

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, conducted on May 22, 2014.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
JOSIE STRANGE
KEITH CURRY

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
HOLLY J. WHITE
CITY ATTORNEY:
DOUG SALE

Mayor Oberst called the meeting to order at 2:00 P.M., with Councilman Reichard, Councilwoman Strange, Councilman Curry, the City Manager, City Clerk and City Attorney present.

Mayor Oberst gave the invocation and led the pledge of allegiance.

The Mayor asked if there were any additions or deletions to the Agenda. Hearing none, **the Agenda was accepted as prepared.**

The Regular Minutes April 24, 2014 were **read and approved as written per motion by Councilwoman Strange. Second was by Councilman Curry and the motion passed by unanimous roll call vote of those present recorded as follows:**

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| Councilwoman Strange | Aye |
| Councilman Curry | Aye |
| Councilman Reichard | Aye |
| Councilman Russell | Absent |
| Mayor Oberst | Aye |

CONSENT AGENDA

1 MEMORIAL DAY. "A Proclamation honoring Monday, May 26, 2014 as Memorial Day in PCB." Flags will be half-staff until noon that day.

2 RESOLUTION 14-66, CONSULTING AND WEBSITE HOSTING SERVICES FOR FY 2014-2015 NON AD VALOREM STORMWATER ASSESSMENT ROLL. "BE IT RESOLVED that the appropriate Officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and ENNEAD LLC, relating to consulting and website hosting services required to prepare and update the City non ad valorem stormwater assessment roll, in the base amount of \$12,000.00, in substantially the form presented to the Council today, draft dated May 5, 2014, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval."

3 RESOLUTION 14-70, BIDS- NSA-PC REGIONAL LIFT STATION NO. 59 REHABILITATION PROGRAM. Staff budgeted funds this year to rehabilitate the City's wastewater lift station located at NSA Panama City (the Navy base) on Thomas Drive. The lift station was constructed in 1996 to serve the entire base and, due to age and wear, needs to have most of the station components replaced with the exception of the electrical panels and emergency power generator. Baskerville-Donovan, Inc. is the City's engineering consultant for the project and completed all design and permitting necessary to bid the construction work. The main structural components were redesigned to provide better operating conditions and easier maintenance access.

The project was publically advertised and three (3) bidders responded with sealed bids by the required date and time. Each bid was publically opened on May 15th beginning at 10:00 A.M. After reviewing the bid documents, Baskerville-Donovan recommends that the Base Bid be awarded to the low bidder, Marshall Brothers Industrial Inc., for the base contract amount of \$649,990.00. The consultant's recommendation and bid tabulation are attached for review. STAFF CONCURS with the award recommendation and FURTHER RECOMMENDS approval by Council. STAFF FURTHER RECOMMENDS Council approval of additional \$24,000.00 in contingency funds to operate, if circumstances require, the specified temporary sewer bypass system up to 30 days beyond the included contract time at the unit bid cost of \$790.00 per day. A draft construction agreement is also attached for review. The Wastewater Utility has sufficient funds available to enter into a contract for the work, and the project is included in the current fiscal year budget. Work is expected to be complete within seven months after award of the contract. 'BE IT RESOLVED that the appropriate Officers of the City are authorized to execute and deliver on behalf of the City that certain Construction Agreement between the City and Marshall Brothers Industrial, Inc., relating to the Navy Base Regional Lift Station No. 59 Rehabilitation Program, in the base amount of \$649,990.00, to perform all work for the Navy Base Regional Lift Station No. 59 Rehabilitation Program and in addition \$24,000.00 in contingency funds to operate, if circumstances require, the specified temporary bypass system up to 30 days beyond the included contract time at the unit bid cost of \$790.00 per day, in substantially the form presented to the Council today, draft dated May 22, 2014, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval.'

Ms. White presented the Consent Agenda by title. Councilman Reichard made the motion to approve the Consent Agenda. Second was by Councilwoman Strange. The Mayor called for comments and there were none. The motion passed by unanimous roll call vote of those present recorded as follows:

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|----------------------|--------|
| Councilwoman Strange | Aye |
| Councilman Curry | Aye |
| Councilman Reichard | Aye |
| Councilman Russell | Absent |
| Mayor Oberst | Aye |

REGULAR AGENDA

1. ITEM NO. 1 RESOLUTION 14-43, BUDGET AMENDMENT #11 FOR RETIREE ACCRUED SICK AND ANNUAL LEAVE, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 2:07 P.M. Mr. Sale read Resolution 14-43 by title. Mr. Gisbert explained that this matter involved Police Captain Ron Crowson who had decided to retire early and that a Budget Amendment was required to fund the vested Sick and Annual Leave hours. The Mayor asked if there were any questions from the Council.

Councilman Curry asked about the unfunded mandate for the Sick and Annual Leave Policy as a whole, not specifically Captain Crowson's. He said in September 2012, the City had a \$3.2 Million Dollar unfunded mandate for the Sick and Annual Leave. As of September 2013, that amount had risen to \$3.6 Million Dollars and he asked what plans were in place to either fund the amount or to change the policy. Mr. Gisbert replied that last year during the Budget process, Four Hundred Thousand Dollars (\$400,000) was allotted to begin funding this benefit. At the Council's direction, he said Staff would look at addressing the funding and/or changing the overall policy. He continued that Staff had already looked at what Bay County was doing as well as Orlando and several other municipalities. Mr. Gisbert added that he received input this morning from the City Manager/County Manager breakfast and there were some new trends which could be explored. Councilman Curry asked if the other Council members were concerned and all of the other Council members said yes.

Mayor Oberst added that this was a good idea to explore before going into the Budget process this summer, as well as looking at some of the other benefits. She asked if there were any questions or comments from the audience; there were none.

Councilwoman Strange made the motion to approve Resolution 14-43. Second was by Councilman Curry. The Mayor called for comments and there were none. The motion passed by unanimous roll call vote of those present recorded as follows:

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| Councilwoman Strange | Aye |
| Councilman Curry | Aye |
| Councilman Reichard | Aye |
| Councilman Russell | Absent |
| Mayor Oberst | Aye |

The Public Hearing was closed at 2:10 P.M.

2. ITEM NO. 2 RESOLUTION 14-60, BIDS-POLICE DEPARTMENT FDOT COMPREHENSIVE TRAFFIC ENFORCEMENT (CTEP) GRANT PURCHASES. Mr. Sale read Resolution 14-60 by title. Mr. Gisbert explained that this was part of the Grant matter approved at the last meeting and at that time, there had not been sufficient time to receive the bids for the purchases. Bids were opened last Friday which was the reason the Agenda Packet was late so that the Resolution could be included for this meeting. The Grant came with deadlines in order to purchase the equipment. The Mayor asked if there were questions or comments from the Council members or audience; there were none. **Councilman Curry made the motion to approve Resolution 14-60. Second was by Councilman Reichard.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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|-----------------------------|---------------|
| Councilwoman Strange | Aye |
| Councilman Curry | Aye |
| Councilman Reichard | Aye |
| Councilman Russell | Absent |
| Mayor Oberst | Aye |

3. ITEM NO. 3 RESOLUTION 14-63, COMPREHENSIVE CLASSIFICATION AND COMPENSATION STUDY. Mr. Sale noted there were two versions of Resolution 14-63 and that the City Manager had stated that Staff recommended the adoption of the higher bid for reasons noted in the memorandum.

Councilman Reichard said he understood taking the higher price would use a different firm than the one who conducted the initial pay study from years ago. Mr. Gisbert said yes, this would be a new set of eyes which hopefully would be able to offer new ideas and new comparables from other cities that they serviced. The Department Heads reviewed the two proposals and all selected the higher priced firm. Once the Council approved the proposal, Mr. Gisbert would be able to negotiate with that firm.

Councilman Curry asked who would be the project manager for this matter. Mr. Gisbert said either himself or Mr. Alaghemand. Councilman Curry asked if there was a City internet to disseminate the information to all employees. Mr. Gisbert explained a mass mail out would work and for those who did not use/have access to computers, one would be provided. Councilman Curry asked if the City had a regular performance evaluation plan and Mr. Gisbert replied that it did not but that was one of the items provided by this firm. Councilman Curry said he personally did not believe the City had the resources as he felt the City did not have the proper staffing to maintain the system. He continued that he liked this proposal as once it was in place, a future pay study would not be required because the HR professional or whomever would maintain it. Mr. Gisbert said this was another feature that the lower priced firm did not supply. He said for right now, the City would make do with the existing personnel.

Councilwoman Strange recommended negotiating a lower price. Mr. Gisbert said he could not work with any firm until the Council decided on the firm. The Mayor asked for audience comments. There were none.

Mr. Sale asked if the consensus of the Council was for the more expensive firm, Evergreen Solutions LLC. With no objections, Mr. Sale suggested two changes to the Resolution, based upon the comments expressed by the Council members. He suggested adding the phrases "authorized but not required to execute" and regarding price, adding "not to exceed". Mr. Sale then read amended Resolution 14-63 by title.

Councilman Reichard made the motion to approve revised Resolution 14-63 authorizing an agreement with Evergreen Solutions LLC. Second was by Councilwoman Strange. The Mayor called for comments and there were none. The motion passed by unanimous roll call vote of those present recorded as follows:

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|-----------------------------|---------------|
| Councilwoman Strange | Aye |
| Councilman Curry | Aye |
| Councilman Reichard | Aye |
| Councilman Russell | Absent |
| Mayor Oberst | Aye |

4. ITEM NO. 4 RESOLUTION 14-67, REVISING MITIGATION CREDIT DEADLINE FOR FY 2014-2015. Mr. Sale read Resolution 14-67 by title and explained that this would move the deadline forward from late November to August. He said this was the first of the incremental moves proposed by Staff to ultimately move the deadline to Spring in order to determine a final roll when the taxes came out. He said the Assessment Ordinance allowed 60 days after a property was assessed to request mitigation which was the conventional approach. Typically, a credit or mitigation against a one-time assessment would come after the assessment was made. In this case, the assessments were anticipated to be made every year so Staff felt comfortable requiring the people who wanted to take advantage of reducing their assessments by mitigation to come in earlier in the year so that Staff would have a complete tax roll. He said Staff wanted to move the time forward a few months at a time rather than almost eight months in one year. Ms. White concurred with this explanation and added that not many people applied for the mitigation credit.

Councilwoman Strange asked why more people did not apply for the credit. Mr. Shortt explained that part of the reason was lack of information on their part. He said the City advised those who could qualify about the credit and Staff had considered placing information on the website to make it more noticeable to the public. Councilwoman Strange said residential and commercial could apply for this credit. Mr. Shortt indicated anyone with a permitted system was eligible. Mr. Gisbert said that aspect was the key as not many people had permitted systems. Mayor Oberst said most of the subdivisions were old and would not qualify. Mr. Shortt said in some of the older subdivisions like Open Sands, there was not a stormwater system so this mitigation credit would only apply to subdivisions like Palmetto Trace or Breakfast Point which had a regional facility. An individual house or homeowner would not receive the benefit of this mitigation credit. The Mayor asked if there were any further questions or comments; there were none. **Councilwoman Strange made the motion to approve Resolution 14-67. Second was by Councilman Curry.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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|-----------------------------|---------------|
| Councilwoman Strange | Aye |
| Councilman Curry | Aye |
| Councilman Reichard | Aye |
| Councilman Russell | Absent |
| Mayor Oberst | Aye |

5. ITEM NO. 5 ORDINANCE 1313, AMENDING CHAPTER 28, NUISANCE ABATEMENT ASSESSMENTS- DISCUSSION, FIRST READING. Mr. Sale read Ordinance 1313 by title and explained this was a fairly technical Ordinance which made it easier to collect the money from nuisance abatement costs via assessments. The Mayor asked for questions or comments. Hearing none, **Councilman Curry made the motion to approve Ordinance 1313. Second was by Councilman Reichard.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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| Councilwoman Strange | Aye |
| Councilman Curry | Aye |
| Councilman Reichard | Aye |
| Councilman Russell | Absent |
| Mayor Oberst | Aye |

6. ITEM NO. 6 CITY COUNCIL MEETINGS. Councilman Curry said he had received some feedback over the last year regarding Council meetings. One issue involved dissemination of information once a project was approved. He had received comments that coverage on different items was great during the initial meeting but once a project was approved, no further information was given to update the progress of the project. He asked for the Council's view about having the City Manager give a brief update on the ongoing projects, similar to how the County Manager briefed the County Commissioners. Second, regarding venue for large meetings, he said this was a small building and the video system was not the best. Last, he mentioned the times for the meetings. He said he received many comments about the 2 P.M. meeting, that a lot of working people had difficulty coming to the 2 P.M. meeting. He asked for Council comments.

Councilwoman Strange asked if the audio and video equipment would be updated with the new buildings. Mr. Gisbert said this building would not be replaced. He added that the new buildings would be modest but up-to-date technologically, sound, efficient and storm-hardened. He said the new Police Department had drawings almost 90% complete, fine-tuning the antennae system which must be coordinated with Bay County. Mr. Gisbert said Staff was also making modifications to the fueling station and that the City probably did not have the funds to have a brand new fueling station so we would reuse the tank and relocate existing equipment. This would take extra time. He added that our structural engineer was revisiting the structural plans to ensure that the building could withstand a full-fledged storm impact. Mr. Gisbert said more time was being spent on the drawings, but at the end of the day, the stronger the drawings, the stronger the bids and the better the end product. He said the updates from the Department Heads were on his desk for review by any Councilor on what was happening on a month-to-month basis. Mr. Gisbert anticipated that the drawings would be completed in June, with bids in July and potential ground-breaking in August or September. Construction would be about a year for the buildings proper, and then relocate the employees from the current buildings. Once the employees were moved, the old buildings would be demolished. He said total project time would be 14-16 months.

Regarding the website, Mr. Gisbert said it was running and Staff was populating it now. He said once the new site was populated completely, the Department Heads would review and verify, and then the Council would see the new site and review at their leisure. Once reviewed by everyone, then it would be brought to the general public, probably two months out. Mr. Gisbert said some of the things brought out was for Parks and Recreation to include his office on scheduling. For example this weekend, the Park was hosting 65 ball teams and not everyone knew that information. He said one outlook calendar would have those events with the Police Department and Administration having access. This would be a great tool which would ultimately be linked to the new website.

Mayor Oberst suggested that Mr. Gisbert give a brief update at each City Council meeting in future. She added for the audience's benefit that they could go to the existing website and see the previous Council meeting videos. Regarding the equipment, the Mayor suggested asking Staff to obtain a cost for updates. Councilman Reichard said two years ago, the Council had approved exploring improvements to the Annex building with emphasis on the recording equipment. He said for people looking at the meetings on their phones or their home computers, it was embarrassing. Councilman Curry said he had reports about poor sound. Councilman Reichard mentioned about updating the Annex building, and Mr. Gisbert responded that only two facilities were being constructed. The other building would house the Building/Planning Department, the CRA Department, and Engineering. He said that new building will basically be built in front of the existing Water Department and old library building. While that building was under construction, it would displace a majority of the parking in front of those two buildings and parking would be relocated to the gravel area behind the buildings. While building the new Police Department, it would displace the current Utility Department, some of the upfront parking, and a lot of the gravel area behind that building. He explained that so much free area was being displaced that only two buildings could be built at one time.

Councilman Reichard asked what plans were made for the Annex building. Mr. Gisbert said the current Master Plan showed the current phase of improvements, the Police Station and Utility building. The TDC, Fire Department, and the Annex building would stay in place in this phase. Once funds were rebuilt, then the City would revisit improvements for the Annex building and/or the Fire Station. He said one reason why he held back on this building was that he wanted to know exactly how much the new facilities were going to cost. Existing furniture would be used for the new buildings with some small budget increases for the public areas. Mayor Oberst asked

when the City would know those costs. Mr. Gisbert said probably in July. The Mayor suggested waiting until July to see how much was available in the Budget and then to pursue getting new sound equipment.

Councilman Reichard asked about investigating a new sound and video system. Mr. Gisbert said several prices had been received for new sound equipment but he had opted to go with a band-aid. In lieu of replacing the entire sound system at a quote of six to seven thousand dollars (\$6,000-\$7,000), he opted to replace the soundboard at a lesser cost which did make some improvement but not enough. He added that handheld microphones were now available for use at the podium. Based on today's comments, Mr. Gisbert said a complete overhaul was probably needed but he had been waiting until he knew the total cost for the facilities before any add-ons.

Mayor Oberst said for the last two Council meetings, she had only seen that many people in two other meetings over her tenure of fourteen years on the Council. At the County Commission Workshop, there were only 65 people. She said Staff anticipated for the second meeting that we would probably have that many or more; Mr. Gisbert said there was room for 120 people in this room and another 60 outside in the hallway. Mayor Oberst said once the Scooter Ordinance discussion was concluded, those audience members left and the other people could move in here with plenty of room to sit. She said if the City could correct the sound in the hallway for the one or two overflow meetings would be a good thing.

Regarding Council meeting times, Mayor Oberst said when she was first elected, both meetings occurred at 2 P.M. Then one meeting was moved to 6 P.M. to allow the people who worked during the day to come to a meeting. She added that after counting the number of people in the audience, usually the numbers were the same for both meetings and usually the same people unless there was a special issue. She said she preferred leaving the times at 2 P.M. and 6 P.M. which would allow both groups a chance to come to meetings. She added that the County Commission met at 9 A.M. for both of their meetings.

Councilwoman Strange said she brought this issue up years ago and the change failed. She said she thought 6 P.M. was good for everyone. Regarding the space issue, the residents were becoming more involved and she thought future meetings would have more overflow and it must be considered ahead of time to accommodate the extra people. She said she thought in future that meetings might have to move to a larger chamber. Definitely get the sound fixed, however, because the residents were becoming more interested in City business. The Mayor said only 17 people were in the audience, and of those 17, 6 were City employees. **Councilwoman Strange made the motion to move both meetings to 6 P.M. Second was by Councilman Curry.** The Mayor asked for audience comments.

Mr. Brent Gardner, Pier Park, said he agreed with the 2 P.M. and 6 P.M. meeting times because the Council would never be able to appease the masses. He said personally, he preferred 2 P.M. because that would not conflict with his personal life and he would rather come during working hours. At 6 P.M., he would rather go home and eat rather than attend a long Council meeting.

Mr. Darrell Sellers, 10713 Front Beach Road, said the existing times were reasonable but those meetings with overflow crowds needed to be addressed. He said the 2 P.M. time was difficult for residents to come to the meeting and agreed with Councilwoman Strange and Councilman Curry. He said on the times with controversial issues, many people wanted to be here. He said most of the time, the existing hours did work.

Councilman Reichard asked about 5 P.M. meetings which would not encroach into the dinner hour and if that would make a difference. Councilwoman Strange said that was a great idea. **Councilwoman Strange amended her motion to change the meeting hours to 5 P.M. Councilman Curry amended his second to 5 P.M.**

Councilman Reichard asked Mr. Gisbert's opinion. Mr. Gisbert said he worked at the pleasure of the Council. Mayor Oberst said she knew of one resident who could not attend later meetings and she also said people in the hospitality industry could more easily come at 2 P.M. because they worked at night. She said she did not think changing the time from 6 P.M. to 5 P.M. would make a great difference. **With no further comments, the motion passed by majority roll call vote of those present recorded as follows:**

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|-----------------------------|---------------|
| Councilwoman Strange | Aye |
| Councilman Curry | Aye |
| Councilman Reichard | Aye |
| Councilman Russell | Absent |
| Mayor Oberst | Nay |

Regular Meeting
May 22, 2014

Mr. Sale said he would bring back an Ordinance and reminded that the new times would not take effect until adoption.

FLOOR ITEMS

ITEM 1 JUSTIN WILSON, SPRING BREAK. Mr. Justin Wilson said there had been some misinformation presented at the last meeting and he wanted to correct the record. He said a majority of the bars were open until 4 A.M. and that he thought most of the bars would oppose closing early at 2 A.M. He explained about the bars that did not advertise toward Spring Breakers and it being unfair to require their closing early. He added that many people in the service industry did not leave work until midnight so this would be unfair to them. The two hour difference would cause the transportation industry over a Million Dollar loss. Mr. Wilson said he felt the bars were the safest place for the Spring Breakers due to the number of security personnel. He said he agreed with addressing loitering in the parking lots. He also stated that he believed the streets would be flooded at 2 A.M. with the drinkers. He added with the 4 A.M. closing, this would allow the taxi services to keep up with the kids trickling out of the bars. Mr. Wilson said if the 2 A.M. closing was enacted, the bars would lose money, the taxi companies would lose money, and the restaurants open that time of the night would lose money. Mayor Oberst explained the Spring Break items under consideration and that Staff was to bring back Ordinances or Resolutions for the changes.

ANNOUNCEMENTS

ITEM 1 FLAGS HALF-STAFF. Mayor Oberst said the flags would be half-staff for Memorial Day on Monday, May 26th.

ITEM 2 CHIEF DALY. Mayor Oberst announced that Chief Daly had been chosen as Fire Chief of the Year and was being honored tonight by the Gulf Coast Medical Center.

ITEM 3 MS. WHITE. The Mayor welcomed Ms. White back.

With nothing further, the meeting was adjourned at 2:55 P.M.


READ AND APPROVED this 12th of June, 2014.

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