

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 25, 2015.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:

JOHN REICHARD

RICK RUSSELL

JOSIE STRANGE

KEITH CURRY (VIA PHONE)

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

HOLLY J. WHITE

ASSISTANT CITY ATTORNEY:

AMY MYERS

Mayor Oberst called the Regular Meeting to order at 2:00 P.M. with Councilman Reichard, Councilman Russell, and Councilwoman Strange, the City Manager, City Clerk and Assistant City Attorney present. Councilman Curry attended the meeting via phone.

Pastor Rick Young of the Woodstock Church gave the invocation and Mayor Oberst 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 Minutes of the Special Meeting of February 12, Emergency Meeting of March 31, and Special Meeting of June 11, 2015 were read and approved as written per motion by Councilwoman Strange. Second was by Councilman Russell and the motion passed by unanimous roll call vote recorded as follows:

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

#### CONSENT AGENDA

**1 RESOLUTION 15-106, UPDATE & PREPARATION OF THE CITY'S 2015-2016 STORMWATER ASSESSMENT ROLL.** *"BE IT RESOLVED that the appropriate officers of the City are authorized but not required to execute and deliver on behalf of the City that certain Agreement between the City and ENNEAD,LLC, relating to the update and preparation of the City's 2015-2016 Stormwater Assessment Roll, in the basic amount of \$15,500, in substantially the form attached and presented to the Council today, draft dated June 8, 2015, 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."*

**2 RESOLUTION 15-113, STREET RESURFACING PROJECT, FY 2015.** *Staff solicited bids for the resurfacing of Miracle Strip Loop, Lantana Street and Escanaba Street. It also includes paving a new section of roadway on Castile Circle and reclaiming and resurfacing the end of Mandy Lane in Frank Brown Park for fiscal year 2015. Four (4) bidders responded. C-Miles Construction, Inc. submitted the lowest total base bid in the amount of \$186,266.30. A copy of the bid tabulation is attached for review. Staff also requests approval for "not-to-exceed" quantities of eight (8) speed humps for a total of \$8,000.00. The final contract cost will be adjusted based on installed quantities. This would result in the final not-to-exceed contract award total of \$194,266.30. STAFF RECOMMENDS Council award the resurfacing bid to C-Miles Construction, Inc. in the amount of \$194,266.30. This project will primarily be funded by the Street Department in the amount of \$149,792.30. The remaining funds totaling \$44,474.00 will come out of the Parks and Recreation Department budget for the cost of improvements located within Frank Brown Park. Both Departments have adequate funds available in FY 2015. "BE IT RESOLVED that the appropriate officers of the City are authorized but not required to execute and deliver on behalf of the City that certain Agreement between the City and C-Miles Construction, Inc., relating to the resurfacing of portions of various City streets, in the not to exceed amount of \$194,266.30, in substantially the form of the Agreement attached and presented to the Council today, draft dated June 18, 2015, 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. The Mayor asked for comments from the audience. Hearing none, **Councilman Russell made the motion to approve the Consent Agenda. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Aye</b>
<b>Mayor Oberst</b>	<b>Aye</b>

### REGULAR AGENDA

**1 ITEM NO. 1 RESOLUTION 15-114, FEMA & DHS GRANT FOR 800 MHZ RADIOS, SUB-RECIPIENT AGREEMENTS, AND BUDGET AMENDMENT #29, PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 2:06 P.M. Ms. Myers read Resolution 15-114 by title. Chief Daly explained this was a regional grant and awarded to the City because everyone on the County was included, except for Lynn Haven and Panama City. The City would receive One Hundred Seventy Thousand Dollars worth of radios for only Seventeen Thousand Dollars. He also commended Deputy Chief Couch for his work on this grant. He added that the City had no choice but to change systems as the County was changing theirs. Mayor Oberst said this was great. Ms. Myers explained the Grant Award was \$800,806.00 and the local cost share was 10% at \$80,080.00. Ms. White explained the Budget Amendment and said the City’s Seventeen Thousand Dollars would come out of Reserves. Ms. Myers also stated that the Resolution did four (4) things and was in the Agenda Packet with blanks because the bids had not yet been opened as of publishing. She read the Resolution as complete, and only one bid had been received as expected. **Councilwoman Strange made the motion to approve Resolution 15-114. Second was by Councilman Reichard.** The Mayor called for comments.

Councilman Curry asked if the cost to run the whole program would be borne by the City or distributed equally to the grant recipients. Ms. White said it would be borne by the City and said she did not anticipate problems with the exception that this grant would place the City under Federal single audit, but that was built into the City’s audit costs now so she anticipated little administrative costs. Chief Daly said the SAFER grants through FEMA were very easy to manage and he hoped this grant would be completed within the next forty-five (45) days.

Mr. Burnie Thompson addressed the Council and said he would speak at the end of the meeting on another matter.

Councilman Reichard said he thought as the City had initiated this action, this would give the City more control. Chief Daly concurred.

Councilwoman Strange asked how long before the City would have to purchase radios again. Chief Daly said the last purchase was thirteen years ago. Mr. Gisbert said this was required because the County was changing and Ms. White said more radios would be needed by Police and Utilities. With nothing further, **the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Aye</b>
<b>Mayor Oberst</b>	<b>Aye</b>

The Public Hearing was closed at 2:20 P.M.

Mayor Oberst asked the other Council members if there were any objections for two members of the Rotary to make a short presentation concerning the Miracle League. There were no objections.

**2 MIRACLE LEAGUE PRESENTATION.** Mr. Dave Johnson, President of the Emerald Coast Rotary Club, said in the midst of all of the Spring Break activities, the Miracle League held its 100<sup>th</sup> Miracle League game. He presented the 100<sup>th</sup> game ball to the Mayor and also a special gift for the Frank Brown Park Staff, a framed photo from the game signed by all the kids. The audience responded with applause.

**3 ITEM NO. 2 RESOLUTION 15-111, CITY CAMPUS ADMINISTRATIVE BUILDINGS CONSTRUCTION MANAGEMENT AGREEMENT.** Ms. Myers read Resolution 15-111 by title and explained this Resolution would approve the guaranteed maximum price for the buildings at \$9.6 Million Dollars. She said this Professional Services Agreement was competitively solicited and GAC was selected to be the construction manager. The price was competitively bid by GAC as construction manager and attached to this Agreement was a list of subcontractors. She said if any amendment was made to this document, it probably would relate to that attachment, and she assured the Council that was okay because it was a Professional Services Agreement and GAC should have the flexibility to make any changes to that subcontractor list within the PSA. Mayor Oberst said this was the same type of Agreement as used for Aaron Bessant Park.

Mr. Gisbert said GAC bid everything in the building, from windows to doors to sitework to slab. He said the bid was \$4.1 Million Dollars for the Police Department, \$5.16 Million Dollars for Public Works, \$372,000 for the Fuel Center, 3% Contingency (approximately \$265,000) and an estimated tax savings of \$156,000. He said the buildings themselves came within the estimate originally proposed by Staff. In talking with Ms. White to ensure that the funds were available, the Police Department and Fuel Station would come from the General Fund and only Five Hundred Thousand would come out of reserves. Mayor Oberst asked Ms. White her thoughts.

Ms. White said she was comfortable with the figures and said the City was in good shape, even though slightly more reserves would be used than originally anticipated. Some of the monies would come from Impact Fees, close to 60% for the Police Department. She said GAC made allowances for furnishings in the public area and the new phone system, some items which probably would have been in next year's budget anyway.

Mayor Oberst said it was remarkable that the City could build these buildings and not borrow money.

Councilman Reichard said he was concerned about the 3% contingency. Mr. Gisbert said with construction management, the contractor took on the responsibility which typically was not the case on most projects. He said if there were missing components, GAC was responsible for realizing that during the process. It should give GAC a tighter level of control, and with their past performance with the Amphitheater, the City did not go into contingency unless additional work was added. He said additional work requested was not a contingency item. Mr. Gisbert continued that if savings were realized, he planned to buy furniture for the public areas. Councilman Reichard agreed and stressed he did not want used furniture going into the new building. Mayor Oberst said Ms. Myers, GAC, Mr. Shortt and Mr. Gisbert were all comfortable with these figures.

Councilman Curry asked about the warranty and Mr. Gisbert responded that the City would maintain the original five year warranty.

**Councilman Reichard made the motion to approve Resolution 15-111. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Aye</b>
<b>Mayor Oberst</b>	<b>Aye</b>

**4 ITEM NO. 3 PIER PARK LOOP ROAD.** Councilman Curry said he was for St. Joe building a road to develop their properties and they had been a great partner with the City. In previous discussions, Mr. Gisbert was going to come back to Council with a traffic analysis to support it being the best use for \$1.6 Million Dollars of taxpayers money. He said to date, St. Joe has clearcut the land. He asked Mr. Gisbert about the traffic study. Mr. Gisbert responded that the information in the Packet was from a predesign meeting between FDOT, Preble-Rish, and St. Joe. On March 26, 2015, the Council approved the Conveyance Agreement which released St. Joe to hire an engineer to work on the drawings which must be completed to some level before a traffic study could be performed. Also part of that effort was to talk about extending the road to Nautilus and FDOT strongly suggested including in the traffic study the impact and benefit of that extension to help warrant a traffic light at Power Line and SR 79. He said this was not a construction schedule but rather a design schedule which should be about 60%-70% complete about September. At that point, the design will be brought to Council for review and to look at the traffic study. If approved, Preble-Rish would then complete the documents and permit the project. Mr. Gisbert said based upon the approval of the design, the City would then commit to pricing the project and coming back to Council to see if willing to build the road. Mr. Gisbert emphasized

this was not a commitment to build the road, only a commitment to look at the design and consider building the road as a private/public partnership. He continued that FDOT supported the idea as well as the TPO.

St. Joe came to the City to request a standard land clearing permit, however the land was currently zoned agricultural and St. Joe could harvest the pine trees in that area. St. Joe did clear where the potential roadway would be placed and it made sense to do that clearing because the survey must be done before a design can be completed. This would also allow for accurate soil testing. Mr. Gisbert said all of this was part of the process which had been authorized in March.

Councilman Reichard made comments about the greenbelt law and St. Joe's tax situation. He said so far, everything that had been done was a speculative effort on St. Joe's part and at their expense. Mr. Gisbert said the City had borne no costs with the exception of attending some meetings to ensure that St. Joe was following the principles that the City had directed. Councilman Reichard said St. Joe was entitled to harvest those trees on their agricultural land. Mr. Gisbert said St. Joe had requested a clearcut permit as a nice gesture but he did not believe they had to do so. Councilman Reichard agreed.

Councilman Curry asked if St. Joe planned to clearcut to Nautilus Road and survey that potential roadway, to review the cost benefit analysis to see if this would be a better benefit for everyone. Mr. Gisbert replied that St. Joe did not plan to clear the second segment because it was still speculative. The cost to extend the roadway out to Nautilus would be another Four Million Dollars. That level of expansion had been discussed with FDOT and the TPO and was written into the Agreement so show that St. Joe was considering that option.

Councilwoman Strange asked why a traffic study was not being done for both roads to determine which option would relieve more traffic. Mr. Gisbert said if only the Nautilus extension was built, it would be a deadend road and there was no benefit to build that segment first. Councilman Curry suggested building both segments at the same time. Mr. Gisbert said if Six Million Dollars were available for the roads, it could be accomplished. Councilman Curry said he had not seen any studies which supported that the first segment would alleviate a lot of traffic from the Parkway. He said he would rather consider a Six to Eight Million Dollar project which would alleviate the traffic problems on the Parkway & intersections, rather than a road for St. Joe and its developments. He said he would need to see a traffic study to show where the Pier Park Loop Road would better benefit the citizens.

Mayor Oberst said the City Manager had already been directed to make an Agreement with St. Joe which stated the City would build the road if the Council approved the design and if the cost was within the budgeted funding. St. Joe would give the easement to the City, do the engineering and traffic study to prepare the construction documents. At that time, the City Council would look at the design and if approved, go forward. She said from her perspective, one big reason to spend the money on the first segment was that it would help traffic and the City had a commitment from FDOT and the TPO that they would look at extending the project so State and Federal funds could finish building that section. She said it would be wonderful for Colony Club because they could come out to Nautilus at the traffic light.

The Mayor continued that the City Manager was working with FDOT for a temporary fix at the Colony Club entrance. Mr. Gisbert said he met with FDOT at the site about two weeks ago and they said they would provide three options for the Council to consider. He explained that all parties involved, such as the Homeowners Association, must agree on the solution. Councilman Russell suggested a "No U-Turn" sign could be a solution. Councilman Reichard said he agreed with the Mayor as they both served on the TPO whose job was to advise the FDOT on what Bay County needed. He said other representatives on the TPO say this was the positive first step to extend the Back Back Beach Road to Hathaway Bridge.

**5 ITEM NO. 4 CITY MANAGER UPDATE.** Mr. Gisbert said the summer season so far was spectacular and many visitors. With this, there were some conflicts occurring between those who rented chairs on the sandy beach and visitors with tents. In an effort to clarify the rules for the community, if there was a beach rental business that had chairs, they were entitled to have those chairs on the sandy beach and there was no restriction on how many chairs could be placed for rent. He said in future, Council may want to consider the quantity of chairs permitted on a section of beach. However, the Beach Service does have rules which require the chairs to be 30' from the water's edge. When visitors set up their chairs, tents, beach towels, etc., sometimes the beach vendors find it obstructive to their views when setting up in front of the rental chairs. In the past, they would tell the patrons they could not set up in front of their chairs. Mr. Gisbert said the beach vendors had no right to tell people they could not be in front of the chairs. The 30' strip was for the general public to walk, fish, and sunbathe.

Councilwoman Strange asked who the general public should call if the beach vendors told them to move. Mr. Gisbert said the Police Department. Ms. Myers confirmed that the City Ordinance created a 30' buffer from the rack line in which no rented furniture could be placed. Councilwoman Strange asked Mr. James Tindle, Code Enforcement, if he received a lot of complaints about this issue. Mr. Tindle responded seven to eight phone calls about chairs and umbrellas per day. He said the calls were the vendors saying the patrons were obstructing the views, that they could not place their personal tents or chairs in front of the vendor chairs, etc. Mr. Gisbert related that one beach attendant directed the people to move their chairs to the adjacent property. Councilman Reichard asked why the City was involved with this issue as there was already a policy and regulations in place. Councilwoman Strange said the policy was not being changed. Mr. Gisbert said the City did not have an enforcement tool for this situation. Councilman Reichard suggested going to the owners of the six major Beach Services and discuss the problem with them. Councilwoman Strange said this action did not solve the problem last year. Councilman Reichard suggested the City Manager meet with the HOAs or those who hired the Beach Services and hold them responsible. Mr. Tindle said he met with the Beach Services every day on this issue. Mayor Oberst asked if the Council members wanted to direct the City Manager to research regulating the number of chairs per square footage. Mr. Tindle said the crowding problem was condos squeezing out the tents which created problems on adjacent properties. Mayor Oberst said she thought Mr. Gisbert, Chief Whitman and Mr. Tindle should meet with the Beach Services owners and discuss the situation. Councilwoman Strange and Councilman Reichard agreed. **Councilman Curry made the motion for the City Manager to come back with an Ordinance with an enforcement mechanism for the current policy. Second was by Councilwoman Strange.** The Mayor called for audience comments.

Mr. Mike Burke said he was one of those people who were telling people they should not be on their beach. He said he has been on the sandy beach for the past several weeks informing folks they could not be on the Driftwood or Osprey property when directed to move from the next door Calypso property. He said Calypso had a crowded beach with their twenty-three stories, whereas Gilmore Resorts only had 127 rooms and by all comparisons with a wide open beach. He suggested not making any changes now because it was the middle of the season and it would be bad for everyone. He also cautioned the City in declaring that 30' of beach was open to the public although he did not dispute that chairs and towels were okay to be placed within that strip. He explained the State Statute relating to beach renourishment which required the City to enforce the upland property owners' rights. He suggested sitting down at the end of the season to determine a good resolution to this problem. Mr. Burke said if the City declared that anyone could do anything within that 30', he would have a problem with that and reminded that the strip was to provide access for the emergency vehicles. He said his position was that if someone wanted to use the beach behind their property for tents, they should be a guest of Gilmore Resorts.

Mayor Oberst asked if he thought the conflicts could be handled until the end of the season. Councilman Russell said as fast as a new Ordinance could be created and adopted, the season would almost be over. Mr. Burke called that a fair point. Councilman Reichard said the City had this same problem last year. Mr. Gisbert explained the issues involving local residents who did not own property on the sandy beach or who did not rent rooms based on the beach. Mr. Burke said there were access points, the Piers, the State Park, or Rick Seltzer Park for the general public use. He said Gilmore Resorts provided an open beach. Mr. Gisbert said he would meet with the condo owners and the businessmen. He said he had also started conversations on developing the Water Safety Board and solicited people for that Board. **The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Aye</b>
<b>Mayor Oberst</b>	<b>Aye</b>

### **FLOOR ITEMS**

**ITEM 1 BURNIE THOMPSON.** Mr. Burnie Thompson discussed the address given by Councilman Curry at the last City Council meeting which was the home of a police officer as well as comments made after the Council meeting. He asked Councilman Curry to resign based on giving a false address and challenging a citizen. Councilman Curry responded he would not resign. Mr. Thompson asked if the Council would censure Councilman Curry for his behavior. Mayor Oberst said the Council would have to discuss with the legal staff, but in the last incidence involving a Councilperson, the Ethics Commission would be the entity that could handle censureship.

**ANNOUNCEMENTS**

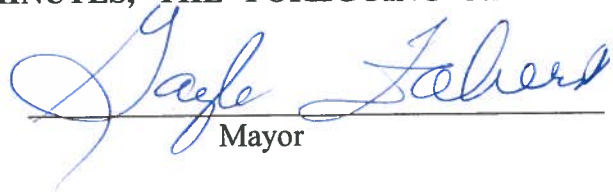
Mayor Oberst announced that the City Hall offices would be closed Friday, July 3<sup>rd</sup>, for the holiday. She added that Aaron Bessant Park would have numerous activities for the July 4<sup>th</sup> holiday, beginning with the Veterans Memorial Rededication starting at 9 A.M., with the Panama City POPS playing patriotic music at the Amphitheater beginning at 7:30 P.M., and fireworks off both piers at 9 P.M. Flyers were on the table about the events.

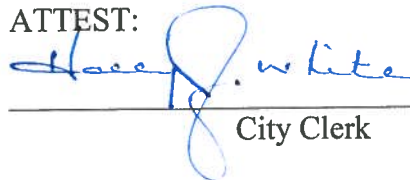
The Mayor reminded that the Pier Park Summer Concert Series concert was tonight at 7 P.M., and the series schedule was on the table for those interested.

With nothing further, the meeting was adjourned at 3:27 P.M.

READ AND APPROVED this 9th of July, 2015.

**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