

City of St. Petersburg
Health, Energy, Resilience & Sustainability Committee
January 26, 2023 – 8:00 AM
City Hall, Room 100

Members: Council Chair Brandi Gabbard, Councilmember Gina Driscoll, Councilmember Richie Floyd, and Councilmember John Muhammad.

Alternate: Council Vice-Chair Deborah Figgs-Sanders

Support Staff: Cortney Phillips

1) Call to Order

2) Approval of Agenda

3) Selection of Chair and Vice Chair

4) Approval of the December 15, 2022 Minutes

5) New Business – January 26, 2023

a) Discussion of pending and continuing referral list

6) Upcoming Meeting Dates & Tentative Agenda Items

March 23, 2023 - TBD

General Attachments:

December 15, 2022 HERS Minutes

Pending and Continuing Referral List

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Health, Energy, Resilience & Sustainability Committee
December 15, 2022 – 8:00 AM
City Hall, Room 100

Members: Council Chair Gina Driscoll, Council Vice Chair Brandi Gabbard, Council Member Lisset Hanewicz, and Council Member Richie Floyd.

Alternate: Council Member Ed Montanari

Support Staff: Bryan Casañas-Scarsella – City Council Legislative Aide

Also Present: Rob Gerdes, City Administrator; Jeannine Williams, City Attorney, Chris Lawler, Volunteer Board President of the Tampa Bay Abortion Fund (TBAF).

1) Call to Order

2) Approval of Agenda—CM Gabbard moved approval; motion passed unanimously.

3) Approval of the September 22, 2022, Minutes—CM Montanari moved approval; motion passed unanimously.

4) New Business – December 15, 2022

a) Discussion of a resolution affirming the right to privacy in women’s healthcare decisions (CM Floyd).

CM Floyd introduced the item and said that it was based off of a resolution passed by Tampa in August 2022, which states that the City will not use funds to track reproductive healthcare issues or any actions used to restrict people’s rights surrounding reproductive healthcare decisions; and that the City will not expend resources conducting any surveillance surrounding reproductive healthcare. CM Floyd explained that the resolution is a values statement and does not go against state or federal laws. Ms. Williams said that it is Legal’s opinion that, if passed, the resolution would not be in violation of Section 390.0111, which has some abortion-related restrictions in it. Vice Chair Gabbard brought up the resolution passed in 2020 related to the accessibility, affordability and safety of reproductive healthcare, and asked if the resolution being considered was more focused on the privacy in reproductive healthcare decisions. CM Floyd replied that this resolution focuses on condemning the erosion of reproductive healthcare rights and that it wishes to express that the City will not impede upon people’s privacy by storing or cataloguing reports of any miscarriages, abortions or other reproductive healthcare decisions and that the City does not intend to provide that information to other organizations. Vice Chair Gabbard asked how Administration would work on this issue as it relates to insurance companies? Mr. Gerdes explained that the Administration supports safe, legal and accessible abortion in the community and said that should the resolution be passed by City Council, that part of it would require further discussion. CM Gabbard replied that she would like to see the resolution be broader and encompass privacy in all healthcare decisions.

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CM Montanari said he is concerned with much of the language in the resolution. He asked if this resolution would have any effect in social action funding that was passed last year that included funding for a crisis pregnancy center. Ms. Williams replied that if surveillance and criminalization of abortion is not happening within that organization, then the resolution would not prohibit the funding for that organization. CM Montanari then asked about the fifth whereas clause that states that the “rule also extends to protecting the right to abortion,” and he referenced the 1989 Florida Supreme Court case, that secured the right to an abortion under the right to privacy and asked if the recent *Dobbs v. Women’s Health Organization*, which overturned *Roe v. Wade*, had any effect on the right to an abortion in Florida. Ms. Williams explained that currently the 1989 case is precedent in Florida and until it is overturned, it still stands on a statewide level. Next, CM Montanari then asked about the Be It Further Resolved clause, inquiring if there is any risk from a legislative point of view in the language of that clause where Council Members voting for the resolution could be removed from office. Ms. Williams said they do not interpret it to do that because it is not an ordinance that requires something but is instead an expression of policy asking Administration to do so. She said considering recent events in Florida, she cannot guarantee that there is no risk due to people being removed from office due to statements they have made, but legally this does not seem to fall within the category of the type of behavior that would be a risk legislatively for Council Members. Finally, CM Montanari asked about the ninth Whereas clause and its effect on HB5; Ms. Williams said there is no effect. CM Montanari concluded by stating that he would not be supporting the resolution.

Chair Driscoll said the previous comments made brought her to the conclusion that more work was needed on this resolution. She said she was generally very supportive of the language in the resolution but wanted to get to comfort level without being concerned about risk of removal from office. She expressed that this is a time where women are being seen by some in power as somehow not worthy of making their own decisions about their own healthcare and as someone who fully supported the resolution passed in 2020 stating our support for reproductive rights, she expressed wanting to get to a point where this is stronger and make sure the resolution encompasses full healthcare. So, said she was in favor of tabling this resolution for the time being while more input from Administration is received and other questions are answered.

CM Floyd asked a question to Legal concerning risk and said that Tampa has not had an issue with repercussions. He then asked if there is anything could be done to make the resolution stronger as far as risk is concerned. Ms. Williams stated that she did not think there was anything that could be done to make it stronger.

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b) A discussion of providing economic assistance to the Tampa Bay Abortion Fund (TBAF) (CM Floyd).

CM Floyd introduced the item. He said he believes this is important since the TBAF helps to remove financial and logistical barriers to abortion access and with increasing restrictions, those barriers are becoming greater and the burden falls hardest on people of color, he explained.

CM Montanari said that he was concerned with some of the provisions in this item and would not be supporting it. CM Montanari asked about Section 390.111, which prohibits the use of public funds for the benefit of an organization that owns, operates or is affiliated with an abortion clinic. The TBAF, per Ms. Williams, does not seem to do any of those things, and instead provides individualized support to women seeking abortions. CM Montanari asked about the Hyde Amendment. Ms. Williams explained that it prevents federal funds to be used for abortion care if the contract for federal funds invokes the Hyde Amendment and explained that the current item is not affected by the Hyde Amendment nor does it involve federal funds.

Vice Chair Gabbard asked about a specific dollar amount and if CM Floyd would be looking for a way to build that into the FY23 or FY24 budget. CM Floyd suggested \$25,000 from contingency funds and unrestricted dollars. CM Floyd said that to him it is important that Council make a statement and that it is important that the number be impactful but the specific number is not as significant. Vice Chair Gabbard then asked Administration if the City funds any other entities outside of CRA grant dollars that deal with healthcare-related issues. Mr. Gerdes said that the City is not currently funding any other type of healthcare provider, which is a concern to Administration regarding the risk of setting an economic precedent.

Vice Chair Gabbard asked if there is any preventative care or contraceptive care paid for by the TBAF. Ms. Lawler said they do hand out emergency contraceptives provided to them by the pharmaceutical companies. Vice Chair Gabbard then asked that if they did receive funding, would there be any way for that funding to be set aside for St. Pete residents. Ms. Lawler said that there might be a way to do that but as of right now they no longer collect ZIP codes of those who call in due to recent attacks of those who seek abortion access. She also said that no other personal information is collected, just the bare minimum that is possible to be able to assist a patient. Vice Chair Gabbard said she supports this wholeheartedly but also is concerned about the economic precedent being set.

Chair Driscoll asked CM Floyd what the desired action was. CM Floyd said his intent was to direct legal to draft a resolution to allocate the funds but since there was some hesitancy from other CMs, then the discussion could occur with budget discussions for FY24. Chair Driscoll said she would like to see this funding as part of a more comprehensive initiative to provide funds for women's healthcare overall. If this were part of a bigger plan to help connect women to

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other OBGYN services, she would be more prone to support this. She said she welcomes the opportunity to keep this on the referral list. Vice Chair Gabbard asked if Administration would be open to a discussion about how to fund healthcare disparities overall for low-income residents in the next budget cycle. Mr. Gerdes replied that health is pillar of progress for Mayor Welch and that though Administration is unable to make any commitments to that at this time, they are happy to have that discussion. She also asked CM Floyd if he would be open to a broader conversation about healthcare disparities and women’s healthcare access. CM Floyd said he was willing to continue the conversation but was disappointed because this resolution was intended to make a political statement given the recent attacks on women’s reproductive rights. Vice Chair Gabbard said she saw the resolution as the statement and the funding as something concrete to back it up.

Chair Driscoll said she wants to go beyond a political statement and have this as part of a package that can provide help for women who need this kind of assistance and suggested keeping it on the referral list and for CMs continue working on this in the meantime.

The meeting adjourned at 8:55AM.

Health, Energy, Resilience, & Sustainability Committee Pending & Continuing Referral List						Thursday, January 26, 2023	
	Topic	Return Date	Date of Referral	Prior Meeting	Referred by	Staff	Notes
1	Providing economic assistance to the Tampa Bay Abortion Fund.		11/10/22	12/15/22	Floyd	Michael Dema, Jeannine Williams	12/15/2022 - Will be brought back for discussion at a future date
2	Resolution affirming the right to privacy in women's healthcare decisions.		11/10/22	12/15/22	Floyd	Michael Dema, Jeannine Williams	12/15/2022 - Will be brought back for discussion at a future date
3	Restricting smoking within the boundaries of city parks and beaches in accordance with HB 105.		8/4/22	8/25/22	Driscoll	Heather Judd, Benjamin James	8/25/2022 - Will go to full Council
4	Resilience Hub Concepts and an update on the Pilot funded by Foundation for a Healthy St. Petersburg: Childs Park Neighborhood Resilience Collective (NRC)		7/21/22	7/28/22	Driscoll	Claude Tankersley	7/28/22 - Update from OSR on this item within a few months.
5	Implementation of a community food forest program. In addition, the discussion should focus on recurring funding from the general fund and with the initial seed funding coming from BP funds or other one-time funding sources.		5/19/22	9/22/22	Gabbard	Claude Tankersley, Dean Hay, Cathy Harrelson Members of the Urban Forestry Committee Members of the St. Pete Food Policy Council Members of the St. Pete Food Policy Council	
6	City policies and tools to increase and protect our tree canopy.		3/3/22	4/21/22	Gabbard	Claude Tankersley, Dean Hay	7/22/2022 - A follow-up on the community food forest program and funding is scheduled for September.
7	Continued or planned investments in the context of the American Cities Climate Challenge commitments and Integrated Sustainability Action Plan (ISAP) implementation.		2/17/22	2/24/22	Driscoll	Claude Tankersley	2/24/2022 - Update provided at HERS.
8	Discussion of the City's Environmental Purchasing Policy (now being referred to as the "Sustainable Purchasing Policy) and a potential ordinance to formalize the City's commitment to sustainability as part of a broader discussion of a "Sustainable City Hall"		6/10/2021	6/4/2020	Driscoll	Claude Tankersley	7/30/2020 - Combined with the discussion of a "Sustainable City Hall" per Chair Driscoll's request 1/28/2021 - Update on EPP provided, action by Administration should occur by Spring 2021. 10/21/2021 - Mayor Kriseman approved the Sustainable Purchasing Policy
9	Review of the conceptual future metered reclaimed water fee structure.		4/8/2021	7/29/21	Driscoll		3/8/2021 - Item was discussed at BFT 4/8/2021 - Referred to HERS Committee 7/29/2021 - RW Conservation Campaign Update occurred; update may come back to this committee in early 2022.
10	Requiring 240-volt EV pre-wire in all new single-family home construction & a possible exemption for affordable housing		3/25/2021	9/6/2018	Gabbard	Liz Abernethy, Claude Tankersley	10/12/2020 - Will go to COW on 10/22 1/30/2020 - CM Gabbard stated that this item will be included as part of the St. Pete 2050 discussion 3/25/2021 - Item was discussed at HERS but more time was needed 9/23/2021 - Item requires feedback from key stakeholders 2/24/2022 - CM Gabbard said that this is in the community outreach stages with OSR, as requested by Council.

11	Herbicide/pesticide use & the potential adoption of restrictions on those containing harmful chemicals		12/10/2020	10/28/2021	Driscoll	Mike Jefferis, Barbara Stalbird	<p>10/10/2019 - Per Chair Driscoll, County formed a taskforce for this specific issue and City staff members including Mike Jefferis, are participating. Driscoll will report back with their findings.</p> <p>12/10/2020 - Barbara Stalbird provided update on pesticide/fertilizer use by Parks and because she represents the City on the Integrated Vegetation Management Plan countywide taskforce, she also provided an update on that. She said she would provide another County taskforce update in 2021.</p> <p>10/28/2021 - Update from Barbara Stalbird and Bryan Eichler.</p>
12	Creating an incentive program for homeowner hurricane mitigation efforts in repetitive loss neighborhoods		3/14/2019	7/12/2018	Gabbard	Liz Abernethy	<p>1/30/2020 - Chair Driscoll asked CM Gabbard to provide a brief update on the status of this program</p>

Upcoming meetings: 3/23/23, 5/18/23, 7/20/23, 9/24/23, 11/27/23, 1/25/24