

The Regular Meeting of the City Council of the City of Panama City Beach, Florida, and when permitted or required by the subject matter, the Panama City Beach Community Redevelopment Agency, held on February 8, 2018.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

JOHN REICHARD
JOSIE STRANGE
PHIL CHESTER
HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

JO SMITH

CITY ATTORNEY:

COLE DAVIS

Mayor Thomas called the Regular Meeting to order at 6 P.M. with all Council members, City Manager, City Clerk and City Attorney present.

Campus Pastor Derrick Bennett of the Northstar Church gave the invocation and Councilwoman Strange led the Pledge of Allegiance.

Mayor Thomas announced the upcoming Community Events.

The minutes of the Special Meeting of January 25 and the Regular Meeting of January 25, 2018 were read and approved as written per motion by Councilman Chester. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:

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| Councilwoman Strange | Aye |
| Councilman Solis | Aye |
| Councilman Reichard | Aye |
| Councilman Chester | Aye |
| Mayor Thomas | Aye |

Mayor Thomas asked if there were any additions or deletions to the Agenda. Mr. Gisbert asked to add Bay Parkway Extension to the Agenda. There were no objections.

Mayor Thomas asked Mr. Davis if Staff was satisfied that Resolution 18-51 had been merely to approve the parade route road closures. Mr. Davis replied that the Resolution had been merely for a road closure for the parade. **Councilman Reichard made the motion to remove Item #9, Jeep Beach Jam Parade Resolution 18-51-Discussion. Second was by Councilman Chester.** Councilwoman Strange asked for more discussion about the matter. Mr. Davis explained that the Resolution was only for road closures and although the map indicated the jeeps on the sandy beach, that had not been approved by the City and would be subject to the City's Special Event Permit Ordinance. He said it would be premature for the Council to discuss that route as there had been no application made. Councilwoman Strange said she had concerns with motor vehicles on the sandy beach. Mr. Davis stated that the City Manager approved those Special Event applications, not the City Council. Councilman Solis stated that he had been informed that a FDEP permit would be required if approved by the City. Councilwoman Strange asked that the Council members be kept informed if the permit was approved. Councilman Reichard said that earlier today, Mr. Davis had reached out to each Council member individually to discuss the matter. **The motion to remove Item #9 passed by majority roll call vote recorded as follows:**

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| Councilwoman Strange | Aye |
| Councilman Solis | Nay |
| Councilman Reichard | Aye |
| Councilman Chester | Aye |
| Mayor Thomas | Aye |

Councilman Reichard made the motion to add Bay Parkway Extension to the Agenda. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:

Councilwoman Strange Aye
Councilman Solis Aye
Councilman Reichard Aye
Councilman Chester Aye
Mayor Thomas Aye

Mayor Thomas said the Bay Parkway Extension would be added as #9 on the Regular Agenda.

The Boys & Girls Club Civic Achievement Award winner could not attend tonight so the presentation will be moved to the first meeting of March.

PUBLIC COMMENTS (REGULAR NON-PUBLIC HEARINGS AND CONSENT ITEMS)

Mayor Thomas opened the Public Comment section of the meeting at 6:10 P.M. and invited comments.

1 Mr. Gary Beck, 2601 Beech Street. He stated he was serving Federal court papers that he had prepared. He stated he would speak later in the meeting.

2 Mr. Ray Kissler, 113 Biltmore Place, Palmetto Trace. Mr. Kissler spoke in support of the proposed crosswalk on North Pier Park Drive needed due to the increased traffic.

There were no further comments. The Mayor closed this section at 6:13 P.M.

CONSENT AGENDA

Ms. Smith read the Consent Agenda Items by title.

1 RESOLUTION 18-55, NUISANCE ABATEMENT LIEN, 301 Dogwood Street. *"A Resolution of the City of Panama City Beach, Florida, approving an amount of \$2,000.43 to be liened on property located at 301 Dogwood Street for costs incurred by the City to abate nuisances located upon such property; authorizing the appropriate officers of the City to record the lien and notify interested parties of such lien; and approving an immediately effective date."*

2 RESOLUTION 18-58, BID AWARD- FRANK BROWN PARK PLAYGROUND SURFACING PROJECT. *"A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Foreverlawn Emerald Coast in the amount of \$123,053 for the purchase and installation of synthetic turf playground surfacing for Frank Brown Park; and providing an immediately effective date."*

3 RESOLUTION 18-59, BID AWARD- FLEX WING ROTARY CUTTER (BATWING). *"A Resolution of the City of Panama City Beach, Florida, approving the purchase of one Flex-Wing Rotary Cutter (Batwing) and associated equipment from Beard Equipment Company in the amount not to exceed \$16,270.72; and providing an effective date."*

Councilman Chester made the motion to approve the Consent Agenda. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:

Councilwoman Strange Aye
Councilman Solis Aye
Councilman Reichard Aye
Councilman Chester Aye
Mayor Thomas Aye

AMENDED REGULAR AGENDA

ITEM 1 ORDINANCE 1443, AMENDING LDC REGARDING LARGE SITE DEVELOPMENT APPLICATIONS, 2ND READING, PUBLIC HEARING AND ADOPTION. Mr. Davis read Ordinance 1443 by title. Mr. Leonard explained that this proposed Ordinance would amend Chapter 7 to match Chapter 10. The Mayor opened the Public Hearing at 6:16 P.M. for comments from the audience. There were none. He closed the Public Hearing at 6:16 P.M. **Councilwoman Strange made the motion to approve Ordinance 1443. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

Councilwoman Strange Aye
Councilman Solis Aye
Councilman Reichard Aye
Councilman Chester Aye
Mayor Thomas Aye

ITEM 2 ORDINANCE 1445, AMENDING POLICE OFFICERS' PENSION PLAN REGARDING NORMAL RETIREMENT DATE AND AGE, 2ND READING, PUBLIC HEARING, AND ADOPTION. Mr. Davis read Ordinance 1445. The Mayor asked if there were any questions and there were none. He opened the Public Hearing at 6:17 P.M. There were no comments. The Public Hearing was closed at 6:17 P.M. **Councilman Solis made the motion to approve Ordinance 1445. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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| Councilwoman Strange | Aye |
| Councilman Solis | Aye |
| Councilman Reichard | Aye |
| Councilman Chester | Aye |
| Mayor Thomas | Aye |

ITEM 3 ORDINANCE 1447, AMENDING GENERAL EMPLOYEES' PENSION PLAN REGARDING VICE-CHAIRMAN, 2ND READING, PUBLIC HEARING, AND ADOPTION. Mr. Davis read Ordinance 1447 by title. The Mayor asked if there were any questions or comments; there were none. He opened the Public Hearing at 6:18 P.M. and invited audience comments. There were none. The Mayor closed the Public Hearing at 6:18 P.M. **Councilman Chester made the motion to approve Ordinance 1447. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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| Councilwoman Strange | Aye |
| Councilman Solis | Aye |
| Councilman Reichard | Aye |
| Councilman Chester | Aye |
| Mayor Thomas | Aye |

ITEM 4 RESOLUTION 18-61, BID AWARD- GAC CONTRACTORS INC. HMGP STORMWATER DRAINAGE IMPROVEMENTS AT GULF HIGHLANDS AND BUDGET AMENDMENT #11. Mr. Davis read Resolution 18-61 by title. The Mayor asked if there were any questions or comments by Council.

Councilman Reichard asked Ms. Jenkins if GAC had time to do this project as well as the Front Beach Road Segment 2 CRA project. He said he was concerned due to the lengthy delay waiting on the grant and asked if Staff felt assured with the timeline. Ms. Jenkins replied that she could not speak for the contractor but had been told that more crews would be available. She said it made sense for GAC to do the project since they were already there and mobilized, making a seamless tie-in between the two projects. This was a quick project, only 90 days with 30 day substantial completion. Councilman Solis asked the fee for liquidated damages and Ms. Jenkins said she thought it was at least \$1,000 per day.

Mayor Thomas asked if anyone in the audience was from GAC. No one responded. The Mayor continued that he had spoken earlier with Ms. Jenkins concerning GAC's pace on the CRA project which was horrible. Since that time, their pace had quickened and he stated he had also been concerned with this new project. He said the Council wanted Staff to watch the pace closely. Ms. Jenkins said Staff felt confident that the contractor could do this project well and in a timely manner. **Councilwoman Strange made the motion to approve Resolution 18-61. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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| Councilwoman Strange | Aye |
| Councilman Solis | Aye |
| Councilman Reichard | Aye |
| Councilman Chester | Aye |
| Mayor Thomas | Aye |

ITEM 5 RESOLUTION 18-62, DEWBERRY/PREBLE-RISH TASK ORDER #01 2018 CONSTRUCTION OVERSIGHT INSPECTION AND UTILITY COORDINATION SERVICES FOR GULF HIGHLANDS DRAINAGE IMPROVEMENTS PROJECT. Mr. Davis read Resolution 18-62 by title. The Mayor asked if there were any questions or comments; there were none. **Councilwoman Strange made the motion to approve Resolution 18-62. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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| Councilwoman Strange | Aye |
| Councilman Solis | Aye |
| Councilman Reichard | Aye |
| Councilman Chester | Aye |
| Mayor Thomas | Aye |

ITEM 6 RESOLUTION 18-63, TASK ORDER #2 DAG ARCHITECTS ARCHITECTURAL & DESIGN SERVICES FOR FIRE STATION BUILDING AND BUDGET AMENDMENT #12. Mr. Davis read Resolution 18-63 by title. The Mayor asked if there were any questions or comments; there were none. **Councilman Solis made the motion to approve Resolution 18-63. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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| Councilwoman Strange | Aye |
| Councilman Solis | Aye |
| Councilman Reichard | Aye |
| Councilman Chester | Aye |
| Mayor Thomas | Aye |

ITEM 7 PEDESTRIAN CROSSWALK AT NORTH PIER PARK- DISCUSSION.

Ms. Jenkins explained that Staff had looked at two locations for the pedestrian crosswalk near Palmetto Trace and determined that the location near the entrance to Frank Brown Park was the better choice. She said it would have more pedestrian traffic going to and from the Park as well as the shopping center. Ms. Jenkins said the estimate for the cost would be Twenty-Five Thousand Dollars (\$25,000) which included the striping, removing the curb and gutter for handicap access, adding signage and removing the landscaping. She mentioned adding an alternative for the flashing beacons at the additional cost of Forty Thousand Dollars (\$40,000). She stated that the drawings could be prepared in-house and then the project let for bid. Ms. White had confirmed there were funds available in reserve for the project.

Councilman Solis asked if she was aware of any safety grants for the flashing beacons and Ms. Jenkins said none to her knowledge. Mayor Thomas asked if the speed limit in that area was 25 mph and Ms. Jenkins replied affirmatively. Councilwoman Strange said most drove well over that speed limit. **Councilwoman Strange made the motion to approve going out for bids for the pedestrian crosswalk. Second was by Councilman Chester.** Councilwoman Strange asked if the beacons could also be bid and Mr. Gisbert stated that the bid package could include the flashing beacons as an add alternate. **The motion passed by unanimous roll call vote recorded as follows:**

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|-----------------------------|------------|
| Councilwoman Strange | Aye |
| Councilman Solis | Aye |
| Councilman Reichard | Aye |
| Councilman Chester | Aye |
| Mayor Thomas | Aye |

ITEM 8 PUBLIC INFORMATION OFFICER- DISCUSSION.

Mayor Thomas said he thought the City needed a full-time Public Information Officer. Councilman Reichard said he had been trying to have the position approved since 2010. Councilwoman Strange agreed but did not think a full-time position was needed. Mayor Thomas said the City needed a full-time person because they would be able to make people understand the issues. This person would also be able to market and talk with schools to fill the upcoming vacancies in the Fire and Police Departments. He continued that the County had a very good PIO but she also had other duties. Councilman Solis said he thought this position should include other duties as recruitment or helping in other departments. He said he could see the need if the position was a combination.

Councilwoman Strange said she thought this should be a part-time position and the City Manager could do the PIO duties. Discussion ensued. Councilman Solis said he would agree for a full-time person if they were assigned additional duties such as recruitment. Councilman Chester said he thought it was a good idea. **Councilman Solis made the motion to approve the Public Information Officer job description with additional duties as required. Second was by Councilman Chester and the motion passed by majority roll call vote recorded as follows:**

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| Councilwoman Strange | Nay |
| Councilman Solis | Aye |
| Councilman Reichard | Aye |
| Councilman Chester | Aye |
| Mayor Thomas | Aye |

ITEM 9 BAY PARKWAY EXTENSION-DISCUSSION. Mr. Gisbert said with the recent Half-Cent Sales Tax, the City had accumulated approximately \$1.7 Million Dollars for projects. During the Budget Workshops, \$1.2 Million Dollars had been set aside in Reserves for this project. He continued that a \$2.1 Million Dollar FDOT Grant was available in March if the land was already in the City's possession. Mr. Gisbert said in his conversations with the St. Joe Company, seventy-four (74) acres were available at the appraisal price of Ten Thousand Dollars (\$10,000) per acre which would have to be checked. The St. Joe Company would like a transfer of road concurrency rather than a monetary transfer.

Mr. Gisbert said he had also been working with Bay County for their commitment of a portion of their Half-Cent Sales tax, and they have committed to \$3.5 Million Dollars in matching funds over two years once the road was built. He said there were sufficient funds to build the extension ahead of the County's funding.

He said he hoped to have the Council's direction to advertise a RFQ for the design work for this project, and then return in a month with a price for that design work. He explained about fast-tracking the project, with the permit being expedited because of being able to use the St. Joe Company's general permit and not apply for a FDEP Corps of Engineers permit.

Councilwoman Strange asked the location of the land. The Mayor stated the land went down the Power Line to Nautilus. Mr. Gisbert said it was the continuation of the Bay Parkway that currently turned south at North Pier Park. Councilman Reichard asked Mr. Gisbert if he and Mr. Davis were confident the land transfer could be accomplished by the end of March to qualify for the FDOT Grant. He replied affirmatively and also parcels would be set aside for wetlands. At the request of Councilman Reichard, Mr. Gisbert explained roadway concurrency and credits. He emphasized these were not Impact Fee credits.

Councilman Solis mentioned this project was a #2 priority on the TPO list, and the ability to receive the \$2.1 Million Dollar Grant was a positive. He said Bay Parkway would help the City greatly regarding traffic with the ability of people to go from SR79 to Nautilus and bypass the Pier Park area. He did not oppose swapping concurrency fees for the land, especially with the County committing the \$3.5 Million Dollars. Mayor Thomas explained the \$3.5 Million Dollars and the reasons behind that offer. **Councilman Solis made the motion to authorize the City Manager to sign the Agreement with the County, advertise for the engineers and make the deal for the concurrency swap for the land with St. Joe Company.** Mr. Gisbert said this was the first step and the roadway would be completed within two years. **Second was by Councilman Reichard.** Councilwoman Strange made comments about land deals with St. Joe. Councilman Reichard mentioned getting the land at a considerable discount due to the concurrency swap. Mayor Thomas said the City had to deal with St. Joe as they owned the land. **The motion passed by unanimous roll call vote recorded as follows:**

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| Councilwoman Strange | Aye |
| Councilman Solis | Aye |
| Councilman Reichard | Aye |
| Councilman Chester | Aye |
| Mayor Thomas | Aye |

DELEGATIONS

Mayor Thomas explained the delegations period and opened this portion of the meeting at 6:53 P.M.

1 Mr. Gary Beck, 10270 Front Beach Road. Mr. Beck spoke of the Federal law suit served after the BP oil spill. He mentioned concentration camps, forced medications and media coverup. He handed papers to the media.

2 Mr. Paul Dalton, 107 Manistee. Mr. Dalton thanked the City for the Police Officer positions being posted.

← amended 2-22-18 by Mayor Thomas that City is trying to fill vacant Police Officer positions as quickly as possible but applications are few.

3 Mr. Burnie Thompson, 301 Lullwater Drive Mr. Thompson commented that a Public Informational Officer should be a full-time job but filling the vacant Police Officer positions should be more important. Regarding the City Clerk, Mr. Thompson continued that it was not proper for Ms. Smith to still be Secretary to the City Manager. He commented that Councilman Solis had served him with a Cease and Desist letter and questioned if the City Attorney had helped him draft the letter.

With no further comments, the Delegations portion of the meeting was closed at 6:59 P.M.

Mr. Davis had no report.

Mr. Gisbert said the City website included job opportunities and that the Public Information Officer position would be posted as soon as possible.

Councilman Reichard had no comments. Councilman Chester thanked the other Council members for signing the Proclamations for the outstanding students at Arnold High School being recognized by the Optimist Club. Councilman Solis said he prepared the Cease and Desist letter himself with no City attorneys involved. Mayor Thomas made comments about the gauge used to determine the number of Police Officers needed for the City, and by that determination, the number of officers was only about half of what was required. However, for about seven months during the year, the number of officers was exactly what was needed. He said during the peak time of Spring and Summer, the City used mutual aid and obtained the extra officers as needed, without having to pay City benefits such as Workers Comp or retirement. Mayor Thomas spoke of the 1% Gross Sales Tax being challenged in the lawsuit, and the City knew it was coming. He said if the City lost the 1% Gross Sales Tax, everyone would be assessed an Ad Valorem Tax. He said the City was fortunate in not having to have an Ad Valorem Tax.

The meeting was adjourned at 7:05 P.M.

READ AND APPROVED this 22nd of February, 2018.

IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.



Mayor

ATTEST:



City Clerk