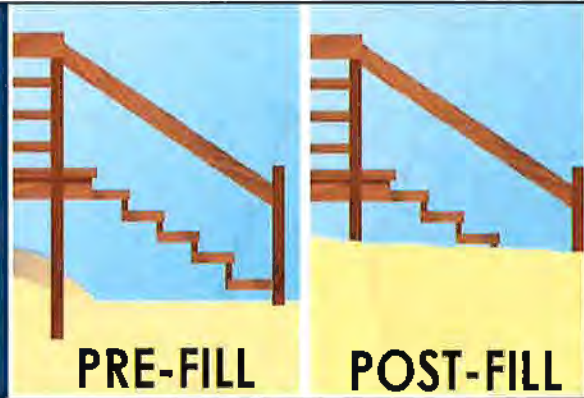


6

Exhibit A-3
Date 1-09-2023

DUNE WALKOVERS

- The contractor will place sand on, around and underneath each walkover to maintain a continuous protective dune.
- Sand will naturally equilibrate and expose walkover steps over time.
- Photos will be taken of each walkover prior to construction.
- The contractor is bonded and insured if damage occurs as a result of construction activities.



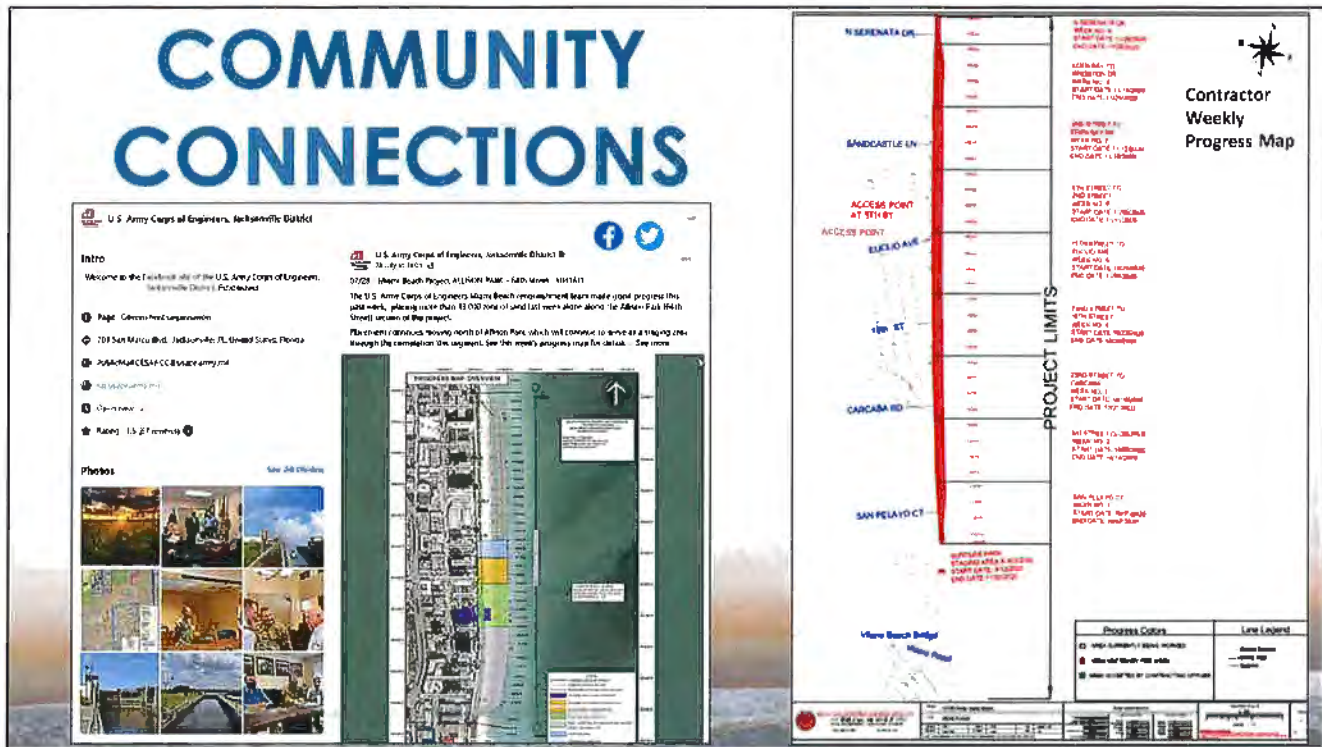
7

SCHEDULE

| | Start | Finish |
|--|---|---------------|
| St. Johns County Provides Lands Certification to USACE (Easements, Staging/Access Locations) | January 6, 2023 | |
| Contract Plans/Specifications Completed and Certified | February 10, 2023 | |
| Procurement Package Review | February 13, 2023 | March 6, 2023 |
| Contract Advertisement | March 7, 2023 | April 6, 2023 |
| Bid Opening | | April 6, 2023 |
| Contract Award | | May 9, 2023 |
| Contractor Mobilization | Approximately mid-July 2023 (or sooner) | |
| Construction Period | Approximately January 2024 (sooner or possibly later w/weather) | |

8

Exhibit A-4
Date 1-09-2023



9

WHAT TO EXPECT WITH BEACH CONSTRUCTION

DURING

- Contract will stage equipment near the beach (metal pipe, trucks, etc.)
- Construction **will likely occur 24/7 until complete, backup alarms, lights, noise.**
- Sand will be pumped onto the beach from offshore and graded into place by bulldozers and other equipment.
- Sections of the beach will be closed off while working (~1,000 sections w/crossovers).
- Updated progress maps will be published on social media and local news.
- Safety personnel will be on site to direct the general public away from potential hazards.

AFTER

- Beach will **naturally reshape and equilibrate quickly due to severe erosion.**
- Escarpsments will form along the new template (**sponsor is responsible to remove and maintain beach template after construction**).
- Any dune repairs (above 9 ft. NAVD88) and vegetation will be completed by the County/City as desired.
- Walkovers will naturally become exposed as sand erodes.
- USACE and Sponsor will monitor the beach frequently to determine when renourishment is needed or soon after major storm events.

10

Exhibit A-5
Date 1-09-2023

KEY STAKEHOLDERS



Completes Study, Design,
Permitting, Construction



Permits Sand
Placement on Beach



**NOAA
FISHERIES**

Permitting,
Threatened/Endangered
Species, Laws/Acts



Non-Federal Sponsor



Environmental
Permitting



Permitting,
Threatened/Endangered
Species, Laws/Acts



Key Community
Stakeholder



Historical Resources

Required Coordination to avoid
impacts to cultural significant areas.



BOEM
Bureau of Ocean Energy Management

Permitting for Offshore Sand
Barrow Area



Permits sand placement on
Anastasia State Park.

LEARN ABOUT & PREVENT

AAUW
Care Connect+

HUMAN TRAFFICKING

Florida is 3rd highest state
for Human Trafficking
AND IT'S HERE



PANELISTS

St Johns County Sheriff Officer
Attorney

Service Provider

UCF Ctr for Human Trafficking
St Johns County School District
Freedom 7 Human Trafficking
Task Force

JANUARY 2023

SAT 14TH

10-12 Noon

St Johns County Health &
Human Services Building
200 San Sebastian View

STAUGUSTINE.FL.AAUW.NET

Exhibit B
Date 1-09-2023

Phase II

Phase II adds $\approx 5,000 \text{ ft}^2$ of concrete walkway & pads

Phase III

Phase III adds

- $\approx 13,500 \text{ ft}^2$ of concrete
- $\approx 5,000 \text{ ft}^2$ of crushed granite
- $\approx 3,000 \text{ ft}^2$ of new boardwalks
- $\approx 1,980 \text{ ft}^2$ of new boardwalk thru wetlands

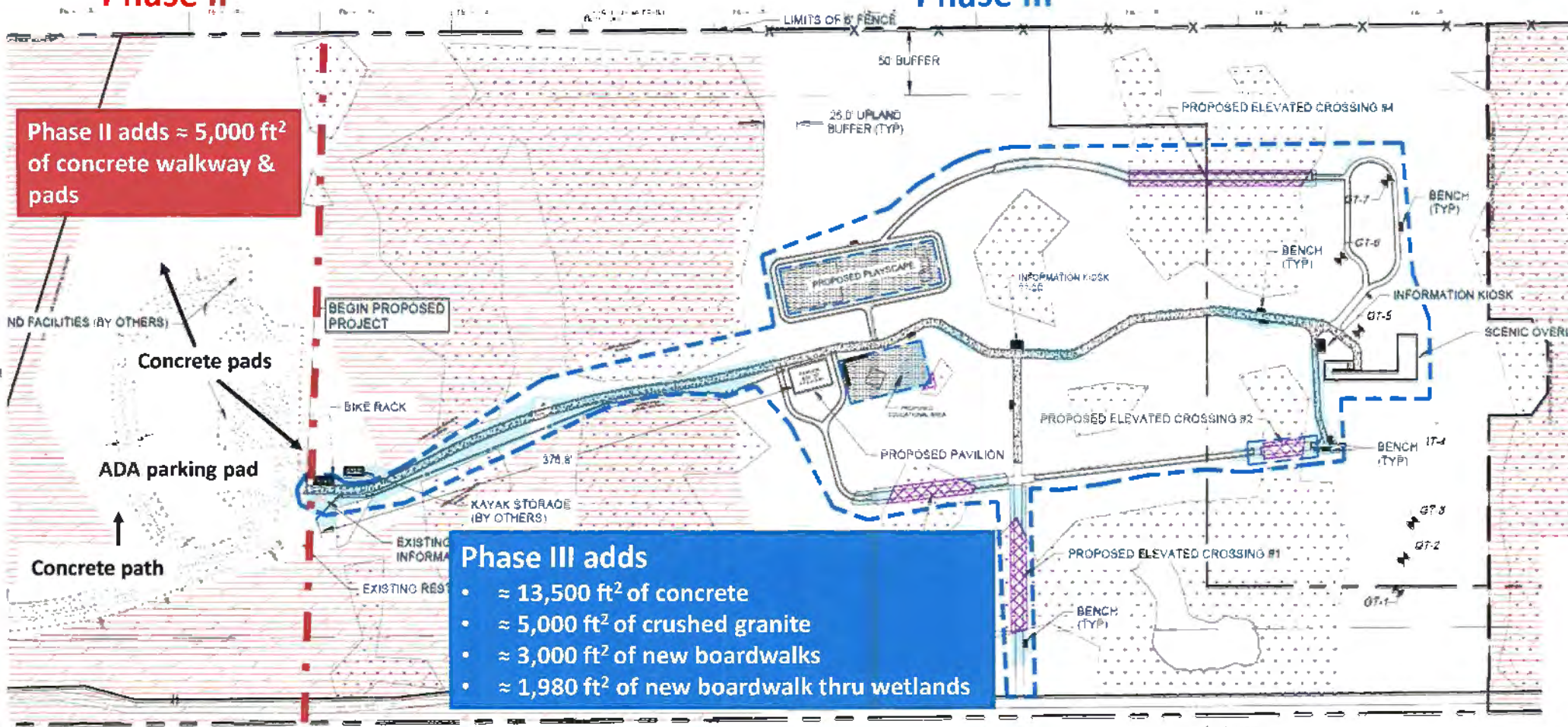


Exhibit C-1

Date 1-09-2023

Hybrid Plan

Hybrid Plan

- Preserves key amenities
- Makes park more efficient
- Creates equity between neighborhoods
- Eliminates $\approx 4,500$ sqft of boardwalk
 - ✓ Avoids ≈ 780 sqft of new boardwalk
 - ✓ Restores wetlands by removing $\approx 8,640$ sqft of old boardwalk
 - ✓ Adds $\approx 4,920$ sqft of new boardwalk

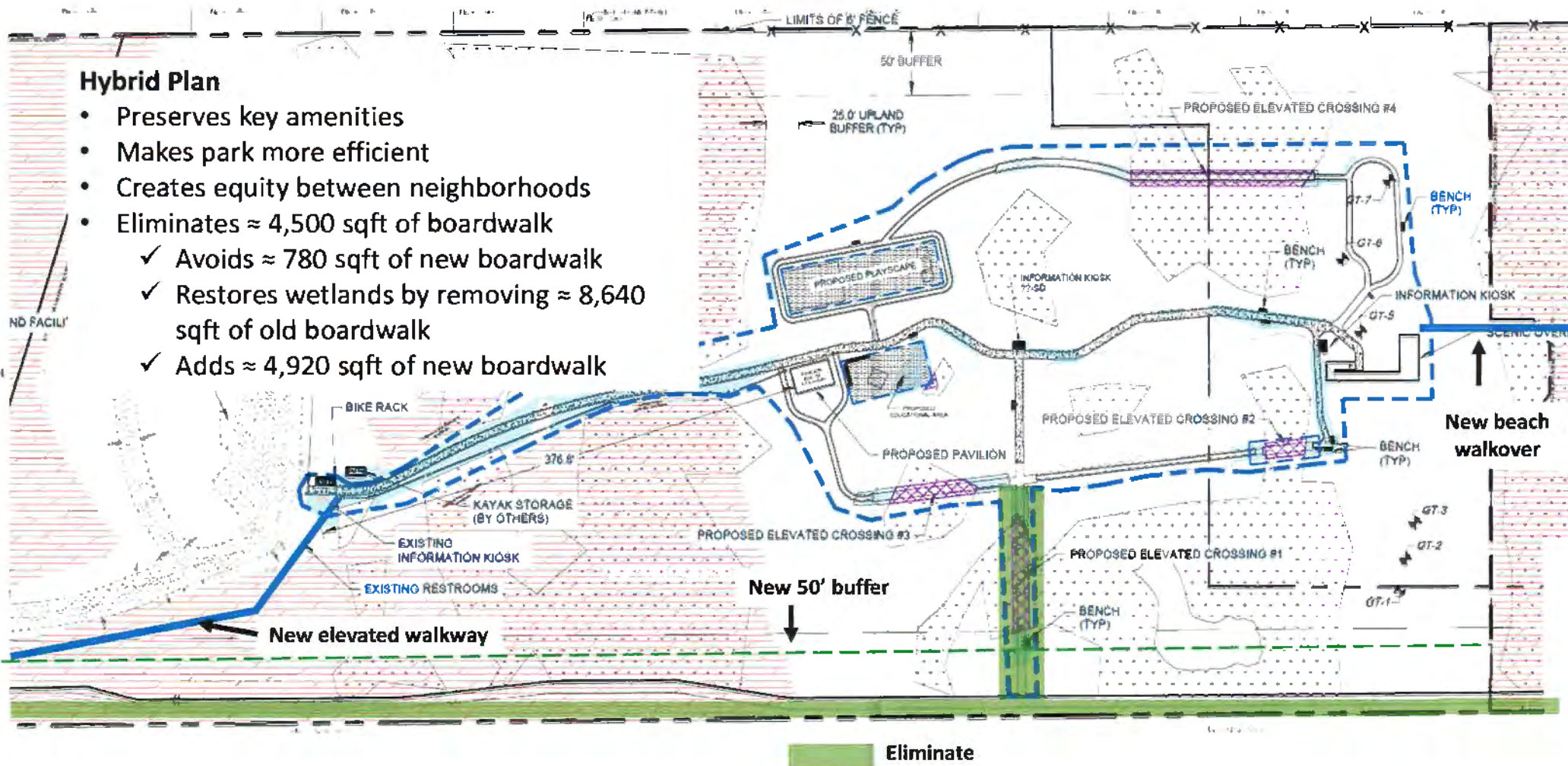


Exhibit C-2

Date 1-09-2023

Agenda Item # 10

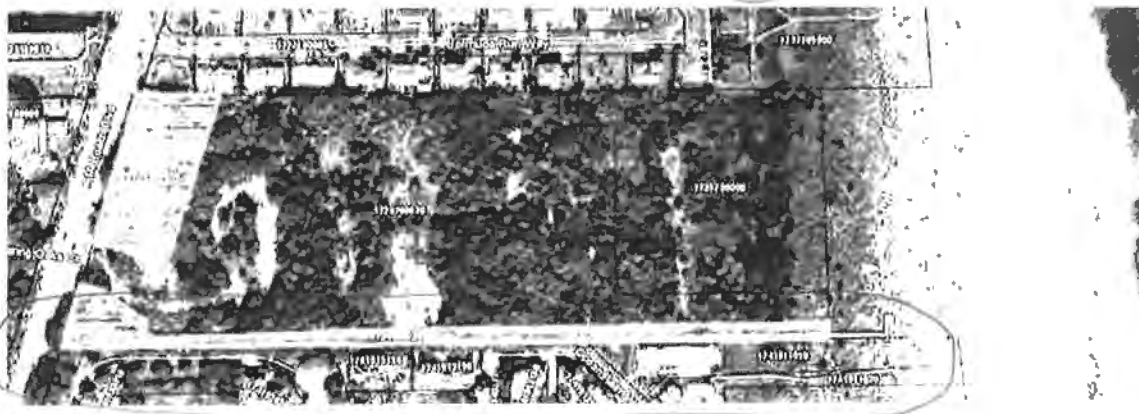
Meeting Date 9-12-22

MEMORANDUM

TO: Max Royle, City Manger
FROM: William Tredik, P.E. Public Works Director
DATE: September 12, 2022
SUBJECT: Ocean Hammock Park
Consideration of Sea Colony Funding for Beach Boardwalk Relocation

BACKGROUND

Ocean Hammock Park is an 18.2 acre park located between A1A Beach Boulevard and the Atlantic Ocean. In 2006, the park site was permitted for development as Maratea, a 72-unit condominium complex with a clubhouse, pool, detached garages and parking lots. The proposed development would have developed all of the available upland portions of the property. As part of the Maratea's development plan the property owners dedicated 2.2 acres along the front and southern boundary for conservation and the construction of a public beach access.



By 2008, the Country was in recession, construction of Maratea had not commenced, and the City expressed interest in purchasing additional property for development of a City park. A City referendum was approved levying up to ½ mil for the purchase, and the City commenced negotiations with the landowner. In 2009, the City purchased 11.5 acres in the center of the property for \$5.25 million, \$4.5 million of which came from the Florida Communities Trust (FCT).

This (FRDAP property) Not
Where Boardwalk is

property
center
of park

Exhibit D-1

Date 1-09-2023

2:55



Done Ocean Hammock Park...



**NOTICE OF LIMITATION OF USE/
SITE DEDICATION**

This Notice of Limitation of Use/Site Dedication gives notice that the Real Property identified in the project boundary map and legal description, attached hereto as Exhibit "A" (the "Property"), has been acquired by or developed with financial assistance provided by the Florida Legislature, through the Department of Environmental Protection, under the grant program called the Florida Recreation Development Assistance Program (FRDAP). In accordance with section 375.075, F.S., and chapter 62D-5, F.A.C., the Property is hereby dedicated to the public in perpetuity as an outdoor recreation area for the use and benefit of the general public, unless leased property, which will be dedicated for a period of 25 years. The Property is subject to all applicable terms of the statute and rule cited herein.

dedicated to the
public in
perpetuity
for general public

DEDICATOR


Original signature

Max Royle
Printed name

City Manager
Title


Witness
Printed Name: Melissa Burns


Witness
Printed Name: Margaret Cadwallade

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me on January 14
by Max Royle, who is personally known to me or who produced
_____ as identification.

Stamp: NOTARY PUBLIC, STATE OF FLORIDA
 Sharon K. Widdifield
Commission # DD570774
Expires: AUG. 14, 2010
NOTED THIS ATLANTIC BORING CO. 111


Notary Public, State of Florida

FPS-A01R



Exhibit D-2
Date 1-09-2023

To give you a brief overview of FRDAP requirements, once a property receives FRDAP funding it must be dedicated, in perpetuity, to public outdoor recreation uses (assuming, as is the case here, the property is owned in fee simple by the applicant). In addition, the city is required to maintain the facilities, in this case the boardwalk, for a minimum of 25 years. There is a rule governing what a local government must do in order to have FDEP release those restrictions. Rule 62D-5.059(3), Florida Administrative Code provides as follows:

(3) CONVERSION. Should a grantee . . . convert all or part of the project site to other than public outdoor recreational uses, the grantee shall replace the area, facilities, resource or site at its own expense with [a] project of comparable scope and quality.

Generally, this means that if the city wants to sell the land and remove the boardwalk, it would need to replace that land and boardwalk, at its own expense, with replacement property and another boardwalk of comparable scope and quality. Replacing the boardwalk with a boardwalk at the adjacent FCT site would generally not be considered "at its own expense" because the property was purchased with state funding assistance, not solely by the city.

The process generally flows as follows. The City would make a proposal to FDEP showing where the boardwalk would be replaced and the plans for replacing it. FDEP would then decide if the proposal meets the requirements of the rule. Typically FDEP will not release restrictions on a site until the replacement site is complete and open to the public.

Late last week Land and Recreation Grants staff had a preliminary meeting with city staff and explained the process and the requirements. At this point, the city needs to make some decisions about how they wish to move forward.



Lois La Seur
Florida Department of Environmental
Protection

Office of General Counsel

Senior Assistant General Counsel
Lois.laseur@FloridaDEP.gov
Office: 850-245-2256

Comparable scope & quality
would be new pt to pt elevated
fence & boardwalk

Exhibit D-3
Date 1-09-2023

10:34



Done 9-12-22 Tredik propo...



This document outlines a charitable donation to the City of St. Augustine of Ocean Hammock Park by the families of Lisa and Matt Bond, Dave and Kathy White all residents of St. Augustine Beach in following:

- 1) A new walkway down the center (north to south) of the ocean front with a direct exit to the beach in the same
- 2) Removal of the current aging walkway (after the new walkway property that runs west to east and returning this area
- 3) The establishment of a permanent buffer to the north a space for wildlife between the adjoining subdivisions;
- 4) A pavilion with picnic tables directly off the center walk
- 5) A play area for children directly off the center walkway

The attached map provides for the approximate placement of

Should any of the above listed items 1-3 be revised or change listed above the full donation above must be returned.

Additional funding has been received for the development of a area adjoining the walkway in the center (north to south) by the

This is a win-win for everyone, and we believe a great opportunity for the community to deliver a beautiful park in a natural setting for the residents and visitors for years to come. It has been an honor for the members of the city to bring this park from an idea to a reality.

Sincerely,

Matt and Lisa Bond

David and Marcia Campbell

Dave and Kathy White



Three

con. builders

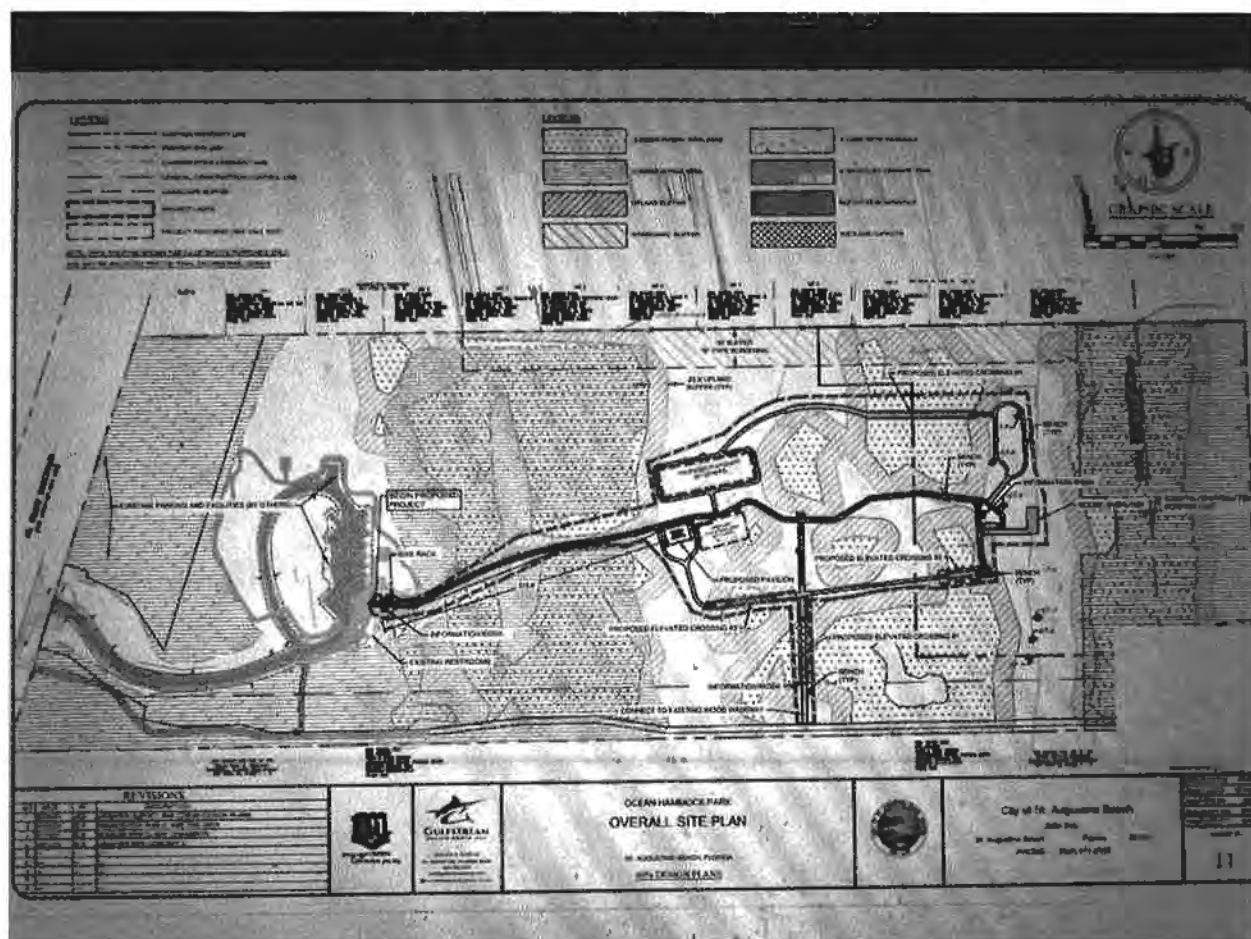
with conditions

Strings Attached



Exhibit D-4

Date 1-09-2023

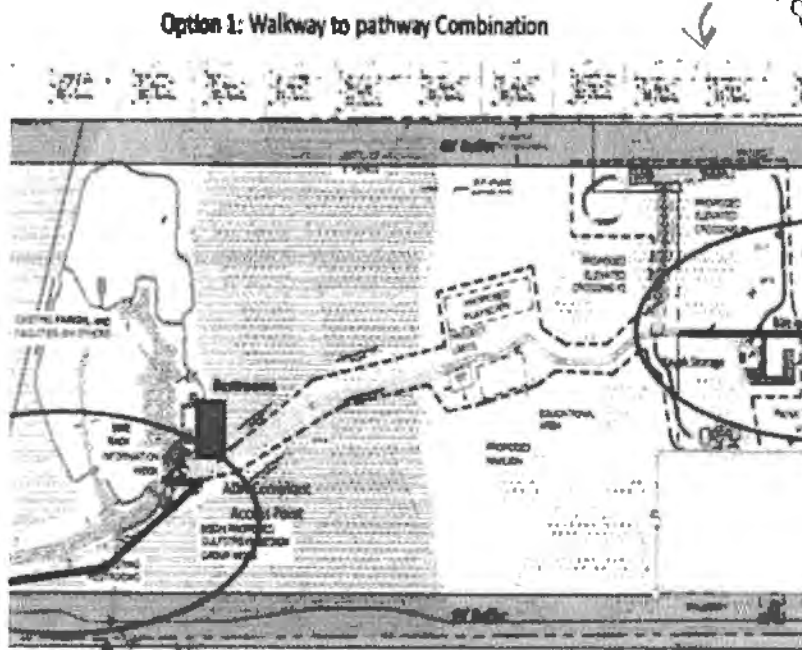


Existing Permit 101495-5
avoids done out through
of going the reservation
area

Exhibit D-5

Date 1-09-2023

demo boardwalk
proposal
would require below in



New walkway
connecting to central
pathway

- Very minimal adjustment to original draft plan
- Create easy access from parking w/ direct access to wetlands area
- Direct connection from Hassock Park (from ASA)
- Convenient location for restrooms at start of access point
- Open ground for easier maintenance and less disruption to wetlands and wildlife
- Easy cost-effective connection to overlook, bike rack, kayak storage and picnic area
- Maintains natural space for visitors to enjoy wildlife and a place for wildlife to live
- Re-establishes the wetlands area for wildlife



SAVED AREA
benefit
environment
adding construction
in center
benefit
losing wetlands
new
walkway
level

Would be
added as result
of losing
existing ground

1A.0010 0101
1A.0010 0101
1A.0010 0101

No longer
relatively strong
elevated platform
in wetlands

John Grant
Chair
Glenton "Glen" Gilzean, Jr.
Vice Chair
Michelle Anchors
William P. Cervone
Don Gaetz
William "Willie" N. Meggs
Ed H. Moore
Wengay M. Newton, Sr.
Jim Waldman



State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, Florida 32317-5709

325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

"A Public Office is a Public Trust"

Jim
Kerrie J. Stillman
Executive Director

Steven J. Zuilkowski
Deputy Executive Director/
General Counsel

(850) 488-7864 Phone
(850) 488-3077 (FAX)
www.ethics.state.fl.us

November 18, 2022

Mayor Donald Samora
City of St. Augustine Beach
2200 A1A South
St. Augustine Beach, FL 32080

BY MAIL

Dear Mr. Samora:

This letter is written in response to your recent ethics inquiry. You are the Mayor of the City of St. Augustine Beach and a member of its City Commission. In your letter, you state that residents from your neighborhood are requesting that the City Commission partner with the neighborhood to move the neighborhood's local boardwalk. According to your inquiry, many of the neighborhood residents cite safety concerns as their primary reason for wanting to move the boardwalk. You state that the neighborhood would provide approximately \$600,000 for this project. However, if these funds prove to be insufficient to complete the project, you state that the City Commission would then consider providing funding to the project.

With this background, you ask if your voting on the above issues would present a conflict of interest for you as a resident of the neighborhood in question.

Relevant to your inquiry, Florida's voting conflicts statute, Section 112.3143(3)(a). Florida Statutes, states:

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being

Completely
Wrong

Exhibit D-7
Date 1-09-2023

taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

This provision prohibits local public officers from voting on any matter that would inure to the "special private gain or loss" of the public officer, or that he or she knows would inure to the "special private gain or loss" of a relative, among which is a spouse; a business associate; or a principal by whom the public officer is retained.

"Special private gain or loss" is defined in Section 112.3143(1)(d), Florida Statutes, as:

an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

There is nothing in your facts to suggest that the vote on the proposed project would inure to your special private gain or loss. The Commission has previously held that any gain resulting from construction or development near property owned by a public officer was too remote and speculative to be said to inure to the special gain of the public officer. For example, in CEO 14-19, the Commission found that a gain or loss from the installation of a new baseball stadium near a property owned by a city commissioner would be remote and speculative. See also CEO 06-08 and CEO 06-20. Similarly, in order for you to incur a voting conflict, the moving of the boardwalk would have to result in a special private gain or loss to you. Since the Commission has previously opined that such a gain or loss is too remote and speculative, you will not incur a voting conflict under this analysis.

Section 112.3143(1)(d) also requires an examination of the "size of the class" and the degree to which the interests of all members of the class are affected by the vote in determining whether a matter inures to a public officer's special private gain. The Commission has previously opined that where the class of persons affected was sufficiently large, no special gain was deemed to occur. See CEO 18-14 and CEO 13-20. Furthermore, in past opinions the Commission has also found that the threshold for special gain occurs when the official constitutes 1-2% of the class affected by the vote. See CEO 90-71. During a phone call with Commission staff you indicated that there are 225 homes in the neighborhood that would be

Exhibit D-8

Date 1-09-2023

Mr. Donald Samora
November 18, 2022
Page 3

affected if the boardwalk were to be moved. With your home being only one of the 225, your interest constitutes approximately 0.44% of the class, and there is thus nothing in the facts that you have provided that suggests that you will enjoy a special private gain.¹

Based on these facts and assumptions, it appears consideration of a vote on the proposed issue will not pose a voting conflict for you. If you have any other questions about this matter, please send me an email at zuilkowski.steven@leg.state.fl.us.

Sincerely,



Steven J. Zuilkowski
Deputy Executive Director and General Counsel

Exhibit D-9
Date 1-09-2023

¹ This figure is based upon your owning only one property in the neighborhood. If this is not the case, please contact



FLORIDA
COMMISSION ON ETHICS

OCT 14 2022

RECEIVED

City of St. Augustine Beach

2200 A1A South
St. Augustine Beach, FL 32080
www.staugbch.com

CITY MGR. (904) 471-2122
FAX (904) 471-4108

BLDG & ZONING (904) 471-8758
FAX (904) 471-4470

October 12, 2022

Florida Commission on Ethics Advisory Board,

Two commissioners are seeking an advisory opinion on the following issues:

1. Residents of a neighborhood are seeking a public/private trust to move one boardwalk and replace it with a new boardwalk. Would commissioners who are residents of the neighborhood have a conflict for the reasons stated below?
2. Would there be a future and different conflict if the private donation did not cover the cost of the partnership and the resident commissioners then are thrust into a position where they are voting on spending taxpayer money on the partnership?

The City of St. Augustine Beach has a five-member commission. In recent months, a proposal to privately fund a new boardwalk has been relayed to the commission. Two commissioners have the same potential conflict. They are residents of the neighborhood that is proposing the partnership. The potential conflict/s are based on the genesis and rationale for the proposal. The residents are making the proposal based on security issues. The two commissioners have not committed any time or support to the residents' proposal.

In requesting that City adopt the public/private partnership as an agenda item and ultimately vote on it, the residents have made public comment to the Commission. Over and over, the residents have cited a major need to move the boardwalk, because the current boardwalk places the neighborhood at a security risk. The consensus of the residents is that foot and bicycle traffic at the current boardwalk's location will inevitably encourage lawlessness by unruly patrons entering the neighborhood and causing disturbances. The purpose of the funding is to move the current location.

A second security concern has been cited that people are on the current boardwalk after hours and sometimes use the boardwalk to sleep. Residents cite to 911 calls and personal experiences of dealing with the misuse of the current boardwalk. The theory is that moving it will provide a security buffer for the neighborhood thereby creating a safer, overall neighborhood.

Opponents of the project ironically discount the need to move the boardwalk based on security and see it as a non-issue for the proposal. Opponents mainly cite to environmental concerns and in one case potential ADA compliance issues. There are many people providing public comment on each side. Would

adding new
board walk
through
conserv
areas

Opponents / opposition

not sure ^{only} main concern
losing elevated pt to pt

Exhibit D-10
Date 1-09-2023

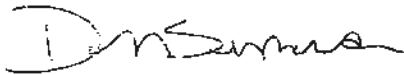
Rule 62D-5.059(3)

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the act of voting on \$600,000 plus gift to the city that has been stated on the record to provide security to the neighborhood as a whole provide a conflict of interest?

Secondly, the proposed partnership is vague on details at this time. It is unclear whether the earmarked money will completely support a project financially that the City is comfortable with. If the City came into a position that a vote would require committing taxpayer money, would a second conflict present itself? Would the ~~commissioner residents now voting to commit taxpayer money to a project with a stated~~ purpose of benefiting their neighborhood now have an enhanced conflict?

Sincerely,



Donald Samora

Mayor

xhibit D-11
Date 1-09-2023