

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 July 26, 2018.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

JO SMITH

CITY ATTORNEY:

AMY MYERS

Mayor Thomas called the Regular Meeting to order at 9 A.M. with Council Members, City Manager, City Clerk and City Attorney present.

Pastor Ramon Duvall of the Beachside Fellowship Church gave the invocation and Councilman McConnell led the Pledge of Allegiance.

Mayor Thomas announced the upcoming Community Events.

The Minutes of the Special Meeting for the Height Incentive Application of July 12<sup>th</sup> and the Regular Meeting of July 12, 2018 were read. **Councilman Casto made the motion to approve the Minutes as prepared. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

Mayor Thomas asked if there were any additions or deletions to the Agenda. There were none. **Councilman Solis made the motion to approve the Agenda as prepared. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

#### **PRESENTATIONS**

**1 "AMERICANS WITH DISABILITIES ACT" PROCLAMATION & PRESENTATION.** Councilman McConnell welcomed Ms. Pam Dorworth, ADA representative, to the podium as he read the Proclamation declaring July 26, 2018 as the 28<sup>th</sup> Anniversary of the ADA. Ms. Dorworth thanked the Council for the Proclamation.

**2 DUCK RACE FOR BEACH CARE SERVICES.** Councilman McConnell welcomed Mr. Skip Stoltz, Beach Care Services President, to the podium. Mr. Stoltz spoke of the upcoming Duck Race on August 7<sup>th</sup> at Laketown Wharf Resort, a fund raiser for Beach Care Services.

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

Mayor Thomas opened the Public Comments section of the meeting at 9:07 A.M. and invited comments. There were none.

#### **CONSENT AGENDA**

Ms. Smith read the Consent Agenda Items by title.

**1 "NATIONAL KOREAN WAR VETERANS ARMISTICE DAY" PROCLAMATION.**  
"A Proclamation honoring July 27<sup>th</sup> as "National Korean War Veterans Armistice Day" in Panama City Beach."

**2 ORDER 03-CU-18, DENIAL OF HEIGHT INCENTIVE REQUEST FOR 16515 FRONT BEACH ROAD, CALA DEVELOPMENT GROUP, LLC.** “The City Council of the City of Panama City Beach, being fully advised in the premises and having held a public, legislative hearing on this matter on July 12, 2018, orders that the Applicant’s Height Incentive Request is hereby DENIED.”

**3 ORDER 03-PL-18, APPROVAL OF THE MOONRAKER PLAT.** “After having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this matter on July 12, 2018, the City Council orders that the subject request to subdivide the land is hereby GRANTED and the captioned plat of MOONRAKER is hereby APPROVED.”

**4 RESOLUTION 18-117, BID AWARD-2018 JANITORIAL SERVICES.** “A Resolution of the City of Panama City Beach, Florida, approving an Agreement with TCS related to janitorial services for certain City buildings; and providing an effective date.”

**5 RESOLUTION 18-118, TASK ORDER #2018-02 DEWBERRY ENGINEERS, UTILITY ENGINEERING SERVICES FOR UTILITIES RELOCATION ALONG THOMAS DRIVE AND BEACH DRIVE.** “A Resolution of the City of Panama City Beach, Florida, approving Task Order #2018-02 to the Master Services Agreement with Dewberry Engineers, Inc., related to the relocation of utilities along Thomas Drive and Beach Drive in the amount of \$264,800; authorizing execution and providing an immediately effective date.”

**6 RESOLUTION 18-120, BID AWARD- THOMAS DRIVE MANHOLE REPLACEMENT PROJECT.** “A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Royal American Construction Co., Inc., related to the Panama City Beach Thomas Drive Manhole Replacement Project in the amount of \$448,862; authorizing execution and providing an immediately effective date.”

**7 RESOLUTION 18-121, ANNUAL WONDERWARE SOFTWARE SUPPORT RENEWAL FROM INSOURCE SOLUTIONS.** “A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Insource Solutions, relating to the purchase of the annual renewal of Wonderware Software License Support and Services in the amount of \$24,698.38; and providing an effective date.”

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

Councilman McConnell	Aye
Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Mayor Thomas	Aye

#### REGULAR AGENDA

**ITEM 1 ORDINANCE 1463, PROHIBITING LOITERING AND OTHER CERTAIN ACTIVITIES AT PUBLIC TRANSIT SHELTERS, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** Ms. Myers read Ordinance 1463 by title. The Mayor asked if there were any questions by the Council members; there were none. He opened the Public Hearing at 9:11 A.M. and invited comments. There were none. He closed the Public Hearing at 9:12 A.M. Councilman McConnell made the motion to approve Ordinance 1463. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman McConnell	Aye
Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Mayor Thomas	Aye

**ITEM 2 RESOLUTION 18-116, SALE OF SURPLUS CITY PROPERTY, 506 ARGONAUT ST.** Ms. Myers read Resolution 18-116 by title and stated this purchase price was 90% of the appraised price. The Mayor asked if there were any questions or comments by the Council members. There were none. Councilman Casto made the

**motion to approve Resolution 18-116. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

**ITEM 3 RESOLUTION 18-119, RANKING OF FIRMS FOR CONTINUED ENGINEERING SERVICES FOR GENERAL WATER, SEWER, AND RECLAIMED UTILITIES.** Ms. Myers read Resolution 18-119 by title. The Mayor asked if there were any comments by the Council members; there were none. **Councilman Chester made the motion to approve Resolution 18-119. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

**ITEM 4 RESOLUTION 18-122, EMERGENCY PURCHASE OF BLOWERS FOR WWTP.** Ms. Myers read Resolution 18-122 by title and explained the finding of emergency for the purchase of the two blowers. The Mayor asked for comments from the Council members; there were none. **Councilman Chester made the motion to approve Resolution 18-122. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

**ITEM 5 PARKS & RECREATION BOARD APPOINTMENTS.** Ms. Myers said at the last meeting, a Resolution was discussed establishing a Parks & Recreation Board. However, the City also had an Ordinance which preceded this Resolution by about 20 years which had different terms, manners of appointments and purposes. She explained the terms of the seats created by Ordinance with its broad powers. The appointments by the Council members were as follows:

Councilman McConnell-	Ms. Gayle Oberst	2 years
Councilman Solis-	Mr. Rick Ramos	3 years
Councilman Casto-	Mr. Bill Logsdon	2 years
Councilman Chester-	Mr. Ted Schoppe	3 years
Mayor Thomas-	Will announce at the next meeting	

Mayor Thomas said his choice had not yet confirmed his acceptance and that he would name his choice at the next meeting. **Councilman Chester made the motion to approve the four names. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

#### **DELEGATIONS**

Mayor Thomas explained the Delegations period and opened this portion of the meeting at 9:20 A.M.

1 Mr. Burnie Thompson, 17292 Front Beach Road. Mr. Thompson commented about Councilman McConnell stopping traffic in Palmetto Trace and questioned his authority to do so. He mentioned an Attorney General Opinion about "no thru traffic" signs.

2 Mr. Michael Steinbrucher, 618 Evergreen. Mr. Steinbrucher made comments about a possible Vacation Rental Compliance Department and its benefits to the City, citizens and public safety.

3 Mr. Mike Minnick, 101 Windsor Way. Mr. Minnick commended Councilman McConnell for his actions in Palmetto Trace on behalf of the neighborhood. He spoke of drivers using the subdivision as a cut through street making it unsafe for the children. He also said the HOA was planning to come to the Council with a possible solution at a later meeting.

4 Mr Tom Klomps, 614 Poinsettia. Mr. Klomps said the traffic within the subdivisions was getting worse, with drivers driving on the shoulders. He asked the Council to address the traffic. He asked the Mayor to explain the CRA budget.

5 Mr. Nicholas Dorfer, Oxford Avenue, Palmetto Trace. Mr. Dorfer mentioned the drivers speeding through the subdivision and the danger to children. He spoke of the traffic backup within the subdivision becoming worse. He said he appreciated Councilman McConnell's efforts.

6 Ms. Josie Strange, E. Lullwater Drive. Ms. Strange said the traffic issue had been a concern and fight for the last ten years. She said all of the old subdivisions had traffic problems.

7 Mr. Matthew Bush, 170 Crane St. Mr. Bush asked what would happen if a civilian stopped traffic and what right did a civilian have to do so.

With no further comments, the Delegations portion of the meeting was closed at 9:30 A.M.

### **CITY COUNCIL COMMENTS**

Councilman McConnell made comments about his actions in Palmetto Trace, that he received no personal benefit and that the residents did not lose their right to petition their Councilman for help merely because he lived there. He mentioned his thoughts of long-term and short-term solutions, with the proposed Bay Parkway extension to Nautilus helping alleviate some of the congestion.

Councilman Solis spoke of his efforts with the TPO having Panama City Beach Parkway designated as a SIS roadway, with traffic improvements being a process. He spoke of the City's plan to build the Bay Parkway extension which would significantly help Palmetto Trace. He urged the residents to attend the FDOT meetings, write letters and voice their support for additional road projects. He added that the City could not deny any building projects because of traffic.

Councilman Casto said in the past, roads had been closed during Spring Break to only allow local traffic. He asked Ms. Myers if that would be a solution. Ms. Myers responded that the Council had the authority to regulate and control the traffic but it depended upon the circumstances how the Council and City Manager could use that authority.

Councilman Chester mentioned the upcoming Beach Fire/Rescue 9-11 Stairclimb set for September 8<sup>th</sup> at Laketown Wharf.

Mayor Thomas mentioned the additional turn lanes on Panama City Beach Parkway and the extension which should be completed within eighteen months. He reminded that Panama City Beach Parkway was a State roadway and FDOT generally only dealt with failed roads.

Regarding the CRA, Mayor Thomas explained that the bonds plus the Interlocal Agreement between the County and City required a Non- Ad Valorem assessment for maintenance. He said Segment 1 was approximately four years old, Segment 2 being constructed now, and the surveying in progress for Segment 3. He explained that the City made an Agreement 15 years ago that to avoid placing a burden on all residents that the assessment would be placed on the people who benefitted most from the improvement. Mayor Thomas said every Council knew that requirement since inception and that he had brought up the fact twice already and would bring the matter up again during the Budget Workshop. He said if there was no assessment, the City would not be able to maintain the landscaping of the new roads, repairs would not be done, and irrigation would not be repaired. He said the City was obligated by law to create a system to pay for this maintenance. He said he did not believe the CRA projects would be completed within the 30 years and that an extension of the bonds would not be granted if the City did not follow the rules and have the assessment.

### **ATTORNEY REPORT**

Ms. Myers said the City received the final judgement in the Scooter case, meaning essentially that the City won the first round of the lawsuit at the local level. She understood that an appeal had already been filed in the District Court of Appeals. She congratulated Mr. Cole Davis for leading this case and Mayor Thomas said good job.

**CITY MANAGER REPORT**

Mr. Gisbert announced the job postings and the one Bid posted. He also distributed a printout of the construction working documents, with five projects under construction. Mr. Shortt explained the County Thomas Drive Resurfacing project with the City being required to move utilities. He said it would be approximately \$3.5 Million Dollars for Thomas Drive and Beach Drive. Mr. Gisbert detailed the other above-ground and underground construction projects and their percentage of completion. He added that CRA Segment 3 was planned for construction release in Fall 2019.

Councilman Solis mentioned the CRA dedicated trolley lanes and that tourists used the trolleys and left the cars in the parking lot. This would help stop the thru traffic.

Mayor Thomas said at the Height Incentive Hearing, the Council denied the application and other applications were being submitted. He suggested that the Council instruct Staff not to accept any future applications. Ms. Myers questioned if the Council directed her to prepare a moratorium. She said the Council could publicly announce that the Council's intention, direct Staff not to accept future applications starting today and direct her to prepare a moratorium which would memorialize those actions. Councilman Chester asked how many incentive applications were already submitted and Mayor Thomas said five (5). Discussion ensued. Mayor Thomas said the City could not enforce the incentives once approved. **Councilman McConnell made the motion to not accept future incentive applications and to direct legal to prepare a moratorium. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>


The meeting was adjourned at 10:12 A.M.

READ AND APPROVED this 9<sup>th</sup> of August, 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:

  
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City Clerk