

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JANUARY 18, 2022
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

The Council of the City of Destin met in regular session with the following members and staff present:

Destin City Council

Mayor Gary Jarvis

Councilmember Kevin Schmidt

Councilmember Bobby Wagner

Councilmember Jim Bagby

Councilmember Rodney Braden

Destin City Staff

Deputy City Manager Webb Warren

Public Info Manager Catherine Card

Community Dev. Director Louis Zunguze

Grants/Project Manager Jeffrey Cozadd

Public Works Director Michael Burgess

Land Use Attorney Kim Kopp

City Clerk Rey Bailey

Finance Director Krystal Strickland

Finance Director Nichole Rivera

Building Official Noelle Bell

Principal Planner Steve O'Connor

City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 pm; Pastor Steve Farris of First Baptist Church of Destin gave the invocation, followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Bagby, seconded by Councilmember Wagner, to approve the agenda, passed 4-0 (Council members Schmidt, Bagby, Wagner, and Braden voted "yes"; Council members King, Hebert, and Destin were absent from the meeting).

1. PROCLAMATIONS / RECOGNITIONS / SPECIAL / PUBLIC PRESENTATIONS / ANNOUNCEMENTS

A. Proclamation - School Choice Week

The mayor read the proclamation designating January 23-29, 2022 as Destin School Choice Week.

2. PUBLIC COMMENTS

Ms. Carrie Harbarger, a Destin resident and business owner, addresses one of the county's promotional activities of giving out free popsicles on the city's beach accesses last season. She stated that small businesses in Destin should be considered when planning for such

promotional activities. There are 3 popsicle distributors in the city which should have been contacted rather than utilizing an out-of-town business. She stated that she met with Ms. Jennifer Adams, the TDC Director, and Commissioner Mel Ponder at the end of last season and addressed this issue. She added that the county should be more transparent with regards to this type of initiative as they had no idea the county was planning on doing this last year.

Councilmember Schmidt noted she asked Ms. Adams during her presentation at the last meeting to reiterate that local businesses that have local service or product that might be affected by any of the county's initiative should contact her office directly.

Councilmember Bagby stated that he and city staff is scheduled to meet with Ms. Adams on January 31st, and that he will make sure this issue is discussed at that meeting.

3. CONSENT AGENDA

- A. Capital Project Status
- B. Operations Financial Report
- C. Benning Drive Re-striping, authorization
- D. Renewal & Replacement FY22 - Vehicle, Code Compliance Department
- E. Proposed Bert Harris Settlement Agreement for 3487 Scenic Hwy 98
- F. Proposed Bert Harris Settlement Agreement for 3472 Scenic Hwy 98
- G. Proposed Bert Harris Settlement Agreement for 100 Stingray
- H. Approval of minutes of January 3, 2022 Regular City Council Meeting
- I. Draft Minutes of City Board & Committees

Councilmember Bagby moved for approval of Consent Agenda items 3A thru 3I, as printed above, seconded by Council Braden. Motion passed 4-0 (Council members Schmidt, Bagby, Wagner, and Braden voted "yes"; Council members King, Hebert, and Destin were absent from the meeting).

4. CITY MANAGER REPORTS

A. Utility Undergrounding Opinion of Probable Cost Phase 1 (US Hwy 98 Corridor, from the western bridge to Airport Road).

The Deputy City Manager noted that the undergrounding of utilities project is an initiative identified as part of the city's strategic plan. On March 5, 2021, the city council accepted the project management agreement with Utility Consultants of Florida. A task order was approved by council on April 19, 2021 that requested the company's conceptual phases for the entire city undergrounding project and prepare an Opinion of Probable Cost for phase 1.

Mr. Mark Porter, the undergrounding project manager from Utility Consultants of Florida, gave the following presentation:

City of Destin Undergrounding Conversion "Phase 1" Opinion of Probable Cost

- Section 1 – Executive Summary
 - ❖ Improved Safety
 - Reduction of potential hazards
 - Egress/Ingress for emergency vehicles

- ❖ Better Reliability
- ❖ Improved Aesthetics

- Section 2 – Existing Utility & Data Collection Overview
 - ❖ Florida Power and Light (FPL)
 - ❖ Communication Lines
 - ❖ FDOT
 - Consider their future improvement plans and studies under way
 - Any future expansions

- Section 3 – Design Initiative Criteria
 - ❖ Engineering Deposits
 - ❖ Survey
 - ❖ Transformers/Equipment Locations
 - Find the most ideal locations
 - ❖ Streetlighting
 - Work with the city on their vision regarding streetlighting
 - There are poles now more aesthetically pleasing than in the past
 - They will provide options, but ultimately it is the city's decision

- Section 4 – Phasing & Sequencing Plan
 - ❖ Council
 - ❖ Work Program Considerations
 - Capture the city's and county's planned improvements during the planning stage
 - ❖ Cost
 - Spend extra effort to ensure project is done in the most economical means
 - ❖ Traffic Control
 - Maximum effort to ensure minimum effect on residents and businesses

- Section 5 – Project Delivery Methods
 - ❖ Florida Underground Projects Procurement
 - ❖ Best Value
 - Consistent with industry standard
 - Competitive
 - ❖ Budget
 - Ensure cost efficient approach throughout the entire phase

- Section 6 – Risk Assessment
 - ❖ Design Stages
 - Need to be managed well
 - Reliance on utility company's design
 - Make sure design is done quicker and within schedule
 - ❖ Bid Phase
 - Capture the interest of the contractor ahead of time
 - Be as transparent as possible
 - Make sure there are no expectations on the bid that will inflate prices

- ❖ Construction
 - Need to have a tight spec package
 - Maintain relationship with entire project team including the contractor
- Section 7 – Public Outreach
 - ❖ Social Media Platforms
 - ❖ Easements
 - ❖ Contractor Relationships
 - ❖ Outreach/Transparency
- Section 8 – Overall Opinion of Probable Cost
 - ❖ Estimations
 - ❖ Credits
 - ❖ Grant Funding

Item No.	Description	Opinion of Probable Cost Phase 1
1	Overhead to Underground Conversion- FPL	\$ 8,393,540
2	Utility Costs – Century Link, Cox & Uniti Fiber	\$ 3,234,675
4	Restoration/MOT/Incidentals/Permitting/Survey	\$ 1,522,80
5	Construction Management & Oversight	\$ 866,250
6	FPL Credit	\$ (2,310,000)
	Subtotal Undergrounding Project Costs	\$ 11,607,265
	10% Contingency	\$ 1,160,726
	Total Undergrounding Project Costs	\$ 12,867,992

Councilmember Bagby asked how much Panama City Beach is currently paying per mile for their undergrounding along Thomas Drive. He stated it is quite similar to the City of Destin's project and they could probably expect to receive the most competitive bid from the group handling it.

Mr. Porter stated they do not have that information as they are not involved with that project, but he will try to obtain it and share that information with the city.

Councilmember Bagby inquired whether the project management firm will apply for available grants for the undergrounding project or assist city staff in applying for those grants.

Mr. Porter stated that they would work hand in hand with city staff in applying for grant funding; adding they have assisted other clients as they are quite familiar with the language more specific to this type of project.

Councilmember Schmidt asked whether grant writing was part of the city's continuing services contract with the firm or an additional expense for the city.

According to Mr. Porter, they consider it a part of their current scope, and so it would not be an extra cost for the city.

Councilmember Schmidt asked at what point should they discuss and decide on the possibility of changing or combining phases, as mentioned during the presentation,

Mr. Porter stated that once phase 1 is underway, they should have a better idea which phases to merge, if necessary. It may also depend on funding, and so they will look at the situation during the year and work with the city.

Councilmember Wagner inquired about the timeline for constructions on US Hwy 98 and its impact on businesses during tourist season.

Mr. Porter explained that once the council decides to move forward with the project, there are several steps they would need to take before construction could begin; for instance, there is an engineering deposits that need to be made to FPL. They also need to have the survey done for the design. He continued they are expecting about an 18-month window for the construction. Ideally, they would like construction to begin in the fall. During tourist season, they could probably work on other parts of the project that will have minimum impact on traffic flow and on the businesses.

Councilmember Wagner asked whether the carriers should be putting the infrastructure in place that would enhance future connectivity and provide stronger and faster internet.

According to Mr. Porter, they would not want to expand the infrastructure at the city's expense. There are 5G poles that have already been erected. Their goal is to place those poles underground. They would be amenable to incorporating those aspects into this project if there are opportunities to do so.

Councilmember Wagner asked how close they could plant a tree to the underground boring.

Mr. Porter stated that it is not advisable to plant anything over the top of the conduit system. He also stated that boring is a non-invasive operation. They are very mindful of ancient or heritage trees and so they would bore around them. They would be able to plan accordingly if they know in advance if the city plans to put landscaping in certain areas of the project.

B. Visioning Session/Strategic Plan Review

The Deputy City Manager explained that during this session, they will review at a high level the status of their current plan's elements and gather information to assist in the planning of

the Fiscal Year 2023 budget, projects and initiatives. Since most of the projects and initiatives included in their current plan require multiple years to complete, they are not looking to make major changes to the existing plan. Rather, they are looking to reaffirm their commitment to the current plan and identify tweaks to priorities that the council desires within the current plan. They are also looking for potential future projects and/or initiatives to be identified so that staff have adequate time to research the resources that these would require prior to the beginning of Fiscal Year 2023 budget cycle beginning in late May so that the council has the data they need to make fact-based decisions when allocating funds.

Motion by Councilmember Schmidt, seconded by Councilmember Wagner, to accept the agenda for the 2022 Visioning and Strategic Plan Review Session, passed 4-0 (Council members Schmidt, Bagby, Wagner, and Braden voted “yes”; Council members King, Hebert, and Destin were absent from the meeting).

C. Announcements:

- 1) Crosstown Connector and Waterfront Access Update.
- 2) Business View Article
- 3) State of the City Address to be held at the February 22nd Council Meeting.

5. PUBLIC HEARINGS

A. First reading of Ordinance 21-24-PC - Amending the Future Land Use Map to include a change in the Future Land Use designation of parcels from Crystal Beach Resort (CBR) and Crystal Beach Neighborhood (CBN) to Recreation (REC).

The City Attorney read Ordinance 21-24-PC by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM CRYSTAL BEACH RESORT (CBR) AND CRYSTAL BEACH NEIGHBORHOOD (CBN) TO RECREATION (REC); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the mayor closed the public hearing and turned the matter over to the city council for their discussion and consideration.

Councilmember Bagby moved for approval of proposed Ordinance 21-24-PC on first reading and direct the City Clerk to transmit the ordinance to the Department of Economic Opportunity; seconded by Councilmember Schmidt. Motion passed 4-0 (Council members Schmidt, Bagby, Wagner, and Braden voted “yes”; Council members King, Hebert, and Destin were absent from the meeting).

- B. First reading of Ordinance 21-15-PC - Creating a new chapter of the City of Destin's Comprehensive Plan, "Property Rights Element" pursuant to state law.

The City Attorney read Ordinance 21-15-PC by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, CREATING A NEW CHAPTER OF THE CITY OF DESTIN'S COMPREHENSIVE PLAN, "PROPERTY RIGHTS ELEMENT" PURSUANT TO STATE LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TITLE AND JURISDICTION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the mayor closed the public hearing and turned the matter over to the city council for their discussion and consideration.

Motion by Councilmember Braden, seconded by Councilmember Wagner, to approve proposed Ordinance 21-15-PC on first reading and direct the City Clerk to transmit the ordinance to the Department of Economic Opportunity, passed 4-0 (Council members Schmidt, Bagby, Wagner, and Braden voted "yes"; Council members King, Hebert, and Destin were absent from the meeting).

- C. First reading of Ordinance 21-25-LC - Amending the official Zoning Map as referenced in the Land Development Code, Section 7.12.01(A)2 Zoning Maps to include a change in the zoning designations of parcels from Crystal Beach Resort (CBR) and Crystal Beach Neighborhood (CBN) to Recreation (REC).

The City Attorney read Ordinance 21-25-LC by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM CRYSTAL BEACH RESORT (CBR) AND CRYSTAL BEACH NEIGHBORHOOD (CBN) TO RECREATION (REC); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the mayor closed the public hearing and turned the matter over to the city council for their discussion and consideration.

Councilmember Schmidt moved for approval of proposed Ordinance 21-25-LC on first reading and direct the City Clerk to advertise for second reading; seconded by

Councilmember Wagner. Motion passed 4-0 (Council members Schmidt, Bagby, Wagner, and Braden voted “yes”; Council members King, Hebert, and Destin were absent from the meeting).

6. COMMENTS / PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY

- A. Councilmember Braden
- B. Councilmember Wagner
- C. Councilmember Destin
- D. Councilmember Bagby

1. City Manager Compensation

Councilmember Bagby moved to increase the City Manager’s base salary by 5% and the City Manager’s monthly vehicle allowance by \$100 (from \$400 to \$500), effective January 1, 2022. Councilmember Wagner provided a second to the motion.

Councilmember Schmidt asked how Councilmember Bagby arrived at the proposed 5% base salary increase.

Councilmember Bagby explained that city staff is eligible to receive up to 2% merit increase annually. The City Manager has not received a salary increase in 3 ½ years since he became the Interim City Manager. If they compounded this, they would end up with more than 6%. He feels a 5% base salary increase is fair, but he would support a motion from anyone who feels they need to give him more.

Councilmember Braden feels the city council has already given the city manager an incredible opportunity that he would not have received otherwise. They worked with him and gave him ample time to learn and evolve as a city manager. He would probably support a 2% but not a 5% raise.

Councilmember Bagby expressed that the City Manager earned that opportunity by his exemplary service to the City as Parks & Recreation Director. He faced all the challenges the city faced. He has been loyal to the city and staff. They came a long way from 2006 to where they are now.

The mayor called for a vote on the motion, which passes 3-1 (Council members Schmidt, Bagby, and Wagner voted “yes”; Councilmember Braden voted “no”; Council members King, Hebert, and Destin were absent from the meeting).

2. Nomination for membership to the Local Planning Agency - Todd Buhr

Motion by Councilmember Bagby, seconded by Councilmember Schmidt, to appoint Mr. Todd Buhr to the Local Planning Agency passed 4-0 (Council members Schmidt, Bagby, Wagner, and Braden voted “yes”; Council members King, Hebert, and Destin were absent from the meeting).

- E. Councilmember Hebert

- F. Councilmember King
- G. Councilmember Schmidt

Councilmember Schmidt asked staff to provide a Destin Crosstown Connector project update at the next meeting that would include the following information:

- Initial start of the project
- Major issues that delayed the project over the years
- Current status of the project

Next, Councilmember Schmidt inquired as to the deadline for livery vessel application.

Code Compliance Director Joey Forgione noted the livery vessel application deadline is the last day in February.

Councilmember Schmidt requests a status update on livery vessel applications at the February 7th council meeting:

- Number of applications received
- Number of applications still outstanding
- The city's plan of action against businesses who failed to register by the deadline and are operating illegally

H. Mayor Gary Jarvis

The mayor recommends placing on the March council meeting agenda a discussion on updating the city's ordinance to impose tougher enforcement actions against troubled properties located within the city.

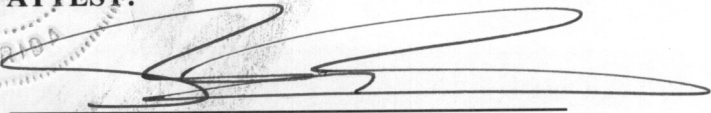
The mayor also announced that representatives from the Sheriff's Office will address their public safety concerns caused by the increase in crime rate in the city during the Public Comments portion of the visioning session.

- I. Land Use Attorney
- J. City Attorney

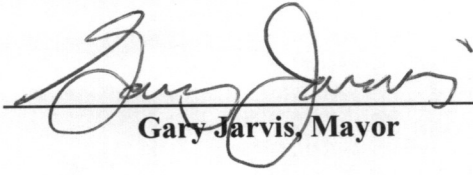
ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:40 PM.

ATTEST:



Rey Bailey, City Clerk



Gary Jarvis, Mayor