

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 January 28, 2016.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:

JOHN REICHARD

RICK RUSSELL

JOSIE STRANGE

KEITH CURRY

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

DIANE FOWLER

ASSISTANT CITY ATTORNEY:

AMY MYERS

Mayor Oberst called the Regular Meeting to order at 2:00 P.M. with all of the Council, the City Manager, City Clerk and Assistant City Attorney present.

Pastor Rick Young of the Woodstock Church gave the invocation and Mayor Oberst led the pledge of allegiance.

No Minutes were available for adoption.

The Mayor asked if there were any additions or deletions to the Agenda. Mr. Gisbert asked to add "**Resolution 16-54, Gulf Power Contract for the Lights at Frank Brown Park**" to the Regular Agenda. There were no objections. **With nothing further, the Agenda was accepted as amended.**

CONSENT AGENDA

1 RESOLUTION 16-47, BIDS- COMMUNITY CENTER RESTROOM RENOVATION PROJECT. "A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE AGREEMENT WITH GAC CONTRACTORS, INC. RELATED TO THE CITY'S RENOVATION OF RESTROOMS AT THE COMMUNITY CENTER AT FRANK BROWN PARK IN AN AMOUNT OF \$59,625; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE."

2 RESOLUTION 16-48, BIDS- SHADE STRUCTURE PROJECT, PARKS & RECREATION. "A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE AGREEMENT WITH GAC CONTRACTORS, INC. RELATED TO THE CITY'S CONSTRUCTION OF THE THREE SHADE STRUCTURES AND A POLE BARN AT FRANK BROWN PARK IN AN AMOUNT OF \$46,992; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE."

3 RESOLUTION 16-49, STREET & STORMWATER DEPARTMENT VEHICLE PURCHASES. "A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE PURCHASE OF A TRUCK AND TRACTOR FOR THE STREET DEPARTMENT, AND ONE TRUCK FOR THE STORMWATER DEPARTMENT, IN THE TOTAL AMOUNT OF \$105,358.48; AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO EXECUTE AND DELIVER CONTRACTS WITH VENDORS FOR SPECIFIC TYPES OF VEHICLES AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE RESOLUTION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE."

4 ORDER 01-ZN-16 AND FINDING OF FACTS FOR THE APPROVAL OF ORDINANCE 1375, BENNETT/PLEDGER ZONING. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on January 14, 2016, the City Council orders that the subject Zoning request is hereby GRANTED and the captioned Ordinance 1375 shall be ADOPTED.

Ms. Fowler read the Consent Agenda. Mayor Oberst invited public comment: there was none. **Councilman Russell made the motion to approve the Consent Agenda. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

REGULAR AGENDA

1. ITEM NO. 1 RESOLUTION 16-45, BUDGET AMENDMENT #12 FOR COMPREHENSIVE TRAFFIC ENFORCEMENT PROGRAM (CTEP) GRANT PT-16-12 AWARD, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 2:05 P.M. Ms. Myers read Resolution 16-45 by title. Mr. Gisbert explained that this grant gave the City extra funds for law enforcement monitoring of Panama City Beach Parkway. The Mayor asked if there were any questions or comments; there were none. **Councilman Reichard made the motion to approve Resolution 16-45. Second was by Councilman Russell.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 2:06 P.M.

2. ITEM NO. 1A RESOLUTION 16-54, GULF POWER CONTRACT FOR THE LIGHTS AT FRANK BROWN PARK. Ms. Myers read Resolution 16-54 by title. Mr. Gisbert explained that with the improvements at Frank Brown Park, the lights would need to be relocated on Gayle's Trails. The cost would be the same but the City would now have a five year lease and new light fixtures. The Mayor asked if there were any questions or comments. There were none. **Councilwoman Strange made the motion to approve Resolution 16-54. Second was by Councilman Curry.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

3. ITEM NO. 2 RESOLUTION 16-46, MASTER SERVICES AGREEMENT (MSA) WITH PREBLE-RISH, INC., PROFESSIONAL ENGINEERING SERVICES, AND TASK ORDER 2016-01, COLONY CLUB WEST ROADWAY, AND BUDGET AMENDMENT #13, PUBLIC HEARING. The Public Hearing was opened at 2:08 P.M. Ms. Myers read Resolution 16-46 by title. Mr. Gisbert explained this MSA would be for continuing contracts for smaller projects. This would also be the first step for building the new Colony Club exit road. He said it would take several months to design the road and several months more to engineer due to the wetlands crossing. Mr. Gisbert said the City was also negotiating for the land and the wetland mitigation. Councilman Curry asked if this meant about six months before going for a contract. Mr. Gisbert replied four to six months, and some numbers could be assembled once the design was completed to know the actual cost of the roadway.

Mayor Oberst said the City had purchased a piece of land in Colony Club to use for relocating the lift station which would allow for the road. This would only be part of the road needed. The City was now negotiating with the St. Joe Company for the next piece needed for the roadway, about 800' of land going from Nautilus to the lift station parcel. Mr. Gisbert said this Task Order would release the firm to do the engineering, the geotechnical work, and a step process similar to that used for the Loop Road. He said the lift station also must be designed and moved at the same time. **Councilman Russell made the motion to approve Resolution 16-46. Second was by Councilwoman Strange.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 2:13 P.M.

4. **ITEM NO. 3 RESOLUTION 16-50, MASTER SERVICES AGREEMENT (MSA) WITH PANHANDLE ENGINEERING INC., FOR PROFESSIONAL ENGINEERING SERVICES, AND TASK ORDER 2016-01, LYNDELL LANE SIDEWALK PROJECT.** Ms. Myers read Resolution 16-50 by title. Mr. Gisbert explained the long history of this project to build a sidewalk from Front Beach Road to the Parkway, connecting the Senior Center and the Library. The Mayor asked if there were any questions or comments and there were none. **Councilman Reichard made the motion to approve Resolution 16-50. Second was by Councilman Russell.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

5. **ITEM NO. 4 RESOLUTION 16-51, BUDGET AMENDMENT #14 FOR PCB FIRE/RESCUE BULLETPROOF VEST PURCHASE, PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 2:17 P.M. Ms. Myers read Resolution 16-51 by title. Mr. Gisbert explained that this would allow additional safety by having bulletproof vests and would be paid by Fire Impact Fees. The Mayor asked if there were any questions or comments; there were none. **Councilwoman Strange made the motion to approve Resolution 16-51. Second was by Councilman Curry.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 2:18 P.M.

6. **ITEM NO. 5* RESOLUTION 16-52, BUDGET AMENDMENT #15 COUNTY/CITY PARTNERSHIP JOAN AVE/SOUTH THOMAS DRIVE INTERSECTION IMPROVEMENT, PUBLIC HEARING.** The Public Hearing was opened at 2:18 P.M. Mayor Oberst stated that this item noted with an asterisk was one in which the PCB City Council was also acting as the Panama City Beach Community Redevelopment Agency and voting as both. Ms. Myers read Resolution 16-52 by title. Mr. Gisbert explained that this project was partially in the County and partially in the City, and the intersection would have been in the CRA North Thomas Drive Improvements segment. He said Bay County did the design and planned for stormwater improvements at the intersection, which would benefit the City. The Mayor asked if there were any questions. In response to Councilman Reichard's question as to how it would qualify for CRA funding, Mr. Gisbert explained that the intersection was part of the CRA footprint and a transportation improvement making the intersection and pedestrians safer. With no further questions, **Councilman Russell made the motion to approve Resolution 16-52. Second was by Councilman Reichard.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

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

7. **ITEM NO. 6 RESOLUTION 16-53, LOOP ROAD CONSTRUCTION CONTRACT.** Ms. Myers read Resolution 16-53 by title. Mr. Gisbert explained that the St. Joe Company was providing the engineering and the land swap. He said this project was within the budget, with funds from Street, Utilities and Recreation Departments. He said there was approximately One Million Dollars from the Utilities Budget for the water and sewer and approximately \$2.55 Million Dollars from the Street Department Budget (the TIF savings from Pier Park, the Proportionate Share from North Pier Park, and Six Hundred Thousand Dollars from the General Fund). One Hundred Forty-Five Thousand Dollars would be from Recreational Impact Fees. Mr. Gisbert said Staff negotiated with the lowest bidder, bringing the cost down to

\$2.55 Million Dollars. He said he, Ms. Jenkins and Mr. Casto had visited with FDOT and learned that FDOT had released their Engineering Department and drawings would be complete and the project out to bid in May. FDOT planned to build the acceleration lane and the turn lanes going into SR 79, and they also wanted to do the same improvements to westbound knowing that someday this road would go that way in the future. He continued that FDOT would also build the mast arm traffic system and the lighting would make the crossing much safer for bicyclists.

Councilwoman Strange asked about the original bid figure. Mr. Gisbert said the original quote was \$3.6 Million Dollars and he negotiated it down to the \$3.5 Million Dollars. The roadway portion of the project, the asphalt, the fill, etc., was approximately \$2.5 Million Dollars. The additional Million Dollars would be for the water and sewer along the road, carried in the 2014-2015 Budget and the 2015-2016 Budget.

Councilman Curry questioned why the City would spend the Million Dollars for water and sewer in the area when there was little development at this time. Mr. Gisbert said water and sewer was already going in that direction and he reminded about the commitment to the BoonDocks Restaurant and West Bay Elementary to provide sewer. He said it was the most cost-efficient to add the utilities necessary for future needs when the road was being constructed. Councilman Curry questioned the use of Impact Fees for the road and Mr. Gisbert explained the Proportionate Share funds. Mr. Gisbert said the funds had been included in the Budget with the \$2.5 Million Dollars as a placeholder. Councilwoman Strange asked if the Million Dollars for Utilities could be put towards the Colony Club West roadway instead. Mr. Gisbert responded that was a different Fund and the Proportionate Share monies must have a direct benefit to the landowner who paid the funds. The Six Hundred Thousand Dollars from the General Fund could be applied anywhere.

Mayor Oberst said the Colony Club West road was not being delayed due to a lack of money. Delaying the Loop Road would only delay improvements to the Parkway's transportation. She briefly explained the different Funds with the accounting procedures. Utility Funds can only be used for Utilities. She also agreed with Staff that every road should be built including new utilities. Councilwoman Strange said no mention had been made of utilities for the Loop Road and Ms. Myers said the utilities were contemplated in the original Loop Road Agreement.

Mr. Mark Shaeffer, new Utilities Engineer, said he designed the West Bay system when he was with BDI and it was a stand-alone system. If the City did not install the Loop Road utilities, the City would still be able to provide service for West Bay. The City already has water out to West Bay and the additional mains proposed for the Loop Road project were for looping and delivering flows into the center part of the system for future development. Mr. Gisbert added that the future Impact Fees would reimburse the City for the infrastructure.

Councilwoman Strange asked if the Back Back Beach Road would have retail with only limited driveways. Mr. Gisbert said most of the conversations and agreements with FDOT to date were that the road would be a limited access road with service roads. He said FDOT was excited about the project because of the potential traffic improvements. Councilman Russell said the Loop Road would be the foundation for the Back Back Beach Road and Mr. Gisbert agreed and this would be the first link in the chain building the road to Nautilus.

Councilman Curry asked how much money was planned in the Comp Plan for the Back Back Beach Road. Mr. Leonard said none. Councilman Curry said residents had told him they did not see the benefit of the Loop Road to their traveling on the Parkway. He said it seemed the City was the only one using funds to build this road as no one else committed funds to our area.

Councilman Reichard said he and the Mayor served on the Bay County TPO and this project was a priority for that group. He said the TPO makes recommendations to the County to the State, which has been done. He said the Back Back Beach Road had been constantly moving up the priority list.

Mayor Oberst asked if there were any further questions. There were none. **Councilman Reichard made the motion to approve Resolution 16-53. Second was by Councilman Russell.** The Mayor called for comments.

Councilman Curry stated he supported transportation improvements in the City but thought the Loop Road project would be a terrible waste of taxpayer money. The Mayor asked if anyone in the audience wished to speak. There were no comments. **The motion passed by majority roll call vote recorded as follows:**

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

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8. **ITEM NO. 7 CITY MANAGER UPDATE.** Mr. Gisbert said he attended a Disaster Management Summit in Destin recently which outlined the State's mandate to prepare return plans after a disaster. He said he met with FDOT to discuss the transfer of Front Beach Road to the City and the next phase of the CRA Segment 2 project and the drawings were in FDOT's hands. FDOT was to conclude their review for the drawings so that the City could apply for the FDEP permits and be released to put the drawings out to bid.

Mr. Gisbert reported that the City's Gross Sales tax was over 12.9% over last year, even with it being the slow part of the year.

Several meetings ago, the Council chose a candidate for the TDC seat, and that information was given to the Bay County Commission. The Commissioners sent a letter to the Council on January 21st asking for an alternate nominee for their consideration. The Ethics Commission issued their final report with actions necessary for the City's candidate to be qualified for the seat. Mr. Gisbert said he believed those actions had been done so now it would be up to the Council. Councilwoman Strange said there was no longer a conflict so she recommended staying with the current nominee.

Mayor Oberst said the TDC was a County Board and the City had an agreement with the County that they would allow the City to appoint four members. The City recommends a member and the Commission makes the appointment. She recommended the City submit Mr. Chapman again as the City's nominee with Mr. Bennett as an alternate. If the City did not send an alternate as the Commission requested and they did not select Mr. Chapman, the matter would come back to the Council for possible advertisement for a new candidate and then back to the Commission, adding another six weeks or more before the City's appointment could be made. The Mayor said she spoke with the Commission Chairman, Mr. Mike Nelson, and that he thought a great decision would be for the City to submit Mr. Chapman as the appointee and Mr. Bennett as an alternate, and then the Commission would vote.

Councilman Curry said the County Commissioners had not acted on this matter. The City sent a recommendation to the County but the matter had been removed from their Agenda. Ms. Myers said she thought it was not placed on their Agenda until the conflict of interest issue was resolved. She said she believed that the Commissioners wanted to honor the City's choice but also wanted to resolve the conflict of interest issue before it was placed on their Agenda. Councilwoman Strange said the conflict was resolved and the City's recommendation should stand as submitted. Councilman Curry said stay the course as to what the Council had recommended. Mayor Oberst said she thought the City should send Mr. Chapman as the recommendation with an alternate as the Chairman requested.

Mr. David Chapman explained about the Ethics opinion, not a conflict of interest. He requested that the Council take no further action as the County Commissioners had neither approved nor disapproved his nomination.

Councilwoman Strange made the motion to submit Mr. Chapman as the City's nominee and let the Commissioners decide. Second was by Councilman Curry. The Mayor called for comments. There were none. The motion passed by majority roll call vote recorded as follows:

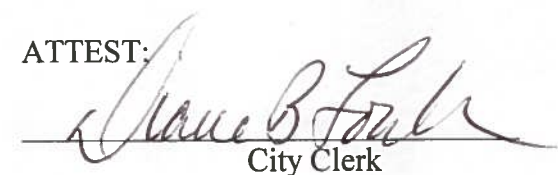
Councilman Curry	Aye
Councilman Reichard	Nay
Councilman Russell	Aye
Councilwoman Strange	Aye
Mayor Oberst	Nay

Mr. Gisbert said the new buildings were progressing well and on schedule. Councilman Reichard asked if new furniture could be planned for the new buildings. With nothing further, the meeting was adjourned at 3:05 P.M.

READ AND APPROVED this 10th of March, 2016.

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