

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday April 12, 2010

The City Commission met in a formal session Monday, April 12, 2010 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Joe Boles, and the following were present:

1. Roll Call:

Joe Boles, Mayor/City Commissioner
Errol Jones, Vice Mayor/City Commissioner
Donald Crichlow, City Commissioner
Leanna S. A. Freeman, City Commissioner
Nancy Sikes-Kline, City Commissioner

William B. Harriss, City Manager
Ron Brown, City Attorney
Karen Rogers, City Clerk
Timothy A. Burchfield, Chief Administrative Officer
John Regan, Chief Operations Officer
Mark Knight, Director, Planning and Building
Jim Piggott, General Services Director
Dana Ste. Claire, Executive Director of the 450th Commemoration Celebration/Director, Heritage Tourism
Mark Litzinger, Comptroller
Paul K. Williamson, Director, Public Affairs
Carlos E. Mendoza, Assistant City Attorney
Loran Lueders, Police Chief
Mike Arnold, Fire Chief
Martha Graham, Director, Public Works
Darlene Kirkland, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Tim Foust, Lifetime Ministry, delivered the invocation, and Commissioner Jones led the pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

(None)

3.B/ Approval of Minutes

MOTION

Commissioner Jones MOVED to approve the minutes of the regular meeting of March 22, 2010. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

3.C.1/ Proclamations

Mayor Boles read and presented the following proclamations:

2010-11 Sexual Assault Awareness Month

2010-12 Child Abuse Prevention Month
2010-13 Water Conservation Month

Commissioner Sikes-Kline read and presented the following proclamation:

2010-14 Earth Day

3.C.2/ Recognitions

(None)

4. Appeals

(None)

5. Ordinances and Resolutions - Public Hearing Required

5.A/ Ordinances – First Reading

(None)

5.B/. Ordinances - Second Reading

5.B.1/ Public Hearing - Ordinance 2010-07, repealing Sections 8-401 and 8-402 of the Code of the City of St. Augustine and creating Sections 8-401 through 8-437 to establish a Floodplain Management Code and Motion to Amend.

Mark Knight, Director, Planning and Building, stated that proposed Ordinance 2010-07 had been sent to the state and federal government for review. He explained that the original code had been adopted from a pre-published code in 1998, and copies were difficult to obtain, plus it contained a provision that a change of use required addressing flood code issues, hence the proposed Ordinance. He noted that by adding it to the City's Code, the proposed Ordinance would allow the Floodplain Management Code to be readily accessible online. He stated that one provision change was a five year cumulative substantial improvement clause, and if substantial improvements were made to a structure, flood code issues would then have to be addressed. He noted that after review, the state and federal government had comments, and a

motion to amend would be required to address them. He stated that the City had to incorporate RV and mobile home parks; however, there were none in the City limits. He advised that unless the City created an Ordinance that would not allow RV and mobile home parks, the provision would have to be included. He stated that if historic structures were exempt from property taxes, they could qualify for a variance from the Floodplain Code. He explained that FEMA guidelines allowed approved renovations of historic structures to be exempt from the substantial improvements clause. He pointed out that the provision could encourage owners of historic properties to apply for tax exemption. He concluded that the intent for the proposed Ordinance was to increase the City's points for FEMA's community rating system for flood insurance premium savings.

Commissioner Crichlow questioned the varying references regarding the terminology for the lowest floor elevation.

Mr. Knight replied that FEMA guidelines required the lowest structural members of the floor be elevated 9 feet above sea level; however, the purpose of other references were to educate surveyors, and would be clarified at a later time.

Commissioner Crichlow questioned who determined the base building market value.

Mr. Knight replied that the calculation began with the St. Johns County Property Appraisers assessed value of the structure and 10% was added to that value. He explained that standard building value tables were used to determine the estimated cost of improvements.

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

Commissioner Sikes-Kline stated that she was pleased that the provision for historic properties had been included.

MOTION

Commissioner Jones MOVED to approve the amendments to Ordinance 2010-07 as presented. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

MOTION

Commissioner Jones MOVED to place Ordinance 2010-07 as amended, on second reading, read by title only and passed. The motion was SECONDED by Commissioner Freeman.

Ron Brown, City Attorney, read Ordinance 2010-07 as follows:

ORDINANCE NO. 2010-07

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REPEALING SECTIONS 8-401 AND 8-402 OF THE CODE OF THE CITY OF ST. AUGUSTINE AND CREATING SECTIONS 8-401 THROUGH 8-437 TO ESTABLISH A FLOODPLAIN MANAGEMENT CODE; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Boles expressed appreciation for the assistance of Hank Whetstone regarding his input for the Floodplain Management Code.

VOTE ON MOTION

**AYES: Jones, Freeman, Sikes-Kline
Crichlow, Boles**

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.2/ Public Hearing - Ordinance 2010-12, amending Section 28-209 of the City Code of the City of St. Augustine to provide for limitations on commercial, recreational and entertainment facilities as permissible uses by exception in the

commercial medium-two (CM-2) zoning category.

Mr. Knight stated that proposed Ordinance 2010-12 would change the uses by exception in the CM-2 zoning category for commercial recreation and entertainment facilities. He explained that concerns had been raised, because of a recently denied application for a tethered balloon ride, and the Planning and Zoning Board recommended limiting those types of activities to 30 days per calendar year for each property location.

Public hearing was opened.

B.J. Kalaidi felt that the parcel numbers for all properties in the CM-2 zone should be provided to residents.

Public hearing was closed.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2010-12 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.

Mr. Brown read Ordinance 2010-02 as follows:

ORDINANCE NO. 2010-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-209 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR LIMITATIONS ON COMMERCIAL, RECREATIONAL AND ENTERTAINMENT FACILITIES AS PERMISSIBLE USES BY EXCEPTION IN THE COMMERCIAL MEDIUM-TWO (CM-2) ZONING CATEGORY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

**AYES: Crichlow, Sikes-Kline, Jones
Freeman, Boles**

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.C/ Resolutions

(None)

6. General Public Comments and Presentations

6.A/ General Public Comments (3 minutes per individual)

Richard Siewart expressed appreciation to the Commission for their support in addressing the needs of the residents regarding the installation of a sound attenuation wall at Hamilton Upchurch Skate Park. He stated that the efforts had decreased the noise levels. He felt that the hours could be expanded for the summer season.

B.J. Kalaidi spoke in support of Resolution 2010-11 regarding the proposed location of the Intercity Passenger rail service. She felt that the preferred location would be historically accurate. She stated that the City should not enter into a property lease agreement for a trolley stop location for the Spanish Quarter. She spoke against Resolution 2010-12.

Robert Murphy McDaniel expressed concern regarding sublease agreements pertaining to property located on 650 Iberia Street, and felt that the City should provide equal treatment to all horse drawn carriage companies.

Alehjandro Ballarudo requested the Hamilton Upchurch Skate Park hours be extended.

Mr. Brown reported that an evaluation of the two structures located at 650 Iberia Street had been conducted. He stated that one was found to be irreparable and it had yet been determined whether the other structure could be salvaged.

Commissioner Jones questioned the ownership of the property and structures.

Mr. Brown replied that the City was the sole owner.

6.B/ Presentations (15 minutes per presentation)

(None)

7. Resolutions and Ordinances- No Public Hearing Required

7.A/ Ordinances – First Reading

7.A.1/ Introduction and consideration of Ordinance 2010-13, relevant to the Firefighters' Pension.

Tim Burchfield, Chief Administrative Officer, explained that in September of 2009 the Commission ratified a contract related to the Firefighters' Pension, which called for a modification to the pension Ordinance allowing for a BAC-DROP to be added to their plan. He stated that proposed Ordinance 2010-13 would add a Partial Lump-sum Option Plan (PLOP) to the pension plan.

MOTION

Commissioner Crichlow MOVED to have Ordinance 2010-13 placed on first reading, read by title only and passed. The motion was SECONDED by Commissioner Jones.

Mr. Brown read Ordinance 2010-13 as follows:

ORDINANCE NO. 2010-13

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE FIREFIGHTERS' PENSION TRUST FUND; AMENDING CHAPTER 20, PENSIONS AND RETIREMENT, ARTICLE V, FIREFIGHTERS' PENSION TRUST FUND, SECTION 20-200, OPTIONAL FORMS OF BENEFITS, OF THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERABILITY OF PROVISIONS;

PROVIDING FOR CODIFICATION;
REPEALING ALL ORDINANCES IN
CONFLICT HEREWITH; AND PROVIDING
AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Jones, Sikes-Kline
Freeman, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

7.B/ Resolutions

7.B.1/ Consideration of Resolution 2010-11, relevant to support for the State of Florida, Department of Transportation Federal Aid Project Number FR-HSR-09-003, also known as the High Speed Intercity Passenger Rail-Florida East Coast Amtrak Service, expressing preference for Station Location in St. Johns County.

Mr. Knight stated that proposed Resolution 2010-11 was in response to a request by the Florida Department of Transportation (FDOT) through the process of to establish an Amtrak Intercity Passenger Rail service. He added that Resolution 2010-11 expressed the City's support of the station in St. Augustine constructed by FDOT, agreement to maintain the structure and identified the preferred station location at Carrera Street. He noted that he had been contacted by a representative from Treasure Coast Regional Planning with a request for changes in the Resolution as follows:

- Suggested changing the language to Section 2 stating that the "City Commission prefers Alternative #2"
- Additional clause stating "and is willing to assist the FDOT with workshops to obtain public input prior to final site selection"

Commissioner Crichlow questioned whether the environmental studies had been completed for the location, and whether there were other cities attempting to have a station.

Mr. Knight replied that environmental studies had not been completed; however, there were other sites in the event the preferred site could not be used. He stated that in the Northeast Florida area there had been requests by the City of Bunnell for a station; however, St. Augustine was a destination area.

Commissioner Freeman questioned whether property on West King Street had been considered.

Mr. Knight replied that the area had been reviewed for consideration; however, the preferred location was closest to the historic downtown area. He pointed out that in the event the Carrera Street location was deemed unusable, another preferred location would be used, which would be determined by FDOT and Amtrak.

Commissioner Freeman agreed the Carrera Street location would be optimal for visitors wishing to get to the historic downtown area; however, she felt that the West Augustine area and local businesses could benefit from a train station.

Mr. Knight stated that there were plans for a Commuter Rail service with several stops throughout St. Augustine traveling to and from Jacksonville more frequently than the Intercity Rail service.

Commissioner Sikes-Kline stated that the Jacksonville Transit Authority recently gave a presentation to the North Florida Transportation Organization related to a mobility study that included proposed stops in the West Augustine area.

Commissioner Freeman questioned safety issues regarding parking and pedestrian crossing at the Carrera Street location.

Mr. Knight replied that the safety concerns had been addressed; however, the tracks located on the west side of the highway, would necessitate a pedestrian crossing.

Commissioner Freeman questioned whether passing the proposed Resolution would rule out other areas.

Mr. Knight replied that the intention was only to establish a preferred location, and would not eliminate other locations.

MOTION

Commissioner Jones MOVED to submit Resolution 2010-11 as requested. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

7.B.2/ Introduction and consideration of Resolution 2010-12, relevant to the Maintenance and Management of State-owned Historic Properties located in St. Augustine and ensuring long-term preservation and interpretation of same.

John Regan, Chief Operations Officer, explained that in 2007 the City had developed a management agreement with the University of Florida to fund the preservation of historic properties. He stated that a funding stream had been sought; however, only a \$300,000 funding allotment had been obtained in the last four legislative sessions, which had been used to create the strategic business plan. He added that the funding requests had not been sufficient to move forward with program concepts. He stated that the program could be critical to the success of the 450th Commemoration Celebration. He stated that the City had been working on the development of a business plan to improve the business model of Heritage Tourism. He stated that proposed Resolution 2010-12, recognized that the management plan had not been successful, and requested that City continue to maintain and manage the properties. He noted that the development of a Visitors Orientation Center by the National Park Service had also been affected by the lack of funding. He pointed out that the University of Florida had been a long standing academic partner with the City, and they were involved in many City programs and projects. He stated that proposed Resolution 2010-12 addressed key points as follows:

- Expressed appreciation for the efforts of all involved parties
- City was committed to a business plan that improved attendance and revenue
- Required sun-setting the existing legislation
- Continued efforts to develop the role of the Heritage Tourism program regarding the 450th Commemoration Celebration
- Pursue public/private investment strategy for historic property preservation
- Seek a long term lease agreement with the State of Florida

Dana Ste. Claire, Executive Director of the 450th Commemoration Celebration and Director, Heritage Tourism, stated that the Heritage Tourism business plan had been previously presented. He explained that the strategy focused on improving the product, strengthening profit centers and reducing operation costs. He reviewed the progress and goals as follows:

- Departmental restructuring by eliminating and creating positions, which represented a \$40,000 annual savings
- Developing Colonial maritime and interpretive programs
- Installation of Colonial Gardens
- Tavern improvements, which had increased daily sales from \$300 to \$1,200
- Retail installation and expansion
- Improved walkways
- Add theme and period lighting
- Improved access to the Spanish Quarter
- Improve and increase marketing
- Proposed agreement with the National Park Service for joint ticket sales

Mr. Ste. Claire stated that establishing a 501(c)3 foundation could assist with long term sustainability, He added that it could allow the ability to receive grants, corporate sponsorships and strategic alliance funding.

Mayor Boles stated that when the statute had been enacted, funding had not been committed to the historic preservation properties; therefore, it had not become a part of the University of Florida Business Department's budget. He stated that the Department was not willing to be a part of the restoration and preservation of the properties; however, they would be interested in developing a visitor orientation center. He explained that the City and National Park Service had been in the process of creating the Visitor Orientation Center for approximately seven years, in which the City donated the property and shared in the revenue from the center. He noted that the center was the key factor of the University of Florida's plan, and they wanted the center to be the focal point for visitors in St. Augustine. He also expressed concern regarding the University of Florida fundraising in St. Augustine for their projects, which would take money from local charitable organizations, because it would be difficult to compete with their fundraising abilities. He stated that the City could not enter into any public or private investment agreements without knowing how long the City would be involved in an agreement with the University of Florida. He concluded that the City should control its own destiny.

Commissioner Crichlow questioned whether the National Park Service was moving forward with their plans for the Visitors Orientation Center.

Mayor Boles replied that \$500,000 had been appropriated; however, funding was not secured for construction.

Commissioner Jones questioned whether the replica ship project would interfere with the construction of the Visitors Orientation Center.

Mr. Ste. Claire replied that the ship should be near completion by the time the National Park Service would be ready to break ground.

Commissioner Crichlow questioned the costs involved with the creation and infrastructure of the trolley stop for the Spanish Quarter's Avenida Menendez entrance, and whether the drop-off site and entry would be permanent.

Mr. Ste. Claire replied that the project had not been finalized; therefore, the total project costs were not available. He added that the entrance could possibly require modification when the Visitor Orientation Center was constructed.

Commissioner Crichlow expressed concern regarding the cost for the entrance project in relation to the future benefits for the City.

Mr. Regan explained that the trolley train drop-off would be a minimal investment costing approximately \$20,000 to \$30,000; however, the possible rate of return in revenue for the joint ticket sales through the National Park Service made the project worthwhile for the City.

Commissioner Sikes-Kline stated that during her service on the Historic Preservation Board the biggest concern was how to draw visitors to the Spanish Quarter, and she felt that the trolley drop-off would have a tremendous impact.

Mr. Regan pointed out that there were nearly 4 million visitors that came to St. Augustine per year; however, only 25,000 to 30,000 visited the Spanish Quarter, and the goal was to increase the number of visitors by recreating the St. George Street entrance as well as the proposed east entrance.

Commissioner Freeman felt that the feasibility of the business plan was critical if the City gained control of the historic properties. She suggested that additional information related to the future benefits for the City would be necessary. She expressed concern regarding cost for the City and taxpayers to maintain the properties without a solid return on investments. She questioned whether Dr.

William Proctor supported the City's request to gain control of the properties.

Mayor Boles replied that Dr. Proctor did not support the City's request to repeal the legislation, because he felt that the University of Florida was a more stable steward for the historic properties. He agreed that while the University of Florida or the state could be more suitable, funding was not available, and the City had a potential opportunity to gain potential partnerships and sponsorships through the 450th Commemoration Celebration.

Commissioner Crichlow expressed concern regarding the Heritage Tourism Business Plan's ability to eliminate the current deficit while creating a solid revenue source enabling the City to maintain the properties.

Mayor Boles pointed out that the lease agreements with the state had been for brief periods and predicated upon using the state's preservation model.

Commissioner Freeman questioned the status of negotiations for a joint ticket partnership with the National Park Service.

Mr. Ste. Claire replied that the partnership was scheduled to begin when the Visitors Orientation Center was constructed; however, the Spanish Quarter had to meet the standards of the Castillo de San Marco and the expectation of visitors. He noted that negotiations could be explored when the improvements to the Spanish Quarter were made.

Commissioner Jones stated that he supported the City's desire to sunset the legislation; however, the Commission and the City would have to show a strong commitment to the success of the Historic Preservation properties. He suggested that monthly workshops be held to ensure that all Commissioners and the public were informed of the progress regarding the master plan and the 450th Commemoration Celebration.

Commissioner Crichlow questioned the likelihood that the state would sunset the legislation, and whether the University of Florida would agree if the Commission passed Resolution 2010-12.

Mayor Boles replied that there were many factors that could prevent the Resolution's request; however, the proposed Resolution expressed the City's commitment to the properties.

Commissioner Sikes-Kline felt that the City should express appreciation for the University of Florida and its continued support of academic partnerships.

After a brief discussion it was determined that a workshop would be scheduled during the following week.

MOTION

Commissioner Jones MOVED to pass Resolution 2010-12. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

8. Staff Reports and Presentations

8.A/ Funding request for the Historic Downtown Parking Facility LED Replacement Lighting.

Mr. Regan reported that the City had applied for a grant to replace the current lighting fixtures in the Historic Downtown Parking Facility; however, they were unsuccessful.

Todd Grant, Deputy Director, Public Works, stated that an energy audit had been conducted, and the current lighting fixtures were high pressure sodium, which cost the City approximately \$110,000 per year for lighting the parking garage. He explained that calculations based on the difference in wattage for the current lighting fixtures compared to the estimated wattage for the proposed LED lighting, could result in an \$85,000 energy savings for the City; however, the savings estimate did not include maintenance or upkeep. He added

that the lifespan for each LED lighting fixture was five to seven years, and each fixture cost approximately \$500. He noted that unlike the high pressure sodium fixtures, there would be no hazardous waste disposal necessary. He stated that the replacement project would cost \$250,000, and the estimated loan payoff could be completed within three to four years; however, he recommended setting aside funding for maintenance and future replacements.

Mr. Regan requested authorization to appropriate funding for the LED replacement project. He noted that a request had been submitted to the state to approve the LED replacement as an in-kind project in lieu of the \$33,000 fine that had been imposed on the City for the San Sebastian River break. He reported that Lewis, Longman and Walker was currently working on behalf of the City for an energy conservation grant program in cooperation with the City of St. Augustine Beach and Hastings. He added that if the grant funding was successful then the appropriations would not be necessary. He stated that staff was aggressively seeking energy saving programs to assist in successful federal stimulus funding.

MOTION

Commissioner Crichlow MOVED to authorize staff to appropriate \$250,000 for the LED lighting replacement in the Historic Downtown Parking Facility. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

Commissioner Jones clarified that the current lighting system was reaching the point of needing to be replaced; therefore, it was an optimal time to upgrade the system with a longer lasting more cost efficient system.

8.B/ Presentation regarding acceptance of a \$250,000 grant award regarding pedestrian and transit study.

Mr. Regan stated that February 2009 the City had partnered with the National Park Service to apply for a federal grant related to pedestrian and transit movement around national monuments, and the application was successful. He advised that the program would be beneficial for the 450th Commemoration Celebration. He stated that the grant was \$250,000 and required \$50,000 in matching funds. He requested approval to appropriate up to \$50,000 for the grant matching funds.

MOTION

Commissioner Sikes-Kline MOVED to approve up to \$50,000 in matching funds for the \$250,000 grant. The motion was SECONDED by Commissioner Jones and APPROVED BY UNANIMOUS VOICE VOTE.

8.C/ Discussion regarding Hamilton Upchurch Park Hours.

Mr. Regan reported that the sound attenuation wall installed at the Hamilton Upchurch Skate Park brought the City into compliance with the noise ordinance. He noted that prior to the installation of the wall the hours of operation had been limited. He stated that after staff review, a recommendation was proposed to extend the hours of operation from 9:00 A.M. to 8:00 P.M. during the summer season, and from October to March change the closure time to 6:00 P.M.

Commissioner Freeman suggested the hours of operation from April to September be 9:00 A.M. to 8:00 P.M. and from October to March be 10:00 A.M. to 6:00 P.M.

Mayor Boles questioned whether it would still be light outside at 8:00 P.M. from April to September.

Mr. Regan replied that the average sunset was 7:45 P.M. with approximately 15 minutes of dusk.

MOTION

Commissioner Freeman MOVED to approve the hours of operation from April 1st to September 30th be 9:00 A.M. to 8:00 P.M. and from October 1st to March 31st be 10:00 A.M. to 6:00 P.M. The motion was SECONDED by Commissioner Jones and APPROVED BY UNANIMOUS VOICE VOTE.

9. ITEMS BY CITY ATTORNEY

Mr. Brown reported that the City had received notification that an opponent of the Fish Island Settlement Agreement had filed an appeal with the Fifth District Court of Appeals claiming that the settlement under the Bert Harris Act violated due process and had not followed the essential requirements of law. He stated that the City Attorney's office had reviewed the appeal and outlined a response of pleadings, and he would report the status accordingly.

Mr. Brown stated that during the previous meeting, the subject of flags on the Bridge of Lions had been addressed. He noted that in 2005 the Florida Department of Transportation had sent notification requesting that the City avoid permitting activities until the renovations had been completed. He added that in 2005 the City had passed a Resolution indicating that the City would allow American Flags or government flags to be flown on the bridge. He stated that he had researched the subject and discovered litigation related to American Flags being flown on over passes, as well as litigation involving signage. He explained that the rulings concluded that discriminating American and government flags was not content neutral and posed a freedom of expression issue. He added that a government could control their own property in the event it had not been a public forum by tradition or by designation. He stated that if property had been designated as a limited public forum, there could be reasonable control over public expression if it was viewpoint neutral; however, a previous court ruling stated that the Bridge of Lions had been

designated a public forum by tradition because of past practices.

10. ITEMS BY CITY CLERK

10.A/ Notification of Proclamations.

(None)

11. ITEMS BY CITY MANAGER (Includes Consent Agenda

11.A/ Consent Agenda

Mr. Regan stated that due to changes with the lease agreement, he requested to have item 11.A.4. removed from the consent agenda.

11.A.1/ Preview of upcoming Commission meetings.

11.A.2/ Consideration of Release of Lien on a Unit Connection Fee Mortgage.

(None)

11.A.3/ Request for funding for community outreach projects to reduce FEMA flood insurance premiums.

Mr. Regan referred to item 11.A.3. and stated that investing funds in a community outreach education program could improve the City's community rating system which could reduce flood insurance premiums by 5% for property owners.

Mr. Brown pointed out that the amendments to Ordinance 2010-07 included language from FEMA that was directly related to the reduction in flood insurance premiums.

MOTION

Commissioner Jones MOVED to approve items 1. through 3. of the Consent Agenda. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

11.A.4/ Consideration of Lease Agreement relevant to Trolley Train

stop and creating a new entrance to the Spanish Quarter.

Mr. Brown explained that item 11.4. was related to a property lease agreement between the City and Cuna Properties, LLC for a proposed trolley drop-off site. He stated that the agreement included a structure that would be used as a ticket booth and orientation center for the Spanish Quarter; however, as a result of further negotiations, changes were made to the lease regarding rent and security deposit. He detailed the changes as follows:

- Rent for the first five years was \$2,500 per month and would increase to \$2,750 per month for the renewal period
- City would have no responsibility for tangible or property taxes

Commissioner Crichlow questioned the responsibility of repairs and maintenance.

Mr. Brown replied that according to the lease agreement, the City would be responsible for maintaining the premises and any fixtures or improvements made by the City; however, it did not address structural repairs.

Mayor Boles pointed out that most commercial leases required the tenant to be responsible for the majority of maintenance and repairs.

Commissioner Jones questioned the City's tenant agreements related to maintenance and repairs.

Mr. Burchfield replied that the City's tenants were responsible for repairs regarding utilities; however, the City would be responsible for structural repairs.

MOTION

Commissioner Jones MOVED to approve the Lease Agreement item 11.A.4. as amended. The motion was SECONDED by Mayor Boles and

APPROVED BY UNANIMOUS VOICE VOTE.

11.B/ Discussion Items.

12. Items by Mayor and Commissioners

Mr. Regan announced that the General Services Department had received the pump-out boat for the mooring field program. He reported that there was a Riberia Street progress report meeting scheduled for April 15, 2010 at 6:00 P.M at the A.M.E. Church.

Commissioner Sikes-Kline referred to a written statement regarding her involvement with the Florida League of Cities and reported the following:¹

- No House bill had been filed that would change the laws related to oil and gas exploration
- TABOR legislation SB 2420 had been passed after it was amended to remove local governments from the limitations of the bill

Commissioner Sikes-Kline presented the North Florida Transportation Planning Organization (NFTPO) annual report.² She noted projects that had been funded by NFTPO as follows:

- \$1,128,000 for repaving of West King Street from Palmer Avenue to CR 13
- \$128,000 new sidewalk, along Castillo Drive
- \$425,000 to repave Old Dixie Highway from SR 312 to SR 207
- \$1,200,000 intersection improvements to SR 312 and SR 207
- \$36,000 traffic study in the lighthouse area

Commissioner Sikes-Kline reported that she had visited the Brogan Museum that had a collection created by local artist

¹ Statement attached to original minutes

² Report attached to original minutes

Shirley Kinsey. She stated that the exhibit was being transferred to the Smithsonian, and she suggested that the exhibit should be in St. Augustine for the 450th Commemoration Celebration. She presented to the City a National Park Service publication *Hispanic Reflections on the American Landscape* that identified and interpreted the Hispanic heritage.

Commissioner Jones questioned the status of incentives for early retirement.

Mr. Burchfield replied that during 2009 there were 31 eligible employees of which 11 took advantage of the program. He stated that there had been cost savings for the City, and the program could be implemented for another year.

MOTION

Commissioner Jones MOVED to advise staff to continue the early retirement program. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

Commissioner Jones suggested pursuing the possibility for the City to have a state license plate.

There was a consensus to instruct staff to begin the process to have an official City license plate created.

Commissioner Freeman questioned status on the installation of the dedicated right hand turn lane on the West side of the Bridge of Lions.

Paul Williamson, Director, Public Affairs, reported that the process had begun, and signage had been installed directing traffic that the existing right lane was for right turns only.

13. Adjournment

There being no further business, the meeting was adjourned at 8:15 P.M.³

MAYOR

CITY CLERK, CMC

³ Transcribed by Darlene Kirkland