



AGENDA

**REGULAR CITY COMMISSION MEETING
MONDAY, FEBRUARY 6, 2023, AT 6:00 P.M.**

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

NOTICE TO THE PUBLIC

THE CITY COMMISSION HAS ADOPTED THE FOLLOWING PROCEDURE: PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE COMMISSION UNDER "PUBLIC COMMENTS."

RULES OF CIVILITY FOR PUBLIC PARTICIPATION

1. The goal of Commission meetings is to accomplish the public's business in an environment that encourages a fair discussion and exchange of ideas without fear of personal attacks.
2. Anger, rudeness, ridicule, impatience, and lack of respect for others is unacceptable behavior. Demonstrations to support or oppose a speaker or idea, such as clapping, cheering, booing, hissing, or the use of intimidating body language are not permitted.
3. When persons refuse to abide by reasonable rules of civility and decorum or ignore repeated requests by the Mayor to finish their remarks within the time limit adopted by the City Commission, and/or who make threats of physical violence shall be removed from the meeting room by law enforcement officers, either at the Mayor's request or by an affirmative vote of a majority of the sitting Commissioners.

"Politeness costs so little." – ABRAHAM LINCOLN

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETING ON JANUARY 9, 2022
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
Report by Ms. Melinda Conlon, Communications and Events Coordinator, on City Events in 2022
- VIII. PUBLIC COMMENTS
- IX. COMMISSIONER COMMENTS

X. PUBLIC HEARINGS

XI. 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)

1. Budget Resolutions 23-02 and 23-03, to Increase by \$18,000 the Appropriation for Law Enforcement Vehicles Because of Cost Increase and to Transfer \$263,421.28 for Final Expenses for the Mizell Pond Weir Project Because the Project wasn't Completed in Fiscal Year 2022

XII. OLD BUSINESS

2. Magnolia Dunes/ Atlantic Oaks Circle Drainage Improvements: Selection of Consulting Engineer (Presenter: Bill Tredik, Public Works Director)
3. Oceanside Circle Drainage and Pavement Project: Recommendation to Reject Bids (Presenter: Bill Tredik, Public Works Director)
4. Stormwater Utility: Ordinance 23-1, to Authorize Adopting Such (Presenter: Bill Tredik, Public Works Director)
5. Project and Grant Management Services: Review of Proposal (Presenter: Bill Tredik, Public Works Director)
6. City Memento: Review of Proposed Design (Presenter: Max Royle, City Manager)

XIII. NEW BUSINESS

7. Discussion of Commission Assignments to Various Organizations (Presenter: Max Royle, City Manager)
8. Discussion of Annual Evaluation of the Police Chief and the City Manager (Presenter: Max Royle, City Manager)

XIV. STAFF COMMENTS

XV. ADJOURNMENT

NOTICES TO THE PUBLIC

1. **ST. JOHNS COUNTY DISASTER RECOVERY DIVISION.** It will hold a meeting in the Commission room on Thursday, February 9, 2023, from 4:00 p.m. to 6:00 p.m. The purpose will be to secure easements for a beach restoration project outside the City's limits for the Federal Emergency Management Agency.
2. **SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE.** It will hold its monthly meeting on Tuesday, February 14, 2023, at 6:00 p.m. in the Commission Meeting Room at City Hall.
3. **CITY HOLIDAY.** It is Presidents Day, Monday, February 20, 2023. CITY OFFICES CLOSED. Residents scheduled for household waste/recyclable pickup service on Monday will have service on Tuesday. Residents scheduled for pickup on Tuesday will have service that day. Pickup service will be normal for the remainder of the week.
4. **COMPREHENSIVE PLANNING AND ZONING BOARD.** It will not meet in February because there are no matters for it to consider.

NOTE:

The agenda material containing background information for this meeting is available on the City's website in pdf format or on a CD, for a \$5 fee, upon request at the City Manager's office.

NOTICES: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities act, persons needing a special accommodation to participate in this proceeding should contact the City Manager's Office not later than seven days prior to the proceeding at the address provided, or telephone 904-471-2122, or email sabadmin@cityofsab.org.



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.

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

MEMORANDUM

TO: Mayor Samora
Vice Mayor Rumrell
Commissioner Morgan
Commissioner George
Commissioner Sweeny

FROM: Max Royle, City Manager 

DATE: January 25, 2023

SUBJECT: Report by Ms. Melinda Conlon, Communications and Events Coordinator, of City's Events in 2022

At your January 9th meeting, Mayor Samora requested that Ms. Conlon provide a recap of the City's recent New Year's Eve event. Attached is her report. It includes not only that event but the ones throughout 2022 that the City has presented. She'll have more details at your February 6th meeting.

Recap of Events in 2022

The city held many great community events in 2022. These events brought visitors to our city, where they patronized our restaurants and other businesses. Our events also supported our local community artists and vendors and brought both residents and visitors out to enjoy all that the City of St. Augustine Beach has to offer.

We could not do these events without our partners and sponsors.

A special thanks to our Public Works Department and our Police Department – we could not have successful events without them.

Partners:

Julie Olsson – Wednesday Pier Market

Arbor Day Tree Give away event, the Luau event as well as the Holiday Market.

Paul Slava – The Beach Art Studio

Artwalk events and the Art in the Park event.

Bill Jones – Civic Association

Surf Illumination

Lauren Trice – Matanzas Riverkeeper

Beach Blvd. Clean Up

Sponsors:

Burkhardt Sales

Embassy Suites by Hilton St Augustine Beach Oceanfront Resort

FPL

Kookaburra Coffee

Old Town Trolley

St. Johns County

St. Johns Cultural Council

2022 Events

Arbor Day Tree Giveaway – April

Art & Bark in the Park – April

Beach Blvd. Clean Up – May

Full Moon Harvest Luau – September

Beach Artwalk – November

Surf Illumination – December

Holiday Market – December

Light Up the Night Fireworks Show – December

We look forward to another successful year of community events in 2023!

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: BUDGET RESOLUTIONS 23-02 & 23-03
DATE: 1/26/2023

Attached are two budget resolutions for approval by the commission. Budget Resolution 23-02 will amend the General Fund for the following reasons:

- Increase the amount in Law Enforcement Vehicles in the amount of \$18,000 to reflect the additional cost to purchase two vehicles this year. The current approved budget was \$100,000 and the quotes received under the negotiated FSA Contract is \$117,352 + title/tag fees. (See attached quote.)
- Increase the amount in Intra Fund Transfers to the Capital Projects fund for the balance of the weir project. This project was estimated to be completed in FY22, however due to some delays the project was carried over to FY23. The current budget does not include any project costs and must be carried over to the current year in order pay out the retainage and final expenses of the project. (See attached memo.)

Budget Resolution 23-03 will amend the Capital Projects Fund budget for the balance of the weir project costs. The funds are being transferred from the General Fund reserves as noted in Budget Resolution 23-02.

If further information is needed, please let me know.

BUDGET RESOLUTION 23-02

**CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY**

**RE: TO AMEND THE FY2023
GENERAL FUND BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2022-2023 General Fund Budget as follows:

INCREASE: Account 001-2100-521-6410 (Law Enforcement-Vehicles) in the amount of \$18,000 which will increase the appropriation in this account to \$132,955.

DECREASE: Account 001-8100-581-9120 (Intragovernmental-Emergencies & Contingencies) in the amount of \$18,000 which will increase the appropriation in this account to \$80,169.66.

INCREASE: Account 001-381-990 (Transfer from Undesignated/Unreserve Fund Balance) in the amount of \$263,421.28 which will increase the appropriation in this account to \$263,421.28.

INCREASE: Account 001-8100-581-9105 (Intrafund Transfer-Cap Proj Weir) in the amount of \$263,421.28 which will increase the appropriation in this account to \$263,421.28.

RESOLVED AND DONE, this 6th day of February 2023 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

Mayor – Commissioner

ATTEST:

City Manager

BOZARD

GOVERNMENT FLEET

January 18, 2023

DAVID JENSEN
ST AUGUSTINE BEACH PD

Bozard Ford is pleased to submit the following quote based on FSA Contract FSA 20-VEL28.0

SPEC226	2023 FORD INTERCEPTOR UTILITY AWD 3.3L GAS (K8A)	\$41,262.00
18D	GLOBAL LOCK/UNLOCK	NC
43D	DARK CAR FEATURE	\$24.00
17T	RED/WHITE DOME LAMP CARGO AREA	\$49.00
60A	GRILLE LAMP PREWIRE	\$49.00
60R	NOISE SUPPRESSION BONDS	\$99.00
19K	H8 AGM BATTERY	\$109.00
76P	PRE-COLLISION ASSIST	\$144.00
47A	ENGINE IDLE FEATURE (FACTORY SAFE STOP)	\$259.00
76R	REVERSE SENSING	\$274.00
87R	BACK UP CAMERA MIRROR DISPLAY	NC
86T	TAIL LAMP HOUSING PREP FOR STROBES	\$59.00
TINT	DEALER INSTALLED WINDOW TINT W/O STRIP ON WINDSHIELD	\$399.00
HCONS	HAVIS C-VS-1012 INUT 22"CONSOLE, ADD C-CUP2 CUPHOLDER \$49, ADD C-ARM 101 TOPMOUNT ARM REST \$99, 3 OUTLET PLUG POWER SUPPLY \$79, LOCKBOX \$99 MMSU-1 MAGNETIC MICROPHONE HOLDER SINGLE UNIT KIT \$35, CG-X CHARGE GUARD UNIVERSAL CONTROL MODULE \$69, FILLER PLATES	\$1,129.00
PREMLT	HAVIS PREMIUM LAPTOP MOUNT WITH LAPTOP CRADLE, SCREEN SUPPORTER	\$999.00
PGCAGE	PRO-GARD PRISONER CAGE POLY CENTER SLIDER W/ EXPANDED METAL AND LEP	\$1,524.00
SSEAT	SETINA REAR PRISONER SEAT WITH BELTS AND WIRE MESH BARRIER	\$1,799.00
SDP	SETINA TPO DOOR PANELS	\$499.00
SCARGO	SETINA REAR CARGO BARRIERS	\$784.00
SWBH	SETINA POLY WINDOW BARRIERS	\$499.00
WPB	WESTIN ELITE PUSH BUMPER	\$799.00
PGGL	PRO-GARD VERTICAL PARTITION MOUNT FOR SINGLE WEAPON SUB SANTA CRUZ	\$699.00
2GLX2	4 3" LED LAMPS 2 FORWARD BUMPER 2 SIDE BUMPER R/B	\$948.00
4CSTSM	4 6 LED THIN SURFACE MOUNT 1 R FLUSHMOUNT R SIDE OF TAG, 1 R/B L SIDE OF TAG, 2 R/B BOTTOM OF HATCH WHEN OPEN	\$1,049.00
SOMPD	SOUNDOFF 2 TIER PREMIUM LED LIGHTBAR PACKAGE, SIREN, SPEAKER R/B	\$3,898.00
4CSTV	VERTEX HIDEAWAY CORNER STROBES REAR TAIL LIGHTS ONLY R/B	\$474.00
STLIGHT	STREAMLIGHT RECHARGABLE FLASHLIGHT	\$199.00
GRAPHICS	ST AUG BEACH GRAPHICS	\$650.00

Total

\$58,676.00

Sincerely,

QUANTITY 2

\$117,352.00

Jeffrey Eason

Government Sales Director

MEMORANDUM

Date: January 25, 2023
To: Patty Douylliez, Finance Director
From: William Tredik, P.E., Public Works Director
Subject: Budget Resolutions for Completion of Mizell Weir and Pump Station

BACKGROUND

The City entered into a contract for \$2,793,000.00 with Sawcross, Inc. on May 28, 2021 for construction of HMGP Project # 4283-88-R Stormwater Pump Station and Outfall Improvements (the Project). On May 4, 2022, the City authorized Change Order No. 1, to the contract with Sawcross, in the amount of \$43,642.79 (1.56% of the project cost), increasing the contract to \$2,836,642.79. Change Order No. 1 was deemed necessary to eliminate the potential for pump damage (due to pump induced vortices) when all three pumps operate at the same time during major storm events. The implemented change order maximizes the flood protection benefit, reduces future maintenance and repairs, and extends the life span of the Project. No other cost increase change orders were required for the Project.

The Project was scheduled for completion in FY 2022, however, supply and labor delays resulted in the project not achieving substantial completion until late September 2022. Both Hurricane Ian (September 2022) and Hurricane Nicole (November 2022) impacted Project close-out and delayed certification of final completion. The Project has now been certified as complete by the Project Engineer and the following contractor pay applications are due for payment:

Sawcross Pay App. No. 16 -	\$ 43,225.00 (work from 10/1/22 through 12/31/22)
<u>Sawcross Pay App. No. 17 -</u>	<u>\$218,199.08 (release of project retainage)</u>
TOTAL DUE (SAWCROSS)	\$261,424.08

In addition to the construction contract, the City entered into a Contract for \$99,500 with Crawford Murphy and Tilley (CMT) for project management and construction observation services on March 4, 2021. As of September 30, 2022, the CMT has been paid \$97,502.80, leaving \$1,997.20 remaining on the CMT contract. Though CMT has not yet invoiced the City in FY 2023, it is anticipated that they will invoice for the remainder of the contracted funds due to inspections and certification during project close-out.

ACTION REQUIRED

In order to pay the final two Contractor invoices – as well as pay the remainder of the CMT contract for project management and construction observation – it is necessary to bring the following funds into the FY 2023 budget:

Sawcross Pay Apps. 16 and 17	\$261,424.08
<u>CMT contract remainder</u>	<u>\$ 1,997.20</u>
TOTAL	\$263,421.28

Staff has requested, from the Florida Division of Emergency Management, a FEMA budget amendment to include Sawcross Change Order No. 1, as well as to restore the FEMA reimbursement percentage to 75%.

BUDGET RESOLUTION 23-03

**CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY**

**RE: TO AMEND THE FY2023
CAPTIAL PROJECT FUND BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2022-2023 Capital Projects Fund Budget as follows:

INCREASE: Account 310-4100-541-6383 (Capitl Projects-Weir) in the amount of \$263,421.28 which will increase the appropriation in this account to \$263,421.28.

INCREASE: Account 310-381-000 (Intragovernmental Transfer from General Fund) in the amount of \$263,421.28 which will increase the appropriation in this account to \$263,421.28.

RESOLVED AND DONE, this 6th day of February 2023 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

Mayor – Commissioner

ATTEST:

City Manager

MEMORANDUMMeeting Date 2-6-23

TO: Max Royle, City Manger

FROM: William Tredik, P.E. Public Works Director

DATE: January 27, 2022

SUBJECT: 22-07-RFQ: Professional Engineering Services for St. Augustine Beach Resiliency and Flood Protection Magnolia Dunes / Atlantic Oaks Circle
Scoring and ranking of Statements of Qualifications (SOQs)

DISCUSSION

\$1.2 million was appropriated for the Magnolia Dunes / Atlantic Oaks Circle Resiliency and Flood Protection Project (the Project) by the State legislature during their 2022 session. The Governor approved the appropriation and the project was included in the 2022/2023 State budget. The Project is funded through a reimbursable grant agreement with the Florida Department of Environmental Protection (FDEP). The City placed the design of the project in their FY 2023 budget, and on October 27, 2022 the grant agreement with FDEP was fully executed. The City advertised 22-07-RFQ for Professional Engineering Services for the Project on November 8, 2022. SOQs were opened on December 8, 2022.

As specified in the 22-07-RFQ, scoring of SOQs was based upon the following matrix:

<u>Review Category</u>	<u>Percent of Score</u>
• Relevant Project Experience	20%
• Project Approach	20%
• Quality Control and Quality Assurance	10%
• Ability to Meet Project Schedule	10%
• Familiarity with Project Area	5%
• Stormwater Engineering Planning and Design	10%
• Construction Project Management	10%
• Permitting (SJRWMD, FDEP, Federal, FDOT, etc.)	10%
• Roadway and Utility Design and Permitting	5%

Three (3) City staff (scoring committee) independently reviewed and scored the SOQs in the above categories. Each reviewer assigned a score of 1 through 5 per category. A description of general guidelines for scoring of each category was specified in the RFQ as follows:

- 1 - Non-responsive in category
- 2 - Below expectations in category
- 3 - Meets expectations in category
- 4 - Exceeds expectations in category
- 5 - Far exceeds expectations in category

On December 8, 2022. the City received SOQs from the following four (4) firms:

- Water Resources Management Associates, Inc.
- Environmental Consulting & Technology, Inc.
- EXP U.S. Services, Inc.
- Gulfstream Design Group, LLC

On January 20, 2023 the scoring committee met to present their individual scores for each SOQ, and combine their individual scores to tabulate a total score for each submitting firm. The following are the total scores tabulated for each submitting firm:

1. Environmental Consulting & Technology, Inc.	1125 points
2. Water Resources Management Associates, Inc	1095 points
3. EXP U.S. Services, Inc.	1000 points
4. Gulfstream Design Group, LLC	980 points

Copies of the four submitted SOQs were emailed to all Commissioners, the City Manager, City Attorney and City Clerk. Paper copies of the SOQs are available at City Hall upon request.

Consultants Competitive Negotiation Act (CCNA) Requirements

Per the 287 .055 Florida Statutes, an agency shall negotiate a contract with the most qualified firm for professional services at compensation which the agency determines is fair, competitive, and reasonable. Should the agency be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price the agency determines to be fair, competitive and reasonable, negotiations with that firm must be formally terminated. The agency shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency must terminate negotiations. The agency shall then undertake negotiations with the third most qualified firm.

ACTION REQUESTED

Review the tabulation of scores and rankings for 22-07-RFQ and authorize the City Manager or designee to negotiate and execute a contract with the top ranked firm, Environmental Consulting & Technology, Inc. (and lower ranked firms per CCNA requirements if a satisfactory contract cannot be reached) for Professional Engineering Services for St. Augustine Beach Resiliency and Flood Protection Magnolia Dunes / Atlantic Oaks Circle.

MEMORANDUM

TO: Max Royle, City Manger
FROM: William Tredik, P.E. Public Works Director
DATE: January 23, 2023
SUBJECT: Bid No. 22-06: Oceanside Circle Drainage and Pavement Improvements
Tabulation of Bids and Recommendation to Reject Bids

BACKGROUND

Oceanside Circle is an approximately 915 linear feet dead end roadway connected to, and north of, Versaggi Drive in St. Augustine Beach, Florida. Prior to 2011, the roadway consisted of a shell/dirt driving surface. In late 2011, the City paved the then existing dirt roadway with a double chip seal, rather than construct a traditional roadway (i.e. stabilized subbase, limerock base and asphaltic concrete surface). At the time, the chip seal method cost approximately 30% of traditional roadway construction. Unfortunately, the average life span of a chip seal is 7 years, versus up to 25 years for a newly constructed traditional asphaltic concrete roadway. The chip seal surface on Oceanside Circle is now well past its service life, is deteriorating, and is in need of replacement.

In addition to the failing roadway surface, Oceanside Circle has no drainage system. Runoff drains to the low areas and causes localized flooding prior to eventually percolating into the ground. The flooding is worsening due to increasing impervious surface areas associated with new residential development on the roadway. Roadway flooding significantly reduces the life of a roadway, leading to base failure and potholes. Construction of a drainage system is essential prior to reconstruction of the roadway.

In order to correct both the drainage and the roadway deterioration issues, the City Commission authorized design of Oceanside Circle Drainage and Pavement Improvements. A design and permitting contract with Crawford Murphy and Tilley, Engineers (CMT) was executed on June 9, 2021. Design was completed in 2022 and the project was advertised for bids on December 20, 2022. Bids were opened on January 19, 2023.

Bids

Bids for construction of the Oceanside Circle Drainage and Paving Improvements were opened on January 19, 2023. The City received the following three bids for the project:

Work Bid	Besch and Smith	G&H Underground	DB Civil Construction
Total Lump Sum Bid	\$1,333,246.02	\$1,020,678.15	\$876,850.00

DISCUSSION

The apparent low bidder for the project was **DB Civil Construction, LLC for a total bid price of \$876,850**. Note the apparent low bid exceeds CMT's December 7, 2022 Engineer's Estimate of \$414,611.85 by \$462,238.15.

The current bids follow the current discouraging trend of bids coming in significantly higher than detailed engineering estimates. Note that the current engineer's estimate is only a month old. Whether the current high bid prices are related to supply, labor or other issues is difficult to say with any certainty. What is clear, however, is that traditional sources for estimation, such as Florida Department of Transportation (FDOT) Historical Item Average Cost Reports or historical local contract prices are becoming less dependable for the prediction of costs for small municipal construction projects. This unpredictability of bids makes budgeting extremely challenging and will likely result in significantly higher contingency costs applied to future cost estimates.

Budget

The FY 2023 budget allocated \$500,000 from the impact Fee Fund for the construction of Oceanside Circle. At the time of budget preparation, this was deemed sufficient to complete the construction project and was supported by the December 7, 2022 Engineer's cost estimate. Unfortunately, the FY 2023 Budget is \$376,850 short of the funding needed to build the project. The Impact Fee Fund does not have sufficient funds to cover this cost differential and funding is not available from other sources.

Future funding

Several options are available for future funding of the project, however, all will take time to implement and necessitate the need to reject the current bids. Funding Options include:

- Stormwater Utility Fee - Due to the stormwater nature of the improvements, the project could be funded by a stormwater utility fee. Stormwater Utility Fee funding, however, is dependent upon adoption of an ordinance and fee, and would not be available until October 2023 at the soonest.
- Special Assessment - A special assessment could be applied to the property owners along Oceanside Circle to fund some, or all, of the proposed improvements. A special assessment, however, would also take time to implement and require Commission adoption.
- Grant Assistance – The City could apply for grant funding. Such assistance, however, is not guaranteed and would not become available until the upcoming fiscal year.

STAFF RECOMMENDATION

Reject all bids for Bid No. 22-06, Oceanside Circle Drainage and Paving Improvements due to a lack of project funding.

Bid 22-06 Oceanside Circle Drainage and Pavement Improvements

Bidders	Bidder #1	Bidder #2	Bidder #3	Bidder #4
Bidder's Name & Address	G&H Underground Construction, Inc. 2315 Dobbs Rd St. Augustine, FL 32086 904-829-8199	Besch & Smith Civil Group, Inc. 345 Cumberland Industrial Ct, Bldg A St. Augustine, FL 32095 904-260-6393	DB Civil Construction, LLC 4475 US-1 South Suite 707, St Augustine, FL 32086 386-2569-7460	
Total Cost	\$1,020,678.15	\$1,333,246.02	\$876,850.00	\$
Bidders	Bidder #5	Bidder #6	Bidder #7	Bidder #8
Bidder's Name & Address				
Total Cost				

Bid opening was conducted on Thursday, January 19, 2023, at 3:00 p.m. at City Hall by City Clerk Dariana Fitzgerald. Bids were opened, and amounts noted were read aloud. Bid opening adjourned at approximately 3:02 p.m. Opening was also attended by: City Manager Max Royle, Public Works Director Tredik, and Project Manager Russell Adams.

MEMORANDUM

Date: January 26, 2023

To: Max Royle, City Manager

From: William Tredik, P.E., Public Works Director

Subject: Ordinance 23-01, Public Meeting and First Reading
Amending Chapter 7 of the Code of the City of St. Augustine Beach relating
to the imposition of Stormwater Assessments

BACKGROUND

On June 17, 2021, the City Commission conducted a workshop to discuss the potential implementation of a stormwater utility fee to address future stormwater needs. It was discussed that an assessment of \$8.33 per month (the average fee statewide) would generate up to \$500,000 in annual revenue for stormwater improvements and maintenance. The Commission directed staff to provide additional information at an upcoming meeting.

On October 4, 2021, staff presented additional information relating to adoption of a non ad valorem assessment for stormwater maintenance and improvements, and asked for Commission direction whether to advertise for a public meeting to begin the process of adopting a non-ad valorem stormwater utility fee for FY 2023. The City Commission opted to not move forward with a stormwater non-ad valorem fee at that time.

Over the course of FY 2022, the nation experienced high inflation rates not seen for decades. Project costs increased dramatically and budgeting for FY 2023 was challenging due to competing priorities. American Rescue Plan Act (ARPA) funds and grants provided a bridge to span the funding gap between revenue and expenses, however, these outside revenues have now been spent or earmarked for specific needs.

Due to growing concerns about the ability to fund future stormwater needs, staff presented the following information to the Commission on October 3, 2022:

- Summary of anticipated future stormwater costs
- Current dependence upon grants and ad valorem taxes
- Upcoming funding gap for stormwater costs and the potential challenges to fund future stormwater needs
- The potential to address the funding gap through a non ad valorem stormwater assessment.

At the October 3, 2022 meeting, staff requested Commission direction whether to advertise for a public meeting to begin the process of adopting a non-ad valorem stormwater utility. The City Commission authorized staff to advertise for a public meeting on November 14, 2022 to consider a resolution stating the City's intent to adopt a non-ad valorem stormwater utility fee for FY 2024.

At their November 14, 2022 regular meeting, the City Commission adopted the non-binding Resolution 22-15 expressing intent to use the uniform method of collection for the stormwater assessment program beginning with FY 23-24 as required by Section 197.3632, Florida Statutes. Resolution 22-15 was forwarded to the County Tax Collector's office as required by Florida Statute to establish a non ad valorem assessment.

DISCUSSION

History of Current Stormwater Ordinance

On April 26, 1994 St. Johns County passed Ordinance No. 94-16, establishing the framework for a County Stormwater utility fee. St. Augustine Beach subsequently passed City Ordinance 95-4 on March 20, 1995, establishing the City's intent to include all areas in the City to the then proposed St. Johns County stormwater utility fee. City Ordinance 95-04 addressed the following:

- Inclusion of the City in the Stormwater Management Utility and the Benefit Area established by St. Johns County Commission under County Ordinance No. 94-16
- Established that all properties in the City were subject to the fees assessed pursuant to SJC Ordinance 94-16
- Established authorization to enter an interlocal agreement with the County
- Established an end date of October 1, 2015 for City inclusion in the stormwater management system benefit are as established by SJC Ordinance 94-16

St. Johns County never imposed the stormwater utility fee, and Sections 7.1 though 7.4 of the City Code are now defunct as the expiration date Ordinance 95-04 has passed. To implement a stormwater non ad valorem assessment, the City must replace Sections 7.1 through 7.4 of the City Code with language providing the framework for the establishment of a City Stormwater Utility Fee.

Next Steps

In order to continue to on the path to implement a stormwater non ad valorem assessment the following actions must be taken:

February 6, 2023	Pass Ordinance 23-01 on first reading
March 6, 2023	Pass Ordinance 23-01 on second reading
May 1, 2023	Pass Initial Stormwater Assessment Resolution.
June 5, 2023	Hold Public Hearing (Notice by mail is required 20 days in advance of meeting)
August 7, 2023	Pass final assessment resolution; enter agreement with Tax Collector

As specified above, the next step in the process of implementing a City stormwater utility and stormwater assessment program is the adoption of Ordinance 23-01, formally replacing

the defunct Sections 7.1 through 7.4 of the City Code and establishing a City Stormwater Utility authorizing the City to impose stormwater assessments. Chapter 7 of the City Code currently assigns the following sections to Articles I and II:

- Article I Sections 7-1 through 7-20 (7-5 through 7-20 are reserved)
- Article II Sections 7-21 through 7-32

Ordinance 23-01 will replace Article I in its entirety with the necessary framework for the City to impose a stormwater utility fee. The proposed ordinance does not contain rates or the methodology for apportionment of Equivalent Residential Units (ERUs). Should the City Commission choose to impose a fee for FY2024, subsequent adoption of stormwater utility assessment rates and ERU calculation methodology will be approved by resolution at public hearings in spring and summer 2023.

Ordinance 23-01 revises Chapter 7 Article I of the Code to include 27 sections (7-1 through 7-27) related to providing the framework for imposing a stormwater utility fee. Due to the number of sections in the revised Article I, Article II sections require renumbering. Ordinance 23-01 renumbers Sections 7-21 through 7-32 to Sections 7-28 through 7-32 accordingly.

Ordinance 23-01 is modeled after a stormwater utility successfully implemented by the City of Vero Beach; a similar beachfront community with a population of approximately 16,000. Ordinance 23-01 provides for the following:

- Establishes a stormwater utility
- Establishes a Stormwater Utility Fund
- Declaration of special benefit to assessed property
- Authorizes the imposition of stormwater assessments
- Establishes how funds can be used
- Establishes requirements assessment resolution
- Authorizes development of an assessment role
- Establish noticing requirements
- Requirements for final assessment resolution
- Establishes requirements for annual stormwater assessment resolution
- Establishes authorization to provide exemptions
- Establishes ability to use alternate methods for collection
- Provides method for collection of assessments for government property
- Establishes responsibility for enforcement
- Establishes ability to revise stormwater assessments and correct errors and omissions
- Establishes the authority to impose stormwater assessments throughout the City

The City attorney has reviewed proposed Ordinance 23-01 and found it to be legally sound and consistent with the City's goal of establishing a stormwater utility fee.

ACTION REQUESTED

Adopt Ordinance 23-01 on first reading.

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH,

FLORIDA, AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF ST. AUGUSTINE BEACH, RELATING TO THE PROVISION OF SERVICES AND CAPITAL FACILITIES FOR STORMWATER MANAGEMENT AND THE IMPOSITION OF STORMWATER ASSESSMENTS RELATED TO THOSE SERVICES AND FACILITIES THROUGHOUT THE CITY OF ST. AUGUSTINE BEACH; PROVIDING DEFINITIONS AND FINDINGS; ESTABLISHING A STORMWATER UTILITY AND PROVIDING ITS RESPONSIBILITIES; AUTHORIZING THE IMPOSITION AND COLLECTION OF STORMWATER ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF STORMWATER ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR THE COLLECTION OF STORMWATER ASSESSMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR SCRIVENER'S ERROR; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Augustine Beach, Florida maintains a system of stormwater and surface water management facilities, including inlets, conduits, manholes, channels, ditches, drainage easement, retention and detentions basins, infiltration facilities, treatment ponds, pump stations and other components, as well as natural waterways; and

WHEREAS, these elements of the City Stormwater and surface water management system that provide for the collection, storage, treatment and conveyance of stormwater are of benefit and provide services to all developed property within the City; and

WHEREAS, new and dedicated funding for the stormwater management program of the City is needed to maintain compliance with state and federal requirements and the levy of stormwater assessments is the most equitable method of providing this funding,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA THAT:

Section 1 - Adoption of "Whereas" Clauses.

The foregoing "Whereas" clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Ordinance.

Section 2 - Amendment of Chapter 7 – Stormwater Management.

Chapter 7 of the Code of the City of St. Augustine Beach is hereby modified to read as

follows:

CHAPTER 7 – STORMWATER MANAGEMENT

ARTICLE 1. — STORMWATER MANAGEMENT UTILITY AND STORMWATER MANAGEMENT SYSTEM BENEFIT AREA

~~Sec. 7-1. — Inclusion of the city in the stormwater management utility and the benefit area.~~

~~The city commission approves of the inclusion of all of the area in the boundaries of the City of St. Augustine Beach within the stormwater management utility and stormwater management system benefit area established by the Board of County Commissioners of St. Johns County under St. Johns County Ordinance No. 94-16, and any amendments thereto, for the purpose of operating a stormwater utility and collecting fees to fund the cost, including debt service, of planning, designing, constructing, providing, operating, and maintaining improvements for the stormwater management system as provided by said county ordinance.~~

~~Sec. 7-2. — Properties subject to the fees.~~

~~All properties within the boundaries of the city shall be subject to the levy and collection of fees assessed pursuant to St. Johns County Ordinance No. 94-16, and any amendments thereto.~~

~~Sec. 7-3. — Interlocal agreement.~~

~~The city commission is authorized to enter into an interlocal agreement with St. Johns County in connection herewith.~~

~~Sec. 7-4. — Term.~~

~~The inclusion of the city in the stormwater management utility and the stormwater management system benefit area as established by St. Johns County Ordinance No. 94-16, and any amendments thereto, shall be effective from the date of adoption of this article until October 1, 2015; provided however, the city may in the future remove itself from the stormwater management utility and said benefit area at any earlier date by the adoption of an ordinance, provided that such removal does not have the effect of breaching the interlocal agreement authorized by section 7-3.~~

ARTICLE I. - STORMWATER UTILITY AND ASSESSMENTS

DIVISION 1. - INTRODUCTION

Sec. 7-1. - Definitions.

When used in this article, the following terms shall have the following meanings, unless the context clearly requires otherwise:

Annual Stormwater Assessment Resolution means the resolution described in section 7-14 hereof, approving a Stormwater Assessment Roll for a specific Fiscal Year.

Assessed property means all parcels of real property included on the Stormwater Assessment Roll that receive a special benefit from the Stormwater Improvements and Stormwater Management Services identified in an Annual Stormwater Assessment Resolution.

Capital cost means all or any portion of the expenses that are properly attributable to the acquisition, construction, design, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of Stormwater Improvements under generally accepted accounting principles and including reimbursement to the City for any moneys advanced for capital cost and interest on any interfund or intrafund loan for such purposes.

City means City of St. Augustine Beach, Florida.

City Clerk means the City Clerk of the City of St. Augustine Beach, Florida, or such other person as may be duly authorized to act on such person's behalf.

City Manager means the chief administrative officer of the City or such person's designee.

Comprehensive plan means the comprehensive plan adopted by the City pursuant to F.S. Chapter 163, Part II.

Commission means the City Commission of the City of St. Augustine Beach, Florida.

County means St. Johns County, Florida.

Developed property means property that has been developed with impervious area including, but not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly impact the natural infiltration or runoff patterns, which existed prior to development.

ERU means "equivalent residential unit," the standard unit used to express the Stormwater burden expected to be generated by each parcel of property, after taking into consideration any mitigation of the Stormwater burden that results from privately maintained Stormwater management facilities and other factors affecting the quantity of Stormwater runoff.

Final Stormwater Assessment Resolution means the resolution described in section 7-13 hereof, which shall confirm, modify or repeal the Initial Stormwater Assessment Resolution and which shall be the final proceeding for the imposition of the initial Stormwater Assessment.

Fiscal year means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the Fiscal Year for the City.

Government property means property owned by the United States of America, the State of Florida, a sovereign state or nation, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

Initial Stormwater Assessment Resolution means the resolution described in section 7-9 hereof, which shall be the initial proceeding for the imposition of the Stormwater Assessment.

Maximum Assessment Rate means the maximum rate of assessment established by the Final Stormwater Assessment Resolution or any subsequent Annual Stormwater Assessment Resolution
Mitigation Credit means a credit applied to a Stormwater Assessment for a Developed Property in consideration of the on-site management of the Stormwater budget as a consequence of the location of a Mitigation Facility or in consideration of discharge to a non-City stormwater system for the conveyance and/or treatment of Stormwater or as otherwise required by law.

Mitigation Facility means a manmade facility or structure on the site of a Developed Property which, by its design and function, retains Stormwater on-site and thus generates less volume of Stormwater from the site.

Obligations mean a series of bonds or other evidence of indebtedness, including, but not limited to notes, commercial paper, capital leases or any other Obligations of the City issued or incurred to finance any portion of the Capital Cost of a Stormwater Improvement and secured, in whole or in part, by proceeds of the Stormwater Improvement Assessments.

Ordinance means this Stormwater Ordinance, as amended from time-to-time.

Pledged revenue means, as to any series of Obligations, (a) the proceeds of such Obligations, including investment earnings, (b) proceeds of the Stormwater Improvement Assessments pledged to secure the payment of such Obligations, and (c) any other legally available non-ad valorem revenue pledged to secure the payment of such Obligations, as specified by the resolution authorizing such Obligations.

Project Cost means, (a) the Capital Cost of a Stormwater Improvement, (b) the Transaction Cost associated with the Obligations to finance the Stormwater Improvement, (c) interest accruing on such Obligations for such period of time as the City deems appropriate, (d) the debt service reserve fund or account, if any, established for the Obligations which financed the Stormwater Improvement, and (e) any other costs or expenses related thereto.

Property Appraiser means the St. Johns County Property Appraiser.

Stormwater means the flow of water which results from, and which occurs following, a rainfall event.

Stormwater Assessment means either a Stormwater Improvement Assessment, a Stormwater Service Assessment, or both.

Stormwater Assessment Roll means the Special Assessment Roll created that includes all parcels within the City and their assigned Stormwater Assessment relating to Stormwater Improvements or Stormwater Management Services approved by a Final Stormwater Assessment Resolution or an Annual Stormwater Assessment Resolution pursuant to section 7-10 hereof.

Stormwater Basin means a part of the earth's surface that contributes stormwater runoff to a drainage system, which consists of diffuse surface waters, together with all natural or artificial tributary surface streams and/or bodies of impounded surface water.

Stormwater Improvement means land, capital facilities, equipment, vehicles and improvements acquired or provided to detain, retain, convey or treat stormwater.

Stormwater Improvement Area means one or more Stormwater Basins, or any portion or portions thereof, as identified in the Initial Stormwater Assessment Resolution, encompassing those parcels of property specially benefited by the purchase, construction, reconstruction or installation of all or any portion of a Stormwater Improvement that removes, detains, retains or treats, in whole or in part, the Stormwater burden expected to be generated by the physical

characteristics and use of the Assessed Property. Each Stormwater Improvement Area will include either, (a) the property which is hydrologically connected, directly or indirectly, to the Stormwater Improvement, or (b) all property located within a hydrologically defined area in which the City constructs one or more Stormwater Improvements to correct existing deficiencies with respect to a specific level of service and provide a consistent level of Stormwater management.

Stormwater Improvement Assessment means a special assessment imposed by the City within a Stormwater Improvement Area to fund the Capital Cost or the debt service and related cost of Obligations issued to finance the Project Cost of a Stormwater Improvement.

Stormwater Management Service means, (a) Stormwater program engineering, (b) Stormwater Improvements to be acquired or constructed during a single Fiscal Year without the issuance of any Obligations, (c) billing and collection of Stormwater Assessments, including customer information and educational services and reserves for statutory discounts, (d) maintaining the City's capital facilities for Stormwater Management, including extraordinary maintenance, and (e) legal, engineering, and other consultant services.

Stormwater Service Area means the geographic area described in the Initial Assessment Resolution that encompasses all parcels within the City, which specially benefit from the Stormwater Management Service and all parcels to which Stormwater Management Services are provided.

Stormwater Service Assessment means a special assessment imposed by the City within the Stormwater Service Area to fund the Stormwater Service Cost.

Stormwater Service Cost means the estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to the Stormwater Management Service provided within the Stormwater Service Area under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the City for any moneys advanced for the Stormwater Management Service, and interest on any interfund or intrafund loan for such purpose.

Stormwater Utility means the entity established by section 7-4 hereof to implement the Stormwater management program of the City.

Tax Collector means the St. Johns County Tax Collector.

Tax Roll means the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

Transaction cost means the costs, fees and expenses incurred by the City in connection with the issuance and sale of any series of Obligations, including, but not limited to, (a) Rating agency and other financing fees, (b) the fees and disbursements of bond counsel, (c) the underwriters' discount, (d) the fees and disbursements of the City's financial advisor, (e) the costs of preparing or printing the Obligations and the documentation supporting issuance of the Obligations, (f) the fees payable in respect of any municipal bond insurance policy, and (g) any other costs of a similar nature incurred in connection with issuance of such Obligations.

Uniform Assessment Collection Act means F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Sec. 7-2. - Interpretation.

Unless the context indicates otherwise, words importing the singular number include the plural number and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this article; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this article. Words of any gender include the correlative words of the other genders, unless the context indicates otherwise.

Sec. 7-3. - General Findings.

It is hereby ascertained, determined, and declared that:

- (a) Pursuant to Article VIII, section 2(b), Florida Constitution, and F.S. §§ 166.021 and 166.041, the City has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of City ordinances.
- (b) The purpose of this article is to:
 - (1) Provide procedures and standards for the imposition of Stormwater Assessments under the constitutional and statutory power of the City;
 - (2) Authorize a procedure for the funding of Stormwater Management Services, facilities, or programs providing special benefit to Assessed Property within the Stormwater Service Area;
 - (3) Authorize a procedure for the funding of Stormwater Improvements providing

- special benefit to Assessed Property within the Stormwater Service Area; and
- (4) Legislatively determine the special benefit provided to Assessed Property from the stormwater utility.
- (c) The Florida Legislature has mandated that local governments in the state of Florida, including the City, have the responsibility for developing mutually compatible stormwater management programs consistent with the rules and regulations of the Florida Department of Environmental Protection, the Federal Clean Water Act, and the water management districts and the stormwater management programs established and maintained by other local governments.
- (d) The Stormwater Assessments imposed hereby are consistent with the authority granted in
F.S. § 403.0893. That statutory provision is additional and supplemental authority to the constitutional and statutory power of self-government granted to a municipality.
- (e) The City maintains a system of Stormwater and surface water management facilities, including, but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, treatment ponds, pump stations and other components as well as natural waterways.
- (f) Those elements of the City Stormwater and surface water management system that provide for the collection, storage, treatment and conveyance of Stormwater are of benefit and provide services to all Developed Property within the City.
- (g) The cost of maintaining the Stormwater management system and providing Stormwater Management Services in accordance with existing permits and the financing of existing and future repairs, replacements, improvements, and extension thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed, services received, or burden caused therefrom.
- (h) The public health, safety, and welfare are adversely affected by poor water quality and flooding resulting from inadequate Stormwater management practices. All Developed Property either uses the Stormwater management system or benefits from the provision and operation of the Stormwater Management Services.

DIVISION 2. - STORMWATER UTILITY

Sec. 7-4. - Stormwater Utility.

There is hereby established a stormwater utility, which shall be the means of implementing and otherwise carrying out the functional requirements of the City's Stormwater management system to construct or acquire Stormwater Improvements and provide Stormwater Management Services. The Stormwater Utility shall provide for the preparation of Stormwater studies and the implementation of the Stormwater utility and the repair, replacement, improvement and enhancement, of the City's capital facilities for Stormwater management. The Stormwater utility shall place emphasis on the achievement of maximum efficiency through identifying programs and funding sources which are complementary to other regional, state and federal programs. The City Manager or his designee shall be responsible for administration of the Stormwater Utility.

Sec. 7-5. - Stormwater Utility Fund.

The Commission intends to fund the cost of providing Stormwater Management Services and capital facilities for Stormwater management through Stormwater Assessments. The Commission has further concluded that periodic determination of revenues earned and expenses incurred in connection with the provision of capital facilities, equipment and vehicles for Stormwater management will enhance accountability and management control of the City's Stormwater Utility and will facilitate implementation of the Commission's funding policy for Stormwater management. Accordingly, there shall be established a Stormwater Utility Fund. From an accounting perspective, the stormwater utility fund shall be established as a "special revenue fund." Proceeds of the Stormwater Service Assessment shall be used for payment of the Stormwater Service Cost. Proceeds of the Stormwater Improvement Assessments shall be used for payment of the Capital Cost of Stormwater Improvements and the payment of debt service on Obligations issued to finance Stormwater Improvements.

DIVISION 3. - STORMWATER ASSESSMENTS

Sec. 7-6. - Legislative Declarations of Special Benefit.

It is hereby ascertained and declared that the Stormwater Utility, the Stormwater Management Services and the Stormwater Improvements provide a special benefit to the assessed property based upon the following legislative determinations:

- (a) The Stormwater Utility possesses a logical relationship to the use and enjoyment of

all Developed Property by treating and controlling contaminated Stormwater generated by improvements constructed on Developed Property, which resulted in the alteration of such property from its natural state to accommodate such improvements.

- (b) The special benefit received by Assessed Property is the control, management and treatment of the Stormwater burden generated by the improvements on developed property.
- (c) Substantially all of the Stormwater burden managed, controlled and treated by the Stormwater Utility is generated by Developed Property and the amount of Stormwater generated by property in its natural state that is managed, controlled and treated by the stormwater utility is inconsequential.
- (d) The City has adopted the infrastructure element of the comprehensive plan, which sets forth drainage goals and objectives that make it necessary and essential to construct improvements and enhancements to the existing stormwater system so the collection, storage, treatment, and conveyance of stormwater within the City adequately protects the health, safety, and welfare of the citizens of the City. The creation and maintenance of the Stormwater Utility is designed to meet the drainage goals and objectives of the comprehensive plan and other municipal, federal and state policies mandating stormwater management programs by local governments.
- (e) The special benefits provided by the Stormwater Management Services and Stormwater Improvements to all Developed Property include, but are not limited to, (1) the provision of Stormwater Management Services and the availability and use of Stormwater Improvements by the owners and occupants of Developed Property to properly and safely detain, retain, convey and treat Stormwater discharged from Developed Property, (2) increased safety and better access to Developed Property, and (3) alleviation of the burdens caused by Stormwater runoff and accumulation attendant with the use of Developed Property.

Sec. 7-7. - Stormwater Service Assessments.

- (a) The Commission is hereby authorized to impose Stormwater Service Assessments against property located within the Stormwater Service Area. The Stormwater Service Cost may be assessed against Developed Property located within the

Stormwater Service Area at a rate of assessment based upon the special benefit accruing to such property from the Stormwater Management Service provided by the City, measured by the number of ERUs attributable to each parcel or classification of property.

- (b) Notwithstanding the foregoing, if the Commission specifically determines that any portion of the Stormwater Service Area receives a distinct special benefit from any component of the Stormwater Management Service that is materially different in kind or degree from the special benefit received by other portions of the Stormwater Service Area, the Stormwater Service Cost related to such component shall be assessed against the portion of the Stormwater Service Area receiving the distinct special benefit.

Sec. 7-8. - Stormwater Improvement Assessments.

- (a) The Commission is hereby authorized to impose Stormwater Improvement Assessments to fund all or any portion of the Capital Cost or the debt service and related cost of Obligations issued to finance the Project Cost of a Stormwater Improvement. Stormwater Improvement Assessments to fund the Capital Cost or the debt service and related cost of Obligations issued to finance the Project Cost of each Stormwater Improvement may be imposed against all parcels of property within the Stormwater Improvement Area at a rate of assessment based upon the special benefit accruing to such property from the Stormwater Improvement, measured by the number of ERUs attributable to each parcel or classification of property.
- (b) If Stormwater Improvement Assessments are imposed to fund the debt service and related cost of Obligations issued to finance the Project Cost of a Stormwater Improvement, the Stormwater Improvement Assessment may include the amount required to fund any amounts withdrawn during the prior Fiscal Year from any debt service reserve account established for Obligations and the amount of any principal of and interest on Obligations that has become due and remains unpaid.

Sec. 7-9. - Initial Stormwater Assessment Resolution.

The initial proceeding for imposition of the Stormwater Assessments shall be the Commission's adoption of an Initial Stormwater Assessment Resolution. The Initial

Stormwater assessment resolution shall:

- (a) Describe the Stormwater improvement or Stormwater Management Service proposed for funding from the proceeds of the Stormwater Assessments;
- (b) Estimate the Capital Cost or Stormwater Service Cost;
- (c) Describe with particularity the proposed method of apportioning the Capital Cost or Stormwater Service Cost among the parcels of property located within the Stormwater Improvement Area or Stormwater Service Area, as applicable, such that the owner of any parcel of property can objectively determine the amount of the Stormwater Assessment, based upon its value, use or physical characteristics;
- (d) Include specific legislative findings that recognize the equity provided by the apportionment methodology and specific legislative findings that recognize the special benefit provided by the Stormwater Improvement or Stormwater Management Service. At its option, the Commission may adopt separate Initial Stormwater Assessment Resolutions for the Stormwater Service Assessment and each Stormwater Improvement Assessment; and
- (e) Describe the procedures for application for and approval of mitigation credits to be applied to a Stormwater Assessment for Developed Property.

Sec. 7-10. - Stormwater Assessment Roll.

- (a) The City Manager shall prepare, or direct the preparation of, a preliminary Stormwater Assessment Roll that contains the following information:
 - (1) A summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Stormwater Assessment;
 - (2) The name of the owner of record of each parcel as shown on the Tax Roll;
 - (3) The number of ERUs attributable to each parcel;
 - (4) The estimated maximum Stormwater Improvement Assessment to become due in any Fiscal Year for each ERU and each Tax Parcel; and
 - (5) The estimated maximum annual Stormwater Service Assessment to become due in any Fiscal Year for each ERU and each Tax Parcel.
- (b) Copies of the Initial Stormwater Assessment Resolution and the preliminary Stormwater Assessment Roll shall be on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the

Stormwater Assessment Roll be in printed form if the amount of the Stormwater Assessment for each parcel of property can be determined by use of a computer terminal available for use by the public.

Sec. 7-11. - Notice by Publication.

After filing the Stormwater Assessment Roll in the office of the City Clerk, as required by section 7-10 hereof, the City Clerk shall publish once in a newspaper of general circulation within the City a notice stating that a public hearing of the Commission will be held on a certain day and hour, not earlier than twenty (20) calendar days from such publication, at which hearing the Commission will receive written comments and hear testimony from all interested persons regarding adoption of the Final Stormwater Assessment Resolution and approval of the Stormwater Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act for purposes of the Stormwater Assessments.

Sec. 7-12. - Notice by Mail.

In addition to the published notice required by section 7-11, the City Manager shall provide notice of the proposed Stormwater Assessments by First Class U.S. Mail to the owner of each parcel of property subject to the Stormwater Assessments, which notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least twenty (20) calendar days prior to the hearing to each property owner at such address, as is shown on the tax roll on the twentieth (20th) calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The City Manager shall provide proof of such notice by affidavit. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Stormwater Assessment Roll, nor release or discharge any Obligation for the payment of a Stormwater Assessment imposed by the Commission pursuant to this article.

Sec. 7-13. - Final Stormwater Assessment Resolution.

At the time named in such notice, or such time to which an adjournment or continuance may be taken, the Commission shall receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the Commission, adopt the

Final Stormwater Assessment Resolution which shall:

- (a) Confirm, modify or repeal the Initial Stormwater Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Commission;
- (b) Establish the Maximum Assessment Rate, if desired by the Commission, and set the rate of Stormwater Assessment to be imposed in the upcoming Fiscal Year;
- (c) Approve the Stormwater Assessment Roll, with such amendments as it deems just and right; and
- (d) Determine the method of collection.

The adoption of the Final Stormwater Assessment Resolution by the Commission shall constitute a legislative determination that all parcels assessed derive a special benefit from the services, facilities or programs to be provided or constructed and a legislative determination that the Stormwater Assessments are equitably and reasonably apportioned among the properties that receive the special benefit. All objections to adoption of the Final Stormwater Assessment Resolution shall be made in writing, and filed with the City Clerk at or before the time or adjourned time of such hearing. The Final Stormwater Assessment Resolution shall constitute the Annual Stormwater Assessment Resolution for the initial Fiscal Year in which Stormwater Assessments are imposed hereunder.

Sec. 7-14. -Annual Stormwater Assessment Resolution.

- (a) Annually, during its budget adoption process, the Commission shall determine whether to re-impose a Stormwater Assessment for each Fiscal Year following the initial Fiscal Year. If the Commission elects to re-impose a Stormwater Assessment, the procedures in this section 7-14 shall be followed.
- (b) The Commission shall adopt an Annual Stormwater Assessment Resolution for each Fiscal Year following adoption of the Final Stormwater Assessment Resolution.
- (c) The Annual Stormwater Assessment Resolution shall:
 - (1) Establish the rate of assessment to be imposed in the upcoming Fiscal Year; and
 - (2) Approve the Stormwater Assessment Roll for the upcoming Fiscal Year with such adjustments as the Commission deems just and right. The Stormwater Assessment Roll shall be prepared in accordance with the method of apportionment set forward in the Initial Stormwater Assessment Resolution.

as confirmed or amended by the Final Stormwater Assessment Resolution or any subsequent Annual Stormwater Assessment Resolution.

- (d) If the proposed Stormwater Assessment for any parcel of Developed Property exceeds the Maximum Assessment Rate established in the Final Stormwater Assessment Resolution, or if a Stormwater Assessment is imposed against property not previously subject thereto, the Commission shall provide notice to the owner of such property in accordance with section 7-12 hereof, and conduct a public hearing prior to adoption of the Annual Stormwater Assessment Resolution.

Sec. 7-15. - Effect of Stormwater Resolutions.

The adoption of the Final Stormwater Assessment Resolution or Annual Stormwater Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Stormwater Assessment Roll and the levy and lien of the Stormwater Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of Commission adoption of the Final Stormwater Assessment Resolution. The Stormwater Assessments for each Fiscal Year shall be established upon adoption of the Annual Stormwater Assessment Resolution. The Stormwater Assessment Roll, as approved by the Final Stormwater Assessment Resolution or Annual Stormwater Assessment Resolution, shall be delivered to the Tax Collector, or such other official as the Commission, by resolution, deems appropriate.

Sec. 7-16. - Lien of Stormwater Assessments.

- (a) Upon adoption of the Annual Stormwater Assessment Resolution for each Fiscal Year, Stormwater Assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Commission of the Annual Stormwater Rate Resolution and shall attach to the property included on the Stormwater Assessment Roll as of the prior January 1, the lien date for ad valorem

taxes.

- (b) Upon adoption of the Final Stormwater Assessment Resolution, Stormwater Assessments to be collected under the alternative method of collection provided in section 7-19 hereof, shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the official records of St. Johns County, Florida.

Sec. 7-17. -Authorization for Exemptions.

- (a) The Commission, in its sole discretion, shall determine whether to provide exemptions from payment of a Stormwater Assessment for Government Property, whose use is wholly or partially exempt from ad valorem taxation under Florida law.
- (b) The Commission shall designate the funds available to provide any exemptions. The provision of an exemption in any one (1) year shall in no way establish a right or entitlement to such exemption in any subsequent year, and the provision of funds in any year may be limited to the extent funds are available and appropriated by the Commission. Any funds designated for exemptions shall be paid by the City from funds other than those generated by the Stormwater Assessment.
- (c) Any shortfall in the expected Stormwater Assessment proceeds, due to any exemption from payment of the Stormwater Assessments required by law or authorized by the Commission, shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Assessments. In the event a court of competent jurisdiction determines any exemption by the Commission is improper or otherwise adversely affects the validity of the Stormwater Assessment imposed for any Fiscal Year, the sole and exclusive remedy shall be the imposition of an Assessment upon each affected Tax Parcel in the amount of the Stormwater Assessment that would have been otherwise imposed, save for such exemption afforded the Tax Parcel by the

Commission.

DIVISION 4. COLLECTION OF STORMWATER ASSESSMENTS

Sec. 7-18. - Method of Collection of Stormwater Assessments.

Unless directed otherwise by the Commission, Stormwater Assessments shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions thereof. Any hearing or notice required by this article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

Sec. 7-19. - Alternative Method of Collection of Stormwater Assessments.

In lieu of using the Uniform Assessment Collection Act, the City may elect to collect the Stormwater Assessment by any other method, which is authorized by law or under an alternative collection method provided by this section 7-19.

- (a) The City shall provide Stormwater assessment Bills by First Class U.S. Mail to the owner of each affected parcel of property, other than government property. The bill or accompanying explanatory material shall include:
 - (1) A brief explanation of the Stormwater Assessment;
 - (2) A description of the ERU calculation used to determine the amount of the assessment;
 - (3) The number of ERUs attributed to the parcel;
 - (4) The total amount of the parcel's Stormwater Assessment for the appropriate period;
 - (5) The location at which payment will be accepted;
 - (6) The date on which the Stormwater Assessment is due; and
 - (7) A statement that the Stormwater Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.
- (b) A general notice of the lien resulting from imposition of the stormwater assessments shall be recorded in the official records of St. Johns County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the official

records.

- (c) The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Stormwater Assessments in the manner provided by law. A Stormwater Assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The City or its agent shall notify any property owner who is delinquent in payment of his or her Stormwater Assessment within sixty (60) days from the date the Stormwater Assessment was due. Such notice shall state in effect that the City or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Stormwater Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.
- (d) All costs, fees and expenses, including reasonable attorney's fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or corporation. The City may join in one foreclosure action the collection of Stormwater Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney's fees in collection of such delinquent Stormwater Assessments and any other costs incurred by the City as a result of such delinquent Stormwater Assessments including, but not limited to, costs paid for draws on a credit facility, and the same shall be collectible as a part of or in addition to, the costs of the action.
- (e) In lieu of foreclosure, any delinquent Stormwater Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided, however, that:

 - (1) Notice is provided to the owner in the manner required by law and this article; and
 - (2) Any existing lien of record on the affected parcel for the delinquent Stormwater Assessment is supplanted by the lien resulting from certification of the Stormwater Assessment Roll to the tax collector.

Sec. 7-20. - Collection of Stormwater Assessments from Government Property.

- (a) Unless directed otherwise by the Commission, the City may provide Stormwater Assessment bills by First Class U.S. Mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:
- (1) A brief explanation of the Stormwater Assessment;
 - (2) A description of the ERUs or other unit used to determine the amount of the Stormwater Assessment;
 - (3) The number of ERUs (or other units used to calculate the amount of the Stormwater Assessment) attributed to the parcel;
 - (4) The total amount of the parcel's Stormwater Assessment for the appropriate period;
 - (5) The location at which payment will be accepted; and
 - (6) The date on which the Stormwater Assessment is due.
- (b) A Stormwater Assessment shall become delinquent if it is not paid within thirty(30) days from the date any installment is due. The City shall notify the owner of any government property that is delinquent in payment of its Stormwater Assessment within sixty (60) days from the date the Stormwater Assessment was due. Such notice shall state in effect that the City will initiate a mandamus or other appropriate judicial action to compel payment.
- (c) All costs, fees and expenses, including reasonable attorney's fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City, including reasonable attorney's fees in collection of such delinquent Stormwater Assessments and any costs incurred by the City as a result of such delinquent Stormwater Assessments including, but not limited to, costs paid for draws on a credit facility, and the same shall be collectible as a part of or in addition to, the costs of the action.

Sec. 7-21. - Responsibility for Enforcement.

The City and its agent, if any, shall maintain the duty to enforce the prompt collection of Stormwater Assessments by the means provided herein. The duties related to collection of Stormwater Assessments may be enforced at the suit of any holder of Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

DIVISION 5. - GENERAL PROVISIONS

Sec. 7-22. - Issuance of Obligations.

- (a) Upon adoption of the Final Stormwater Assessment Resolution imposing Stormwater Improvement Assessments, or at any time thereafter, the Commission shall have the power and is hereby authorized to provide by ordinance or resolution, at one time or from time-to-time in series, for the issuance of Obligations of the City to fund the Projects Cost thereof, and any amounts to be paid or accrued in connection with issuance of such Obligations, including, but not limited to capitalized interest, Transaction Costs and reserve account deposits.
- (b) The principal of and interest on each series of Obligations shall be payable from Pledged Revenue. At the option of the Commission, the City may agree, by ordinance or resolution, to budget and appropriate funds to make up any deficiency in the reserve account established for the Obligations or in the payment of the Obligations, from other non-ad valorem revenue sources. The Commission may also provide, by ordinance or resolution, for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the Obligations. Any such ordinance or resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

Sec. 7-23. - Revisions to Stormwater Assessments.

If any Stormwater Assessment made under the provisions of this article is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Commission is satisfied that any such Stormwater Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Commission has failed to include any property on the Stormwater Assessment Roll that should have been so included, the Commission may take all necessary steps to impose a new Stormwater Assessment against any such property, following as nearly as may be practicable, the provisions of this article and

in case such second Stormwater Assessment is annulled, the Commission may obtain and impose other Stormwater assessments until a valid Stormwater Assessment is imposed.

Sec. 7-24. - Procedural Irregularities.

Any irregularity in the proceedings in connection with the levy of any Stormwater Assessment under the provisions of this article shall not affect the validity of the same after the approval thereof, and any Stormwater Assessment as finally approved shall be competent and sufficient evidence that such Stormwater Assessment was duly levied, that the Stormwater Assessment was duly made and adopted, and that all other proceedings adequate to such Stormwater Assessment were duly had, taken and performed as required by this article, and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this section 7-24, any party objecting to a Stormwater Assessment imposed pursuant to this article must file an objection with a court of competent jurisdiction within the time periods prescribed in section 7-15 of this article.

Sec. 7-25. - Correction of Errors and Omissions.

- (a) No act of error or omission on the part of the Commission, City Manager, Property Appraiser, Tax Collector, City Clerk, or their respective deputies, employees or designees, shall operate to release or discharge any Obligation for payment of any Stormwater Assessment imposed by the Commission under the provisions of this article.
- (b) The number of ERUs attributed to a parcel of property may be corrected at any time by the City Manager. Any such correction which reduces a Stormwater Assessment shall be considered valid from the date on which the Stormwater Assessment was imposed and shall in no way affect the enforcement of the Stormwater Assessment imposed under the provisions of this article. Any such correction which increases a Stormwater Assessment or imposes a Stormwater Assessment on omitted property shall first require notice to the affected owner in the manner described in section 7-12 hereof, providing the date, time and place that the Commission will consider confirming the correction and offering the owner an opportunity to be heard.
- (c) After the Stormwater Assessment Roll has been delivered to the Tax Collector, any

changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

Sec. 7-26. - Applicability.

This article and the City's authority to impose Stormwater Assessments pursuant hereto shall be applicable throughout the City.

Sec. 7-27. - Alternative Method.

This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This article, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

ARTICLE II. - STORMWATER ILLICIT DISCHARGE

Sec. 7-~~21~~28. - Authority.

The city is authorized by the Florida Constitution and the provisions of the F.S. Chs. 125, 163 and 403, to establish and administer programs for stormwater management, including the control of pollution discharged to the city's storm sewer system.

Sec. 7-~~222~~29. - Findings.

The city commission finds, determines and declares as follows:

- (1) The contribution of pollutants through discharges from storm sewer systems has a significant impact on receiving waters in the city.
- (2) Improperly treated discharges from industrial or commercial activities, interconnected municipal separate storm sewer systems, illicit discharges and discharges from spilling, dumping or disposal of material other than stormwater to the municipal storm sewer system of the city adversely affects the quality of water receiving such discharges.
- (3) The United States Environmental Protection Agency, pursuant to Title 40,

Section 122.26 of the Code of Federal Register, has mandated the city, through the issuance of National Pollution Discharge Elimination System (NPDES) permit, to control discharges from the city's storm sewer system to waters of the United States.

Sec. 7-2330. - Definitions.

For the purposes of these regulations, the following definitions shall apply; words used in the singular shall include plural, and the plural, singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use.

Best management practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, treatment methods and other management practices to prevent or reduce pollutants from entering the municipal storm sewer system or being discharged from the municipal storm sewer system.

City. City of St. Augustine Beach, Florida.

Clean Water Act or CWA. Public Law (PL) 92-500, as amended PL95-217, PL95-576, PL96-483, PL97-117 and 33 U.S.C. 1251 et seq., as amended by the Water Quality Act of 1987, PL100-4.

Construction activities. The alteration of land during construction and include such activities as clearing, grading and excavation.

Director. Director of public works of the city or his or her designee.

Discharge. The release of liquid, solid or gaseous material and includes, but is not limited to, a release, spilling, leaking, seeping, pouring, emitting, emptying and/or dumping of any substance of material.

Illicit connection. Point source discharge to the city's municipal stormwater system or to waters of the United States, which is not entirely of stormwater and/or which is not authorized by a permit.

Illicit discharge. A discharge to the city's storm sewer system or to waters of the United States which is not composed entirely of stormwater, unless exempted pursuant to this

regulation, and/or the discharge to the city's storm sewer system or to waters of the United States and which is not in compliance with federal, state and city permits.

Industrial activities. Activities at facilities identified by the United States.

Environmental Protection Agency. Requiring an NPDES stormwater permit in accordance with 40 Code of the Federal Register, Part 122.26 and/or amendments thereto.

Municipal separate storm sewer system (MS4). A conveyance, storage area or system of conveyances and storage areas including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, treatment ponds and other structural BMPs, owned or operated by local government that discharges to waters of the United States or to other MS4s, that is designed solely for collecting, treating or conveying stormwater, and this is not part of a publicly owned treatment works (POTW), as defined by 40 Code of the Federal Register 122.2 or any context may require.

Person. Any individual, partnership, firm, organization, corporation, association or other legal entity, whether singular or plural, as the context may require.

Point source. Any discernible and confined conveyance including, but not limited to, any pipe, ditch, channel, conduit, well, container, rolling stocks, concentrated animal feeding operation, vessel or other floating craft from which pollutants are discharged. This term does not include return flows from irrigated agriculture.

Pollutant. Includes, but is not limited to, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.), heat, wrecked or damaged equipment, rock, sand and industrial, municipal (excepting the city's discharges) and agricultural waste discharged into the MS4, and not excluding other materials which the director, his/her representative, federal or state regulatory agencies may deem appropriate to be included.

Reclaimed water. Water that has received at least advanced secondary treatment and basic disinfection and is reused after flowing out of a wastewater treatment facility.

Reuse. The deliberate application of reclaimed water, in compliance with Florida Department of Environmental Protection and/or St. Johns River Water Management District

rules, for a beneficial purpose.

Runoff. The surface flow of water which results from, and occurs following, a rainfall event.

Significant construction activities. Construction activities which result in the disturbance of five (5) acres or more of total land area.

Significant redevelopment. The alteration of an existing development which results in the increase and in the discharge of a stormwater facility beyond its previously designed and constructed capacity, or increased pollution or changed points of discharge, except emergency repairs.

Spill. Illicit discharge.

Stormwater. Surface runoff and the discharge of runoff water resulting from rainfall.

Waters of the United States. Surface and ground waters as defined by 40 Code of the Federal Register 122.2.

Sec. 7-~~24~~31. - Discharges to the municipal separate storm sewer system.

- (a) No discharge to the city's municipal separate storm sewer system ("MS4") shall be permitted to impair the operation of the MS4 or contribute to the failure of the MS4 to meet any local, state or federal requirements, including, but not limited to, NPDES permits.
- (b) Stormwater discharges to the MS4 from industrial, commercial or construction activities and from new development or redevelopment projects are required to obtain appropriate local, state and/or federal permits prior to discharging the MS4.
- (c) Any person determined by the city to be responsible for a discharge contributing to the failure of the city's MS4 to comply with the provisions and conditions of an NPDES permit shall be guilty of a violation of this chapter and shall provide corrective measures as determined necessary by the director, and shall be liable for fines and damages.

Sec. 7-~~25~~32. - Stormwater discharges from industrial, commercial and construction activities.

- (a) Stormwater discharges from industrial and commercial activities shall be treated or managed on site, in accordance with appropriate federal, state or local permits and regulations, prior to discharge to the city's MS4.
- (h) Stormwater discharges from significant construction activities shall be treated or managed on site in accordance with appropriate federal, state or local permits and regulations, prior to discharge to the city's MS4. Erosion, sediment and pollution control for the construction site shall be properly implemented, maintained and operated according to a pollution prevention plan required by an NPDES permit for the discharge of stormwater from construction activities, or according to a state permit issued by the Florida Department of Environmental Protection or St. Johns River Water Management District.
- (c) Construction activity which is characterized as an illicit connection or illicit discharge if the activity causes and impairment of the operation of the MS4 or contributes to the failure of the MS4 to meet any local, state or federal requirements, including, but not limited to, NPDES permits.
- (d) The owners or operators of industrial facilities, commercial entities and construction sites which discharge stormwater to the city's MS4 shall provide prior written notification to the city of the discharge and shall have received prior approval of the discharge from the city.

Sec. 7-2633. - Control of pollutant contributions from interconnected municipal storm sewer systems.

The discharge of stormwater between interconnected state, county, cities or other MS4s shall not be permitted to cause the city's MS4 to be in violation of the provisions of an NPDES permit. Owners of any portion of the city interconnected MS4 shall be responsible for controlling the quality and quantity of discharge of stormwater to the city's MS4.

Sec. 7-2734. - Prohibition of illicit discharges and illicit connections.

- (a) Illicit discharges and illicit connections to the city's MS4 are prohibited.
- (b) Failure to report a connection to the city's MS4 or to waters of the United States from industrial activities, commercial entities or construction activities constitutes

an illicit discharge.

- (c) Failure to report to the city a discharge to the city's MS4 or to waters of the United States from industrial activities, commercial entities or construction activities constitutes an illicit discharge.
- (d) Any discharge to the city's MS4 or to waters of the United States which is in violation of federal, state or local permits or regulations constitutes an illicit discharge.
- (e) Persons responsible for illicit discharges or illicit connections shall immediately cease the illicit discharge or connection, and obtain appropriate approvals from regulatory agencies prior to resuming the discharge or connection.

Sec. 7-~~28~~35. - Inspection and monitoring for compliance.

City personnel shall be granted access for inspection of facilities discharging or suspected of discharging to the city's MS4 or waters of the United States in order to effectuate the provisions of this article and to investigate violations or potential violations of any of the terms herein. All structures and processes which allow discharges to the city's MS4, as well as records concerning them, shall be made accessible to the city's personnel for this purpose.

Sec. 7-~~29~~36. - Maintenance of structures.

Structural control and other BMPs used for controlling the discharge of pollutants to the city's MS4 or to waters of the United States shall be operated and maintained so as to function in accordance with permitted design and performance criteria and in compliance with federal, state or local permit conditions and regulations.

(Ord. No. 08-31, § 1(7-9), 12-1-08)

Sec. 7-~~30~~37. - Exemptions.

The following activities shall not be considered an illicit discharge or illicit connection, unless such activities cause, or significantly contribute to, the impairment of the use of the city's MS4 or the violation of the conditions of the city's NPDES permit.

- (1) Discharges from:

- a. Water line flushing;
- b. Flushing of reclaimed water lines;
- c. Street cleaning;
- d. Sidewalk/building power washing;
- e. Construction dust control;
- f. Landscape irrigation;
- g. Diverted stream flows or lake waters;
- h. Foundation, footing and roof drains;
- i. Uncontaminated groundwater infiltration (as defined at 40 Code of Federal Register 35.205(20));
- j. Discharges from potable water sources;
- k. Air conditioning condensate or cooling water;
- l. Irrigation water;
- m. Springs;
- n. Lawn watering;
- o. Individual residential car washing;
- p. Flows from riparian habitat and wetlands; and
- q. Discharges or flow from emergency fire-fighting activities and emergency response activities done in accordance with adopted spill response/action plan.

(2) Discharges for which all appropriate federal, state and local permits have been obtained.

Sec. 7-3438. - Discharges of polluting matter in storm systems prohibited.

(a) It shall be unlawful for any person to drain, deposit, place or otherwise discharge pollutants into any stormwater system within the city, or to cause or permit to be drained, deposited, placed or otherwise discharged into such stormwater systems any organic matter which causes pollution, pursuant to the water quality standards established by all applicable regulatory agencies. Polluting matter includes, but is not limited to, the following:

- (1) Petroleum products, including, but not limited to oil, gasoline and grease;
- (2) Solid waste;

- (3) Paints;
 - (4) Steam cleaning waste;
 - (5) Pesticides, herbicides or fertilizers;
 - (6) Degreasers, solvents;
 - (7) Sanitary sewage;
 - (8) Chemically treated cooling water;
 - (9) Antifreeze and other automotive products;
 - (10) Lawn clippings, leaves, branches, etc.;
 - (11) Animal carcasses;
 - (12) Recreational vehicle waters;
 - (13) Dyes;
 - (14) Construction materials;
 - (15) Any liquids in quantity or quality which are capable of causing a violation of the city's NPDES permit; and
 - (16) Solids in such quantities or of such size capable of causing interference or obstruction to the flow in the city's stormwater system.
- (b) It shall be unlawful to wash any public or private streets, buildings, sidewalks or parking areas, unless all visible debris and sediments have been removed prior to washing. If the removal of the debris and sediments is not feasible (as determined by the public works director), then the street, building, etc., may only be washed with the public works director's written approval, which may include requirements to clean the affected drainage pipelines or provide treatment of wastewater to prevent downstream pollution.

Sec. 7-3239. - Enforcement, penalties and legal proceedings.

- (a) This regulation may be administered by the director. All persons in violation of this regulation shall remedy such violations immediately. All persons in violation shall, in addition to all other required remedial actions, upon detection and/or written notification by the city, provide a written response to the director outlining the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of the corrective measures. All such

proposals for corrective action are subject to the approval of the director.

- (b) The director is authorized to issue cease and desist orders in the form of written official notices hand delivered or sent by registered mail to the persons(s) believed to be responsible for the violation and/or the owner of the property from or on which the violation is believed to be occurring. Specific activities and operations may be ordered to cease based upon the following conditions:
 - (1) In a situation that may have a serious effect on the health, safety or welfare of the public or the environment, including the quality of stormwater in the city's MS4; or
 - (2) When irreversible or irreparable harm may result, in the reasonable opinion of the director, and immediate cessation of the activity is necessary to protect the quality of the stormwater in the city's MS4, the public or the environment.
- (c) Any person who violates this regulation and/or who fails to comply with the requirements of any provision of this regulation shall, without limitation on the city's legal recourse, be subject to prosecution before the St. Augustine Beach Code Enforcement Board or a special magistrate of the city. Each day of violation shall constitute a separate violation.
- (d) In addition to any fines which may be imposed by the St. Augustine Beach Code Enforcement Board or a special magistrate, persons responsible for violation of this regulation shall be liable for all costs incurred by the city in sampling, analyzing and/or monitoring the discharge, together with all state and/or federal fines imposed as a result of the discharge and cost of removing, remedying or properly treating the discharge.
- (e) Should any person responsible for a violation of this regulation fail to take the remedial action as required by the city, the city shall take such remedial action, and all costs incurred by the city shall be the responsibility of the person or persons responsible for the violation, and the city may record a lien against the personal and/or real property of the violators to recover said costs and to collect all fines and penalties imposed.
- (f) In addition to the remedies provided herein, the city may make application to a

court of competent jurisdiction for injunctive relief to restrain any person from violating or continuing to violate the provisions of this regulation. In addition, the city may also seek entry of a court order requiring restoration and mitigation of any impacted facilities, land or waters, and may request any other appropriate legal remedy, including reimbursement of court costs. The city shall be entitled to an award of attorney's fees in prosecuting such actions, together with all attorney's fees and costs on appeal.

(g) In accordance with the City Code, any person willfully or negligently violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine in the lesser amount of the maximum amount permitted by law, one thousand dollars (\$1,000.00) or by imprisonment not to exceed the maximum amount permitted by law for violation of a municipal ordinance or one (1) year, or by both such fine and imprisonment. Additionally, any person who has violated or continues to violate this chapter shall be liable to the city for a civil penalty of up to maximum amount permitted by law per day, and in no event, plus damages, for as long as the violation continues, together with attorney's fees, court costs and other expenses incurred by the city associated with the enforcement activities, including, but not limited to, sampling and monitoring expenses.

(h) The city may elect to take any or all of the above remedies concurrently, and the pursuit of one shall not preclude the pursuit of another.

Section 3 - Codification.

The provisions of this Ordinance shall be codified in the Code of Ordinances of the City of St. Augustine Beach, Florida.

Section 4 - Conflict and Severability.

In the event any provision of this Ordinance conflicts with any other provision of the Code or any other ordinance or resolution of the City of St. Augustine Beach on the subject matter of this Ordinance, the more strict provision shall apply and supersede. If any provision of this Ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall be deemed separate, distinct, and independent

provisions enforceable to the fullest extent possible.

Section 5- Scrivener's Error.

The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

Section 6 - Effective Date.

This Ordinance shall become effective upon final adoption by the City Commission.

This Ordinance was read by title for the first time on the _____ day of _____ 2023, and was advertised on the _____ day of _____ 2023, for a public hearing to be held on the _____ day of _____ 2023, at the conclusion of which hearing it was moved for adoption by Commission member _____, seconded by Commission member _____ and adopted by the following vote of the City Commission:

Mayor _____

Vice-Mayor _____

Commission member _____

Commission member _____

Commission member _____

ATTEST:
FLORIDA

CITY OF ST. AUGUSTINE BEACH,

Dariana Fitzgerald
City Clerk Seal:

By: _____
Max Royle
Mayor

MEMORANDUM

TO: Max Royle, City Manger
FROM: William Tredik, P.E. Public Works Director
DATE: January 27, 2022
SUBJECT: RFP for Grant Management Services

DISCUSSION

The City has been very successful in recent years in securing outside funding for projects. Unfortunately, the workload associated with the project management, inspection and grant management of these funded projects exceeds the capacity of existing City Staff. Examples of the work required to administer these projects include, but are not limited to:

- Project management / inspection services
 - Preparation of bid documents (if not prepared by design engineer)
 - Review of prospective bidders questions
 - Coordination with engineer of record (EOR) on any plan changes
 - Issuance of bid addendums
 - Review of submitted bids and recommendations of award
 - Pre-construction meeting
 - Assembly of executed contracts and associated required documents
 - Issuance of notice to proceed
 - Shop drawing review and approval
 - Coordination between the Contractor and EOR regarding RFIs
 - Construction progress meetings, including agenda preparation and minutes
 - Construction inspection services and reports
 - Review and approval of applications for payment
 - Review of change order requests
 - Certifications of substantial and final completion
- Grant management services
 - Grant writing and applications
 - Coordination with agencies to execute grant agreements
 - Regular coordination with grant agencies during the life of a grant
 - Management of grant deadlines and coordination with City to ensure compliance
 - Progress reporting (typically quarterly) to grant agencies
 - Compiling and submitting requests for reimbursement to grant agencies
 - Compiling and submitting grant modifications to grant agencies
 - Compiling and submitting grant closeout documentation

At the January 9 2023 City Commission, the staff expressed concern regarding the current and pending workload associated with the wave of grant funded projects. Current active grant funded projects include:

- | | |
|--|----------------------------------|
| • Mizell Weir (HMGP & SJRWMD) | grant closeout FY 23 |
| • Ocean Hammock Park Phase 2 (FRDAP) | construction FY 23 |
| • Ocean Hammock Park Phase 3.1 (CPI) | construction FY 23 |
| • Ocean Walk Drainage (FDEP) | construction FY 23/FY 24 |
| • C.R. A1A/Pope Road Storm Surge (HMGP) | construction FY 23 |
| • Dune Walkovers (SAPW&BD) | construction FY 23/FY 24 |
| • Magnolia Dunes/Atlantic Oaks Cir. (FDEP) | design FY 23; construction FY 24 |
| • 7 th , 8 th , 9 th Street Drainage (FDEP) | design FY 23; construction FY 24 |

The City does not currently have sufficient in-house resources to effectively manage workloads associated with the above grants. In order to meet this increasing workload, the Public Works and Finance Departments recommend the following actions:

- Advertise a request for proposals (RFP) and select a firm to provide Grant Management services. Though hourly consultant fees are significantly higher than in-house employees' hourly wages and benefits, consultants can bridge the gap between the present and the next fiscal year, when the feasibility of adding staff can be considered. If additional staff are not budgeted in FY24, the grant management firm can continue to provide the required services through FY 24 and the City can reassess the need in subsequent fiscal years.
- Discuss the feasibility of adding staff to provide project management and grant management duties in the FY 24 budget. Additional staff could be in the form of:
 - Direct Employees – Full-time or part-time worker(s) hired by the City. They would be regularly scheduled and budgeted for a specific set of hours and would come under City payroll and receive benefits according to City policy.
 - Contract worker – Worker(s) would have a contractual agreement with the City to work in exchange for an agreed fee. Their relationship with the City would be limited to the terms specified in the contract. Contract workers could be hired permanently to work with alternate projects, or as temporary workers for a short span. They could come under the City's payroll during the contract period.
 - Contingent worker – Worker(s) would not have a contract defining their time of employment with the City. These workers could include freelancers, consultants, part-timers, and on-call workers.

There are pros and cons to each of the categories of workers listed above. These pros and cons can be analyzed in more depth during the development of the FY 24 budget.

Regardless of potential staff additions in FY 24, it is essential that the City procure a consultant to bridge the gap between the present and the upcoming fiscal year.

Attached as Exhibit A is a draft RFP for the selection of a firm to provide grant management services. The City is requesting approval to advertise this RFP as soon as possible so that a firm can be selected to assist the City for the remainder of the fiscal year and potentially into FY 24 and beyond. Staff will work with the City Attorney to modify the RFP as necessary, prior to advertisement, to ensure it meets City procurement policy and fully addresses the needs of the City.

Proposals submitted by respondents will be independently evaluated and scored by a selection committee of at least three (3) staff members. Total scores will be presented to the City Commission at a future meeting for authorization to enter into a contract with the top ranked firm.

ACTION REQUESTED

Authorize the City Manager or designee to advertise a RFP for Grant Management Services.

CITY OF ST. AUGUSTINE BEACH, FLORIDA

REQUEST FOR PROPOSALS

DRAFT



GRANT MANAGEMENT SERVICES

23-__-RFP

ISSUE DATE: _____

RESPONSES DUE: _____

SUBMIT TO: City of St. Augustine Beach
City Manager's Office
2200 S.R. A1A South
St. Augustine Beach, FL 32080

DRAFT

PROPOSALS ARE DUE NOT LATER THAN _____, 2023

PROPOSALS WILL BE PUBLICLY OPENED AT _____. EDT ON _____, 2023

The City's Evaluation Committee will meet at City Hall on _____, 2023 at _____ EDT, to:

- Evaluate and discuss the responses
- Finalize the initial ranking
- Determine a shortlist of Respondents
- Decide if oral presentations (by the shortlisted Respondents) are necessary to assist in facilitating the evaluation process in determining a final recommendation
- All Respondents will be notified in writing of the staff's intended recommendation to the City Manager
- Decide to proceed with negotiations with the top-ranked Respondent(s), as authorized by the City Manager

Special accommodations for disabilities may be requested through Dariana Fitzgerald, City Clerk, or by calling 904-471-2122 at least five (5) business days before the date needed.

CITY MANAGER

All inquiries related to this solicitation should be directed to the City Manager's Office:

Max Royle Phone: 904-471-2122 Fax: 904-471-4108 Email: mroyle@cityofsab.org
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RESPONDING TO THE REQUEST FOR PROPOSAL

All persons and firms wishing to submit proposals must obtain a complete copy of the Request for Proposal and submit all required forms as outlined in the solicitation document with their response.

Faxed or e-mailed responses will not be accepted. All Proposals must be submitted in sealed envelopes with the Proposal number and Proposal opening time and date (as advertised) clearly marked in large, bold, and/or colored lettering to:

City of St. Augustine Beach Request for Proposal _____ Attention: Office of the City Manager 2200 A1A South St. Augustine Beach, Florida 32080
--

Respondents should allow sufficient time for delivery. Any Proposal received after the time and date advertised will be returned unopened to the Respondent.

PROPOSAL DUE DATE

Proposals are due by _____ EDT on _____, 2023.

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PROPOSAL OPENING

Respondents or their authorized agents are invited to attend the Proposal opening. The Proposals will be opened and read at the following time and place:

_____ EDT, Friday, August 23, 2023 City of St. Augustine Beach City Manager's Office 2200 A1A S. St. Augustine Beach, Florida 32080
--

The Florida Public Records Act, Section 119.071(1)(b), F.S., exempts sealed Proposals from inspection, examination, and duplication until such time as the City issues a notice of decision (Notice of Award) or intended decision (Notice of Intent to Award) pursuant to Section 120.57(3)(a), F.S. or within thirty (30) days after the Proposal opening, whichever comes first. This exemption is not waived by the public opening of the Proposals.

Unless otherwise exempt, Respondent's submittal is a public record that is subject to disclosure upon expiration of the above exemption. If any information submitted with the proposal is a trade secret as defined in Section 812.081, F.S., and exempt from disclosure pursuant to Section 815.04, F.S., Respondent must clearly identify any such material as "CONFIDENTIAL TRADE SECRET" in its submittal and explain the basis for such exemption. The City reserves the right, in its sole judgment and discretion, to reject a submittal for excessive or unwarranted assertion of trade secret confidentiality and return the submittal to Respondent.

MINIMUM QUALIFICATIONS

- A. Evidence of satisfaction of all required business, industry, etc. registrations and/or licensing at the firm level or at the individual (to be assigned to the City) level.
- B. At least five (5) years' experience in providing services of the type sought by the City for both firm and the principal to oversee the assignment.

Irrespective of the minimum qualifications stated above, the City may make such investigations as it deems necessary to determine the ability of the Respondent to perform the Work. The City reserves the right to reject any Proposal if the evidence submitted by such Respondent and/or the City's independent investigation of such Respondent fails to satisfy the City that such Respondent is properly qualified to carry out the obligations of the Agreement and complete the Work in a manner acceptable to the City within the time period specified.

SUBMISSION REQUIREMENTS

All proposing firms must submit the following information and materials:

A. FORMS:

1. Proposal Summary Form
2. Non-Collusion Affidavit
3. Drug-Free Workplace Form (not required unless there is a tie)
4. Public Entity Crimes Affidavit

- B.** Description of the firm and its relevant experience, including a statement of the date of establishment or incorporation under the present management structure. Statement describing the full extent of the responding firm's business, including all parent and subsidiary entities.
- C.** Description of the firm's experience performing the type of services requested in this RFP, including description of current and recent arrangements with other clients for which similar services are performed.
- D.** Description of the firm's understanding of the City's insurance and risk management needs.
- E.** Description of the firm's approach to providing the types of services sought by the City.
- F.** Description of the software and analytic capabilities of the firm.
- G.** Identification of the proposed insurance and risk management team, including the principal-in-charge who will have overall responsibility for the direction and supervision of the team, and a description of the responsibilities of each team member. Provide short biographies of team members describing at a minimum education, and professional experience and credentials.
- H.** Identification of the legal team(s) under contract to provide services in various disciplines.
- I.** City and Company must agree upon the legal firm for any employment disputes covered by any proposal award.
- J.** Three (3) references of clients or other public entities that are familiar with the work of your firm in providing services of the type requested by the City with current contact information for each reference, and three (3) references of persons familiar with the work and professional skill of the proposed principal-in-charge. The references for the firm and the principal-in-charge may, but need not, be the same.
- K.** Identification of any material litigation, administrative proceedings or investigations regarding your firm or team member that is ongoing or has been settled or otherwise concluded during the past two years. Identification of any conflict of interest related to this proposal.
- L.** All responses must include, if respondent is incorporated, identification of the firm's state of incorporation and a statement that it is in good standing in that state, and, if the state of incorporation is not Florida, a statement that the respondent has complied with all filing requirements of that state.
- M.** All responses must include any termination of contracts by any municipality with cause or due to failure to provide proper service to any municipality.

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PREPARATION AND ORGANIZATION OF PROPOSAL DOCUMENTS

Respondents shall submit one (1) original and a minimum of five (5) additional copies of the Proposal package. Please identify the original Proposal as "ORIGINAL." In order to assist the City's review process, **each submittal package shall be bound or submitted in three-ring binders with tabbed dividers for the first five Criteria** identified in the Evaluation Criteria. (i.e. Tab 1 – Background and Qualifications, Tab 2 – Personnel, etc.). All blank spaces on the required documents shall be typewritten or printed in ink.

Respondent is encouraged to include as much pertinent data and information under each section as necessary to ensure proper evaluation of its qualifications. Each section shall be evaluated separately on its own merit.

Standard brochures and specifications may be submitted as additional material but shall not be submitted as the primary qualification data.

In the event you decline to submit a Proposal, the City would appreciate submittal of the "No Response Form" provided at the end of the "FORMS" section to describe the reason for not submitting a Proposal.

INQUIRIES AND ADDENDA

City staff are not authorized to orally interpret the meaning of the specifications or other Agreement documents, or correct any apparent ambiguity, inconsistency, or error therein. In order to be binding upon the City, the interpretation or correction must be given by the City Manager and must be in writing. The City Manager may orally explain the City's procedures and assist Respondents in referring to any applicable provision in the Proposal documents, but the Respondent is ultimately responsible for submitting the Proposal in the appropriate form and in accordance with written procedures.

Every request for a written interpretation or correction must be received not later than _____ EDT on _____, 2023 in order to be considered. Requests may be submitted by fax at (904) 471-4108 or by e-mail dfitzgerald@cityofsab.org. Interpretations, corrections, and supplemental instructions will be communicated by written addenda to this solicitation posted by Onvia DemandStar to all prospective Respondents (at the respective addresses furnished for such purposes).

Submission of a Proposal constitutes acknowledgment of receipt of all addenda. Proposals will be construed as though all addenda had been received. Failure of the Respondent to receive any addenda does not relieve Respondent from any and all obligations under the Proposal, as submitted. All addenda become part of the Agreement.

PROPOSAL GUARANTY

For the purposes of this solicitation, a Proposal guaranty is not required.

SIGNATURE AND CERTIFICATION REQUIREMENTS

An individual submitting a Proposal must sign his/her name therein and state his/her address and the name and address of every other person interested in the Proposal as principal. If a firm or partnership submits the Proposal, state the name and address of each member of the firm or partnership. If a corporation submits the Proposal, an authorized officer or agent must sign the Proposal, subscribing the name of the corporation with his or her own name and affixing the corporate seal. Such officer or

agent must also provide the name of the state under which the corporation is chartered, and the names and business addresses of the President, Secretary, and Treasurer. Corporations chartered in states other than Florida must submit evidence of registration with the Florida Secretary of State for doing business in the State of Florida. Respondent must certify that all persons or entities having an interest as principal in the submittal of the Proposal or in substantial performance of the Work have been identified in the Proposal forms.

CITY OF ST. AUGUSTINE BEACH'S PURCHASING POLICY

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I. Policy Statement

The City Commission hereby adopts the City of St. Augustine Beach's Purchasing Policy as set forth herein.

II. Definitions

- A. *Construction services* means all labor, services and materials provided in connection with the construction, alteration, repair, demolition, reconstruction or any other improvements to a City facility or real property.
- B. *General services* means support services performed by an independent contractor requiring specialized knowledge, experience or expertise that includes, but is not limited to, pest control, janitorial services, laundry services, catering services, security services, lawn maintenance services and maintenance of equipment.
- C. *Goods* means, but is not limited to, supplies, equipment, materials and printed matter.
- D. *Local business* means the vendor holds a valid business tax receipt issued by the City of St. Augustine Beach or St. Johns County issued at least one (1) year prior to bid or proposal submittal and uses a business address physically located within the territorial limits of St. Johns County in an area zoned for the conduct of such business, from which the vendor operates a business or performs business services on a day-to-day basis, provided that a substantial component of the goods or services being offered go to the City of St. Augustine Beach. Firms which provide goods or services which are exempt from City of St. Augustine Beach and St. Johns County business tax receipt requirements shall be required to submit documentation satisfactory to the City demonstrating the physical business presence of the firm within the limits of St. Johns County for at least one (1) year prior to bid or proposal submission. Post office boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In order to be eligible for local preference, the vendor must provide, prior to recommendation for award, a copy of the current and valid business tax receipt issued at least one (1) year prior to bid or proposal submission or copies of other documentation demonstrating the physical business presence of the vendor within the limits of St. Johns County for at least one (1) year prior to bid or proposal submission.
- E. *Principal place of business* means the "nerve center," the place where the bidder or the bidder's corporate officers direct, control and coordinate the activities of the bidder. If the bidder operates

only one (1) business location, such business location shall be considered its Principal Place of Business.

- F. *Professional services* means advice, instruction or specialized work from an individual, firm or corporation specifically qualified in a particular area. "Professional services," for the purposes of this definition, shall not mean those services procured pursuant to Section 287.055, Florida Statutes.

III. Waiver

The application of local preference to a particular purchase, contract or category of contracts may be waived upon written recommendation of the Director of General Services and approval of the City Manager or his/her designee.

IV. Other Preferences

The preferences established herein in no way prohibit the right of the City of St. Augustine Beach to compare quality of materials proposed for purchase and to compare qualifications, past performance, character, responsibility and fitness of all persons, firms or corporations submitting bids or proposals. Further, the preferences established herein in no way prohibit the City of St. Augustine Beach from giving any other preference permitted by law instead of the preference authorized herein.

V. Exemption of Certain Contracts

Co-operative purchases shall be exempt unless all participants in the co-operative purchase agree to apply this local preference resolution. In addition, particular categories of contracts may be exempted from application of local preference upon determination by the City Manager that such exemption serves the best interest of the City.

DISQUALIFICATION OF RESPONDENTS

Any of the following causes will be considered as sufficient grounds for disqualification of a Respondent and rejection of the Proposal:

- a. Submission of more than one Proposal for the same subject matter by an individual, firm, partnership, or corporation under the same or different names;
- b. Evidence of collusion among Respondents;
- c. Submission of materially false information with the Proposal;
- d. Information gained through checking of references or other sources which indicates that Respondent may not successfully perform the Work;
- e. Incomplete contractual commitment(s) to other persons or entities, which, in the sole judgment of the City, may hinder or prevent the prompt completion of the Work if awarded to Respondent;
- f. Respondent is failing to adequately perform on any existing contract with the City;
- g. Respondent has defaulted on a previous contract with the City;
- h. The evidence submitted by Respondent, or the City's investigation of Respondent, fails to satisfy the City that Respondent is properly qualified to carry out the obligations of the Agreement in a manner acceptable to the City and within the time period specified;

- i. Any other cause that is sufficient to raise doubt regarding the ability of a Respondent to perform the Work in a manner that meets the City's objectives for the Work.

REJECTION OF PROPOSAL

Proposals must be delivered to the specified location and received before the Proposal opening in order to be considered. Untimely Proposals will be returned to the Respondent unopened. Proposals will be considered irregular and may be rejected if they show material omissions, alterations of form, additions not called for, conditions, limitations, unauthorized alternate Proposals, or other material irregularities. The City may consider incomplete any Proposal not prepared and submitted in accordance with the provisions specified herein and reserves the right to waive any minor deviations or irregularities in an otherwise valid Proposal.

THE CITY RESERVES THE RIGHT TO REJECT ANY AND ALL PROPOSALS WHEN IT DETERMINES, IN ITS SOLE JUDGMENT AND DISCRETION THAT IT IS NOT IN ITS BEST INTEREST TO AWARD THE AGREEMENT.

WITHDRAWAL OF PROPOSALS

Respondent may withdraw its Proposal if it submits such a written request to the City prior to the designated date and hour of Proposal opening. Respondent may be permitted to withdraw its Proposal no later than 72 hours after the Proposal opening for good cause, as determined by the City in its sole judgment and discretion.

EVALUATION AND AWARD PROCEDURES

Proposals will be evaluated by a staff Evaluation Committee based upon the criteria and weighting set forth in "EVALUATION CRITERIA." The committee members will meet at City Hall or other location as appropriate to discuss the Proposals and their individual evaluations. Each committee member completes an evaluation form, from which the overall ranking of Proposals is compiled. Evaluation forms may be submitted at or subsequent to the Evaluation Committee meeting. If it is determined that it will assist the committee's evaluation for some or all Respondents to make an oral presentation, such presentations will be scheduled at city hall. Following the evaluation process, contract negotiations will commence with the Respondent submitting the highest-ranked Proposal. If negotiations fail with the highest-ranked Respondent, negotiations will proceed with the next highest-ranked Respondent, and so forth.

All Respondents will be notified in writing of the committee's intended recommendation to the City Manager regarding award of the Agreement. Alternatively, the committee may elect to submit the final ranking to the City Manager for approval prior to commencement of negotiations and, upon approval of the ranking of Proposals, commence negotiations and execute an agreement without further action by the City Commission. All Respondents will then be notified in writing of the committee's intended award of the Agreement.

The Agreement may be awarded to multiple responsive, responsible Respondents, having the highest ranked Proposal, which successfully conclude negotiations with the City (the "Successful Respondent"). The Agreement may be modified based on the City's acceptance of any alternatives listed in the Proposal that the City deems in its best interest.

If two or more Proposals are equal in all respects, the Agreement will be awarded as follows: (1) to the Respondent that certifies compliance with Section 287.087, F.S., via the Drug-Free Workplace Form; or

(2) by lot.

The City reserves the right to award the Agreement to the next highest ranked and available Respondent in the event the Successful Respondent fails to enter into the Agreement, or the Agreement with said Respondent is terminated within ninety (90) days of the effective date.

All Respondents will be notified of the City's intent to award or decision to award the Agreement. For the purpose of filing a protest under Section 120.57(3), F.S., the time period will commence as provided in "NOTICES AND SERVICES THEREOF."

EVALUATION CRITERIA

Evaluation and selection will be based upon written qualifications and oral presentation, if deemed necessary, with emphasis on the following general criteria:

	Criteria	Weight	Score	Total
1	Background and Qualifications Demonstrated experience in providing grant management services to clients with similar needs as the City. Familiarity with federal, state and other agency grant requirements Technical ability, capabilities and capacity of the firm to provide services as described herein.	20%		
3	Personnel The knowledge, skills, experience and professional credentials of the key personnel to be assigned to the City	20%		
4	Project Approach Ability to secure grants for the City Grant management approach Ability to maintain grant compliance Ability to coordinate with grant agencies, contractors and clients	20%		
5	Cost Effectiveness Proposed cost for services to be provided	40%		
	TOTAL	100%		

Evaluation Rating Scale - 1 through 10:

More than adequate8 - 10

Adequate5 - 7
Less than adequate.....1 - 4
Not covered in proposal0

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DIVERSITY

The City is committed to the opportunity for diversity in the award and performance of all procurement activities. The City encourages its Prime Respondents to make a good faith effort to ensure that women and minority-owned business enterprises (W/MBE) are given the opportunity for maximum participation as second and lower tier participants. The City will assist Respondents by sharing information on W/MBEs to encourage their participation.

PUBLIC ENTITY CRIMES/DISCRIMINATORY VENDORS

In accordance with Sections 287.133 and 287.134, F.S., a person or affiliate who has been placed on the convicted or discriminatory vendor lists following a conviction for a public entity crime or placement on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section. 287.017 for CATEGORY TWO (\$35,000) for a period of 36 months following the date of being placed on the convicted or discriminatory vendor lists.

FLORIDA SALES TAX

The City is exempt from payment of State of Florida sales tax pursuant to Section 212.08(6), F.S. Any tangible personal property that is the subject of this Request for Proposals is intended to remain tangible personal property and not become part of a public work owned by the City.

NOTICES AND SERVICES THEREOF

The City will publish notice of specifications and criteria, including addenda, intended agency decisions, or other matters pertinent to this solicitation on Onvia DemandStar at www.demandstar.com. Onvia DemandStar may also be accessed through the City's web site at www.staugbch.com.

Notices that are posted on Onvia DemandStar are deemed received at 8:00 a.m. on the next business day following the date posted. Notices will be posted for a minimum of 72 hours following the time at which they are deemed received. The time period for filing a Notice of Protest pursuant to Section 120.57(3), F.S., and Rule 28-110.003, Fla. Admin. Code, commences at the time notices are deemed received.

As a courtesy to Respondents, the City may send copies of the notices of intended agency decisions *via* e-mail or facsimile to the address or phone number provided by Respondent. These courtesy communications neither constitute official notice nor vary the times of receipt set forth above.

PROTEST PROCEDURES

1. Who May File A Protest:

Any actual or prospective bidder, proposer, offeror or contractor who is aggrieved in connection with a solicitation or award of bid or contract may file a protest with the City Manager. Protests relating to cancellation of invitations to bid and protests relating to the rejection of all bids are not permitted.

2. Time for Filing:

If a protest is submitted by a prospective or actual bidder, it must be filed within three (3) business days after such aggrieved person knew or should have known of the facts giving rise thereto, provided the bid award or contract has not been approved by the City Commission, or the contract has not been fully executed if City Commission approval is not necessary. A protest is deemed filed when received by the City Manager.

3. Form of Protest:

A protest must be in writing and filed with the City Manager, 2200 A1A S., St. Augustine Beach, FL 32080. A protest must state all grounds upon which the protesting party asserts that the solicitation or award was improper. Issues not raised by the protesting party in the protest are deemed waived and may not be raised on appeal. The protesting party may submit with the protest any documents or information deemed relevant.

4. Procedures:

1. Any person adversely affected by the procurement methodology described herein, or the specifications or criteria, including addenda, associated with this solicitation, shall file a Notice of Protest within three (3) business days after receipt of this solicitation. The protester shall also file with the City Manager a Formal Written Protest within 10 days after the date the Notice of Protest is filed with the City. The Formal Written Protest shall state with particularity the facts and law upon which the protest is based.
2. No additional time shall be added for mailing. All filings shall be received by the City Manager at the City of St. Augustine Beach, 2200 A1A S., St. Augustine Beach, Florida 32080 within the prescribed time periods. The City shall not accept as filed any electronically transmitted facsimile pleadings, petitions, notice of protests or other documents. Failure to file a protest within the time prescribed shall constitute a waiver of proceedings.
3. Any person adversely affected by a City decision or intended decision to award a contract, or to reject all bids, proposals, or qualifications, shall file a Notice of Protest within three (3) business days after receipt of the decision or intended decision. The protester shall also file with the City Manager a Formal Written Protest within ten (10) days after the date the Notice of Protest is filed with the City. The Formal Written Protest shall state with particularity the facts and law upon which the protest is based.
4. No additional time shall be added for mailing. All filings shall be addressed to and received by the City Manager at city hall in St. Augustine Beach, Florida within the prescribed time periods. Failure to file a protest within the time prescribed the protest procedures shall constitute a waiver of protest proceedings.

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Insurance

Without limiting any of the other obligations or liabilities, the successful Respondent shall, at its own expense, provide and maintain in force until all services to be performed under this agreement have been completed and accepted by the City (or for such duration is otherwise specified hereinafter), the following insurance coverage:

1. Workers' Compensation insurance to apply to all the consultant's employees in compliance with the "Worker's Compensation Law" of the State of Florida and all applicable federal laws, with minimum limits of \$1,000,000 for each employee, accident, and disease

Notice of Cancellation and/or Restriction of the policy(ies) must be endorsed to provide the City with thirty (30) days' notice of cancellation and/or restriction.

2. Comprehensive General Liability with minimum limits of \$1,000,000 per occurrence, combined single damage liability, and property damage liability. Coverage must be afforded on a form no more restrictive than the latest edition of the comprehensive general liability policy, without restrictive endorsements other than ISO endorsement GL 21 06 (engineers, architects or surveyors professional liability exclusion), as filed by the Insurance Services Office and must include: Premises and/or operations; Independent Contractors; broad form property damage; broad form contractual coverage; personal injury coverage with minimum limits of \$1,000,000 bodily injury liability

The consultant's insurance, including that applicable to the City as an additional insured, shall apply on a primary basis and any other insurance maintained by the City shall be in excess of and shall not contribute with the consultant's insurance.

Notice of cancellation and/or restriction of the policy(ies) must be endorsed to provide the City with thirty (30) days' notice of cancellation and/or restriction.

3. Professional liability insurance with minimum limits of \$1,000,000 per occurrence applicable to the City project and requiring notice to the City at least thirty (30) days prior to cancellation or restriction of coverage. Coverage shall be afforded on a form acceptable to the City. Consultant shall maintain such professional liability insurance until at least three (3) years after completion of all services required under this agreement.
4. Business automobile liability insurance with minimum limits of \$1,000,000 each occurrence combined single limit or \$1,000,000 each occurrence and general aggregate. Notice of cancellation and/or restriction of the policy(ies) must be endorsed to provide the City with thirty (30) days' notice of cancellation and/or restriction. This coverage must also name the City of St. Augustine Beach as an additional insured.
5. Prior to commencement of services, the firm selected shall provide to the City, certificates of insurance evidencing the insurance coverage specified in the foregoing paragraphs 1, 2, 3 and 4. The required certificates of insurance shall name the types of policies provided. The policies for general, professional and business automobile liability shall name the City as an additional insured. If the initial insurance policies required by this RFQ expire prior to the completion of the services, renewal certificates of insurance or policies shall be furnished thirty (30) days prior to the date of their expiration.

TERM OF AGREEMENT

The term on coverage shall be two (2) years with an option to renew for one (1) additional year.

OVERVIEW / SCOPE OF WORK

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I. PURPOSE:

The City of St. Augustine Beach, hereinafter referred to as “The City” is soliciting proposals to retain a Consultant to assist in researching and identifying potential grant opportunities, providing strategic grant writing services associated with the completion and submission of grant applications, technical assistance and program administration services, and management of grants throughout their lifecycles.

II. SCOPE OF WORK:

The City recognizes that obtaining grant funding is a critical and important function to enable the City to leverage local public funds to help the City find and apply for funding for a variety of uses, including community planning, technical assistance, research, and capital infrastructure projects.

The City is seeking a Consultant to assist in researching and identifying potential grant opportunities and providing strategic grant writing and administration services associated with the completion and submission of grant funded projects. The Consultant will also provide Grant Management Services throughout the lifecycle of each grant.

Grant funding may be utilized for, but not be limited to, the following types of improvements:

- Economic development
- Stormwater drainage
- Resiliency projects
- Parks and recreation
- Streetscapes
- Undergrounding of utilities
- Community facilities
- Public safety
- Development of public parking
- Other public improvements

Technical Assistance and Program Administration services shall include, but not be limited to:

- Grant application assistance
- Conducting required environmental reviews
- Coordinating with funding agencies
- Developing and administering agency contracts
- Requesting, tracking, and managing program funds in compliance with program guidelines
- Developing required public records systems
- Preparing for and assisting with agency audits and site visits

- Ensuring Davis-Bacon management and record-keeping requirements are met
- Ensuring compliance with all federal, state and other agency grant requirements.
- Coordinating property or easement acquisitions to comply with the Uniform Relocation Act as required
- Managing bid/contract grant requirements
- Providing technical support on any other requirements or criteria required for project implementation
- Developing appropriate agency reports, schedules, and certifications
- Coordinating and conducting any required community and public input meetings
- Managing grant schedules and assuring all timelines and grant submittal deadlines are met
- Compiling, preparing, and submitting commencement and pre-reimbursement documents
- Preparing and submitting status reports to granting agencies, as required
- Compiling, preparing, and submitting close-out documentation
- Providing agency reports, and developing any annual and closeout agency submissions
- The consultant is expected to meet and hold calls with staff, as needed.

III. SERVICES REQUESTED/CONSULTANT RESPONSIBILITIES:

The following responsibilities will not be limited to future grants. The consultant will, upon request of the City, provide such services for existing grants awarded to the City, grants currently under consideration by granting agencies, and awarded but unexecuted grants. A sample list of the City's current grants is attached as "Grants Initiative Summary."

- A. **Funding Needs Analysis/Strategic Outreach.** Work with City staff to review grant needs identified by City departments; assess the validity of current funding priority areas; identify changes in funding priority areas and identify new priority areas for funding/grant proposals based on funding viability. Assist City staff in providing strategic outreach to relevant agency staff in determining how to competitively structure the City's funding request. Review the City's Capital Improvement Project (CIP) Plan to identify projects that are grant eligible and projects that would rank high on grant receiving potential.
- B. **Grant Funding Research.** Conduct research to actively assist in identifying grant resources including, but not limited to federal, state, federal, foundation, agencies and organizations that support the City's funding needs and priorities including but not limited to the following areas: road improvements; water quality and other environmental initiatives; community/economic development; public safety; health and human services; infrastructure (i.e. storm, potable water, sanitary sewer, streets) development and maintenance; technology; parks, recreation and trail development.

As new grant opportunities arise or at a minimum, on a quarterly basis, provide the City with summaries of potential funding opportunities related to priority areas. Summaries should include, but not be limited to, name of agency, due dates for applications, eligibility, a brief program summary, and the level of funding available. In addition, when requested, provide summaries of potential grants and financing resources including, but not limited to, name of agency, due dates for applications, eligibility, a brief program

summary, and the level of funding available and City match requirements.

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- C. **Grant Proposal Development and Review.** Provide general grant proposal writing services associated with the completion of grant applications annually on the behalf of the City of Oakland Park, including the preparation of funding abstracts, production and submittal of applications to funding sources. In addition, provide ongoing technical review of grant applications prepared and submitted by staff when requested. A copy of each grant application package submitted for funding, in its entirety, is to be provided to the City.
- D. **Grant Management Services.** Consultant will manage the life cycle of grants. Management of grants will include compiling, preparing, and submitting commencement and pre-reimbursement documents; preparation and submission of status reports to granting agencies as required; compilation, preparation, submission of close-out documentation. Such services will include the preparation and submission of grant reimbursement packages in coordination with the City and the granting agency to ensure accuracy and timeliness of the reimbursement of funds to the community. Managing grant schedules and ensuring all timelines and grant submittal deadlines are met. In addition, consultant will serve as liaison between the City and granting agencies, handling all amendments, requests for time extensions, and other situations involving the grant project and its successful completion.
- E. **Monthly and Annual Report.** Provide a monthly report and an annual summary of grants the City has applied for with the grant writer's assistance and the outcome of each grant request.

IV. MINIMUM QUALIFICATIONS

- A. The Consultant must be actively in business performing grant writing and administrative services for at least the past FIVE (5) years.
- B. The Consultant must have a minimum of FIVE (5) years of experience writing and/or administering Federal and/or State government grant and/or loan programs.
- C. The Consultant must have a minimum of five (5) years of experience writing grant and/or loan proposals.
- D. The Consultant must have a minimum of two (5) years of experience working with local governments in Florida writing and/or administering State and/or Federal grant and/or loan programs.

FORMS

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PROPOSAL SUMMARY FORMS

RESPONDENT:

The undersigned, as Respondent, hereby declares and certifies that the only person(s) or entities interested in this Proposal as principal(s), or as persons or entities who are not principal(s) of the Respondent but are substantially involved in performance of the Work, is or are named herein, and that no person other than herein mentioned has any interest in this Proposal or in the Agreement to be entered into; that this Proposal is made without connection with any other person, company, or parties submitting a Proposal; and that this Proposal is in all respects fair and in good faith without collusion or fraud.

Respondent represents to the City that, except as may be disclosed in an addendum hereto, no officer, employee or agent of the City has any interest, either directly or indirectly, in the business of Respondent to be conducted under the Agreement, and that no such person shall have any such interest at any time during the term of the Agreement, should it be awarded to Respondent.

Respondent further declares that it has informed itself fully in regard to all conditions pertaining to this solicitation; it has examined the specifications for the Work and any other Agreement documents relative thereto; it has read all of the addenda furnished prior to the Proposal opening, as acknowledged below; and has otherwise satisfied itself that it is fully informed relative to the Work to be performed.

Respondent agrees that if its Proposal is accepted, Respondent shall contract with the City and shall furnish everything necessary to complete the Work in accordance with the time for completion specified in the Agreement and shall furnish the required evidence of the specified insurance.

Acknowledgment is hereby made of the following addenda (identified by number) received:

Addendum No.	Date	Addendum No.	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Firm name: _____

signature: _____

Date: _____

NON-COLLUSION AFFIDAVIT

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State of _____

County of _____

_____, being first duly sworn, deposes and says that:

- a. He/she is the _____, (Owner, Officer, Partner, Representative or Agent)
Of _____, the Bidder that has submitted the attached Proposal;
- b. He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;
- c. Such Proposal is genuine and is not collusive or a sham proposal;
- d. Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Bidder, firm or person to submit a collusive or sham proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from proposing in connection with such work; or have in any manner, directly or indirectly, sought by person to fix the price or prices in the attached Proposal or of any other bidder, or to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against The City of St. Augustine Beach, or any person interested in the proposed Work;
- e. Price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any other of its agents, representatives, owners, employees or parties in interest, including this affiant.

Signed, sealed and delivered in the presence of:

_____ by: _____

Witness

Witness

(Printed Name)

(Title)

Before me, the undersigned authority, personally appeared _____ who is
personally known to me _____ or has produced _____ as
identification and who executed the foregoing Affidavit and acknowledged to and before me that
_____ executed said Affidavit for the purpose therein expressed.

Witness my hand and official this _____ day of _____, 20____.

(Seal) _____

Notary Public

My Commission Expires: _____

DRUG-FREE WORKPLACE FORM

DRAFT

The Respondent, (business name) _____, in accordance with Section 287.087, F.S., hereby certifies that Respondent does the following:

1. Publishes a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Notifies employees, via the statement specified in paragraph 1, above, that, as a condition of working on the contractual services that are under Proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or *nolo contendere* to, any violation of Chapter 893, F.S. or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five days after such conviction.
3. Gives each employee engaged in providing the contractual services that are under Proposal a copy of the statement specified in paragraph 1, above.
4. Informs employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations

Imposes a sanction on or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.

Makes a good faith effort to continue to maintain a drug-free workplace through implementation of Section 287.087, F.S.

As the person authorized to sign this statement, I certify that this firm complies fully with the above requirements.

By: _____

Title: _____

Date: _____

PUBLIC ENTITY CRIMES AFFIDAVIT

DRAFT

DATE: _____

SWORN STATEMENT UNDER SECTION 287.133(3) (A), FLORIDA STATUTES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to The City of St. Augustine Beach by: _____
_____ (print individual's name and title) for _____
_____ (print name of entity submitting sworn
statement) whose business address is _____
and, (if applicable) its Federal Employer Identification Number (FEIN) is _ (if the entity has no FEIN, include Social
Security Number of the individual signing this sworn statement:
_____).

2. I understand that a "public entity crime" as defined in Paragraph 287.133 of the Florida Statutes, means a violation of any state or Federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including but not limited to, any bid or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" is defined by the Statute to mean a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" is defined in Section 287.133(1)(a), Florida Statutes, means:
 - A. A predecessor or successor of a person convicted of a public entity crime; or
 - B. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Section 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applied to bid on contracts let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement (indicate by placing a check in front of the statement which applies):

DRAFT

_____. Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members or agents who are active in the management of the entity, nor any affiliate of the entity was charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____. The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity was charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____. The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity was charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there was a subsequent proceeding before a Hearing Officer of the State of Florida Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY, PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR CATEGORY TWO, OF ANY CHANGE AFFECTING THE CORRECTNESS OF THE INFORMATION CONTAINED IN THIS SWORN STATEMENT.

(Signature) _____

(Date) STATE OF _____

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority, _____, who is personally known to me or who has produced _____ as identification, and who, after first being sworn by me, affixed his/her signature in the space provided above on this _____ day of _____, 20_____.

Signature of Notary Public _____

Name of Notary Public

(SEAL)

My commission expires: _____

DRAFT

NO RESPONSE FORM

CITY OF ST. AUGUSTINE BEACH
Insurance and Risk Management Services
Proposal Number 19-05

Your reasons for not responding to this Request for Proposals are valuable to the City of St. Augustine's procurement process. Please complete this form and return it to the Division of Purchasing no later than the date set for receipt of Proposals. Thank you for your cooperation.

- _____ Please check (as applicable): Specifications too "general" (explain below)
- _____ Insufficient time to respond to the Request for Proposals
- _____ Do not provide this type of work for this project
- _____ Schedule would not permit us to perform
- _____ Unable to meet Request for Proposal specifications
- _____ Specifications unclear (explain below)
- _____ Disagree with solicitation or Agreement terms and conditions (explain below)
- _____ Other (specify below)

Remarks: _____

DATE

RESPONDENT (FIRM NAME)

ADDRESS

E-MAIL ADDRESS

SIGNATURE


PRINTED NAME AND TITLE

TELEPHONE NUMBER

FAX NUMBER

MEMORANDUM

TO: Mayor Samora
Vice Mayor Rumrell
Commissioner Morgan
Commissioner George
Commissioner Sweeny

FROM: Max Royle, City Manager 

DATE: January 24, 2023

SUBJECT: City Memento: Review of Proposed Design

BACKGROUND

The City Commission discussed at its November 14, 2022, meeting, having a City memento that could be given to citizens and dignitaries on special occasions. Attached as pages 1-2 are the minutes of that discussion.

With the direction provided by the Commission, Ms. Melinda Conlon, the City's Communications and Events Coordinator, did some research and provided the results of that research (pages 3-4 attached). You'll note that the cost of 100 mementos will be \$595.00.

In addition, at your February meeting, we will have samples of the type of memento that Ms. Conlon is suggesting be purchased.

ACTION REQUESTED

It is whether you approve the memento shown on page 3.

10. Memento of City: Review of City Coin (Presenter: Max Royle, City Manager)

City Manager Royle asked what the purpose of the memento would be. He said that if it is to pass out to a bunch of people, such as at a Florida League of Cities dinner, that he did not think the Commission would want coins that would cost \$5 or more each because it could add up quickly. He said that lapel pins are very cheap, but to have a more attractive memento, you would choose one type for special guests, special events, etc. like we used to do with the City keys.

Mayor Samora said that he believed that the original intent was to fall somewhere in between and not a key to the City or a pin that we would give to everyone that we meet. He said that it should be something that would be honorary. City Manager Royle said that the Commission would need to decide if you want the coin type or the key type.

It was the consensus of the Commission to go with a coin type memento.

City Manager Royle advised that he would get something mid-priced and that ordering a greater quantity would make the price go down. He said that he would bring it back to show the Commission before placing the order.

Mayor Samora asked the City Clerk if she needed any further direction. City Clerk Fitzgerald advised no. She said based on the instruction given by the Commission in prior meetings that she pulled the quotes, which are included in the book. She said that this is an unbudgeted item for this fiscal year, so we will need to find the money somewhere for them. She suggested to develop a resolution to specify how and when these can be given out, which would be helpful to control the usage of them.

Commissioner England suggested that they be given out at the recommendation of the City Manager or a Commissioner. Commissioner Sweeny suggested that each Commissioner be given a set amount. Mayor Samora and Vice Mayor Rumrell agreed with Commissioner Sweeny's suggestion.

Commissioner George said that she was under the impression that we are allowed to bring in any garments and ask to have the City seal embroidered on it. Mayor Samora said that it came up because of the recent storms and he wanted to have an identifiable City shirt on while out in the neighborhoods. City Manager Royle advised that he has seen hats with the City of St. Augustine Beach stitched on them. Commissioner George advised that she would want it to be the official City seal. Mayor Samora said it should be official for instance when we go to the Emergency Management Center. City Manager Royle advised that he would look into it.

Commissioner George said in the past the City Clerk would take my garment and have it embroidered. City Manager Royle advised that he did not recall that, but that the City orders shirts for the Commissioners that have the City seal on them. Commissioner George said that she would always bring her garment in because you do not know what the quality of the shirts are from the catalog, plus it would be cheaper to bring in your own. City Clerk Fitzgerald advised that she did not know if the City's embroidery company would allow that because currently we have to order all the clothing items through them. Commissioner George asked the City Clerk if she would find out. City Clerk Fitzgerald said that it is through a local company called American Crossroads Apparel. Commissioner George asked how you would be able to try them on. City Clerk Fitzgerald said that you would not be able to and for the most part we order the same things over and over again. Commissioner George said that if we have to go through that company, then to get some hats.

Excerpt from November 14, 2022, City Commission Minutes

Mayor Samora opened Public Comment.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, said that the Blue Angels have a "Challenge Coin", which is engraved and is three dimensional but costs about \$200 each.

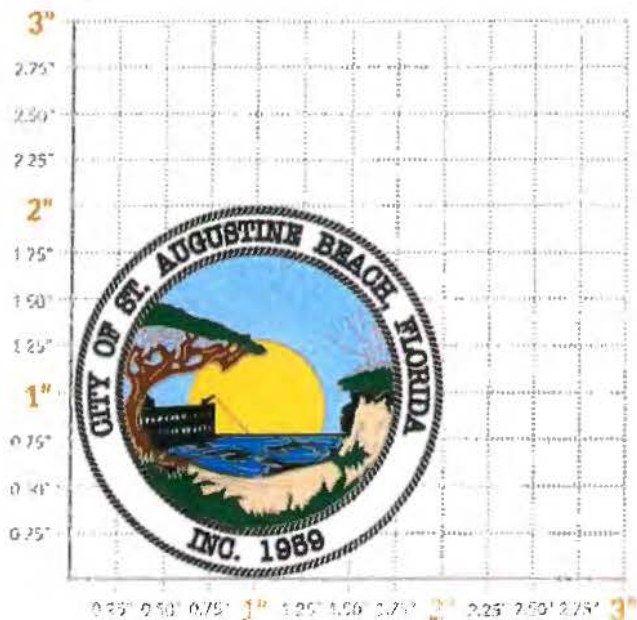
Mayor Samora close Public Comments. City Manager Royle advised that anyone wanting a shirt should just let him know the size and color.

Mayor Samora moved on to Item XII.11.

FRONT

City of St Augustine Beach - Melinda Conlon

BACK



PROOF 3

- ☐ Raised Antique Silver Metal
- ☐ Recessed Antique Silver Metal

FRONT

BACK

- ☐ White
- ☐ Black
- ☐ 605 C
- ☐ 349 C
- ☐ 2935 C
- ☐ 7461 C
- ☐ 7500 C
- ☐ 725 C

☐ None

Colors: 8

Colors: 0

EDGE: ROPE

1 / 2-123 Signature Coins DMP

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FREE

Unlimited Revisions

FREE

Next Business Day Shipping

FAST

Delivery Time

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Guarantee

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Let us help you with your order today!

Once your design has been approved, and your order placed, we put your order into production immediately

Serial Number: 01132023-192

Proof 3	Quantity	Unit Price
2" Color On One Side Challenge Coin	100	\$3.95
Edge: Rope	100	\$0.00
Mold Fee: New One-Sided Mold	2	\$75.00
Packaging: Plastic Coin Envelope	100	\$0.00
Plating: Antique Silver	100	\$0.35
Extra Color Fill: +1	100	\$0.15
Total		\$595.00



Ask for Revisions

Order This Quote

MEMORANDUM

TO: Mayor Samora
 Vice Mayor Rumrell
 Commissioner Morgan
 Commissioner George
 Commissioner Sweeny

FROM: Max Royle, City Manager mk

DATE: January 11, 2023

SUBJECT: Discussion of Commissioner Assignments to Various Organizations

At your January 9th meeting, Commissioner Sweeny suggested discussing the assignment of Commissioners to outside boards and committees at a future meeting.

According to Ms. Fitzgerald, the City Clerk, the following are the assignments that the Commission made in early 2022:

- Mayor Samora: Tourist Development Council
- Vice Mayor Rumrell: Visitors and Convention Bureau
- Commissioner George: Florida Shore and Beach Preservation Association, and Economic Development Committee/St. Johns County Chamber of Commerce
- Commissioner Sweeny: Northeast Florida League of Cities

At your January 9th meeting, Commissioner Sweeny said she was the liaison with the St. Johns County Chamber of Commerce.

In 2022, Margaret England, when she was a Commissioner, attended meetings of the North Florida Transportation Planning Organization in Jacksonville because of her interest in transportation matters.

In 2022, Ms. Fitzgerald learned that the Intergovernmental Committee and the South Beaches Area Chamber of Commerce no longer exist. She recently confirmed this.


ACTION REQUESTED

It is that you discuss an assignment or assignments that each of you want.

Two other possibilities: 1. For a Commissioner to meet monthly or bi-monthly with our District 5 County Commission representative, Mr. Henry Dean, to discuss matters of concern to both the County and the City; or 2. For a Commissioner to be the City's liaison with the Civic Association.

MEMORANDUM

TO: Mayor Samora
Vice Mayor Rumrell
Commissioner Morgan
Commissioner George
Commissioner Sweeny

FROM: Max Royle, City Manager 

DATE: January 18, 2023

SUBJECT: Discussion of Annual Evaluation of the Police Chief and the City Manager

INTRODUCTION

At your January 9th meeting, Mayor Samora asked that discussion of the Commission evaluating the Police Chief and the City Manager be on the agenda for your February meeting.

To aid your discussion, we have attached the following information:

- a. Pages 1-3, the provision in the City Charter that concern the duties and responsibilities of the Police Chief and the City Manager.
- b. Pages 4-10, the position description for the Police Chief and for the City Manager.
- c. Pages 11-21, the performance appraisal form that the City Commission has used in the past to evaluate the Police Chief and the City Manager.
- d. Pages 22-28, the City Manager performance evaluation form developed by the International City/County Management Association. This form could also be used to evaluate the Police Chief.

The City Charter and the position description for each employee provide the basic requirements for their position.

QUESTIONS FOR CONSIDERATION

They are:

- a. What is the purpose for evaluating the Police Chief and the City Manager?

We suggest that communication between the Commission and the two employees is the basic and most significant purpose of the annual evaluation process. Clear communication by each side should address the following questions:

- What are the Commission's expectations concerning the two employees?
- What changes does the Commission as a group want each employee to make during the next year that will improve the work performance of each?

Thus, the annual evaluation process should:

- Give each Commissioner the opportunity to inform the two employees of their (the Commissioner's) opinions of each employee's work performance during the past year and each Commissioner's suggestions for improvements for the next year.
- Give the Commission as a group the opportunity to develop a set of priorities or goals for each employee for the next year based on the review done by each Commissioner.

b. When should the evaluations be done?

The evaluations should be done in August when the evaluations of other City employees are done by their respective supervisors. The evaluations are then used as the basis for determining how much merit pay an employee might receive for the upcoming fiscal year.

We recommend that the evaluations of the Police Chief and the City Manager not be done in January, the beginning of the calendar year. The reason is that every two years there's an election and new Commissioners are sworn into office in January. New Commissioners thus would not have had time to become familiar with the work performance of both employees.

c. Should a different evaluation form be used from the one previously used?

A different form would be an improvement, as you can see by comparing the evaluation form used in the past (pages 11-21) with the one from the International City/County Management Association (pages 22-28). The former is wordy and rather complicated while the latter, though leaner, still provides a good range of important criteria by which to evaluate each employee's work performance. It also provides sufficient space for each Commissioner to write comments.

d. Is agreement needed by the Commission as a group concerning the actions/goals each employee needs to take to improve their respective work performance?

Definitely. We ask this question because the Police Chief and the City Manager, unlike all the other City employees, do not work for just one supervisor but for five supervisors. It is therefore important that there be agreement among the five as to what specific changes/improvements they collectively want each employee to make. You can decide the

specific improvements at a meeting when you review and discuss your individual evaluations with each other.

PLEASE NOTE: Before he wrote this report, the City Manager asked Chief Carswell if he had any suggestions. He said that as he's new to the evaluation process, the Manager could write the report. However, after seeing it, the Chief may want to discuss with you his thoughts about the process. Perhaps he will recommend that you use a form specifically designed for evaluating a police chief.

ACTIONS REQUESTED

There are three:

- a. That you discuss the information presented here and whether you want to have further discussion at an upcoming meeting.
- b. That you decide which evaluation to use, i.e., whether the one the Commission used in the past or the one from ICMA (pages 22-28).
- c. That you schedule your individual evaluations to be done next July for review and discussion at your regular meeting on August 7, 2023.

In the meantime, individual Commissioners throughout the fiscal year can meet with the Police Chief and the City Manager about any questions or concerns the Commissioners may have about the employee's work performance.

Sec. 1-9. Law enforcement.

There shall be a chief of police, who shall be appointed by the city commission, and there may be such police officers as may from time to time be determined by the city commission to be necessary. The police officers shall be appointed by the chief of police. Subject to the removal of the chief of police as provided in the next paragraph, said chief of police shall serve at the pleasure of the city commission.

The chief of police shall be chosen on the basis of professional training, executive and administrative experience, and other qualifications. The chief of police shall be appointed by a vote of four-fifths of the full city commission for an indefinite term, and may be removed at any time by four-fifths vote of the full commission, subject to at least sixty-days' notice or sixty-days' severance pay. Action by the city commission to remove the chief of police shall be considered final, and the chief shall have no vested rights in his or her office other than those specifically provided in this Charter. Notwithstanding the action taken by the city commission to remove the chief, the city commission shall hold a public hearing if so requested in writing by the chief. Such public hearing shall be conducted not less than ten (10) days nor more than thirty (30) days following the date of the proposed removal of the chief of police.

The chief of police shall be the head of the law enforcement department. He shall attend the meetings of the city commission, and perform such other duties as may be required by this Charter, by the laws and ordinances of the city or by the city commission.

The chief of police, and police officers shall receive such compensation as may be fixed by the city commission.

(Laws of Fla., Ch. 59-1790, § 5; Laws of Fla., Ch. 78-607, §§ 1, 2; Ord. No. 202, §§ 1, 2, 11-6-89; Ord. No. 207, § 1, 12-4-89; Ord. No. 9-2, §§ 1, 2, 2-5-90; Ord. No. 04-02, § 6, 4-5-04)

Sec. 1-8. City manager.

The city manager shall be chosen on the basis of professional training, executive and administrative experience, and other qualifications as determined by the city commission. The current city manager at the time of adoption of this amendment may only be removed by a four-fifths vote of the full city commission. Upon the retirement, resignation, or removal of the current city manager, all subsequent city managers shall be appointed or removed by a majority vote of the full city commission for an indefinite term, and may be removed at any time by a majority vote of the full commission. Action to remove the city manager shall be considered final, and the manager shall have no vested rights in his or her office other than those specifically provided in this Charter or by contract. Notwithstanding the action taken by the city commission to remove the manager, the city commission shall hold a public hearing if so requested in writing by the manager. Such public hearing shall be conducted not less than ten (10) days nor more than thirty (30) days following the date of the proposed removal of the city manager.

The city manager need not be a resident of the city at the time of appointment. Within six months of appointment, the city manager shall reside in the city unless the city commission waives this requirement. The manager's compensation shall be fixed by the city commission. Such compensation shall not be reduced during the manager's tenure except as a part of a general salary cut-back applicable to all city employees.

The city manager shall be the chief executive officer of the city, responsible to the city commis-

sion for the management of all city affairs placed in the manager's charge by or under the charter. The city manager shall:

- (1) Appoint and suspend or remove all city employees and appointive administrative officers provided for, by, or under this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter or by law;
- (3) Assure that a written annual evaluation is conducted on all employees subject to the manager's direction and supervision. The manager may delegate performance of the evaluations to personnel at the appropriate supervisory level;
- (4) Attend all city commission meetings. The city manager shall have the right to take part in discussion, but shall not vote;
- (5) See that all laws, provisions of this Charter, and acts of the city commission, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (6) Prepare and submit the annual budget and capital program to the city commission and implement the final budget approved by the commission to achieve the goals of the city;
- (7) Submit to the city commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (8) Make such other reports as the city commission may require concerning operations;
- (9) Keep the city commission fully advised as to the financial condition and future needs of the city;
- (10) Countersign all contracts made on behalf of the city or to which the city is a party;
- (11) Countersign all bonds, certificates, or other evidences of indebtedness of the city and keep an accurate account thereof;
- (12) Make recommendations to the city commission concerning the affairs of the city and facilitate the work of the city commission in developing policy;
- (13) Provide staff support services for the mayor and commissioners;
- (14) Assist the commission to develop long term goals for the city and strategies to implement these goals;
- (15) Encourage and provide staff support for regional and intergovernmental cooperation;
- (16) Promote partnerships among the commission, staff, and citizens in developing public policy and building a sense of community; and
- (17) Perform such other duties as are specified in this Charter or may be required by the city commission.

Neither the commission nor any of its members shall dictate the appointment of any person to office or employment by the city manager or in any manner prevent the city manager from exercising his/her own judgment in selecting the personnel of his/her administration.

Acting City Manager. By letter filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability; the city commission may revoke such designation at any time and appoint another qualified person to serve until the city manager returns.

(Laws of Fla., Ch. 59-1790, § 7; Laws of Fla., Ch. 78-607, §§ 1, 2; Ord. No. 207, § 1, 12-4-89; Ord. No. 04-02, §§ 19-22, 4-5-04; Ord. No. 14-01, §§ 17, 19, 6-9-14)



St. Augustine Beach Police Department

Robert A. Hardwick, Chief of Police



CITY OF ST. AUGUSTINE BEACH POSITION DESCRIPTION

POSITION TITLE: Chief of Police

DEPARTMENT: Police Department

REPORTS TO: City Commission/City Manager

EXEMPT: Yes

PAY GRADE:

MAJOR FUNCTIONS: The Chief Law Enforcement Officer for the City of St. Augustine Beach

This is a highly responsible professional position performing managerial law enforcement work planning and directing all operations of the Police Department. Responsible for the development and administration of law enforcement and crime prevention programs as well as long-term planning, disaster preparedness, and the general administration of the agency. Serves in an executive management capacity, as defined in the City of St. Augustine Beach City Charter, with considerable independent judgment while representing the City of St. Augustine Beach. Work is performed under general supervision of the City Commissioner(s) and/or the City Manager.

DUTIES AND RESPONSIBILITIES:

Include the following and other duties that may be assigned.

Formulates policy and procedures; plans, develops, and directs departmental operations; assesses effectiveness and implements changes as needed.

Identifies needs, obtains and allocates resources for the department; prepares and administers the departmental budget and adjusts priorities as needed; reviews and approves budget expense requests; develops alternative funding proposals, such as grant applications and administers same.

Oversees departmental operations and ensures that all activities comply with policies, procedures, standards and related regulations, including patrol, crime deterrence and arrests, records maintenance and dissemination, and other departmental programs and services.

Manages personnel functions for the department; plans and oversees the work of subordinate supervisors who in turn supervise officers and personnel; ensures personnel records are maintained accurately; resolves difficult employee relations issues; interviews, hires, promotes and discharges personnel as appropriate; investigates complaints against departmental personnel; ensures staff understands the impact and effect of responsibilities; prepares and reviews employee evaluations; ensures staff receives training and necessary resources to carry

out duties effectively; prepare and/or reviews reports of employee injuries.

Prepares documents for civil litigation; writes letters to citizens; prepares and reviews a variety of reports, evaluations, records, and recommendations.

Performs a variety of public relations duties including preparing news releases; developing collaborative relationships with other law enforcement and public safety agencies, community groups, etc.; responding to questions from the public regarding public safety issues, departmental policies, procedures, and services.

Provides information and resolves difficult complaints from the general public, other agencies, and community groups; makes periodic public addresses; attends City Commission meetings; attends staff meetings; meets with members of the department.

Establish agency goals and objectives, formulate comprehensive plans, provide guidance and direction to Department Commander, and monitor operation to ensure proper development and successful implementation of crime prevention, community service, and related programs; consult and advise City Commissioner(s) and other law enforcement officials regarding crime prevention, crime suppression, and related issues.

Participate in the development and/or revision of local ordinances, State laws, and other regulations that may impact law enforcement activities within the City.

Direct planning and research activities and establish departmental policies, procedures, and new/revised programs; conduct evaluation of existing systems and programs and develop proposals for improvements.

Attend various business, civic, and social events to represent the Police Department. Make presentations as needed to promote public awareness of the law enforcement function and explain the goals, missions, and functions of the department.

Assume command in emergency situations and determine tactics/strategies that directly affect the safety and security of lives and property.

Meet frequently with to discuss projects, formulate procedures and new programs, resolve operational problems, and generally keep abreast of relevant issues that affect the Police Department.

Provide training and keep staff informed in criminal and procedural laws, supervision, leadership, goal setting, fitness, officer safety, liability, etc.

Act as Public Information Officer.

Responsible for coordination of labor and administrative grievances when the Commander is unavailable or is the complainant.

Plan, coordinate, and direct emergency preparedness within St. Augustine Beach and coordinate with other agencies.

Compile disaster expense data and coordinate reimbursement through Federal and State agencies.

Review departmental requisitions and consult with personnel on their needs; provide technical

assistance and recommend changes or substitutions whenever necessary to reduce cost, improve quality, and/or facility delivery.

Perform related work as needed to ensure the accomplishment of department goals and objectives.

SUPERVISORY RESPONSIBILITIES:

Is responsible for the overall direction, coordination, and evaluation of the department by managing subordinate supervisors who perform the daily supervision of the Police Department personnel or directly supervising a Police Department employee.

Carries out supervisory responsibilities in accordance with City, State, and Federal employment policies, practices, and laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding, disciplining, and motivating employees; addressing complaints and resolving problems.

MINIMUM QUALIFICATIONS:

Minimum of Bachelor's and Master's Degree or FBINA highly recommended. Degree in related field and at least six (6) years of law enforcement experience; or an equivalent combination of education, training and experience. Must possess and maintain certification as a Police Officer in accordance with Criminal Justice Standards and Training Commission. Must be certified in firearms usage. Must possess and maintain a valid Florida driver's license.

SKILLS AND ABILITIES:

Knowledge of the laws and regulations governing all aspects of law enforcement. Knowledge of the rules, regulations, and policies of the City and the department. Knowledge of the methods and practices of crime prevention and criminal investigation and identification.

Ability to plan, coordinate, and direct several projects and programs and to evaluate work accomplishments. Ability to analyze, prepare, and present the department's needs. Ability to analyze and interpret statistics, studies, and analyses related to law enforcement and apply the results to solution of police problems. Ability to establish and maintain effective working relationships with department officials, other City employees, citizen and professional groups, and the general public. Ability to effectively communicate verbally and in writing. Ability to effectively manage employees and programs.

Requires the ability to calculate and/or tabulate data. Includes performing subsequent actions in relation to these computational operations.

Requires the ability to provide guidance, assistance, and/or interpretation to others regarding the application of procedures and standards to specific situations.

Requires the ability to operate and control the actions of equipment, machinery, tools and/or materials requiring complex and rapid adjustments.

Requires the ability to utilize a wide variety of reference and descriptive data and information. Requires the ability to perform addition, subtraction, multiplication, and division.

Requires the ability to apply principles of rational systems; to interpret instructions furnished in written, oral, diagrammatic, or schedule form; and to exercise independent judgment to adopt or modify methods and standards to meet variations in assigned objectives.

Requires the ability to exercise judgment, decisiveness and creativity in situations involving the evaluation of information against sensory, judgmental, or subjective criteria, as opposed to that which is clearly measurable or verifiable.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully meet the essential function of this job.

Physical Ability: Tasks require the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (10-30 pounds). Tasks may involve extended periods of time at a keyboard or work station.

Sensory Requirements: Some tasks require the ability to perceive and discriminate visual cues or signals. Some tasks require the ability to communicate orally.

Environmental Factors: Performance of essential functions may require exposure to adverse environmental conditions, such as noise extremes or violence.

DISCLAIMER: The above information on this description has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties and qualifications required of employees assigned to this job.

The City of St. Augustine Beach, Florida, is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Revised 10/22/2014

POSITION DESCRIPTION

<u>POSITION TITLE:</u>	City Manager
<u>DEPARTMENT:</u>	Executive
<u>REPORTS TO:</u>	City Commission
<u>EXEMPTION STATUS:</u>	Exempt

MAJOR FUNCTIONS:

The City Manager is appointed by the City Commission and serves at its pleasure. This is a salaried position. The City Manager is the City's chief executive officer for all City Departments, except the Police Department. He or she has overall responsibility for budgeting, personnel administration, the carrying out of policies and goals as directed by the City Commission, and ensuring through the departments under his or her direction that City services are provided to the public in efficient and productive ways. The City Manager is required to adhere to the Code of Ethics of the International City/County Management Association.

The City Manager shall maintain close coordination with the Police Chief to ensure appropriate mutual support in routine operations and to provide specific administrative and financial support for the Police Department.

DUTIES AND RESPONSIBILITIES:

1. Submit to the Commission the City's annual budget in accordance with Commission-approved procedures.
2. Submit monthly to the Commission a report that will show the revenues and expenditures of the City's current fiscal year budget as of the end of the previous month.
3. Provide monthly to the Commission an update report on City projects, land development proposals and other topics.
4. Prepare the agenda and supporting material for all regular, special and workshop Commission meetings, and through his or her staff, provide administrative support for the Commission.
5. Attend and participate in all Commission meetings and other City meetings as required. Provide staff support for Commission-authorized boards, committees and subcommittees. Ensure that all meetings are properly advertised and that minutes are duly recorded, approved and filed in accordance with legal requirements
6. Write or assist with the writing of grant applications for Commission-approved projects.

7. Sign contracts and other documents as authorized by the Commission.
8. Hire employees on the basis of ability, qualifications and/or demonstrated competence to do the work required by the position. When necessary, suspend, demote or fire employees in accordance with the provisions of the City's Personnel Manual.
9. Carry out the regulations and provisions of the Personnel Manual to ensure fair treatment of employees in the departments for which the City Manager is responsible.
11. Encourage and provide opportunities for employees to obtain training related to their respective jobs and for employees to maintain their competence in technical fields.
11. Hold department heads accountable for the efficient management of their respective departments.
12. Respond promptly to citizens' requests for help, their complaints, and their suggestions for improvements to City operations
13. When possible, attend public events and meetings in the City sponsored by non-profit groups and civic organizations.
14. Write articles as needed for local newspapers.
15. Work with employees of other governmental agencies on matters that concern St. Augustine Beach, and attend County Commission meetings when topics concerning the City are to be discussed and when City work responsibilities allow.
16. Maintain membership in professional association(s), and use the resources of such associations to learn new management practices. Stay informed through various sources of information and activities that may affect the City.
17. Perform other duties as required by the City Charter, the Personnel Manual, ordinances, regulations and policies.

MINIMUM QUALIFICATIONS:

BA in public/business administration; MA preferred; 5-7 years of experience as a City Manager or Assistant City Manager; experience in governmental budgeting, financial management personnel management and capital improvement planning, as well as land use and long-range planning; superior written and verbal communication skills, including grant writing experience; current Florida driver's license.

PHYSICAL QUALIFICATIONS:

Have the manual dexterity to operate the equipment and machines required to carry out

responsibilities and assigned tasks. Ability to speak standard English clearly to the public and to other employees, either in person or over the telephone.

CITY OF ST. AUGUSTINE BEACH

PERFORMANCE APPRAISAL

DEPARTMENT HEAD/CITY MANAGER



PERFORMANCE FACTORS –Please mark the box next to the statement that most accurately describes the employee’s level of performance during the review period on each of the performance factors. Please provide a brief description for each rating in the space provided.

A rating of “*fully competent*” signifies that performance meets the expectations for the job. A “*superior*” rating is for performance that achieves the “*fully competent*” level and clearly goes beyond expectations as described in the ratings’ definitions. The rating explanation section is completed with relevant examples of work behavior. A “*performance needs improvement*” rating indicates a performance level below expectations.

1. **MANAGING WORK/ORGANIZATION AND PLANNING:** Ability to generate results through the effective allocation of resources, to identify tasks, determine methods/practices and administer assigned operations. Ability to plan, organize and set priorities for work, including ability to make work assignments, establish deadlines and communicate standards and expectations.

The *superior performer* effectively allocates and utilizes appropriate resources to achieve the expected results. He/she consistently engages in short- and long-range planning for self and the city/department, uses scheduling and staff assignments to achieve city/departmental and Commission goals, as well as staff development needs, while allowing flexibility to deal with unexpected results.

The *fully competent performer* participates in short- and long-range planning, develops plans for task accomplishment, schedules resources to meet deadlines, and clearly communicates standards and expectations. He/she leads the assigned unit through most tasks in an efficient manner, demonstrates good coordination of resources, develops efficient systems and practices for record keeping, cost control and improved work flow, and directs the efforts of the assigned unit to accomplish city, departmental and Commission goals.

Performance needs improvement if deadlines are missed due to lack of planning, organization or improper priorities; operations are marked by inefficient work flow or assigned unit achieves less than productive results from the resources used.

RATING:



Superior



Fully Competent



Performance Needs Improvement

EXPLANATION/COMMENTS:

2. **LEADERSHIP AND PROBLEM SOLVING:** Ability to generate productive results by influencing employees toward positive performance and the use of the skills that create positive work behaviors and attitudes. Ability to correct problems before they become serious, identify areas for potential problems, and take action to prevent them.

A superior performer displays exemplary work habits and reflects positive work behaviors, presents ideas positively and enthusiastically, encourages and rewards outstanding performance and positive attitudes, and carries out human resources policies in an impartial, unbiased manner. He/she develops preventive and productive systems for recognizing potential problem areas, analyzes the scope and causes of the problem and allocates resources toward creative, cost-effective solutions, and encourages such practices throughout the assigned area of responsibilities.

The fully competent performer encourages employees toward achievement and provides positive leadership through attitude and action. He/she anticipates potential problems, provides valuable feedback to employees about the cause and effect of actions, and develops plans to maintain sufficient resources.

Performance needs improvement if the department head/city manager does not direct or influence the activities or attitudes toward achieving results, or displays ineffective work habits. He/she only reacts to problems, or allows minor problems to become major ones before attempting to solve them.

RATING:

- ☐ Superior
- ☐ Fully Competent
- ☐ Performance Needs Improvement

EXPLANATION/COMMENTS:

3. **PROFESSIONAL DEVELOPMENT:** Commitment to developments in the area of responsibilities, the development of effective management techniques, and the pursuit of increased knowledge and awareness of the fundamentals and new developments in the field.

The *superior performer* enthusiastically seeks new ways to increase managerial skills and is committed to remaining up-to-date on trends in his/her area of responsibilities. Active involvement or leadership in professional organizations at the local, state or national level.

The *fully competent performer* applies new developments pertaining to his/her area of responsibilities that clearly benefit the city, and participates in in-service and professional training as part of a professional growth program that benefits the city. Maintains membership in professional organizations.

Performance needs improvement if the department head/city manager seems uninterested or unaware of developments in the field, or does not accept new methods for becoming more effective in his/her area of responsibilities.

RATING:

- ☐ Superior
- ☐ Fully Competent
- ☐ Performance Needs Improvement

EXPLANATION/COMMENTS:

4. **ORGANIZATION COMMITMENT:** Ability to achieve compliance with, and commitment to, the organizational policies, procedures, practices and principles of the profession, and encourages subordinates to work on achieving departmental/organizational goals.

The *superior performer* enthusiastically endorses the organization's goals and objectives, and makes an extra effort to carry out decisions and policies in a manner that promotes organizational values. Encourages management style built on teamwork, and seeks additional responsibility in the interest of meeting organization goals.

The *fully competent performer* demonstrates strong support for organizational values and policies; encourages similar support from staff, and willingly implements decisions and policies; and keeps others in the organization appropriately informed.

Performance needs improvement if the department head/city manager does not fully implement the organization's and policies as determined by the Commission, and/or shows a lack of commitment to the achieving of them.

RATING:



Superior



Fully Competent



Performance Needs Improvement

EXPLANATION/COMMENTS:

5. **COMMUNICATION SKILLS AND POSITIVE INTERPERSONAL RELATIONSHIPS:** Ability to express ideas clearly both orally and in writing; to establish and maintain positive

interpersonal relationships with employees as well as with other managers, citizens, and elected and appointed officials.

The *superior performer* organizes ideas well and is influential and highly effective in conveying the message and its tone. May be required to create reports or make presentations to the Commission, colleagues and citizens. He/she promotes open channels of communication that build mutual trust between employees, peers and managers. Management style is marked by commitment to team building and fairness within the department and the City organization.

The *fully competent performer* expresses ideas and information in a clear and organized manner, and achieves effective two-way exchanges of information. The employee is a good listener and encourages open communications and questions from others. He/she establishes and maintains harmonious and cooperative work relations, and emphasizes team work and good communications that are honest and forthright.

Performer needs improvement if verbal communications create conflict or misunderstanding, or written material is unclear and poorly organized. He/she makes promises beyond his/her scope of authority, or has difficulty remaining unbiased in decision making.

RATING:



Superior



Fully Competent



Performance Needs Improvement

EXPLANATION/COMMENTS:

6. **DECISION MAKING:** Ability to develop strategies and implement decisions that account for individual needs as well as broad organizational perspectives; make quality and fiscally sound decisions; and invite employee involvement in the decision making process.

The *superior performer* envisions innovative solutions to complex problems, maintains a broad point of view regarding the organization and community, and appropriately involves employees in the decision-making process and works with others to identify policy issues for consideration.

The *fully competent performer* exhibits decision making that balances narrow and broad range issues, exhibits financial awareness, considers the long-range implications when determining solutions, regularly provides for employee participation in decision making as needed, and seeks input from others when appropriate.

Performer needs improvement if he/she doesn't consider the effects of his/her decisions on individuals and/or the organization, or allows little or no employee participation in the making of decisions.

RATING:

- ☐ Superior
- ☐ Fully Competent
- ☐ Performance Needs Improvement

EXPLANATION/COMMENTS:

7. **DELEGATION/EMPLOYEE RESPONSIBILITY:** Knowledge of the delegation process and ability to delegate responsibility and authority, and to identify suitable delegation opportunities that increase effectiveness and employee growth. Ability to encourage staff to assume responsibility and accountability for their jobs, while promoting employees' self-direction according to established goals and standards.

The *superior performer* has systematic plans for delegation, makes regular use of delegation as a staff development tool, and achieves employee involvement in the decisions making process by sharing appropriate responsibility and authority. He/she encourages employees towards self-direction, creativity and self-initiated review of their own work, and relies on management principles that hold subordinates accountable for work product.

The *fully competent performer* allows employees input into the decision making process, recognize opportunities for suitable delegation, uses good follow up techniques, and treats employees with respect. He/she encourages employees to review and correct their own work prior to completion, assumes employee accountability when evaluating work results, and makes certain that supervisors appropriately oversee the hiring, training, disciplining and evaluating of employees.

Performer needs improvement if divisional effectiveness is diminished by poor use of delegation, or by extreme over control to the detriment of staff development, and/or if employees are unwilling or unable to accept responsibility for work products.

RATING:

- ☐ Superior
- ☐ Fully Competent
- ☐ Performance Needs Improvement

EXPLANATION/COMMENTS:

8. **ADMINISTRATION:** Ability to manage resources effectively while striving for organizational goals, and accepting responsibility and accountability for the actions of the assigned area.

The *superior performer* audits and evaluates the completion of projects in terms of quality, cost and time frame, and accepts responsibility for the actions and results of subordinates. Practices reflect full knowledge of established policies. Recommends better approaches to provide City services at reduced costs.

The *fully competent performer* maintains effective function of assigned operations and property, is accountable for his/her own actions as well as the smooth functioning of the assigned area within the provision of established policies. Identifies ways to provide services at less cost, prepares budget and administers expenditures according to City guidelines.

Performer needs improvement if he/she makes excuses for poor performance, if administration is inefficient, or if the provisions of established policies and procedures are not applied.

RATING:

- ☐ Superior
- ☐ Fully Competent
- ☐ Performance Needs Improvement

EXPLANATION/COMMENTS:

9. **ETHICS.** Impartiality in the performance of the job, including honesty and objectivity in decision making and communications, capacity to make decisions based on the best interests of the community, and to make realistic commitments within his/her scope of authority.

The *superior performer* functions as an exemplary public employee and inspires and rewards similar behavior in peers, supervisors and other employees.

The *fully competent performer* functions as a responsible public servant by presenting unbiased information and promises to the public, and making realistic commitments to follow through to citizens, Mayor, Commission, peers, fellow employees and others in the private/public sectors with whom the performer interacts. Manages in a professional manner in conformance with federal, state and local laws.

Performer needs improvement if he/she doesn't function as a responsible public servant by making decisions based on the best interests of the community, or by making commitments outside his/her scope of authority.

RATING:

- ☐ Superior
- ☐ Fully Competent
- ☐ Performance Needs Improvement

EXPLANATION/COMMENTS:

10. CITIZEN RESPONSIVENESS. Responsiveness to citizens' actions and attitudes, and to citizen complaints or requests for information and/or action on problems.

The *superior performer* effectively institutes a policy establishing service to the citizens as a priority, and maintains an efficient policy for handling citizen requests/complaints that promote a favorable image of the City.

The *fully competent performer* works with staff to improve courtesy, timeliness and helpfulness to citizens, and stresses a positive problem-solving attitude in response to citizen requests/complaints.

Performer needs improvement if he/she ignores or neglect citizen requests/complaints, or allows staff to respond to requests/complaints with less than a courteous, problem-solving attitude.

RATING:



Superior



Fully Competent



Performance Needs Improvement

EXPLANATION/COMMENTS:

MAJOR ACCOMPLISHMENTS: List/describe the major accomplishments of the review period, including unexpected developments that were addressed, as well as any objectives that were not accomplished and cite the reasons.

OVERALL PERFORMANCE RATING;

The *superior performer* will not need improvement in any of the performance factor areas. In most areas, a superior rating was achieved. The superior rating should be reserved for only those employees whose performance clearly exceeds expectations.

The *fully competent performer* may be superior in some areas, but fully competent in most. The fully competent rating should be given to employees whose performance exceeds the minimum standards, but does not clearly exceed all expectations.

The *performer needs improvement* if he/she has not met the performance expectations for the job in the majority of the factors. The needs improvement rating should be given to employees who demonstrate the potential and willingness to improve, but whose current performance is below expectations.

OVERALL RATING FOR THE PERIOD:

- ☐ Superior
- ☐ Fully Competent
- ☐ Performance Needs Improvement

EXPLANATION/COMMENTS:

EMPLOYEE COMMENTS:

Signatures:

Employee

Date _____

Commission/City Manager

Date _____

City Manager Performance Evaluation

City of _____

Evaluation period: _____ to _____

Governing Body Member's Name

Each member of the governing body should complete this evaluation form, sign it in the space below, and return it to _____. The deadline for submitting this performance evaluation is _____. Evaluations will be summarized and included on the agenda for discussion at the work session on _____.

Mayor's Signature

Date

Governing Body Member's Signature

Date Submitted

INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the city manager's performance.

- 5 = Excellent** (almost always exceeds the performance standard)
- 4 = Above average** (generally exceeds the performance standard)
- 3 = Average** (generally meets the performance standard)
- 2 = Below average** (usually does not meet the performance standard)
- 1 = Poor** (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the governing body to the city manager as part of the agenda for the meeting indicated on the cover page.

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

- _____ Diligent and thorough in the discharge of duties, "self-starter"
- _____ Exercises good judgment
- _____ Displays enthusiasm, cooperation, and will to adapt
- _____ Mental and physical stamina appropriate for the position
- _____ Exhibits composure, appearance and attitude appropriate for executive position

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

Initials _____

2. PROFESSIONAL SKILLS AND STATUS

- _____ Maintains knowledge of current developments affecting the practice of local government management
- _____ Demonstrates a capacity for innovation and creativity
- _____ Anticipates and analyzes problems to develop effective approaches for solving them
- _____ Willing to try new ideas proposed by governing body members and/or staff
- _____ Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

3. RELATIONS WITH ELECTED MEMBERS OF THE GOVERNING BODY

- _____ Carries out directives of the body as a whole as opposed to those of any one member or minority group
- _____ Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
- _____ Disseminates complete and accurate information equally to all members in a timely manner
- _____ Assists by facilitating decision making without usurping authority
- _____ Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

4. POLICY EXECUTION

- _____ Implements governing body actions in accordance with the intent of council
- _____ Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- _____ Understands, supports, and enforces local government's laws, policies, and ordinances
- _____ Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- _____ Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

Initials _____

5. REPORTING

- _____ Provides regular information and reports to the governing body concerning matters of importance to the local government, using the city charter as guide
- _____ Responds in a timely manner to requests from the governing body for special reports
- _____ Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature
- _____ Reports produced by the manager are accurate, comprehensive, concise and written to their intended audience
- _____ Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

6. CITIZEN RELATIONS

- _____ Responsive to requests from citizens
- _____ Demonstrates a dedication to service to the community and its citizens
- _____ Maintains a nonpartisan approach in dealing with the news media
- _____ Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- _____ Gives an appropriate effort to maintain citizen satisfaction with city services

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

7. STAFFING

- _____ Recruits and retains competent personnel for staff positions
- _____ Applies an appropriate level of supervision to improve any areas of substandard performance
- _____ Stays accurately informed and appropriately concerned about employee relations
- _____ Professionally manages the compensation and benefits plan
- _____ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

Initials _____

8. SUPERVISION

- _____ Encourages heads of departments to make decisions within their jurisdictions with minimal city manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- _____ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- _____ Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the city manager's office
- _____ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- _____ Encourages teamwork, innovation, and effective problem-solving among the staff members

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

9. FISCAL MANAGEMENT

- _____ Prepares a balanced budget to provide services at a level directed by council
- _____ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- _____ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- _____ Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- _____ Appropriately monitors and manages fiscal activities of the organization

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

Initials _____

10. COMMUNITY

- _____ Shares responsibility for addressing the difficult issues facing the city
- _____ Avoids unnecessary controversy
- _____ Cooperates with neighboring communities and the county
- _____ Helps the council address future needs and develop adequate plans to address long term trends
- _____ Cooperates with other regional, state and federal government agencies

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period? _____

What performance area(s) would you identify as most critical for improvement? _____

Initials _____

What constructive suggestions or assistance can you offer the manager to enhance performance? _____

What other comments do you have for the manager; e.g., priorities, expectations, goals or objectives for the new rating period? _____

Initials _____

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING
FEBRUARY 6, 2023**

CODE ENFORCEMENT/BUILDING/ZONING

Please see pages 1-19.

COMPREHENSIVE PLANNING AND ZONING BOARD

The minutes of the Board's October 18, 2022, are attached as pages 20-31. The Board did not meet in November and December because there were no topics for it to consider. The minutes of its January 17, 2023, meeting will be included with this report for the Commission's March 6th meeting.

SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE

The Committee met on January 10, 2023. The minutes of that meeting will be included with this report for the Commission's March 6th meeting. Attached as page 32 is the latest report from the Committee's Chairperson, Ms. Lana Bandy.

POLICE DEPARTMENT

Please see page 33.

FINANCE DEPARTMENT

Please see page 34.

PUBLIC WORKS DEPARTMENT

Please see pages 35-38.

CITY MANAGER

1. Complaints

A. Tree on City Property

A 3rd Street resident said there was a pine tree on a parkette with dead branches that might be a danger to an adjacent house. The parkette was checked by heavy foliage concealed the tree.

B. Fence in Front Setback

A resident complained about a fence in the front setback of a house on 13th Street. The complaint was forwarded to the Code Enforcement Officer, who gave the property owner time to remove the fence.

C. Vacation Rental

A resident told the City about an alleged unlicensed vacation rental on 3rd Street. The City's Code Enforcement Attorney is reviewing the allegation.

D. Leakage from a Sanitation Truck

A Makarios subdivision reported a leak from the waste inside a City sanitation truck. The Public Works Director is investigating.

A. Major Projects

A. Road/Sidewalk Improvements

1) Opening 2nd Street West of 2nd Avenue

At its March 7, 2022, meeting, the City Commission awarded the bid for this project to DB Civil Construction of Ormond Beach, Florida, for \$579,850. The contract has been executed and construction has started with clearing of the right-of-way and preparations to lay the road's base. Underground water, sewer lines and drainage pipes are being installed. At its January 9, 2023, meeting, the Commission approved a budget resolution to appropriate \$33,000 to provide contract administration services.

2) Sidewalk and Drainage Improvements for A Street

A Street between the beach and State Road A1A is owned and maintained by the County. In response to a resident's suggestion that a sidewalk is needed on A Street between the beach and A1A Beach Boulevard because of vehicle traffic and the number of pedestrians and bicyclists along that section of A Street, the City and County developed a project for underground drainage to solve the flooding problem along the street's north side and for a sidewalk. After several meetings, the County staff agreed to a five-foot wide sidewalk and a two-foot wide gutter. The City Commission then approved the project. The project was started in early January 2023 but was delayed for several weeks because of a waterline. Construction will resume in February.

3) A1A Beach Boulevard Crosswalk Improvements

As of the end of February 2022, the County had put up flashing signals for the crosswalks on A1A Beach Boulevard between Sea Colony and the shopping center, and between the beach walkway at Ocean Hammock Park and the Whispering Oaks subdivision. In early August, flashing signals were erected at the 16th and 11th Street crosswalks. According to the County Traffic and Transportation Department, two additional signals will be put up: one in the vicinity of the pier park and one at F Street. No dates have been set as to when these improvements will be done.

B. Beach Matters

1) Off-Beach Parking

At this time, the only parking project is improvements to the two parkettes on the west side of A1A Beach Boulevard between A and 1st Streets. The City Commission appropriated \$45,000 in the Fiscal Year 2022 budget for this project. The next step is to select a consultant to do the design. The Public Works Director has selected a consultant from the County's list of civil engineering consultants. The consultant, the

Matthews Design Group, is now doing the design work. Money for the improved parking area will come from American Rescue Plan Act funds. At the Commission's July 11, 2022, meeting, Matthews provided an update report on the design. The Commission selected the second option: Vehicles will enter the parking area from 1st Street and exit it to the Boulevard near A Street. The conceptual design is complete; work on permits is underway; construction will be done in 2023.

There is no discussion at this time concerning paid parking anywhere in the City.

2) Beach Restoration

The next restoration project is scheduled to be done from June 30 to December 30, 2023. Two million cubic yards of sand will be put on the beach from the middle of the state park to Sea Colony's boundary with Ocean Hammock Park. A Corps of Engineers representative provided an update report at the City Commission's January 9, 2023, meeting. The project will begin in mid-July 2023 and be completed by the end of February 2024.

C. Parks

1) Ocean Hammock Park

This Park is located on the east side of A1A Beach Boulevard between the Bermuda Run and Sea Colony subdivisions. It was originally part of an 18-acre vacant tract. Two acres were given to the City by the original owners for conservation purposes and where the boardwalk to the beach is now located. The City purchased 11.5 acres in 2009 for \$5,380,000 and received a Florida Communities Trust grant to reimburse it for part of the purchase price. The remaining 4.5 acres were left in private ownership. In 2015, The Trust for Public Land purchased the 4.5 acres for the appraised value of \$4.5 million. The City gave the Trust a down payment of \$1,000,000. Thanks to a grant application prepared by the City's Chief Financial Officer at the time, Ms. Melissa Burns, and to the presentation by then-Mayor Rich O'Brien at a Florida Communities Trust board meeting in February 2017, the City was awarded \$1.5 million from the state to help it pay for the remaining debt to The Trust for Public Land. The City received the check for \$1.5 million in October 2018. For the remaining amount owed to The Trust for Public Land, the Commission at public hearings in September 2018 raised the voter-approved property tax debt millage to half a mill.

A condition of the two grants is that the City implement the management plan that was part of the applications for the grants. The plan includes such improvements as restrooms, trails, a pavilion and information signs. The Public Works Director applied to the state for a Florida Recreation Development Assistance Program grant to pay half the costs of the restrooms, which the City received. At its March 7, 2022, meeting, the City Commission approved the Public Works Director's recommendation that the one bid received to construct the restrooms be rejected because of its very high price and authorized negotiating with the bidder to lower the cost. As these negotiations did not result in significant savings, the Director has decided to purchase prefabricated restrooms. He showed a photo of the restrooms to the Commission at its April 4th and May 2nd meetings. The Commission approved the restrooms, which have been ordered. Work will be completed in May 2023.

Also, to implement the management plan, the City has applied for funding from a state grant and for a Federal grant from the National Oceanic and Atmospheric Administration. The Public Works Director's master plan for improvements to the Park was reviewed by the City Commission at its October 5, 2020, regular meeting. The design and permitting work for the interior park improvements (observation deck

and central trail) has been done. The City will advertise for bids in February with a contract for the Commission to approve at its April 3, 2023, meeting.

The picnic pavilion, children's playscape, signage and secondary trails will be done in the future as funds become available.

Concerning the request from some residents to relocate the Park's beach access: At its December 5th meeting, the City Commission provided topics to City staff that the Commission believes will help it make a decision about relocating the beach access. At its January 9, 2023, meeting, the Commission reviewed information provided by staff and decided that the persons requesting that the access be relocated should form a non-profit entity and make a proposal to the City, which the City Attorney will review.

2) Hammock Dunes Park

This 6.1-acre park is on the west side of A1A Beach Boulevard between the shopping plaza and the Whispering Oaks subdivision. The County purchased the property in 2005 for \$2.5 million. By written agreement, the City reimbursed the County half the purchase price, or \$1,250,000, plus interest. At its July 26, 2016, meeting, the County Commission approved the transfer of the property's title to the City, with the condition that if the City ever decided to sell the property, it would revert back to ownership by the County. Such a sale is very unlikely, as the City Charter requires that the Commission by a vote of four members approve the sale, and then the voters in a referendum must approve it.

At this time, the City does not have the money to develop any trails or other amenities in the Park. Unlike Ocean Hammock Park, there is no management plan for Hammock Dunes Park. A park plan will need to be developed with the help of residents and money to make the Park accessible to the public may come from the American Rescue Plan Act. At its May 2, 2022, meeting, the City Commission approved the City Manager writing a Request for Qualifications for a park planner to prepare a plan for improvements to Hammock Dunes Park. The City Commission at its June 6th meeting approved the wording for a Request for Qualifications from park planners. However, because other projects, especially drainage ones, require attention, advertising the REQ has been delayed.

B. Finance and Budget

A. Audit Report for Fiscal Year 2022 Budget

Fiscal Year 2022 ended on September 30, 2022. The auditor will present the report to the City Commission in the spring of 2023.

B. Fiscal Year 2023

Fiscal Year 2023 began on October 1, 2022 and will end September 30, 2023. Thus, December 31, 2022, was the end of the first quarter of FY 23. As of that date, the City had received \$3,209,216 for the General Fund and had spent \$2,665,371. The surplus of revenues over expenditures was \$543,844. As of December 31, 2022, the total provided by property taxes, the City's major source of revenue, was \$2,247,598. The City will continue to receive money from this source until June 2023.

C. Alternative Revenue Sources

In response to the City Commission's request that the administration suggest potential sources of revenue to fund City operations, the Public Works Director has proposed a stormwater utility fee. The Commission discussed this proposal at two meetings in 2021 and decided not to authorize the staff to proceed to the next step in the process to adopt the fee in the future. However, at its October 3, 2022, meeting, the Commission decided to hold a public hearing on November 14, 2022, concerning the fee, and at that meeting approved a resolution stating the City's intent to adopt a non-ad valorem assessment for a stormwater fee. The next step will be to adopt a range for the fee. The Public Works Director will present an ordinance to the Commission at its February 6th. If it is approved, the ordinance will allow the Commission to levy the fee at a later date.

C. Miscellaneous

A. Permits for Upcoming Events

In January, the City Manager approved the permit for Santa Suits on the Loose 5K run on December 9, 2023.

B. Vision/Strategic Plan

The Strategic Plan may be replaced by the Vision Plan, which was prepared by Commissioner England during her term as Mayor. She developed the draft of the Vision Plan, presented it to the Commission at its May 2, 2022, meeting. The draft was reviewed by the Sustainability and Environmental Protection Advisory Committee at its June 2nd meeting and by the Comprehensive Planning and Zoning Board at its June 21st meeting. The Planning Board continued its review at its July 19th meeting and discussed such topics as services related to the beach, pedestrian safety on A1A Beach Boulevard and use of the City's plazas for beautification and public parking. The Board recommended moving forward with the Plan and for the City Commission to have a joint meeting with the Board and with the Sustainability and Environmental Planning Advisory Committee. The joint meeting was held on October 5th and changes were suggested for the Plan. SEPAC will discuss further changes at its November 17th meeting. The next review of the Plan will likely be at the Commission's March regular meeting.

C. Former City Hall

On Wednesday, March 23, 2022, the City Commission held a workshop to discuss possible uses for the former city hall, which is located on the south side of pier park. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, informed the Commission that the City has received \$500,000 historic grant to renovate windows and other features in the building and a \$25,000 grant for interpretative signage. The outcome of the workshop was that the building would be renovated for use as an arts center with the second floor restored for artists' studios and possibly a small museum. Ms. Stone presented a report about the history of the former city hall and using the \$500,000 for exterior improvements to the building, such as the second-floor windows and other features. The deadline for using the money from the historic grant is June 2023. The deadline for the spending of the \$25,000 grant for the civil rights monument is March 31, 2023.

At the City Commission's October 3, 2022, meeting, Ms. Stone reported that the Cultural Council has hired two local architects to provide technical expertise for the first phase, the \$500,000 grant, for exterior improvements to the building. Also, a designer has been hired to develop interpretive signage for the building. She will provide an update report at the Commission's March 6, 2023, meeting.

The next step will be a visioning meeting involving the public for the next phase of the renovation of the building. No date for the meeting has been scheduled.

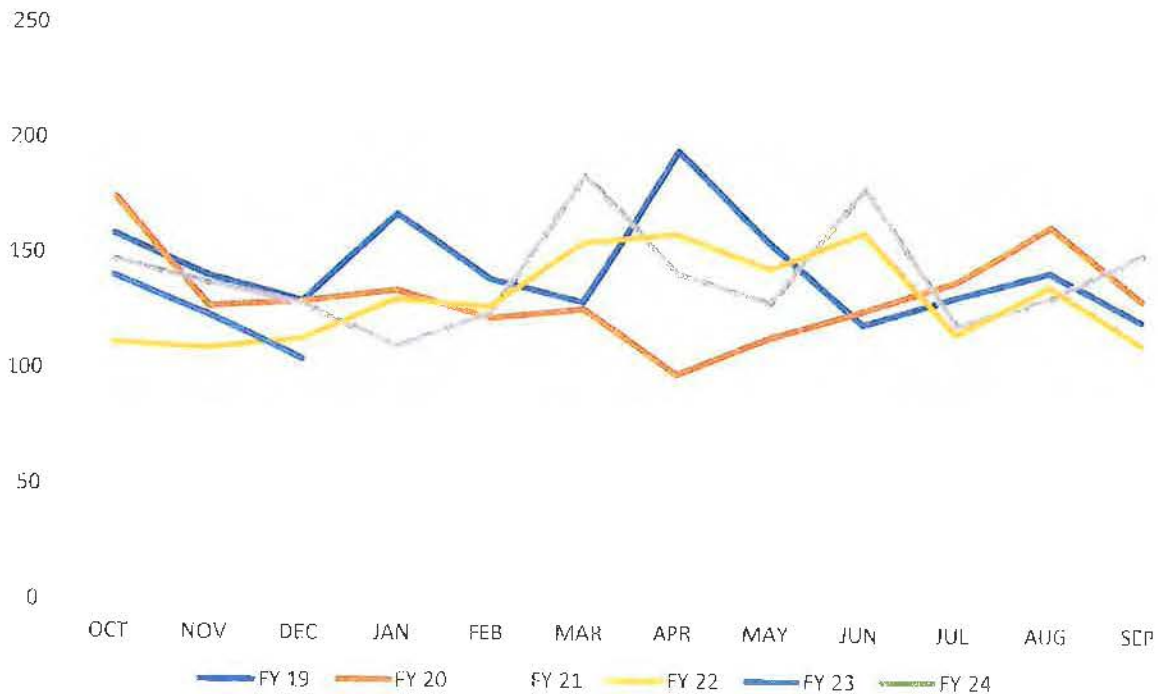


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

NUMBER OF PERMITS ISSUED

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	158	174	147	111	140	
NOV	140	127	137	109	123	
DEC	129	129	128	113	104	
JAN	167	134	110	130		
FEB	139	122	124	127		
MAR	129	126	184	155		
APR	195	98	142	159		
MAY	155	114	129	144		
JUN	120	126	179	160		
JUL	132	139	120	116		
AUG	143	163	132	137		
SEP	122	131	151	112		
TOTAL	1729	1583	1683	1573	367	0

NUMBER OF PERMITS ISSUED



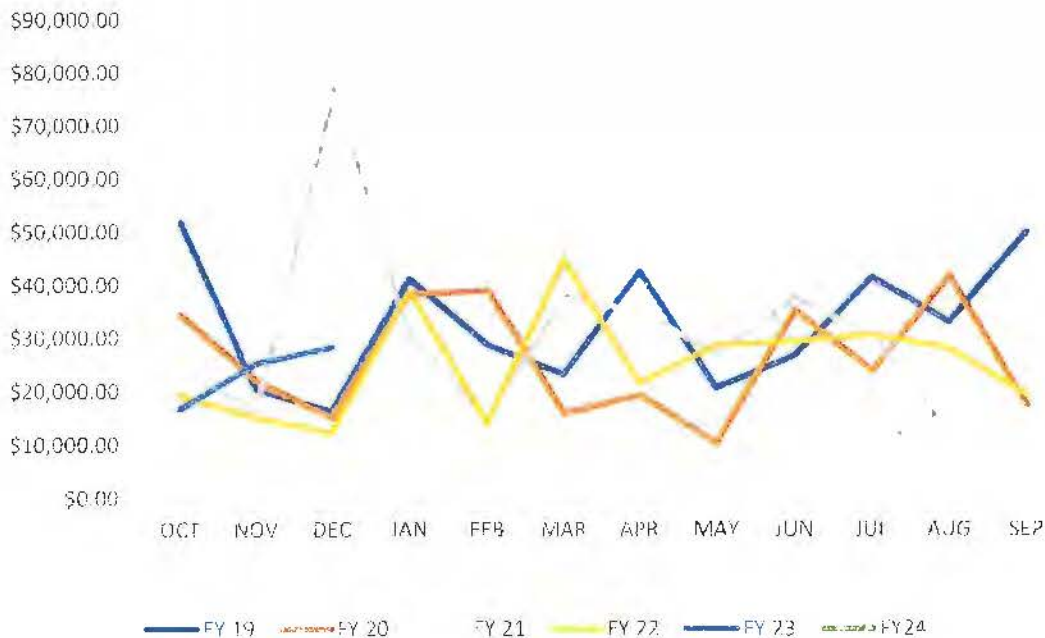


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

BUILDING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY24
OCT	\$51,655.01	\$34,277.62	\$24,139.90	\$19,160.96	\$16,521.84	
NOV	\$20,192.42	\$21,844.58	\$15,910.52	\$14,923.51	\$25,004.85	
DEC	\$16,104.22	\$14,818.54	\$76,639.68	\$12,110.85	\$28,106.15	
JAN	\$40,915.31	\$37,993.58	\$30,011.51	\$38,549.15		
FEB	\$28,526.70	\$38,761.13	\$14,706.76	\$13,916.49		
MAR	\$22,978.53	\$15,666.80	\$37,447.22	\$44,664.15		
APR	\$42,292.91	\$19,092.61	\$34,884.49	\$21,386.72		
MAY	\$20,391.12	\$10,194.02	\$26,753.41	\$28,447.01		
JUN	\$26,445.26	\$34,939.40	\$37,149.19	\$29,198.87		
JUL	\$41,120.86	\$23,555.36	\$30,368.01	\$30,368.57		
AUG	\$32,714.82	\$41,455.38	\$11,236.89	\$27,845.37		
SEP	\$49,543.66	\$17,169.56	\$20,329.54	\$19,118.87		
TOTAL	\$392,880.82	\$309,768.58	\$359,577.12	\$299,690.52	\$69,632.84	\$0.00

BUILDING PERMIT FEE REPORT



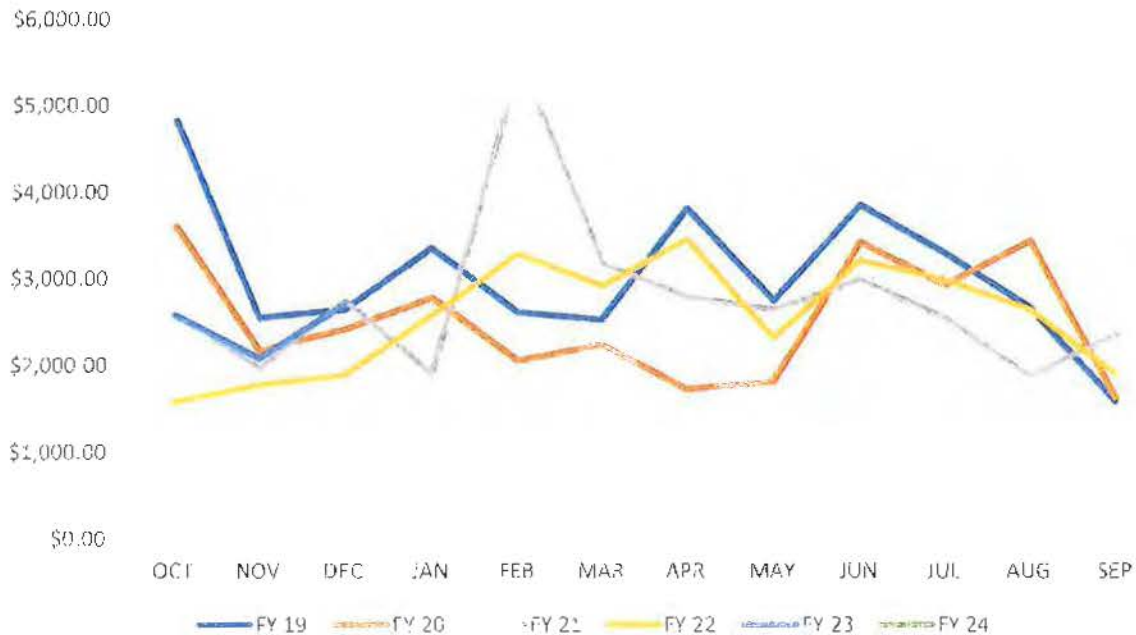


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

MECHANICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	\$4,819.09	\$3,593.67	\$2,574.62	\$1,575.00	\$2,565.54	
NOV	\$2,541.44	\$2,160.00	\$1,963.00	\$1,771.00	\$2,073.09	
DEC	\$2,633.64	\$2,409.62	\$2,738.04	\$1,880.00	\$2,693.06	
JAN	\$3,338.69	\$2,768.47	\$1,891.99	\$2,563.12		
FEB	\$2,601.00	\$2,044.08	\$5,505.00	\$3,274.80		
MAR	\$2,515.33	\$2,237.73	\$3,163.00	\$2,908.99		
APR	\$3,801.26	\$1,716.00	\$2,784.79	\$3,452.30		
MAY	\$2,736.33	\$1,809.00	\$2,637.52	\$2,308.40		
JUN	\$3,844.54	\$3,417.00	\$2,978.00	\$3,204.70		
JUL	\$3,286.00	\$2,917.93	\$2,535.39	\$2,981.26		
AUG	\$2,663.49	\$3,430.11	\$1,870.49	\$2,642.88		
SEP	\$1,579.42	\$1,621.00	\$2,352.24	\$1,902.57		
TOTAL	\$36,360.23	\$30,124.61	\$32,994.08	\$30,465.02	\$7,331.69	\$0.00

MECHANICAL PERMIT FEE REPORT



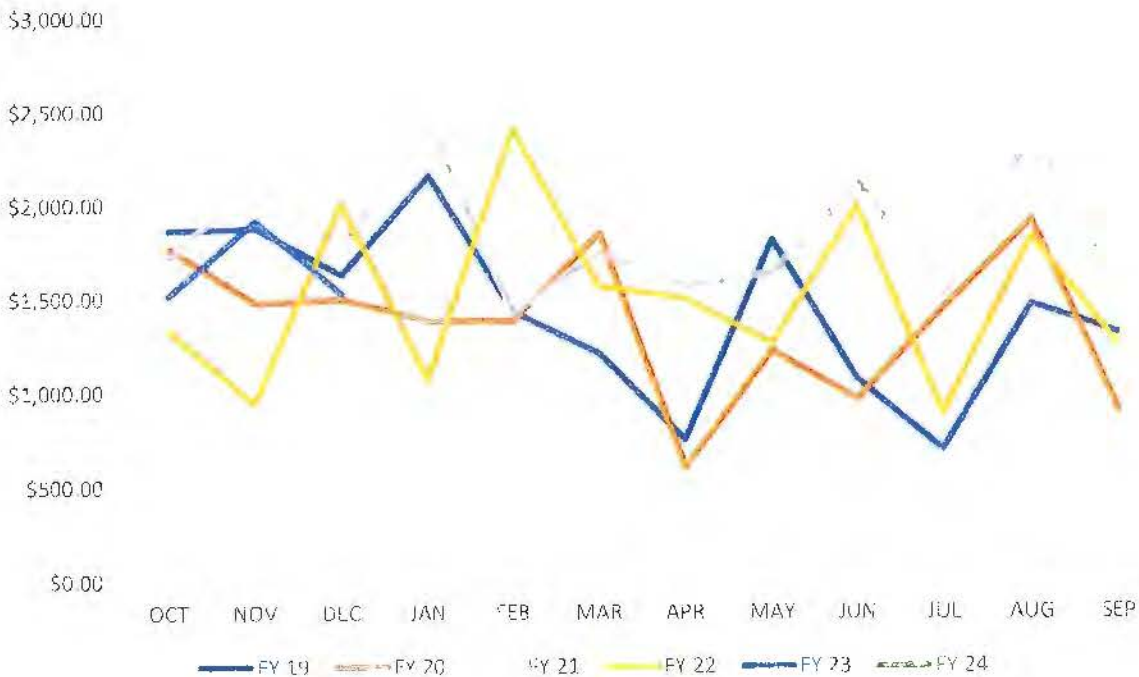


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

ELECTRICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	\$1,860.32	\$1,765.00	\$1,718.00	\$1,330.00	\$1,510.00	
NOV	\$1,872.66	\$1,475.00	\$2,115.00	\$940.00	\$1,910.00	
DEC	\$1,622.32	\$1,495.00	\$1,770.00	\$2,005.00	\$1,523.00	
JAN	\$2,151.66	\$1,380.00	\$2,418.00	\$1,065.00		
FEB	\$1,425.32	\$1,375.00	\$1,413.00	\$2,405.00		
MAR	\$1,203.33	\$1,843.00	\$1,740.00	\$1,565.00		
APR	\$743.00	\$600.00	\$1,553.00	\$1,495.00		
MAY	\$1,805.00	\$1,215.00	\$1,628.00	\$1,255.00		
JUN	\$1,065.00	\$955.00	\$2,108.00	\$1,985.50		
JUL	\$690.00	\$1,443.00	\$1,505.00	\$885.00		
AUG	\$1,460.00	\$1,910.00	\$2,375.00	\$1,824.00		
SEP	\$1,310.00	\$895.00	\$1,520.00	\$1,245.00		
TOTAL	\$17,208.61	\$16,351.00	\$21,863.00	\$17,999.50	\$4,943.00	\$0.00

ELECTRICAL PERMIT FEE REPORT



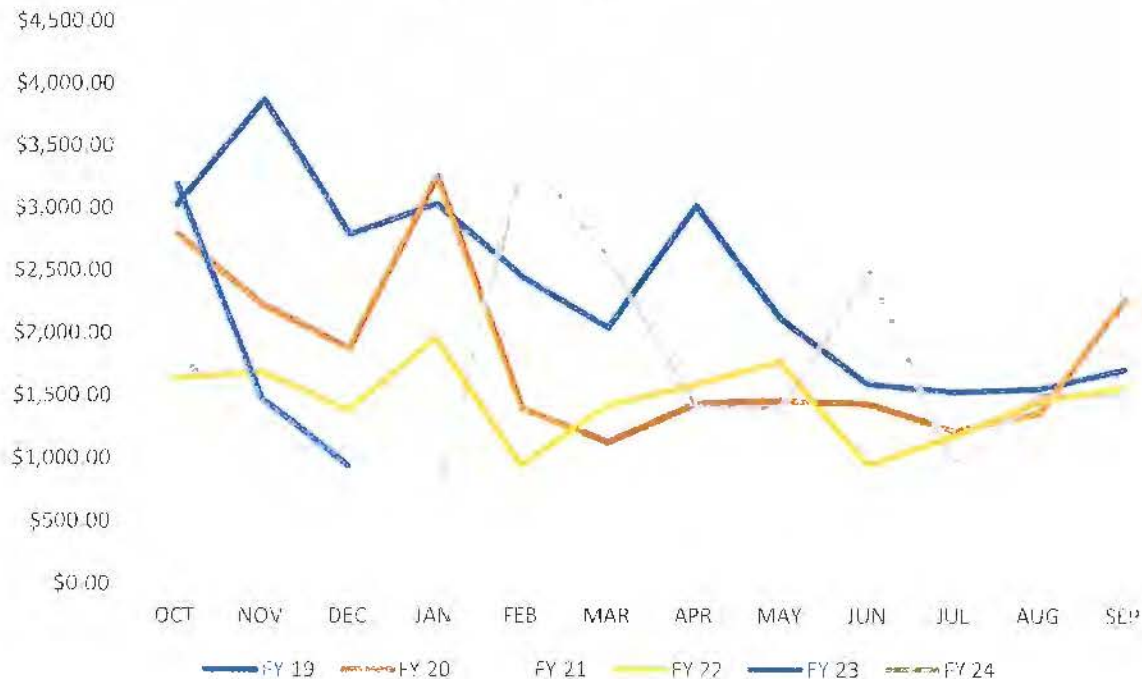


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

PLUMBING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	\$3,016.37	\$2,786.00	\$1,844.00	\$1,632.00	\$3,188.00	
NOV	\$3,867.41	\$2,221.00	\$1,133.00	\$1,686.00	\$1,476.00	
DEC	\$2,783.10	\$1,869.00	\$1,062.00	\$1,379.00	\$937.00	
JAN	\$3,031.40	\$3,256.00	\$628.00	\$1,957.00		
FEB	\$2,440.44	\$1,395.00	\$3,449.00	\$938.00		
MAR	\$2,037.24	\$1,125.00	\$2,579.00	\$1,420.00		
APR	\$3,015.00	\$1,430.00	\$1,411.00	\$1,585.00		
MAY	\$2,110.00	\$1,459.00	\$1,390.00	\$1,772.00		
JUN	\$1,590.00	\$1,432.00	\$2,474.00	\$943.00		
JUL	\$1,525.00	\$1,218.00	\$952.00	\$1,170.00		
AUG	\$1,550.00	\$1,356.00	\$1,500.00	\$1,452.00		
SEP	\$1,706.00	\$2,270.00	\$1,490.00	\$1,572.00		
TOTAL	\$28,671.96	\$21,817.00	\$19,912.00	\$17,506.00	\$5,601.00	\$0.00

PLUMBING PERMIT FEE REPORT



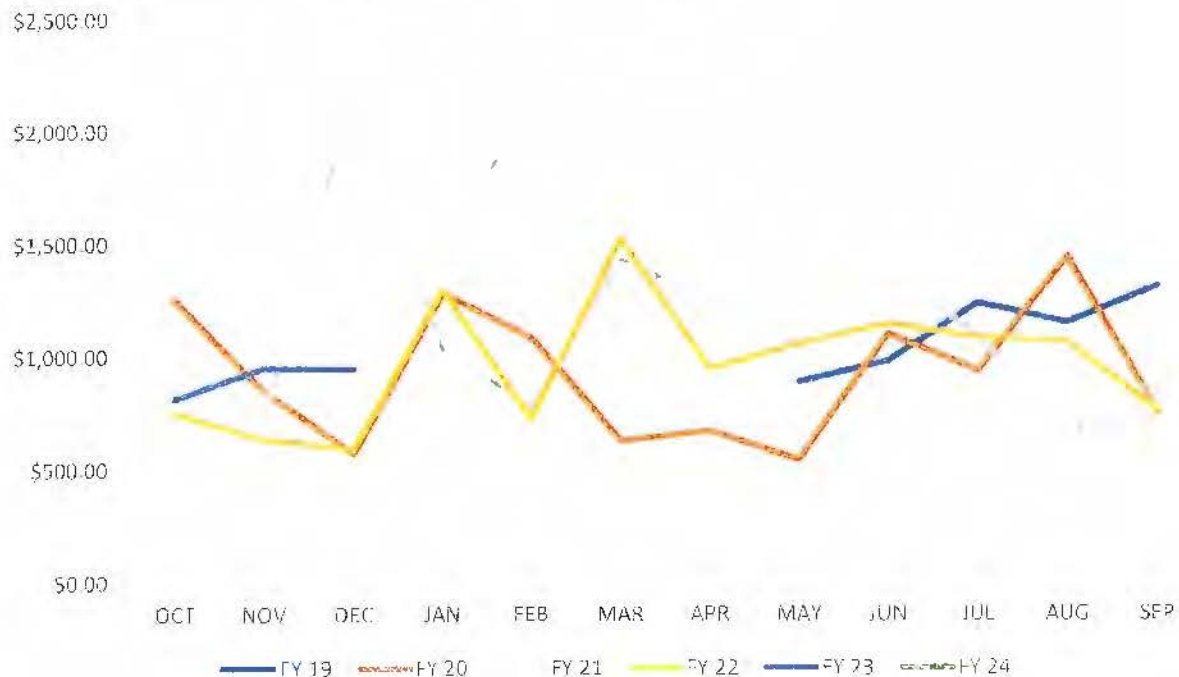


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

STATE SURCHARGE PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT		\$1,247.45	\$973.01	\$747.36	\$808.73	
NOV		\$845.65	\$729.40	\$635.64	\$947.61	
DEC		\$569.37	\$2,225.95	\$589.14	\$941.33	
JAN		\$1,277.63	\$1,006.45	\$1,293.24		
FEB		\$1,079.31	\$776.87	\$721.09		
MAR		\$623.46	\$1,417.90	\$1,521.83		
APR		\$666.54	\$1,250.09	\$943.11		
MAY	\$881.45	\$537.83	\$1,043.38	\$1,049.80		
JUN	\$972.50	\$1,093.02	\$1,378.01	\$1,139.84		
JUL	\$1,230.25	\$928.44	\$1,085.45	\$1,078.15		
AUG	\$1,141.48	\$1,437.49	\$642.86	\$1,061.67		
SEP	\$1,303.66	\$740.55	\$887.71	\$753.23		
TOTAL	\$5,529.34	\$11,046.74	\$13,417.08	\$11,534.10	\$2,697.67	\$0.00

STATE SURCHARGE PERMIT FEE REPORT



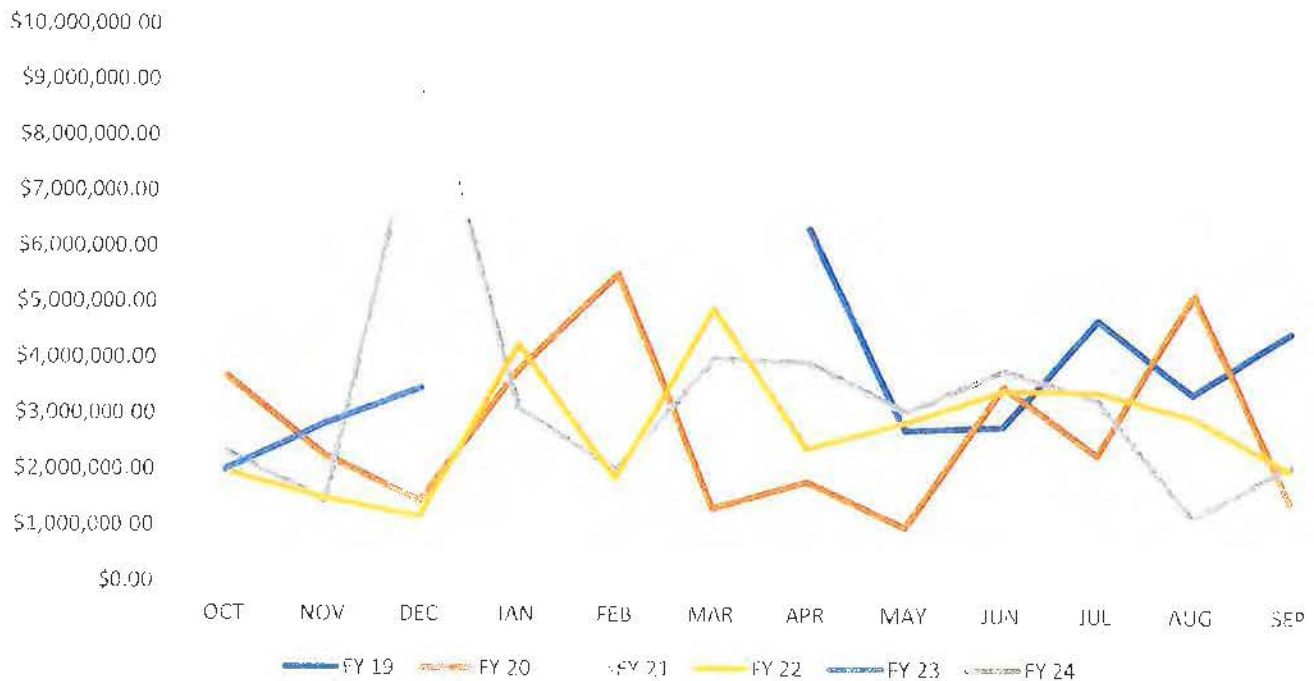


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

ALTERATION COST

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT		\$3,657,414.56	\$2,313,298.53	\$1,961,462.00	\$1,989,945.24	
NOV		\$2,242,421.52	\$1,440,841.88	\$1,490,891.09	\$2,807,970.23	
DEC		\$1,449,915.40	\$9,160,479.89	\$1,165,362.58	\$3,462,997.96	
JAN		\$3,789,363.81	\$3,088,758.57	\$4,239,155.17		
FEB		\$5,519,900.00	\$2,010,259.40	\$1,847,029.62		
MAR		\$1,321,570.04	\$4,010,607.80	\$4,906,297.30		
APR	\$6,338,617.35	\$1,803,157.19	\$3,939,394.49	\$2,392,827.18		
MAY	\$2,731,410.75	\$1,003,140.58	\$3,080,108.00	\$2,874,220.30		
JUN	\$2,792,442.43	\$3,519,844.50	\$3,807,580.85	\$3,445,719.17		
JUL	\$4,717,293.00	\$2,300,478.87	\$3,279,350.11	\$3,436,811.93		
AUG	\$3,393,250.74	\$5,175,949.96	\$1,182,881.00	\$2,982,874.58		
SEP	\$4,502,737.63	\$1,475,857.57	\$2,123,077.05	\$2,038,273.27		
TOTAL	\$24,475,751.90	\$33,259,014.00	\$39,436,637.57	\$32,780,924.19	\$8,260,913.43	\$0.00

ALTERATION COST



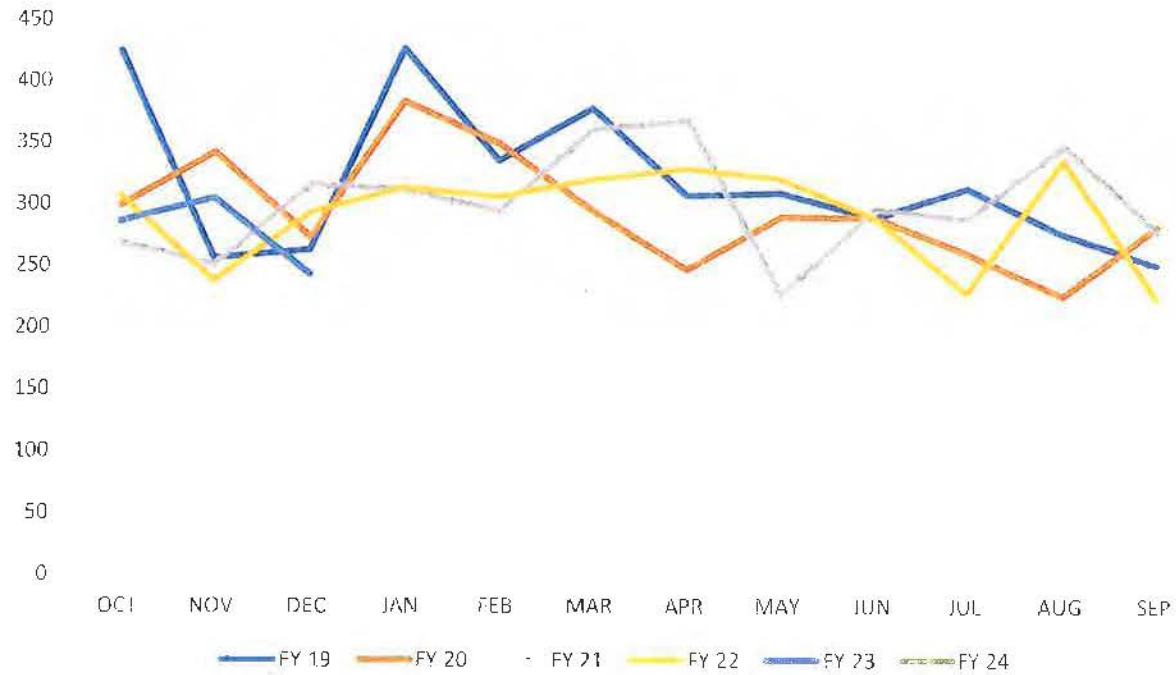


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

NUMBER OF INSPECTIONS PERFORMED

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	424	298	268	306	285	
NOV	255	341	250	237	304	
DEC	262	272	315	292	242	
JAN	426	383	311	313		
FEB	334	348	293	305		
MAR	377	294	360	319		
APR	306	246	367	328		
MAY	308	289	226	320		
JUN	288	288	295	288		
JUL	312	259	287	227		
AUG	275	225	347	335		
SEP	250	281	277	223		
TOTAL	3817	3524	3596	3493	831	0

NUMBER OF INSPECTIONS PERFORMED





CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

FY 23 INSPECTION RESULTS

	PASS	PASS REINSPECT	FAIL	FAIL REINSPECT
OCT	215	32	38	3
NOV	220	26	39	7
DEC	167	30	37	3
JAN				
FEB				
MAR				
APR				
MAY				
JUN				
JUL				
AUG				
SEP				
TOTAL	602	88	114	13

FY 23 INSPECTION RESULTS



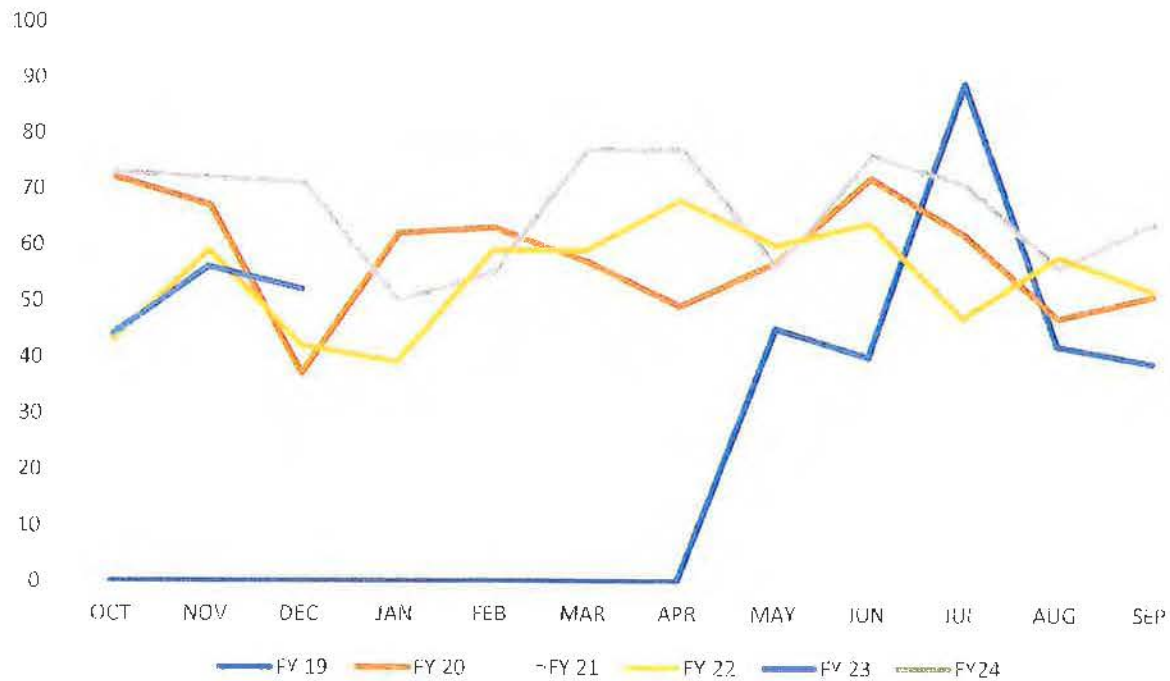


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

OF PLAN REVIEW ACTIVITIES PERFORMED BY THE BUILDING DEPARTMENT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY24
OCT	0	72	73	43	44	
NOV	0	67	72	59	56	
DEC	0	37	71	42	52	
JAN	0	62	50	39		
FEB	0	63	55	59		
MAR	0	57	77	59		
APR	0	49	77	68		
MAY	45	57	56	60		
JUN	40	72	76	64		
JUL	89	62	71	47		
AUG	42	47	56	58		
SEP	39	51	64	52		
TOTAL	255	696	798	650	152	0

OF PLAN REVIEW ACTIVITIES



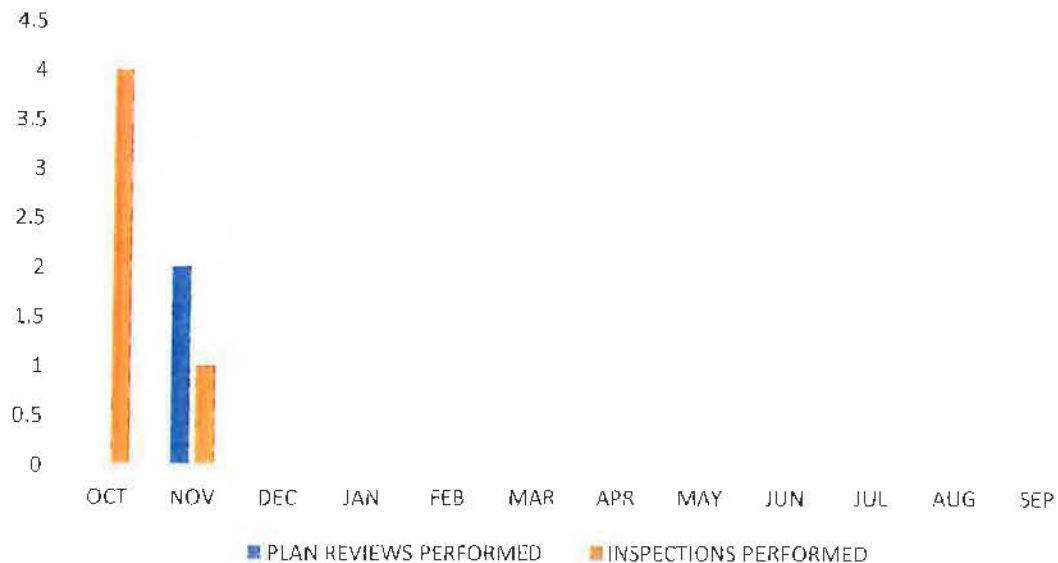


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

PRIVATE PROVIDER PLAN REVIEW AND INSEPTIONS PERFORMED IN FY 23

	PLAN REVIEWS PERFORMED	INSEPTIONS PERFORMED
OCT	0	4
NOV	2	1
DEC	0	0
JAN		
FEB		
MAR		
APR		
MAY		
JUN		
JUL		
AUG		
SEP		
TOTAL	2	5

PRIVATE PROVIDER PLAN REVIEW AND INSPECTIONS FY23



COSAB NEW SFR CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
3070	115 D ST	P2100133	SFR-D	2/4/2021	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3176	129 14TH ST	P2101217	SFR-D	9/24/2021	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3734	108 7TH ST	P2100660	SFR-D	5/27/2021	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
3897	15 SABOR DE SAL RD	P2200622	SFR-D	3/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4186	13 13TH LN	P2200376	SFR-D	1/24/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4411	110 RIDGEWAY RD	P2200064	SFR-D	10/18/2021	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4634	301 S FOREST DUNE DR	P2201349	SFR-D	8/2/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4665	171 RIDGEWAY RD	P2200670	SFR-D	3/10/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4723	282 RIDGEWAY RD	P2200346	SFR-D	1/3/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4734	23 OCEAN PINES DR	P2200462	SFR-D	1/28/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4828	106 F ST	P2200648	SFR-D	3/31/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4894	107 E ST	P2201127	SFR-D	6/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5016	103 WHISPERING OAKS CIR	P2200667	SFR-D	3/10/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5018	507 F ST	P2201176	SFR-D	6/15/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5145	1101 LAUGHING GULL LN	P2200769	SFR-D	3/30/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
5193	937 DEER HAMMOCK CIR	P2200808	SFR-D	4/6/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5256	109 8TH ST	P2200851	SFR-D	4/19/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
5346	5 15TH ST	P2201519	SFR-D	9/1/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5370	9 11TH ST	P2300307	SFR-D	12/15/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5470	386 OCEAN FOREST DR	P2201087	SFR-D	5/25/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5592	110 7TH ST	P2201120	SFR-D	6/1/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
5644	399 OCEAN FOREST DR	P2201148	SFR-D	6/16/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5662	129 WHISPERING OAKS CIR	P2201164	SFR-D	7/5/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5666	105 KINGS QUARRY LN	P2201335	SFR-D	7/26/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5724	254 RIDGEWAY RD	P2201288	SFR-D	7/12/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5839	133 ISLAND HAMMOCK WAY	P2201408	SFR-D	8/4/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6034	618 OLD BEACH RD	P2300195	SFR-D	11/4/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6076	16 5TH ST	P2300034	SFR-D	10/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6122	884 OCEAN PALM WAY	P2300322	SFR-D	12/13/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	
6356	1105 LAUGHING GULL LN	P2300216	SFR-D	11/16/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6484	454 OCEAN FOREST DR	P2300371	SFR-D	1/3/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6518	509 B ST	P2300369	SFR-D	1/18/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES

COSAB COMMERCIAL CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
4891	3920 A1A S UNIT 4	P2200457	COM BUILD OUT	1/27/2022	COMMERCIAL BUILDING ALT.-- BUILD OUT UNIT 4 - BEACH NAIL BAR	COM
5363	3920 A1A S UNIT 1/2	P2200978	COM BUILD OUT	5/10/2022	COMMERCIAL BUILDING ALT.-- BUILD-OUT UNITS 1 & 2 COUSTEAU ICE CREAM	COM
5728	3920 A1A S UNIT 3	P2201245	COM BUILD OUT	6/30/2022	INTERIOR BUILD OUT -- UNIT 3 -- PROPOSED DRY CLEANER DROP OFF & ALTERATIONS	COM
6012	3930 A1A SOUTH UNIT 8	P2201526	COM BUILD OUT	9/2/2022	COMMERCIAL BUILDING ALT.-- TENANT BUILD-OUT--THE ART HOUSE	COM
6065	3920 A1A S UNIT 5/6	P2300180	COM BUILD OUT	11/3/2022	COMMERCIAL BUILDING ALT.-- TENANT BUILD OUT - UNIT 5/6 PAROR DOUGHNUTS	COM
6417	3920 A1A SOUTH UNIT 7	P2300294	COM BUILD OUT	12/6/2022	COMMERCIAL BUILDING ALT.-- UNIT 7 INTERIOR TENANT BUILDOUT FOR AT&T RETAIL STORE	COM
6459	116 SEA GROVE MAIN ST	P2300352	COM BUILD OUT	12/16/2022	COMMERCIAL BUILDING ALT. -- BUILD-OUT	COM

Application Id Range: First to Last

Issue Date Range: First to 01/19/23

Expiration Date Range: First to 09/05/25

Applied For: N Open: Y

Application Date Range: First to 01/19/23

Use Type Range: First to Last

Hold: N

Building Code Range: BUILDING to BUILDING

Contractor Range: First to Last

Completed: N

Work Type Range: COM ADDITION to COMMERCIAL NEW

User Code Range: First to Last

Denied: N

Void: N

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

COSAB FY'23 ZONING REPORT

Application Id	Parcel Id	Property Location	Owner Name	Building Code	Activity Type	Inspector	Date	Status
6119	1711000000	201 B ST	BOYLAN PATRICK J ET AL	ZONING	Z-VARIANCE	BONNIE M	10/18/2022	APPROVED
6133	1725610250	103 WHISPERING OAKS CIR	ESPINOSA PETER A	ZONING	Z-VARIANCE	BONNIE M	10/18/2022	APPROVED
6527	1725610380	224 BIG MAGNOLIA CT	RICHARD J AND CATHERINE M MOLINARO	ZONING	Z-VARIANCE	BONNIE M	1/17/2023	APPROVED
6528	1725610380	224 BIG MAGNOLIA CT	MOLINARO, RICHARD J, CATHERINE M	ZONING	Z-TREE REMOVAL	BONNIE M	1/17/2023	APPROVED

Application Id Range: First to Last Range of Building Codes: ZONING to ZONING
 Activity Date Range: 10/01/22 to 02/22/23 Activity Type Range: Z-APPEAL to Z-VARIANCE

Inspector Id Range: First to Last
 Included Activity Types: Both

Sent Letter: Y

COSAB FY'23 TREE INSPECTIONS

Application Id	Property Location	Building Code 1	Description of Work 1	Issue Date	Description
6389	134 13TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	11/21/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
6404	6 MICKLER BLVD	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	11/17/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
6587	202 AZALEA AVE	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	1/9/2023	RESIDENTIAL-TREE REMOVAL INSPECTION
Totals					

Application Id Range: First to Last

Issue Date Range: 10/01/22 to 01/19/23

Expiration Date Range: First to 09/05/25

Applied For: N Open: Y

Application Date Range: First to 01/19/23

Use Type Range: First to Last

Hold: N

Building Code Range: TREE to TREE

Contractor Range: First to Last

Completed: N

Work Type Range: First to Last

User Code Range: First to Last

Denied: N

Void: N

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

Range: First to Last
Violation Date Range: 10/01/22 to 01/19/23
Ordinance Id Range: First to Last
Use Type Range: First to Last
User Code Range: First to Last
Open: Y
Completed: Y
Void: Y
Pending: Y

Customer Range: First to Last Inc Violations With waived Fines: Yes

Violation Id: V2300001 Prop Loc: 3930 A1A SOUTH
Viol Date: 12/05/22 Status: Completed Status Date: 01/19/23 Comp Name:
Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Work without permits, Also covered up work before inspection.

Created	Modified	Note
01/19/23	01/19/23	Permits issued and work has recommenced
12/05/22	12/05/22	building Official Brian Law noticed upon inspection that work had been done without issuance of permit. The work in question was attempted to be covered up before inspection. -Stop work Oder posted.

Violation Id: V2300002 Prop Loc: 15 B ST
Viol Date: 01/05/23 Status: Completed Status Date: 01/06/23 Comp Name: joanne carlson
Comp Phone: Comp Email:

Ordinance Id	Description
6.07.06	Sec. 6.07.06. - Care of premises.

Description: Debris and rubbish in front yard.
(paint cans, water heater, fencing)

Created	Modified	Note
01/05/23	01/05/23	Mr. Timmons and Mr. Ferris made contact with the tenant on the bottom floor of 15 B St. The tenet put code enforcement in contact with the landlord via cellphone. The owner stated that the debris will be removed in two weeks (1/19/23). Code Enforcement will return to verify.
01/06/23	01/06/23	Owner made contact with code enforcement to state that he had cleaned all the debris off his property.

Violation Id: V2300003 Prop Loc: 1 13TH ST
Viol Date: 01/09/23 Status: Open Comp Name: Michael Longstreet
Comp Phone: Comp Email:

Ordinance Id	Description
CC 18-7	Sec. 18-7. - Construction within rights-of-way.

Description: Complaint of a white picket fence constructed within the right of way

Created	Modified	Note
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01/19/23	01/19/23	Owner has agreed to relocate fence to his property or remove completely within 2 weeks.
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Violation Id: V2300004	Prop Loc: 331 A1A BEACH BLVD		
Viol Date: 01/12/23	Status: Open	Comp Name:	Comp Phone:
Comp Email:			

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Foundation for business sign poured without any permit. Stop work order posted at work site.

Created	Modified	Note
01/12/23	01/12/23	On 01/12/2023, Building Official Brian Law observed workers at 331 A1A Beach Blvd. pouring a concrete footer for a business sign. Code Enforcement was notified and found that no permit for this work was obtained. A stop work order was posted by Code Enforcement at the jobsite, and contact was made with an employee of the business. The employee advised she would get in touch with the owner to inform him. A short time later, the owner/representative of the business arrived at the Building Department to inquire on what was needed to continue with the work.

Danny,

Phone: 904-347-1525

Email: DANNYBH@GMAIL.COM

Additional Information:

Axesigns

16921 Via de Santa Fe
Suit C Rancho Santa Fe, Ca 92067

858-699-7011 - Vaz (president)
johnathon@axesigns.com - (727)510-7031

Florida Reps:
joe@axesigns.com - (561)603-1376
christine@axesigns.com - (407)709-8337

Violation Id: V2300005	Prop Loc: 212 3RD ST		
Viol Date: 01/17/23	Status: Completed	Status Date: 01/19/23	Comp Name: Beach PD
Comp Phone:	Comp Email:		

Ordinance Id	Description
CC 19-37	Sec. 19-37. - Prohibiting the parking of tractor trailers, other large trucks and recreational vehicles on or within the right-of-way of city streets and within residentially zoned areas.

Description: Recieved a complaint from the St. Augustine Beach Police Department in reference to someone living in an RV in the right of way on 3rd Street.

Created	Modified	Note
01/19/23	01/19/23	Code Enforcement followed up this and the RV is now out of the right way and in the drive way.
01/17/23	01/17/23	A complaint from the St. Augustine Beach Police Department was recieved on 01/17/23 in reference to someone living in an RV at the end of 3rd Street. Code Enforcement checked out the complaint and area and did find a an RV at the West end of 3rd street parked in the right of way. Upon knocking on the RV door, Code Enforcement observed a warning from the St. Augustine Beach Police Department wedged in the door of the RV. Code Enforcement then made contact with the resident of 212 3rd Street who advised this was their RV that had been parked at the end of the street while work was being performed on the RV. The redident informed Code Enforcement they would have the RV moved back to their driveway by tomorrow.

Violation Id: V2300006 Prop Loc: 114 C ST
Viol Date: 01/18/23 Status: Completed Status Date: 01/18/23 Comp Name: Craig Thomson
Comp Phone: Comp Email: craigthomsonaa@mac.com

Ordinance Id	Description
CC 18-7	Sec. 18-7. - Construction within rights-of-way.

Description: Recieved a complaint about a driveway width exceeding 18 feet.

Created	Modified	Note
01/18/23	01/18/23	Code Enforcement received a complaint in reference to a driveway on 114 C Street in regards to the width of the driveway. Upon inspection of the driveway Code Enforcement found no permit was obtained for the driveway. The width of the driveway is in question due to no permit being pulled or the approval of Public work. A door knock requesting contact with Code Enforcement was placed on the front door of the residence.

Violation Id: V2300007 Prop Loc: 16 EWING ST
Viol Date: 01/18/23 Status: Open Comp Name: Kayla Polk Comp Phone: (813)394-8562
Comp Email: kaylapo1k10@gmail.com

Ordinance Id	Description
LDR 3.09	Sec. 3.09.00. - Transient lodging establishments within medium density land use districts.

Description: Complaint recieved about a possible illegal vacation rental.

Created	Modified	Note
01/19/23	01/19/23	Contact with the property managment group (Lipsy Maza). Contact information: e-mail: Lipsydm@gmail.com Phone: +1(305)992-6699. Paperwork for short-term rental has been e-mailed. Ms. Maza has been made aware of required parameters concerning the airBnB listing.
01/18/23	01/18/23	Complaint was received regarding Code Enforcement to look into an illegal transient rental at 16 Ewing Street. Upon arrival Code Enforcement spoke to the tenants who advised they were renting the residence for thirty-plus days. A search for a transient rental/short term rental permit showed no results. Further investigation found the air bnb listing as seen in attachments. Certified letter of cease and desist was sent out 01/18/23.

Violation Id: V2300008 Prop Loc: 378 A1A BEACH BLVD
Viol Date: 01/18/23 Status: Open Comp Name: Comp Phone:

Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: vending machine with no permits or site plans.

Created	Modified	Note
01/19/23	01/19/23	Code Enforcement spoke to the person responsible for the ice vending unit. Email: blsutch831@gmail.com Phone: +1(516)650-4376. Information has been passed to the building department to insure unit is brought into compliance.
01/18/23	01/18/23	Code Enforcement received information from the Building Official on 01/18/23 in reference to an ice maker/vending machine installed in the parking lot of Rita's Ice/Antonio's Pizza. Code Enforcement went to the location and found the ice maker/vending machine in the south west corner of the business parking lot. The ice maker/vending machine is on a poured concrete slab with electric and water installed to the machine. An Employee at the counter of Antonio's Pizza informed Code Enforcement that the owner of the property had the ice maker/vending machine installed. A search of permits revealed a Business Tax Receipt was issued for the machine; however, no other permits were issued for the electric, water or site plan.



MINUTES

**PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING
THURSDAY, OCTOBER 18, 2022, 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080**

I. CALL TO ORDER

Chairperson Kevin Kincaid called the meeting to order at 6:10 p.m. *[Recording Secretary's Note: The call to order was delayed until there was a quorum of Board members present to begin the meeting.]*

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Larry Einheuser, Victor Sarris, Junior Alternate Gary Smith.

BOARD MEMBERS ABSENT: Vice-Chairperson Chris Pranis, Scott Babbitt, Conner Dowling, Hester Longstreet, Senior Alternate Hulsey Bray.

STAFF PRESENT: Building Official Brian Law, City Attorney Jacob McCrea, Recording Secretary Bonnie Miller.

IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF AUGUST 25, 2022

Motion: to approve the minutes of the August 25, 2022 meeting. **Moved** by Victor Sarris, **seconded** by Larry Einheuser, **passed 4-0** by unanimous voice-vote.

V. PUBLIC COMMENT

There was no public comment pertaining to anything not on the agenda.

VI. NEW BUSINESS

A. Land Use Variance File No. VAR 2022-05, to encroach 10 feet into a 15-foot-wide vegetative buffer running along the entirety of the rear of Lot 25, Whispering Oaks Subdivision, for proposed new construction of an inground swimming pool and pool deck addition to a new single-family residence currently under construction at 103 Whispering Oaks Circle, Cora M. Johnston, Agent for Peter A. Espinosa, Applicant

Brian Law: Generation Homes LLC is currently constructing a new house at 103 Whispering Oaks Circle, in Whispering Oaks Subdivision, and the property owners now have a desire to put in a pool at the rear of this lot, which is in a part of Whispering Oaks that retains a 15-foot-wide landscape buffer along the entirety of the rear of the lot. The applicant is asking to encroach 5 feet into this buffer for an inground pool with an additional 5-foot encroachment into the buffer for pool paving and decking. The Public Works Department has been contacted and copied on the variance application, and Public Works, along with the Florida Building Code and Planning and Zoning Division, has no objection to the variance request. Whispering Oaks is a little unique, as the Architectural Review Board (ARB) for this subdivision will not recommend approval or denial of the variance until the Planning and Zoning Board approves or denies it. The variance application submittal includes a recommendation from Matthews Design Group for a proposed drainage plan, which I would ask be included in the variance approval, if the Board decides to grant the variance, as part of the drainage plan installation as deemed appropriate and as overseen by the Public Works Department.

Kevin Kincaid: Any questions or comments for Mr. Law? Hearing none, if we can now hear from the applicant, please.

Cora Johnston, Generation Homes LLC, 5860 U.S. Highway 1 North, St. Augustine, Florida, 32095, Agent for Applicant: The applicant, Peter Espinosa, and his family like to congregate and hang out together, and a pool is very important to them for their family gatherings. We have built four other homes in Whispering Oaks, and always try to leave as much room as possible outside of the building footprint to allow room for a pool. The applicant is asking to encroach 5 feet into the 15-foot landscape buffer that runs along the rear of this lot for the pool itself, and another 5 feet into the buffer for the hardscape around the pool, which will leave an additional 5 feet of buffer at the rear of the lot.

Kevin Kincaid: Any questions for Ms. Johnston?

Gary Smith: What is the vegetative buffer, is it grass, or is it woods, or bushes, or what?

Cora Johnston: Straddling the property is a very large oak tree, and the rest is really just normal scrub trees and bushes. There is a little bit of a rise where the back 5 feet of the buffer is, so we would maintain that little bit of dune structure, and the pool fence and all the landscaping the homeowners want to put back there will help maintain privacy. Mr. Law explained that because of the patio pavers around the pool, it is really a 10-foot encroachment into the vegetative buffer. Normally, most homeowners would put in a patio next to a pool, even with the vegetative buffer, so the pool paver area should be included in the variance request to encroach into the vegetative buffer area.

Victor Sarris: Going back to what was mentioned earlier regarding pools in Whispering Oaks Subdivision, were homeowners previously allowed to put pools within the 15-foot vegetative buffer area and not affect that buffer? I am asking what has happened in the past with other properties that have put pools in the vegetative buffer area.

Cora Johnston: There are drainage buffers and vegetative landscape buffers on some lots, but there are also some lots that do not have any kind of buffer or easement on them. I think I counted 8 lots in the neighborhood that have pools that encroach into either a drainage or vegetative buffer. These pools were allowed to encroach into these buffers when the Whispering Oaks ARB allowed the property owners to do that.

Victor Sarris: So, at the time these pools were built in drainage or vegetative buffer areas, they were approved by the Whispering Oaks ARB, but now, permission to do this has to come from the Planning and Zoning Board?

Cora Johnston: Correct.

Brian Law: Just for the record, the ARB has no authority to override the City's Land Development Code. Whispering Oaks is not a Planned Unit Development (PUD), but unfortunately, that is the way things were operating before I started working for the City as Building Official about 5 years ago. This is why Ms. Johnston is here, applying for the variance on behalf of the property owners, and also probably why the ARB currently does not approve things until after the Planning and Zoning Board and the Building Department approves them. The ARB has no authority to override the City's Land Development Code, or the final development order granted by the City for Whispering Oaks Subdivision.

Kevin Kincaid: Do we have any indication that the ARB has any problems with this, or any indication or communication from the ARB regarding this variance application?

Brian Law: I would be remiss to speak for the ARB, but to date, City staff has not received communication from the ARB recommending approval or denial of the variance.

Cora Johnston: The orange zoning sign for the variance is posted in the front yard of the lot and has been maintained there as part of the notification of the variance application.

Victor Sarris: Part of the permitting process is ARB approval, correct?

Cora Johnston: Yes, sir.

Victor Sarris: And this pool has ARB approval?

Cora Johnston: Not yet.

Victor Sarris: That's confusing, because usually, part of the variance approval process by the City is to have ARB approval before the Building Department approves it.

Cora Johnston: Correct, but even with the house itself, the ARB would not approve the plans until the City's Building Department issues the building permit for the new home.

Victor Sarris: And it looks like this has already been done 8 times in some form or fashion or to some extent in Whispering Oaks Subdivision.

Cora Johnston: Yes, sir.

Kevin Kincaid: Do we know if any of these 8 pools have encroached 10 feet, 8 feet, or 5 feet into the buffers, or what the amount of the encroachments of these pools are?

Brian Law: I do not know, but if you take a look around the neighborhood via the aerial view from the St. Johns County Property Appraiser's website, it appears there is some sort of hardscaping in the vegetative buffer three houses down and to the left of this lot.

Cora Johnston: Some of the pools are in the center of the neighborhood, with the majority along the northern perimeter, if I remember correctly from viewing the aerials. Brian is not allowing this, but there is at least one pool that has been built in a drainage easement. Basically, most of the pools that have been built in drainage easements and/or vegetative buffers in the past have been in the same general location as this lot.

Kevin Kincaid: Is there any public comment pertaining to this variance? There was no public comment. I would like to ask what the front setback of the house will be.

Cora Johnston: It is 25 feet, and the rear setback of the house is within the minimum 25-foot rear setback requirement.

Victor Sarris: And this meets all the impervious surface ratio (ISR) regulations and everything else?

Brian Law: At this time, the applicant is not asking for any additional variances aside from the request to encroach into the rear vegetative buffer for the pool and pool deck. The house would have complied with maximum lot coverage and ISR regulations, and if the Board approves this variance request, the building permit for the pool will go through full zoning and plan reviews.

Cora Johnston: We have actually already done the research for this and are aware that the applicant will be including permeable pavers for some of the hardscape areas.

Brian Law: This subdivision is in a low density residential land use district, once again, it is not a PUD, so the extra 465-square feet of ISR coverage allowed for a pool and pool deck in low density residential applies to this lot.

Gary Smith: The only part of this variance application I do not like is the 5-foot encroachment into the vegetative buffer turning into a 10-foot encroachment. That is double the encroachment into the space of the vegetative buffer.

Cora Johnston: We could, if the Board decides to not allow the additional 5-foot encroachment into the vegetative buffer for the pool paver patio, remove the pavers from behind the pool, and just leave them on the other side of the pool adjacent to the house.

Kevin Kincaid: The other thing we really have not addressed at all is the hardship.

Cora Johnston: It is really just the configuration of the lots in this neighborhood, and how it is classified, which is more restrictive than most of the other neighborhoods in the alphabet and number streets. Of all the neighborhoods I have built in, and I have probably built in most all of the neighborhoods in the City, this is the only one I know of that has this restriction with a 15-foot vegetative buffer that cannot be built in without variance approval. I usually am able to meet the setback restrictions and build within a vegetative buffer, which generally goes through the ARB. Including the pavers around the rear of the pool, the pool and pavers will have a 5-foot setback from the rear property line.

Brian Law: Due to the minimum 25-foot front and rear setback requirements, and the fact that the lot coverage for the house is a maximum of 35 percent, there is a thing called an angle of repose, which stops a pool from being built too close to a structure, because as the weight of the building presses down, it comes at an angle, so we want to keep pools away from structures for many reasons, partially because of the glazing, as we do not want a child or anyone else in a pool when a glass window or door breaks. Building a pool 10 feet away from an adjacent structure is a pretty good distance. The Board does have the option to recommend heavy landscaping approved and inspected by the Planning and Zoning Division in the remaining 5-foot-wide portion of the vegetative buffer, along with many other options which are at the Planning and Zoning Board's disposal.

Victor Sarris: Matthews Design Group has this drainage plan submitted and included as part of the variance application, so is this something we need to look at?

Brian Law: Yes, if the Board decides to approve this variance application with the drainage plan recommended by Matthews Design Group included in the motion, the Public Works Department and City Engineer would be involved in that. The Board could recommend approval of the variance as submitted, which would basically encompass the entire variance submittal package.

Motion: to approve Land Use Variance File No. VAR 2022-05 as submitted, to allow a 10-foot encroachment into the 15-foot-wide vegetative buffer running along the entirety of the rear of Lot 25, Whispering Oaks Subdivision, for proposed new construction of an inground swimming pool and pool paver deck addition to a new single-family residence under construction at 103 Whispering Oaks Circle, subject to the conditions that the St. Augustine Beach Public Works Department oversee the installation of the drainage plan as recommended and submitted by Matthews Design Group as part of the variance application submittal, and the St. Augustine Beach Planning and Zoning Division oversee the installation of heavy lush landscaping in the 5-foot-wide remainder of the vegetative buffer running along the entirety of the rear of the subject property. **Moved** by Victor Sarris, **seconded** by Gary Smith, **passed 4-0** by the Board by unanimous voice-vote.

- B. Land Use Variance File No. VAR 2022-06, for a street side yard setback reduction from 15 feet to 12 feet, 3 inches, for existing new construction of a landing to a second-story deck due to relocation of the staircase leading to this deck on the premises of a an existing multi-family (2-unit duplex) residence in a medium density residential land

use district on Lot 2 and the east one-half of Lot 4, Block 45, Coquina Gables – Subdivision, at 201 B Street, Diann Walters, Applicant

Brian Law: This variance application requests a reduced street side yard setback from the required 15-foot street side yard setback for a duplex residence per the City's Land Development Regulations (LDRs) to 12 feet, 3 inches for new construction of a second-story deck landing at 201 B Street. This structure has undergone a major renovation in the last three years, and the applicant has done a fantastic job of bringing the building up to Code to the best of her ability and doing some serious upkeep. Originally, the site plan drawing shown on the overhead (**EXHIBIT A**) is what was submitted to the City and approved in 2019. This building had a very unusual staircase that was actually inside the middle of the second-story deck. The staircase had a roof built over it, but the deck had to be redone, as it was at the end of its life, along with the siding, the windows, and all the flashing. So, what is shown on the overhead (**EXHIBIT A**) is what was proposed, and I approved it, as access to the second floor had to be maintained. Later, there was change of contractors, along with an updated plan to help correct some of the deficiencies noted by the architect. On the overhead is the revision (**EXHIBIT B**) approved by the City's Building Inspector in 2020, which still shows the staircase to the second-story deck in its original location. Since this revision was approved in 2020, however, the permit kind of fell by the wayside, resulting in the reopening of all the permits issued for the remodel work by the applicant under her rights per State Statutes as the owner of the property. Then there was another small change, the mechanisms of which the applicant's architect can explain and go through. This change moved a small landing in line with the existing deck on the east, or street side, of the lot adjacent to 2nd Avenue, and relocation of the staircase to a location where it is more usable. Unfortunately, because this residence is a multi-family duplex, it is subject to a minimum 15-foot street side setback requirement, per the current Land Development Regulations. However, this landing is built in line with the existing building, and it protrudes no further than the existing deck or building. It is my opinion that the stairs are in a much safer location, because if you go back to the original location of the stairs located inside the middle of the deck, this leaves a lot of maintenance issues. I can see somebody up there trying to stain and clean and all of a sudden, they are not up there anymore, maybe they are at the bottom on the ground. To me, the relocation of the stairs and the addition of the landing are a positive addition to the building, and it is of no impact to any of the surrounding areas. The relocated staircase is actually in compliance with the setback requirements for stairs in the front yard setback area, as stairs are allowed to protrude 10 feet into the 25-foot front setback area.

Kevin Kincaid: So, the variance request is just for that tiny landing that is even with the end of the building on the street side adjacent to 2nd Avenue?

Brian Law: Yes, the landing is perfectly in line with the existing street-side line of the building and is just an extension out of less than three feet for the landing, a turn, and a staircase going down to the driveway. But because it is new and it is not in compliance with the 15-foot street side yard setback required for a duplex, staff cannot approve it without a variance. A variance was not required to rebuild the deck originally, because the deck remodel was not deemed as a substantial improvement nor as substantial

damage. The new landing, as small as it may be, however, is new construction, which is why the applicant is here tonight requesting the variance. Unfortunately, the new landing addition is already built, however, we have the architect, Ms. Sarah Ryan, here to describe it. If this is something the Board sees fit to approve, the Building and Zoning Department will issue a permit for it, and then the contractor, the architect, and the City Building Inspector will dig up a footer to see it to be able to handle their part in inspecting it.

Kevin Kincaid: Any other questions for Mr. Law? Okay, thank-you, if we could now hear from the applicant, please.

Sarah Ryan, 252 South Matanzas Boulevard, St. Augustine, Florida, 32080: Thank-you Brian, which was an excellent description of what happened with the construction at 201 B Street. I have a diagram here which I will put on the overhead to show the before and after photos (**EXHIBIT C**) of the relocated staircase that was extended in line with the existing building on the east, or 2nd Avenue, street side corner of the lot. As you can see from the photos at the top of the page, the house was in very poor shape, and actually, the staircase that was inside of the front porch and deck was almost falling down and not in a safe condition, so the current homeowners have really improved the conditions of this residence. This is the site plan (**EXHIBIT D**) showing the edge of the existing house adjacent to 2nd Street and the new stairs that are in question. I would like to point out that on the site plan, the ISR coverage is at 40 percent, below the maximum 50 percent allowed, and the lot coverage is at about 24 percent, which is also below the maximum 35 percent, so the site is not being maxed out. The variance request is for easier stair access to the open second-story deck.

Kevin Kincaid: Do we have any questions, comments, public comments, or discussion?

Larry Einheuser: The site plan and relocation of the stairs look good to me. I understand where the staircase was before, and it is a lot safer now.

Gary Smith: Yes, and we are not really looking at a whole lot, just an encroachment of three feet for the second-story deck landing, which does not encroach out past the existing building line.

Kevin Kincaid: My only issue with this, honestly, is that variance applications like these occasionally come up and the hardship is because the applicant has already built it, which makes it difficult for the Board. However, I understand some of the confusion going on with the permit undergoing revisions and the change of contractors, and I can appreciate the complexity of the situation.

Motion: to approve Land Use Variance File No. VAR 2022-06 as submitted, to allow a street side yard setback reduction from 15 feet to 12 feet, 3 inches, for new construction of a landing to a second-story deck due to relocation of the staircase leading to this deck on the premises of an existing multi-family (2-unit duplex) residence in a medium density residential land use district on Lot 2 and the east one-half of Lot 4, Block 45, Coquina

Gables Subdivision, at 201 B Street. **Moved** by Mr. Einheuser, **seconded** by Gary Smith, **passed 4-0** by the Board by unanimous voice-vote.

VI. OLD BUSINESS

There was no old business.

VII. BOARD COMMENT

There was no further Board comment or discussion.

IX. ADJOURNMENT

The meeting was adjourned at 6:38 p.m.

Kevin Kincaid, Chairperson

Bonnie Miller, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE AUDIO/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER'S OFFICE AT 904-471-2122)

Exhibit A

201 B STREET, ST AUGUSTINE FL 32080

GENERAL NOTES

The contractor is responsible for obtaining any and all permits.

Contractor to verify all dimensions prior to construction. All discrepancies to be reported to Architect immediately.

All workmanship and materials shall conform to the requirements of the latest edition of the Florida Building Code, Residential or Local Code as adopted and amended by local governing authorities.

Neither the owner nor the architect will enforce utility easements or regulations. The contractor shall design, construct and maintain all safety devices including shoring and bracing and shall be solely responsible for conforming to all local, state and federal safety, health and welfare standards.

Contractor to verify and coordinate all finish materials with owner.

Contractor to verify all utility connections.

All wood in contact with concrete to be pressure treated or a barrier provided between.

PROJECT & ZONING INFO

PROJECT ADDRESS
201 B Street
St Augustine FL 32080

PARCEL # 171100000

OWNERS NAME AND ADDRESS
DIANN WALTERS AND PATRICK BOYLAN
1 SCOTTY DR
CAPE MAY COURTHOUSE, NJ 08210

EXISTING ZONING: Medium Density Residential
LOT WIDTH: 75.0'
TOTAL LOT AREA: 6,975 SF

LOT COVERAGE
EXISTING: 1552 SF / 6,975 SF = 22%
PROPOSED: 1,563 SF / 6,975 SF = 22.4%
ALLOWABLE: 33%

IMPERVIOUS SURFACE RATIO: 36% (2520 SF / 6975 SF)
BUILDING / DECK LOT COVERAGE = 1,059 SF
IMPERVIOUS SURFACE (DRIVEWAY) = 661 SF

SETBACKS
30.0' FRONT NORTH SIDE (EXISTING)
11.0' EAST - S.D.E. EXISTING
26.2' REAR SOUTH SIDE
10.5' WEST - SIDE EXISTING

BUILDING HEIGHT: NO CHANGE

DRAWING LIST

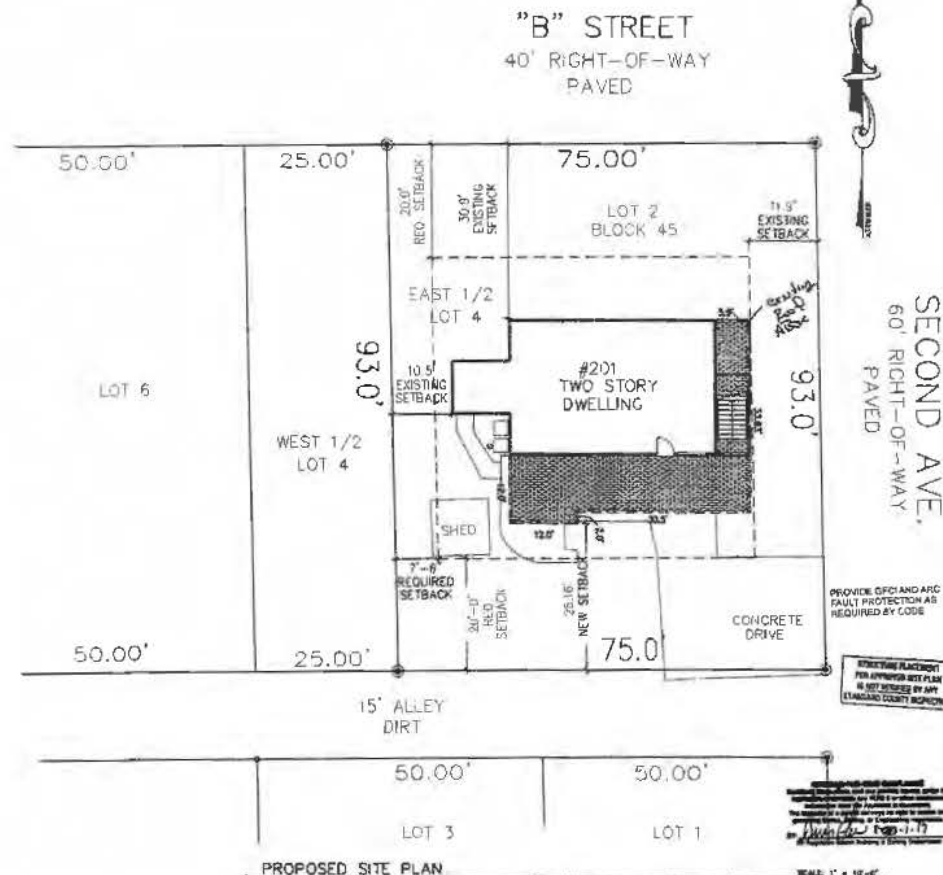
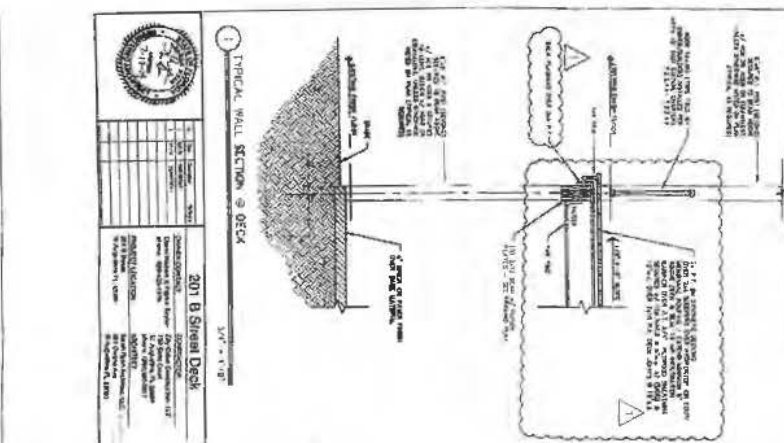
- A1 Cover Sheet & Site Plan
- A2 Removal Plans
- A3 Floor Plans
- A4 Framing Plans
- A5 Schedules, Wall Section & Window Detail

BUILDING CODE

APPLICABLE CODES
8th Edition (2017) Florida Residential Building Code
8th Edition (2017) Florida Existing Building Code

SCOPE OF WORK

Remove existing deck, masonry and replace with masonry and deck as 2nd floor. Replace existing door at 2nd floor with 2nd floor masonry windows.



NOTE:
THIS SITE PLAN DOES NOT CONSTITUTE A SURVEY FOR LOCATION PURPOSES ONLY.
SITE PLAN PROVIDED TO SARAH RYAN ARCHITECT LLC BY THE OWNER. SARAH RYAN ARCHITECT ASSUMES NO RESPONSIBILITY FOR ACCURACY OF THIS SURVEY.

NO IMPROVEMENT AFTER PERMITS
PERMITS ARE OBTAINED WITHIN THE
SHORTEST REQUIRED DURATION
CONTRACTOR ASSUMES RESPONSIBILITY
FOR PERMITS AND ELEVATIONS
PERMITS AND ELEVATIONS
PERMITS AND ELEVATIONS

201 B Street Deck

OWNER CONTACT
Diann Walters & Patrick Boylan
phone: 888-425-1573

PROJECT LOCATION
201 B Street
St Augustine FL 32080

CONTRACTOR
Mike Williams
City Gates Construction, LLC
780 Saco Court
St Augustine, FL 32086
phone: (904) 985-0817

ARCHITECT
Sarah Ryan Architect, LLC
801 Dwyer Ave
St Augustine FL 32080
phone: 904-547-6430

No.	Date	Description	Revised
1	01/17/19	FOR PERMIT	

Scale: AS NOTED

Sheet No.

Cover Sheet & Site Plan

Scale: A1

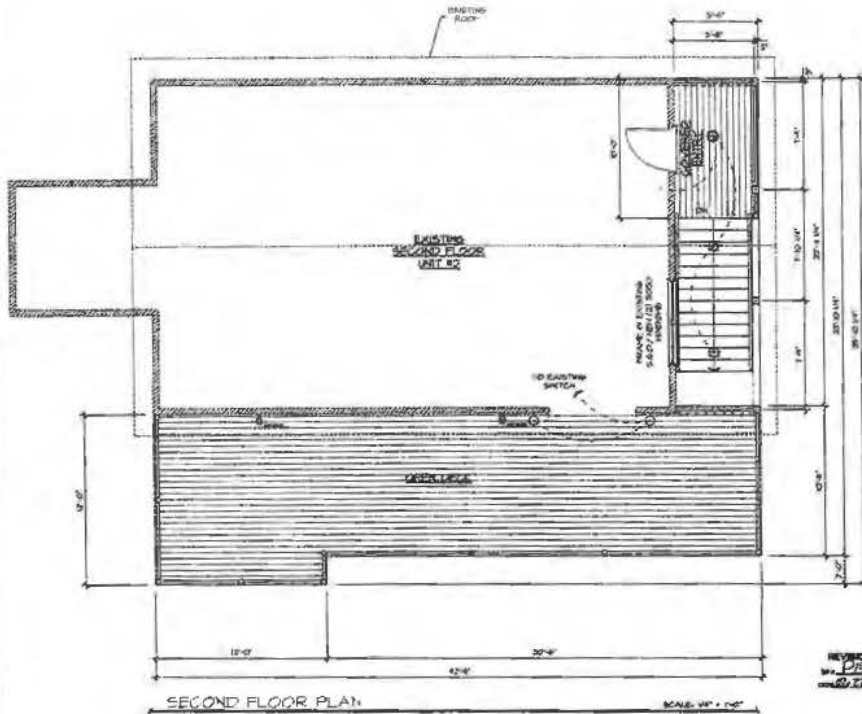
Project: 201 B Street

DATE: 01/17/19



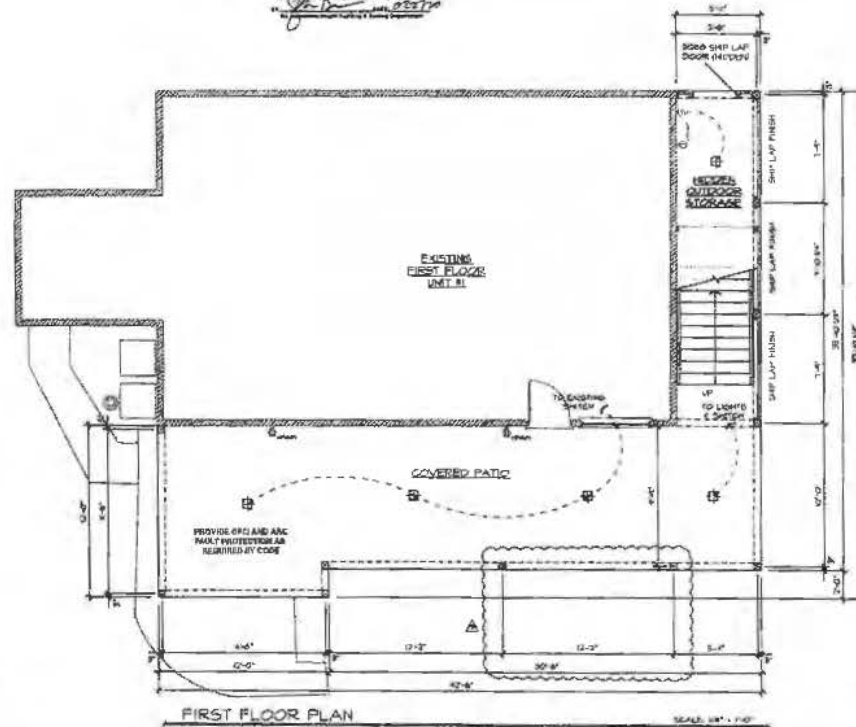
Exhibit B

- 29 -



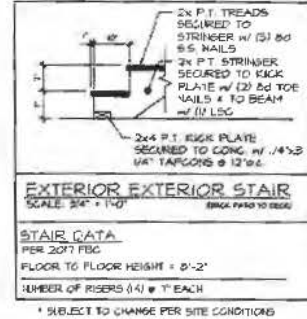
REVISION
BY: [Signature]
DATE: 11/17/2020

STRUCTURE PLACEMENT
PER APPROVED SITE PLAN
SHALL BE VERIFIED BY A
STANDARD CITY INSPECTOR



OFFICE COPY

NOTES:
1) ALL EXISTING ELECTRICAL TO REMAIN EXCEPT FOR THE OUTDOOR WALL MOUNTED LIGHTS. REPLACE THOSE WITH RECESSED LIGHTS AS SHOWN ON PLAN.
2) EXISTING OVER HEAD SERVICE TO BE CHANGED TO UNDERGROUND SERVICE BY A LICENSE FLORIDA ELECTRICIAN.



201 B Street Deck

OWNER CONTACT
Darril and Pamela Walters
Phone: 850-425-1518

PROJECT LOCATION
201 B Street
St Augustine FL 32080

CONTRACTOR

ARCHITECT
Tresh Ryan Architects, LLC
381 Osceola Ave
St Augustine FL 32080
phone: 904-347-9430

No.	Date	Description	Revised
1	11/17/20	FOR PERMIT	
2	11/17/20	REVISION	
3	11/17/20	REVISION	

Single All NOTED

Sheet 11A

FLOOR PLANS

Sheet Number **A3**

Project Date January 11, 2020

STATE OF FLORIDA
REGISTERED ARCHITECT
Tresh Ryan
11-17-20

EXHIBIT C



BEFORE - 201 B STREET



BEFORE - 201 B STREET



AFTER - 201 B STREET



AFTER - 201 B STREET

201 B STREET, ST AUGUSTINE FL 32080

GENERAL NOTES

The contractor is responsible for obtaining any and all permits.

Contractor to verify all dimensions prior to construction. All discrepancies to be reported to Architect immediately.

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Neither the owner nor the architect will enforce safety measures or regulations. The contractor shall design, construct and maintain all safety devices, including shoring and bracing, and shall be solely responsible for conforming to all local, state and federal safety, health, and welfare standards.

Contractor to verify and coordinate all finish materials with owner.

Contractor to verify all utility connections.

All wood in contact with concrete to be pressure treated or a barrier provided between.

DRAWING LIST

A1	Cover Sheet & Site Plan
A2	Removals Plans
A3	Floor Plans
A4	Framing Plans
A5	Elevations, Wall Section & Window Detail

PROJECT & ZONING INFO

PROJECT ADDRESS:
201 B Street
St AUGUSTINE FL 32080

FLOOD ZONE: X- SHADED

PARCEL # 1711000000

OWNER'S NAME AND ADDRESS:
DIANN WALTERS AND PATRICK BOYLAN
1 SCOTTY DR
CAPE MAY COURTHOUSE, NJ 08210

ZONING:
MEDIUM DENSITY RESIDENTIAL - DUPLEX

LOT WIDTH: 75.0' X 93.0'
TOTAL LOT AREA: 6,975 SF

IMPERVIOUS SURFACES
BUILDING FOOTPRINT 1,632 SF
PARKING AND DRIVEWAYS 1,176.3 SF
ACCESS EASEMENTS 0 SF
WALKWAYS 118 SF
PATIOS 0 SF
EQUIPMENT PADS 0 SF

TOTAL IMPERVIOUS SURFACE 2,926.3 SF

IMPERVIOUS SURFACE RATIO = 41.9%
ALLOWABLE ISR = 50%

LOT COVERAGE
AS-BUILT : 1,632 SF / 6,975 SF = 23.3%
ALLOWABLE: 35%

SETBACKS
B STREET - FRONT YARD SETBACK - NORTH
AS BUILT HOUSE (B ST - NORTH) 30.9'
ALLOWABLE 25.0'

AS BUILT FRONT STAIR / DECK (B ST) 23.9'
ALLOWABLE 15.0'
**PER CODE SECTION 6.01.03 - B.1.b

SECOND AVE - STREET SIDE - EAST
AS BUILT - EXISTING HOUSE 12.3'
AS BUILT SIDE STREET STAIR / DECK 12.3'

AS BUILT - REAR SOUTH
ALLOWABLE 25.9'
20.0'

AS BUILT - SIDE WEST
ALLOWABLE 10.4'
10.0'

BUILDING HEIGHT
AS-BUILT BUILDING HEIGHT: 21'-2"
ALLOWABLE BUILDING HEIGHT: 35'-0"

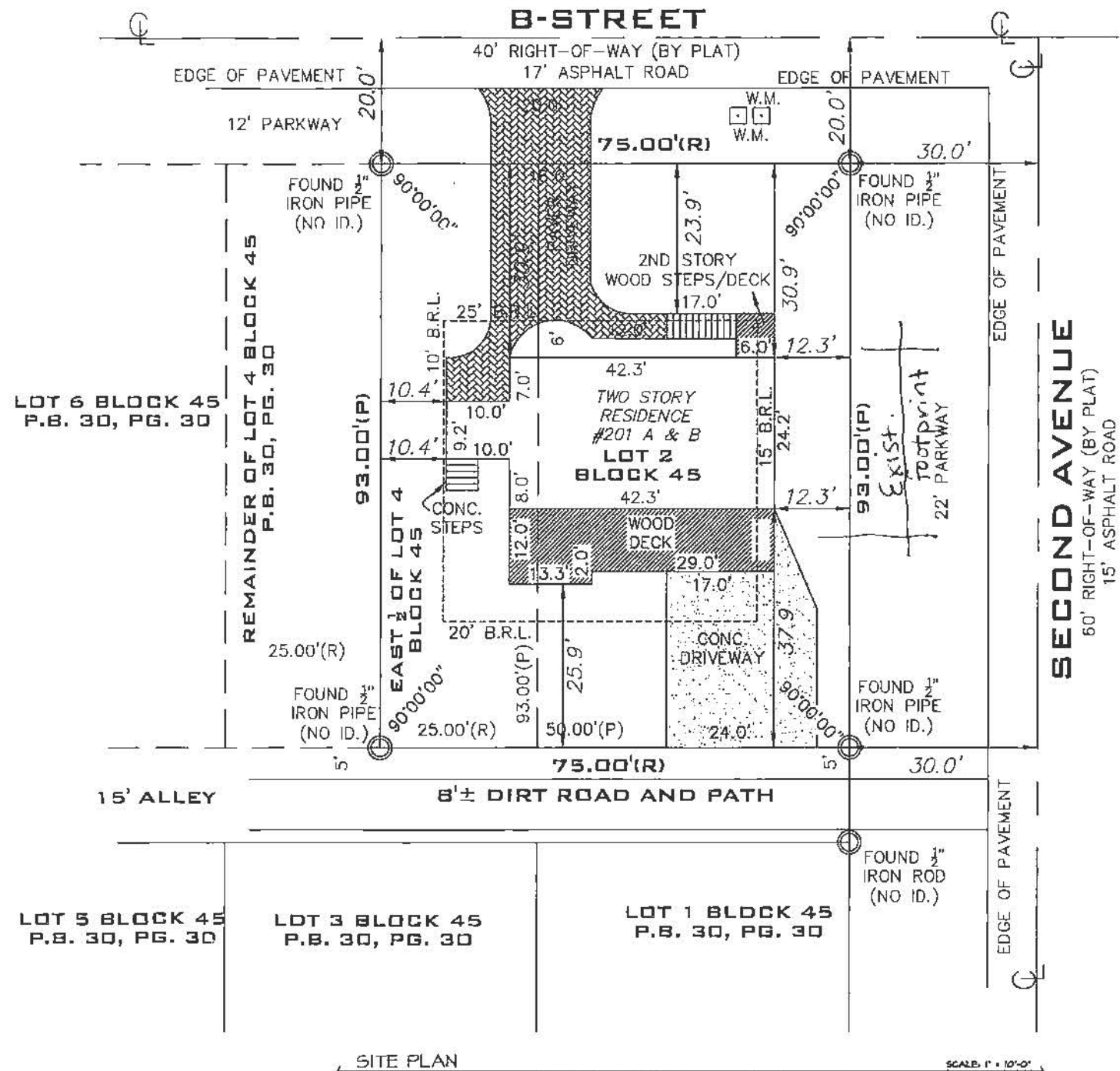
BUILDING CODE

APPLICABLE CODES
7th Edition (2020) Florida Residential Building Code
7th Edition (2020) Florida Existing Building Code

Occupancy Classification - Residential

SCOPE OF WORK

Existing deck and stairs removed at existing house.
Replaced with new stair and deck to 2nd floor.
Replaced sliding glass door at 2nd floor with 2-double hung windows.



201 B Street
Deck

OWNER CONTACT

Diann and Patrick Walters
609-425-1578

PROJECT LOCATION

201 B Street
St Augustine FL 32080

CONTRACTOR:

MATO Construction
207 C Street
St Augustine FL 32080
(904)599-2869

ARCHITECT:

Sarah Ryan Architect, LLC
201 Owens Ave
St Augustine FL 32080
904-647-9430

No.	Date	Description	Revised
1	1/15/2020	FOR PERMIT	
2	1/15/22	VARIANCE SUBMISSION	

Scale AS NOTED

Sheet title

COVER
/ SITE
PLAN

Sheet
Number
A1

Print Date: September 16, 2022

SEPAC January 2023 Meeting Update

1. Member Nicole Miller resigned her position due to work conflicts.
2. The committee selected their 2023 chair and vice chair. Member Krempasky will resume the chair, while Member Bandy will step down from chair to vice chair.
3. Review of Landscaping at 361 A1A Beach Blvd, Crabby's Beachside - James Merritt of Live Aloha Landscape and Design presented their design which is 88% native and 12% Florida friendly. The committee also appreciated their addition of a drainage swale. The committee felt that there was room along A1A Beach Blvd to add a palm to the Avenue of Palms. The committee recommended approval of the plan with the addition of the palm provided it doesn't cause a sightline problem or a conflict with existing use (police vehicles might use that spot on farmer's market and special events. Mr. Merritt is also willing to look into a vegetative buffer between Crabby's and the adjacent gas station.
4. Mickler Butterfly and Pollinator Garden - due to weather occurrences after planting (Hurricane Nicole, and the recent freeze) the seeds have not germinated as of yet. Public works will continue to monitor the garden site.
5. Parkette Discussion - several D Street residents attended to oppose the installation of a rain garden at the NE corner of D and 2nd Avenue. They requested us to consider the installation on either the NW corners of 3rd or 4th Avenues. It was determined that those parkettes do not hold water and so a rain garden would not be necessary. The committee decided to look at other locations.
6. Urban Forestry Update - Public Works replaced a dead oak on Mickler.
7. Environmentally Friendly Landscaping Program - the committee decided to select properties that they would like to see recognized. The chair will draft a letter to the property owner to inquire if they would like to have their property recognized with signage in their yards. The letter would also contain a questionnaire that contains the criteria for the owner to complete.
8. Film Series - SEPAC and the Anastasia Island Branch of St. Johns County Library will present Flight of the Butterflies at the library on January 26, 2023 at 5:45 pm. Our guest speaker, Diane Battle, an expert on the monarch butterfly will take questions after the film.
9. February Newsletter Topic - a follow up to the monarch film presentation with possible link to short video recommended by Ms. Battle.

Submitted by Chair Sandra Krempasky

COMMISSION REPORT

January 2023

TO: MAYOR/COMMISSIONERS

FROM: DANIEL P. CARSWELL, CHIEF OF POLICE

DEPARTMENT STATISTICS December 29th, 2022- January 20th 2023

CALLS FOR SERVICE – 1260

OFFENSE REPORTS - 28

CITATIONS ISSUED – 29

LOCAL ORDINANCE CITATIONS - 8

DUI - 4

TRAFFIC WARNINGS- 144

TRESSPASS WARNINGS - 14

ANIMAL COMPLAINTS - 5

ARRESTS - 13

- **ANIMAL CONTROL:**

- St. Johns County Animal Control handled 5 complaints in St. Augustine Beach area.

MONTHLY ACTIVITIES –

January 3: Blood Drive

January 12: Ron Parker Memorial @11am

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: MONTHLY REPORT
DATE: 1/24/2023

Finance

The Finance Department continues to work on the FY22 audit and the FEMA submission for Hurricane Ian. No other updates at this time.

Communications and Events

No updates.

Technology

The IT Department has no updates.

MEMORANDUM

Date: January 26, 2023
To: Max Royle, City Manager
From: William Tredik, P.E., Public Works Director
Subject: Public Works Monthly Report – January 2023

GRANTS

Public Works is managing the following active grants:

- **Mizell Pond Weir and Stormwater Pump Station**
Districtwide Cost Share – St. Johns River Water Management District
Grant amount \$632,070
Project Stage: Project complete / Grant closeout underway
- **Mizell Pond Weir and Stormwater Pump Station**
HMGP grant – FEMA/FDEM
Grant amount \$1.81 Million
Project Stage: Project complete / Grant closeout underway
- **Ocean Hammock Park Phase 2**
Florida Recreation Development Assistance Program
Grant amount \$106,500
Project Stage: Construction
- **Ocean Hammock Park Phase 3**
Coastal Partnership Initiative Grant – NOAA funded
Grant amount \$60,000
Project Stage: Bidding
- **Ocean Walk Drainage Improvements**
Legislative Appropriation Request
Grant Amount - \$694,000
Project Stage: Final Design/Bidding
- **C.R. A1A/Pope Road Storm Surge Protection – Phase 1 Design**
HMGP grant (Dorian) - FEMA/FDEM
Grant amount \$52,500
Project Stage: Permitting
- **Dune Walkovers**
St. Augustine Port, Waterway and Beach District
Grant amount \$335,000
Project Stage: Phase 1 construction complete

- **Magnolia Dunes/Atlantic Oaks Circle Drainage Improvements**
Legislative Appropriation Request
Grant amount \$1,200,000
Project Stage: Consultant Selection
- **7th 8th and 9th Street Drainage**
Legislative Appropriation Request
Grant amount \$90,000
Project Stage: Consultant Selection

DRAINAGE

Mizell Pond Outfall Improvements (HMGP Project No. 4283-88-R) [GRANT CLOSEOUT] –

Construction is complete, the facilities are operational and grant closeout is underway. The project included repairing and improving the damaged weir, replacing stormwater pumps and improving the downstream conveyance. Though the approved project budget was increased by FEMA when bid prices were received, the federal funding level was reduced to 62.6% due to insufficient non-allocated Hurricane Matthew funds. The City has requested the federal funding level be restored to 75% pending available funds. The request is under consideration at FDEM and FEMA, and the City is awaiting a response. \$632,070 of construction costs were funded by the St. Johns River Water Management District (SJRWMD) FY2021 districtwide cost-share program.

Ocean Walk Drainage Improvements [FINAL DESIGN] – Design 95% complete.

SJRWMD permit has been received. 90% Design cost estimates indicate that the current design will exceed available funds. The Contractor revised the plans to reduce project costs, however, estimates still exceed available funding. Phasing of the project is also being considered, including constructing major flood control features initially (i.e. stormwater pump station and major conveyance), followed by street level improvement (e.g. swales and driveway modification) as additional funding is secured. Bidding is pending upon acquisition of an easement for the project outfall.

Oceanside Circle Drainage [BIDDING] – Plans are complete and permits are in hand. Bids were opened on January 19, 2023. The low bid was more than double the Engineer's estimate and exceeds available construction funding. Staff is recommending the Commission reject all bids, re-budget and rebid the project in FY 24, possibly in conjunction with one or more other capital improvement projects, so as to potentially realize overall economies of scale. Rebidding the project in the Fall 2023 may also allow the labor and manufacturing markets to stabilize, increasing competition.

C.R. A1A / Pope Road Storm Surge Protection [FINAL DESIGN] – The project will prevent storm surge from Salt Run from entering the City at Pope Road. Design is 75% complete and permitting is underway. Bidding is planned for Spring 2023 with construction immediately after.

Magnolia Dunes / Atlantic Oaks Circle Stormwater Resiliency improvements

[Consultant Selection] – Grant agreement complete. The staff selection committee has reviewed and scored consultants' statements of qualifications. Recommendation of award is scheduled for February 6, 2023. Design is scheduled to take place in FY 2023 and into FY 2024. Construction is anticipated to commence in late FY 2024 and be completed in FY 2025.

7th, 8th, 9th Street Drainage Improvements [Consultant Selection] – The City has received the executed grant agreement for the subject project and is proceeding with selection of a design consultant. The City is negotiating with its continuing contract engineering consultant, CMT, on a fee to design and permit the project. Design is scheduled for FY 2023 with construction in FY2024.

Stormwater Master Drainage Plan [PLAN DEVELOPMENT] – CMT is developing the Stormwater Master Drainage Plan Update. Upon completion of the preliminary assessment, a public meeting will be scheduled to discuss initial findings, gather additional information and feedback, and to discuss the areas in need of stormwater improvements for inclusion in the Stormwater Master Drainage Plan Update.

PARKS

Ocean Hammock Park Phase 2 [CONSTRUCTION] – Phase 2 improvements include handicap accessible restrooms (including a sanitary lift station and force main), an outside beach shower, drinking fountain/bottle filling station, a handicap parking space in the parking lot, two (2) picnic areas near the parking lot, an informational kiosk, and a nature trail with interpretative signage. Construction is funded by park impact fees, ARPA funds, and a \$106,500 grant from the Florida Recreation Development Assistance Program (FRDAP). The sewer pump station is scheduled to be installed in early April 2023 with the restrooms delivered and installed by the end of April. Other Phase 2 site improvements are scheduled to be complete by mid May 2023.

Ocean Hammock Park Phase 3 [BIDDING] – Design and permitting is complete. The permitted Phase 3 design includes improvements to the interior of the park including, a picnic pavilion, observation deck, education center, additional trails with interpretative signage, bike and kayak storage, and an accessible connection to the parking lot and the beach walkway. Construction of a portion of Phase 3 (Phase 3.1) will be funded by a \$60,000 grant from the Coastal Partnership Initiative. Project bidding for Phase 3.1 is pending.

Dune Walkovers [CONSTRUCTION] – Dune walkovers have been completed on 3rd Street, 4th Street 5th Street and 8th Street. A dune walkover with emergency access is under design for 10th Street. Remaining walkovers will be scheduled for construction in FY 24.

Streets / Rights of Way

2nd Street Improvements and Extension [CONSTRUCTION] – A change order has been issued to include the piping of the 3rd Lane ditch. Utilities and stormwater piping construction is 90% complete. Roadway construction is underway. The City is awaiting FPL final design of the underground power for the western block.

A Street to 1st Street West Parking Lot – Conceptual Design complete. Commission presentation occurred July 11, 2022. Preparation of permit plans underway. Construction planned for FY 2023

A Street Sidewalk and Drainage Improvements [PRE-CONSTRUCTION] – The County has delayed construction due to a conflict between the proposed storm pipe and an existing water main. A change order has been issued by the County and the Contractor is scheduled to remobilize to the site on February 7, 2023 to complete construction.

PENDING ACTIVITIES AND PROJECTS

1. LAND DEVELOPMENT REGULATIONS CHANGES. The City Commission at its June 6, 2022, meeting considered an ordinance concerning erosion-resistant materials and the resurfacing of parking lots. It wasn't passed. The City Attorney and Public Works Director will prepare language for a new ordinance.

2. UPDATING VISION/STRATEGIC PLAN. Former Commissioner Margaret England during her term as Mayor worked with the City Manager on developing a Vision Plan. Because of the goals and projects stated in it, it could take the place of the strategic plan. Commissioner England presented the Plan at the Commission's May 2, 2022, meeting. The Plan was discussed by the Sustainability and Environmental Protection Advisory Committee (SEPAC) at its June 2nd meeting. The Comprehensive Planning and Zoning Board discussed it at its June 21st and July 19th meetings. The Commission then held a workshop on October 5th at 5:30 p.m. with SEPAC and the Planning Board to review the Vision Plan. Comments from those attending the workshop were made to the Plan and SEPAC at its November 17th and December 13th meetings. The next step is for the Commission to review a revised draft of it at the Commission's March 2023 meeting.

3. PARKING IMPROVEMENTS. At this time, the only parking project is paving the dirt plazas on the west side of the Boulevard between A and 1st Streets. Money to pay the costs will come from the \$3.5 million that the City has been allocated from the American Rescue Plan Act. The Public Works Director approved the scope of work from a civil engineering consultant to do the design and permitting phase starting in March 2022 and \$15,000 was spent for this phase. Concept plans for two options were reviewed by the City Commission at its July 11th meeting. The Commission selected the option where vehicles will enter the parking lot from 1st Street with the exit on A1A Beach Boulevard. The conceptual design is complete; work on permits is underway; construction will be done in 2023.

There are no plans at this time for the Commission to consider paid parking.

4. JOINT MEETINGS:

a. With the County Commission: No date has been proposed yet in 2023 for a meeting.

b. With the Comprehensive Planning and Zoning Board and the Sustainability and Environmental Planning Advisory Committee (SEPAC): No date has been proposed yet in 2023 for a meeting.

5. UPDATING PERSONNEL MANUAL. The entire Manual will be reviewed by an attorney familiar with Florida public sector personnel regulations and laws. The consultant has been hired and the Finance Director, City Clerk and City Manager had a Zoom meeting with her on October 11th to discuss the scope of work. After the start of 2023, the consultant will make suggested revisions, which will later be reviewed by the City Commission.

6. GRANTS. The City has received grants from the following agencies:

a. Florida Recreation Development Assistance Program, \$106,500, for restrooms at Ocean Hammock Park. City match will be \$35,500. Total project is an estimated between \$400,000 and \$500,000. The Governor approved the appropriation and the contract with the Florida Department of Environmental Protection has been signed. The restrooms have been designed by a local architect and the Public Works

Department has done the site design. The St. Johns River Water Management District has approved the permit. Because the original bid was well over the estimate, the Public Works Director purchased prefabricated restrooms. Also, because inflation has increased the costs significantly, the Director has negotiated with the vendor to lower them. Construction is scheduled to begin in the first quarter of 2023.

b. Coastal Partnership Initiative: The Public Works Director applied for a Partnership grant for \$60,000 to construct the improvements to Ocean Hammock Park, which the state approved. The City will advertise for bids once it has received a signed contract from the state. Construction is planned to start in the spring of 2023.

7. NON-CONFORMING BUSINESS SIGNS. The City's sign code has a height limit of 12 feet for business signs. A number of businesses have signs that exceed that height. According to the code, these signs must be made conforming by August 2023. The Building Official and his staff will notify the businesses of this requirement and will work with them to bring these signs into conformity.

8. FLOODING COMPLAINTS. Citizens have expressed concerns about the following areas:

a. Ocean Walk Subdivision. The subdivision is located on the east side of Mickler Boulevard between Pope Road and 16th Street. Earlier in 2020, the ditch that borders the subdivision's west side was piped. Ocean Walk residents complained that the piping of the ditch caused flooding along the subdivision's west side. To improve the flow of water, the Public Works Director had debris cleared from the Mickler and 11th Street ditches. At its October 5, 2020, meeting, the City Commission asked the Public Works Director to prepare a Request for Qualifications, so that the Commission could consider an engineering firm to review the Ocean Walk drainage issues. The deadline for responses to the RFQ was November 23, 2020. The Public Works Director prepared an addendum, which was advertised before Thanksgiving. The deadline for the RFQ was December 8, 2020. A committee of City employees reviewed the three proposals that were submitted and recommended the City be authorized to negotiate with the Masters Design Group of St. Augustine. The Commission approved the authorization at its January 4, 2021, meeting. At its March 1st meeting, the Commission approved the contract with Matthews. In March 2021, the City was notified that its request to the Florida Legislature to appropriate \$694,000 for Ocean Walk drainage improvements was approved and in late May 2021 the City was notified that the appropriation had survived the Governor's veto. The grant agreement has been executed and a contract has been signed with the Matthews Design Group of St. Augustine for the design and permitting phase of the project. Preliminary design is nearing completion. Matthews provided an update report on the design/planning phase of the project to the City Commission at its July 11th meeting. Permit plans are nearly complete. Another update was provided by a representative of the civil engineering consultant, the Matthews Group, at the Commission's November 14th meeting. The City will advertise for bids in the spring of 2023.

b. Oceanside Circle. This street is located in the Overby-Gargan unrecorded subdivision, which is north of Versaggi Drive. A survey has been done to determine the road's right-of-way and the final design of a new road is underway by the City's civil engineering consultant. The final plans are done and the St. Johns River Water Management District has issued a permit. A request for bids was advertised with January 19, 2023, the deadline for receiving them. Three bids were received, all well above the \$500,000 estimate provided by the City's civil engineering consultant. The Commission will discuss the next steps at its February 6th meeting.

c. St. Augustine Beach and Tennis Complex and the Sabor de Sal subdivision. The area has two ponds: one for the condo complex, the second between properties along Ocean Trace Road and along Sabor de Sal Road. Both are small. The condo complex pond floods during periods of heavy rain, threatening adjacent condo units. Each pond is privately owned and there is no outlet or pipe for stormwater from each. The area needs to be included in the update, currently being done, of the City's master stormwater management plan. The updated plan will be completed in March of April 2023. A solution to the Ocean Trace area flooding will involve the City, private property owners, the St. Johns River Water Management District and possibly the Florida Department of Transportation. On November 21, 2022, the Public Works Director and the City Manager met with residents of the area to hear their concerns and discuss possible solutions. Once the updating of the City's master stormwater plan is done, the Director and the City Manager will hold another public meeting.

d. A Street east of the Boulevard. After discussion and several onsite meetings with then-Vice Mayor Samora, A Street residents and County/City staff members, the County informed the City's Public Works Director in mid-January 2022 that the project will include a drainage inlet structure along the south side of A Street with a five-foot wide, six-inch thick concrete sidewalk on the north side. The project was started in early January but then delayed because of a conflict with a County water pipe. The delay has been resolved and construction should resume the week of February 7th.

e. Pipes under Pope Road and A1A Beach Boulevard. Application for \$550,000, 75% of which will come from the Hazard Mitigation Grant Program. The contract with the Florida Division of Emergency Management has been executed. The Public Works Director prepared a Request for Qualifications for a design consultant. The responses were reviewed and ranked by a City staff committee and the Commission at its September 12th meeting authorized the City Manager to negotiate with the firm ranked first, the Matthews Design Group. The contract was executed in October and design of the project has commenced.

f. Magnolia Dunes/Atlantic Oaks Circle. Thanks to the efforts of Vice Mayor Rumrell, state representative Cyndi Stevenson and state senator Travis Hudson, \$1,200,000 was put in the state's Fiscal Year 2023, which went into effect on July 1, 2022. The appropriation survived the Governor's veto pen. The Florida Department of Environmental Protection prepared a grant agreement, which was signed in late October 2022. The next step is for the City to advertise a Request for Qualifications for a design consultant to do design and permitting work. Once the consultant is hired, the design phase will be done in 2023 with the construction done in 2024. The grant agreement expires on September 30, 2025.

g. West end of 7th, 8th and 9th Streets. The Legislature in its 2023 budget approved an appropriation of \$90,000 for this project. The City has signed a grant agreement with the Florida Department of Environmental Protection. The City will select a consultant to do the design and permitting work in 2023. Construction should begin in 2024.

9. STORMWATER UTILITY FEE. The Commission decided at its October 4, 2021, meeting that the time to levy the fee wasn't right in light of the recent increase in the non-ad valorem fee for the collection of household waste and recyclables and the increase in property taxes due to the rise of property values in the City. The Commission discussed the fee at its October 3, 2022, meeting and approved having a public hearing on November 14th meeting. At that meeting, the Commission approved a resolution stating the City's intent to adopt the non-ad valorem assessment. The next step will be for the Public Works Director to develop a proposed range of the fee to be charged. The range will be presented to the

Commission after an ordinance is approved in March. The ordinance will allow the City Commission to levy a stormwater utility fee in 2024, should the Commission decide to levy it.

10. RENOVATING THE FORMER CITY HALL AND CIVIL RIGHTS MONUMENT. On March 23, 2022, the City Commission held a workshop, the purpose of which was to discuss with citizens the renovation of the second floor of the former city hall at pier park, future uses of the building and a civil rights monument. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, made a PowerPoint presentation that described the building's history and the \$500,000 historic grant that can be spent on renovating certain features of the building, such as the upstairs windows and exterior awnings, and a smaller \$25,000 grant that can be spent on interpretative signage for the building. Ms. Stone highlighted that the building's designation as historic by the federal government enhanced its eligibility for the \$500,000 grant. The outcome of the workshop is that the building is to be used as a cultural arts center with the second floor possibly having artists' studios and a small museum. Artwork outside the building, such as a new civil rights monument to replace the old one that commemorates the 1964 civil rights struggle to integrate the adjacent beach, would be created. City staff will work with Ms. Stone and the Cultural Council on such matters as the building's structural strength, building code requirements to renovate the second floor, accessibility to the second floor for the public, fund raising and seeking citizens to serve as volunteers on a citizen advisory committee. The money from the \$500,000 grant must be spent by June 2024.

On July 12th, Ms. Christina Parrish Stone and Ms. Brenda Swan of the Cultural Council met with the Public Works Director and the City Manager and reported that the Council was advertising for proposals from architectural firms for the civil rights monument. Also discussed was where the monument would be located. One possible site is on the concrete walkway next to seawall and the stairs to the beach, so that the monument will be positioned where visitors can see it and the beach where the civil rights wade-in occurred in 1964. Ms. Stone will present the plans for the sign to the City Commission in early 2023. The \$25,000 grant must be spent by March 31, 2023.

Ms. Parrish Stone provided an update report to the Commission at its October 3rd meeting. She gave another update at the Commission's March 6th meeting.

11. BEACH RESTORATION. According to the County's Coastal Manager, two million cubic yards of sand will be put on the beach from the middle of the state park south to the northern boundary of Sea Colony. The project will be done between the middle of July 2023 and the end of February 2024. The federal government will pay the entire cost. At the City Commission's January 9, 2023, meeting, a representative from the U.S. Army Corps of Engineers briefed the City Commission and the public about the project.

12. NEW YEAR'S EVE FIREWORKS SHOW. The \$25,000 for the fireworks is provided from the bed tax by the County Commission. The contract for a 20-minute 2022 fireworks show was signed in October. The City's Events Coordinator, Ms. Melinda Conlon, worked with the fireworks company on the music that accompanied the show. Plans for the December 31, 2023, show will begin. At the Commission's February 6, 2023, meeting, Ms. Conlon will provide a report on the fireworks show and the other events that she put on for the City in 2022.

13. INTERGOVERNMENTAL PROJECTS. When the Commission discussed the strategic plan at its February 1, 2021, meeting, more involvement with the County and St. Augustine was mentioned as desirable. Below is a summary of the City's current involvement with various area governmental entities.

a. **Mobility:** At the City Commission's August 11, 2021, meeting, St. Augustine's Public Works Director. Reuben Franklin, March 2021, presented his city's mobility plan. St. Augustine has received a grant to create a transportation connector in that city. If money remains from the grant, the two cities may discuss having a connector between them.

b. **River-to-Sea Loop:** This is a Florida Department of Transportation, St. Johns County, St. Augustine and St. Augustine Beach project to construct 26 miles of a paved bike/pedestrian trail as part of the 260-mile trail from the St. Johns River in Putnam County to the ocean in St. Johns County. The Loop will then go south through Flagler and Volusia counties to Brevard County. This is a long-term, multi-year project. At this time, the Loop will enter St. Augustine along King Street, go across the Bridge of Lions, south along State Road A1A to the State Park, through the Park and into our City, then along A1A Beach Boulevard to State Road A1A. Though possibly not feasible in all locations, the goal is to have a wide, bike/pedestrian trail separate from the adjacent road.

In January 2022, the County Traffic Operations Division informed City staff that no meetings concerning this project have been held for over a year. The Loop's final route has yet to be determined. It might be through the State Park into our City to A1A Beach Boulevard, or along Pope Road from Old Beach Road to the Boulevard.

c. **Transportation Development Plan:** The development of the plan involves several agencies, such as the County, St. Augustine, our City, the North Florida Transportation Organization and the Sunshine Bus System. On February 25, 2021, the City Manager attended by telephone a stakeholders' meeting for an update on the development of the plan's vision, mission goals and objectives. Most of the presentation was data, such as population density, percentage of residents without vehicles, senior citizens and low income and minority residents in the County and the areas served by the Sunshine Bus. The next stakeholders' meeting has yet to be announced. The agenda will include transit strategies and alternatives and a 10-year implementation plan.

d. **Pedestrian Crosswalk Safety Signals.** On A1A Beach Boulevard, the County Public Works Department has put flashing signals at the crosswalk between the Sea Colony subdivision and the shopping center, and at the crosswalks between the Whispering Oaks subdivision and Ocean Hammock Park, 16th Street and 11th Street. The County will put signals at two other locations: in the vicinity of pier park and at F Street.

14. BEACH ACCESS WALKOVERS. The Public Works Director asked the St. Augustine Port, Waterway and Beach Commission at its May 17, 2022, meeting, for an appropriation to buy half the costs to construct new walkovers at 11 access points to the beach. The Port Commission approved a match of \$335,000, or a 50% match, for the walkovers. At its June 6th meeting, the City Commission approved the City's match of \$335,000 coming from ARPA funds. The City has entered into an agreement with a contractor to design, permit and construct the first phase of the project. Survey work for 16th Street walkover has been completed. However, a walkover likely will be done there because of beach erosion. Construction of the 10 walkovers will be done in two phases. Walkovers were constructed at 3rd, 4th, 5th, and 8th

Streets. Additional walkovers will be built in 2024, after the beach renourishment project is finished in December 2023.

15. HAMMOCK DUNES PARK. At its May 2, 2022, meeting, the Commission considered having a Request for Qualifications prepared for a planner to develop a master plan for the Park, which is located north of the shopping center. The planner could be paid with ARPA funds. The Commission asked that the Request for Qualifications include the following: consideration of wildlife corridors in the Park, a pedestrian/bicycle trail, access to State Road A1A and a parking area or lot. The Commission at its June 6th meeting approved the wording for the Request for Qualifications. However, as other projects, especially drainage ones, require attention, advertising the RFQ will be delayed.

16. UNDERGROUNDING OF UTILITIES. At its May 2, 2022, meeting, the City Commission reviewed a request from the City Manager for referenda topics for the 2022 primary or general election. One possible referendum topic discussed was the undergrounding of utility lines. The Commission reviewed information concerning this topic at its June 6th meeting and decided to hold a workshop in August with representatives from Florida Power and Light. At its July 11th meeting, the Commission held a workshop for Tuesday, August 2nd with representatives from FP&L. The outcome was for City staff to prepare a Request for Qualifications for companies experienced with assisting cities with planning for undergrounding projects. The Commission reviewed the proposed RFQ at its September 12th meeting and decided not to advertise it but see whether the voters approve the additional one-cent sales tax at the November general election. As the tax wasn't approved, the Commission discussed undergrounding at its January 9, 2023, meeting and agreed with the City Manager's suggestion to request next summer that money be put in the Fiscal Year 2024 budget for consultant to prepare an estimate of the costs to do the undergrounding and what funding sources are available to pay the costs.

17. UPDATING STORM DRAINAGE MASTER PLAN. The City has hired CMT, a civil engineering consultant, to do the update. Work on it has started. Before the study is completed in the spring of 2023, a meeting will be held to obtain public comment to assist in the development of the plan.

18. TRAFFIC SIGNAL ON STATE ROAD A1A AT MADRID STREET AND THE ENTRANCE TO MARSH CREEK SUBDIVISION. This has been requested by City residents. The signal would benefit the residents of two private, gated subdivisions, Whispering Oaks and Marsh Creek, and one ungated subdivision, Sevilla Gardens, with public streets. In response to emails from the City Manager, the Florida Department of Transportation responded that there aren't enough residents in Sevilla Gardens to justify the signal and the two gated subdivisions would be responsible for having a traffic study done, and, if the study showed the signal was justified, paying for the signal. The City Manager forwarded this information to a Whispering Oaks resident, who said he would contact Marsh Creek. At the Commission's December 5th meeting, Commissioner George said she would contact the Marsh Creek Homeowners Association about the traffic signal proposal.

19. NEW STREETLIGHTS ON 11TH STREET

The City has asked Florida Power and Light to put two new lights on the north side of 11th Street between Mickler Boulevard and the entrance to the Ocean Ridge subdivision.

20. CITY MEMENTO. The memento would be an inexpensive token that Commissioners could give to citizens and officials of other cities. After discussing a design for the memento at two meetings, the

Commission at its November 14, 2022, approved a coin type memento. The City's Events Coordinator has obtained information for the memento. It will be presented at the Commission's February 6th meeting.

21. OPENING 4TH STREET BETWEEN A1A BEACH BOULEVARD AND 2ND AVENUE. This is a platted street, most of which is unpaved. The City's policy is that costs to open and pave such streets are paid by the owners of the lots adjacent to them and the City. The owners are charged an assessment. At its November 14, 2022, meeting, the City Commission approved the City Manager notifying the owners of the City's intent to open the street and charge them an assessment. In early December, the Manager sent the notification letters to the four owners. None to date has responded.