

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 June 27, 2019.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

MARY JAN BOSSERT

CITY ATTORNEY:

AMY MYERS

Mayor Thomas called the Regular Meeting to order at 9 a.m. with all Councilmen, the City Manager, City Clerk, and City Attorney present.

Pastor Wayne Asprodites of Destiny Worship Center gave the invocation and Councilman McConnell led the Pledge of Allegiance.

Mayor Thomas announced the upcoming Community Events.

The Minutes of the Regular Meeting June 13, 2019 were read. **Councilman Casto made the motion to approve the Minutes as written. 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> |

Mayor Thomas asked if there were any additions or deletions to the Agenda. Councilman Solis requested add discussion of water safety during double red flags. Mr. Gisbert requested to add two updated Information Technology job descriptions. **Councilman McConnell made the motion to approve the agenda with the additions. 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> |

#### **PRESENTATIONS**

1 **UTILITIES DEPARTMENT UPDATE.** Mr. Shortt gave a PowerPoint presentation on the Utilities Department. He explained the department's mission is to responsibly provide high levels of customer service to the community and preserve our environment. He provided a detailed breakdown of the Utilities Department's consists of six divisions.

Mr. Shortt explained the City has the lowest combined water and sewer rate in Bay County. Mr. Shortt provided a detailed presentation on the current state of the City's system and areas of future growth including the City's 152 lift stations and the possibility of future projects to extend the sewer system to Laguna Beach that is currently served by septic systems. Mr. Shortt explained the most immediate need is the capability to attract and retain qualified entry-level personnel. He suggested giving a short-term incentive to new employees. Councilman Solis noted the City's excellent benefits and hoped the City was highlighting those benefits to potential applicants. Councilman McConnell thanked the department for their work as unsung heroes in restoring service following Hurricane Michael. The Council thanked Mr. Shortt, for his excellent leadership and his department's performance. Discussion ensued.

2 **OWEN BEITSCH – RIGHT-OF-WAY ASSESSMENT.** Ms. Myers introduced Dr. Owen Beitsch and his company's work for the City. Mr. Beitsch explained the need for a CRA right-of-way assessment due to the capital costs of project infrastructure, along with continued administrative, operational, and maintenance expenses. He explained the assessment would only apply to those parcels inside the Front Beach Road CRA district. Dr. Beitsch explained that under the proposed formula the assessment would be \$5 per parcel. Discussion ensued.

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

Mayor Thomas opened the Public Comments section of the meeting at 10:20 a.m. and invited comments. There were none. He closed the Public Comments at 10:20 a.m.

**CONSENT AGENDA**

Ms. Bossert read the Consent Agenda Items by title.

**ITEM 1 RESOLUTION 19-97, BID AWARD – THOMAS DRIVE AND BEACH DRIVE UTILITIES IMPROVEMENTS PHASE 1.** *"A Resolution of the City of Panama City Beach, Florida approving an agreement with Gulf Coast Utility Contractors, LLC related to the Thomas Drive and Beach Drive Utilities Improvements – Phase I, In the total amount of \$2,038,510."*

**ITEM 2 RESOLUTION 19-98, PIER PARK ROAD CLOSURES – 4TH OF JULY.** *"A Resolution of the City of Panama City Beach, Florida authorizing temporary closures of a portion of Pier Park Drive on July 4, 2019, for the "Star Spangled Spectacular" Event."*

**Councilman Chester made the motion to approve the Consent Agenda. 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> |

**REGULAR AGENDA**

**ITEM 1 RESOLUTION 19-99, RIGHT OF WAY ASSESSMENT DIRECTORY RESOLUTION.** Ms. Myers read Resolution 19-99 by title. Councilman Chester asked Mr. Campbell to approach the podium. Councilman Chester asked if the CRA roads are controlled by the Florida Department of Transportation. Mr. Campbell explained the majority of Front Beach Road is under DOT control with the exception of the completed CRA segments. Ms. Myers stated a primary objective of the CRA is funding and financing of the CRA. She explained the Council has executed every funding alternative contemplated at the CRA's creation except a right of way assessment.

Councilman McConnell explained the reason he ran for office was his belief that the City did not historically keep up with the infrastructure costs and maintenance. He commented if the City delays this process, it will hurt the community financially. The system needs to be maintained and it's the Council's responsibility to plan ahead for cost and maintenance.

**Councilman McConnell made the motion to approve Resolution 19-99. Second was by Councilman Solis 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 2 RESOLUTION 19-100, SETTING SUMMER SPECIAL MEETINGS.** Ms. Myers read Resolution 19-100 by title. There were no comments.

**Councilman Chester made the motion to approve Resolution 19-100. 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> |

**Councilman Chester      Aye**  
**Mayor Thomas            Aye**

**ITEM 3      RESOLUTION 19-101, BUDGET AMENDMENT FOR PURCHASE OF 156 ESCANABA AVENUE.** Ms. Myers read Resolution No. 19-101 by title. There were no comments.

**Councilman Casto made the motion to approve Resolution 19-101. 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 4      ORDINANCE 1492, REPEALING LDC REGULATIONS OF MEDICAL MARIJUANA, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1492 by title. Mayor opened the Public Hearing at 10:31 a.m. for comments from the audience. There were none. He closed the Public Hearing at 10:31 a.m. The Mayor asked if there were any Council questions or comments. There were none.

**Councilman McConnell made the motion to approve Ordinance 1492. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 5      DOUBLE RED FLAG DISCUSSION.** Councilman Solis handed out Bay County's current Ordinance for the double red flag system which, compared to City ordinance, provides for citation and arrest of swimmers in the Gulf of Mexico during double red flags. He asserted that any rule with no enforcement mechanism is useless and explained that double red flags close the water to the public. Under the current code, City officers cannot cite people for going into the water during double red flags. Councilman Solis explained that several drownings this summer occurred during double red flags. Councilman Solis pointed out that some of the victims were those attempting to rescue others in distress. Councilman Solis asserted that an arrest of a swimmer in dangerous conditions sends a deterrent message to others in the area. Councilman Solis asked to move forward with an Ordinance providing enhanced enforcement tools. Ms. Myers proposed to put a rule in place that makes it unlawful to disobey the lawful order of a police official or a fire rescue official acting on behalf of the City.

Councilman Casto called Deputy Chief Lindsey to the podium. He asked if the Police Department had enough staff to enforce an Ordinance. Deputy Chief Lindsey stated they do not have enough staff; they would need a minimum of at least seven people to use as primary Beach Patrol. Mayor Thomas disagreed. Councilman Solis explained they increased the department by thirteen officers in the last three years, and felt staffing levels were up to the task. Deputy Chief Lindsey commented he understands the frustration of not being able to enforce this issue. Councilman Casto suggested an Amber Alert be sent out about double red flag and adding some education about double red flags to the beach services at condos that already hand out brochures and flyers daily, it is a good tool to get the information out to the public. He stated the new fire station and its employees will be a big plus to assist on this issue. Councilman McConnell commented he would like to see buoys at each service spot and Bay Alerts go out and the importance of using all available resources. He commented we are understaffed for the City of our size. Councilman Chester stated he will consult with the Tourist Development Council on some possible advertisements. Councilman Casto stated we must continue making progress as the community grows. He is excited about the Fire Department taking over Beach and Surf. Discussion ensued.

**Councilman Solis made the motion to instruct Staff to write an Ordinance enforcing double red flags. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:**

**Councilman Casto            Aye**  
**Councilman Chester        Aye**

**Councilman McConnell   Aye**  
**Councilman Solis        Aye**  
**Mayor Thomas            Aye**

**ITEM 6        INFORMATION TECHNOLOGY JOB DESCRIPTIONS UPDATE.** Mr. Gisbert explained IT staff is performing functions above what is outlined in their current job descriptions. Staff is requesting the job descriptions to be updated to reflect the current job functions.

**Councilman Casto made the motion to approve the job descriptions. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

#### **DELEGATIONS**

Mayor Thomas explained the Delegations period and opened this portion of the meeting at 11:02 a.m.

1        Burnie Thompson, 17292 Front Beach Road. Mr. Thompson spoke in opposition of stricter enforcement during double red flags. He asked the Council to listen to the listen to law enforcement about arrests and Councilman Casto about water safety. He questioned Councilman Solis's primary residence in Florida.

2        Collen Swab – 13416 Front Beach Road. Ms. Swab stated she is opposed to Resolution 19-99. She requested clarification on the special assessment.

3        Genese Hatcher – 203 S Wells Street. Ms. Hatcher spoke in favor of stricter double red flag enforcement. She suggested that civil citations could cover the cost of additional officers. She suggested several ways people could be informed and have receipt of their acknowledgment of a red flag policy when they check in to surrounding hotels. She commented rules are there to be enforced. She argued the rule of no dogs on the beach is not being enforced.

4        Rex Reid – 202 Gulf Lane. Mr. Reid commented parents should be arrested for child endangerment for letting the children in the water. He commended the great job by the Police Department. He explained he just put in a sewer line that goes to six lots, he is limited to five years of capturing the costs. In his opinion, he should be able to recapture the cost as long as he owns the property.

With no further comments, Mayor Thomas closed the Delegations period at 11:12 a.m.

#### **ATTORNEY REPORT**

Ms. Myers stated she had no report.

#### **CITY MANAGER REPORT**

Mr. Gisbert read the open bids and available jobs.

#### **COUNCIL COMMENTS**

Mayor Thomas answered Ms. Swabs' concern about the CRA right-of-way assessment. He explained the City is following through with the obligation to maintain what was built.

Councilman Casto questioned if surfers must leave the waters. Ms. Myers explained it will be up the Officer's discretion.

Councilman Chester had no comments.

Councilman Solis explained he lives in Panama City Beach. He commented he does visit Texas because he has family in the area.

Councilman McConnell explained it costs about \$100,000 per officer every year, he doubts the officers will write that many fines to cover their salary as commented by Ms. Hatcher.

With nothing further, the meeting was adjourned at 11:18 a.m.

READ AND APPROVED this 11<sup>th</sup> of July, 2019.

**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