MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
AUGUST 1, 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 Jim Bagby
Councilmember Terésa Hebert
Councilmember Dewey Destin
Councilmember Bobby Wagner
Councilmember Rodney Braden
Councilmember Kevin Schmidt

Destin City Staff

Deputy City Manager Webb Warren (virtual)
City Clerk Rey Bailey
Community Development Director Louis Zunguze
Engineering Assistant Joe Bodi
Senior Planner Daniel Butler
Code Compliance Director Susan Corbin
Finance Director Krystal Strickland
Interim HR Manager Karen Jankowski
Land Use Attorney Kim Kopp
Public Works Director Michael Burgess
Public Info Mgr. Catherine Card
Library Director Wen Livingston
Deputy Parks & Rec Director Ryan Reed
Principal Planner Steve O'Connor
Parks/Recreation Director Lisa Firth
Grants/Project Manager Jeffrey Cozadd
City Attorney Kyle Baumann

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor David J. Butler of Faith Assembly Christian Church gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Hebert, seconded by Councilmember Bagby, to approve the agenda passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

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

2. PUBLIC COMMENTS

Ms. Lisa Mason, a Destin resident, and Holiday Isle Improvements Association (HIIA) Board President expressed her concern about the many liveaboard vessels docked on the harbor. She reported that many of these vessels have been moored there for quite a while and well

beyond 30 days. Many are questioning where the waste from these vessels is going. There has been an advisory put out recently about the poor water quality in the harbor. She continued that one of the boats has sunk which is a safety issue because there is nothing in place to identify it. There is also a vendor vessel with 4 pontoon boats that is docked out there that is very precarious. They are worried it could sink in the first storm they get. There is also a huge boat with a for sale sign that is taking up a lot of space in the harbor. They have made navigation in and around that area very risky.

Ms. Mason also reported having a lot of unpermitted constructions going on in Holiday Isle; and that they are working very hard to identify them and report them to the proper authority. However, they do not feel there are enough inspections being conducted by the city. There seem to be lot of unpermitted facilities that are being built. She continued they have also identified and reported about 20 non-registered short-term rentals to the city. These houses are not abiding by the city's short-term rental rules and regulations.

Also, according to Ms. Mason, the Norriego Point Park parking is developing into a very dangerous situation. There are peak hours when there are vehicles backed up and blocking residents of East Pass Towers. They are being forced to drive on the wrong side of the road to get into their condominiums. The Sheriff's Department has been called upon to help alleviate the situation, but the problem still persists. She added that residents have been contacting her as the HIIA Board President. They are worried that emergency vehicles will have difficulty getting around those vehicles and not able to respond to an emergency on time.

The mayor noted they have to deal with maritime law in the State of Florida with regards to a sunken vessel. All they could do as a city is to report it to the Florida Fish and Wildlife Commission (FFWC) and the US Coast Guard. The FFWC has the burden of declaring it a derelict vessel. They have to give the owner a certain amount of time to salvage the vessel before they can act on it. The mayor asks the city staff to report the location of the sunken vessel to FFWC so they can follow protocols for the removal of the vessel.

Councilmember Destin recommends the city takes the initiative of marking the location of the sunken vessel in the interim, such as placement of a buoy, rather than waiting for FFWC to act which could take a while. He also noted that Mr. Alex Fogg of Okaloosa County has been spearheading the removal of derelict vessels with the State of Florida.

The Deputy City Manager reported that staff has been in contact with Mr. Fogg of Okaloosa County regarding this issue, and that the county has been going through the process. He added that the city will take the necessary measures to help remedy the situation on an interim basis.

Councilmember Hebert requests the city also takes the necessary action to report the nearly sunken and abandoned vessel with 4 pontoon boats as reported by the previous speaker. She will send the information to staff so they can report it to the county or FFWC.

Next, Ms. Marcie Bell, a Destin resident, inquired whether the harbor pump is working since the water quality in the harbor has been poor.

According to Public Works Director Michael Burgess, they had encountered a minor problem with the harbor pump, but they have been able to fix that problem and the pump is back running at its normal schedule.

3. CONSENT AGENDA

A. Resolution 22-11 - Destin Library Meeting Room Policy
B. Approval of minutes of June 28, 2022 City Council Workshop
C. Approval of minutes of July 11, 2022 Council Executive Session
D. Approval of minutes of July 14, 2022 Council Budget Workshop
E. Draft Minutes of Board & Committees

Motion by Councilmember Hebert to approve Consent Agenda items 3A thru 3E, as printed above, was seconded by Councilmember Schmidt and passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

4. CITY MANAGER REPORTS

A. Establishing the FY2023 Tentative Millage Rate and Budget Public Hearing Dates

Finance Director Krystal Strickland requests that the council sets the FY 2023 tentative millage rate for ad valorem at 1.6150 mills which is more than the roll-back rate of 1.4391 mills and confirm the dates and times for the budget as follows:

- Regular City Council Meeting, Thursday, September 8, 2022, at 5:30 PM
- Regular City Council Meeting, Monday, September 19, 2022 at 6:00 PM

She also noted that the proposed budget is being developed based upon retaining a millage rate of 1.6150 mills which incorporates increased operating costs due to inflation and high priority capital projects and infrastructure renewal. The funds generated from the tax increase will go to support personnel costs which have increased over 30%. Both labor and health insurance costs have increased over 30%. The remaining funds not expended on operations have been programmed as matching funds towards capital project grants and towards high priority capital projects.

Councilmember Bagby moved to set the tentative millage rate for ad valorem taxes at 1.6150 mills which is 12.22% more than the roll-back rate of 1.4391 mills and confirm the date and times of the public hearings for the FY 2023 Budget on September 8, 2022 at 5:30 PM and September 19, 2022 at 6:00 PM. Councilmember Hebert provided a second on the motion, which passes 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

B. Capital Project Management provider recommendation

Grants/Project Manager Jeff Cozadd stated that the city seeks to add a continuing service contractor for Capital Project Management services. The services to be provided include, but are

not limited to, pre-design and design services, management of construction, management of post-construction activity, and program management. An RFQ was advertised in May 2022 and a single response from Matrix Design Group, Inc. was received. The city's bid committee members unanimously voted to recommend Matrix to the council. The city is presently working with Matrix on the facility condition assessment project. Although the project is not complete, staff report favorable experiences with both the Matrix staff and the initial quality of their work.

Councilmember Hebert moved to direct the City Manager and City Attorney to negotiate with Matrix Design Group, Inc. for Capital Project Management services and report back to the council with a contract to consider; seconded by Councilmember Wagner.

Councilmember Destin stated that being the original sponsor of this initiative, he wanted to make sure this follows the same concept they have previously discussed.

Mr. Cozadd replied affirmatively.

The City Attorney clarified it was modeled after the RFQ released by the Okaloosa County School District, with which Councilmember Destin has previously reviewed and worked with staff.

According to Councilmember Bagby, it was his understanding they were looking for a construction manager based on their experience with the Capt. Royal Melvin Park, and that he does not think it is exactly what they have with the Matrix Design Group. He continued that they have continuing services contracts and engineering firms that are already providing this service for the city. No single individual from the Matrix Team can be at the job site on a day-to-day basis. The closest one is stationed in Colorado.

Mr. Cozadd noted he has been informed by the Matrix Service Manager that they have local assets such as registered architects, a licensed general contractor, and several professional engineers that all have construction manager experience and qualified to perform that task.

Councilmember Schmidt asked whether Matrix will be able to handle the Calhoun Park project which is scheduled to resume a few months from now.

Mr. Cozadd replied affirmatively, adding they would need to establish a contract with the company and identified a scope of work. He added that the company should be able to manage the entire process including the bidding, finalization of the RFP, and construction closeout.

Councilmember Braden echoed Councilmember Bagby's sentiments stating he does not think this is exactly what they have previously discussed.

The City Attorney stated that if the motion is approved, he and staff would be happy to work with Matrix and see if construction management service is something they would be able to provide.

Councilmember Bagby requests staff obtain the following information during their negotiation with Matrix and report back to council:

- Names of the project managers and their background and certifications
- Names of the construction managers and their background and certifications

Councilmember Bagby would also like to know how staff intends to deconflict this contract with their existing continuing services contracts with other firms.

Mr. Mike Buckingham informed the council he has been asked whether he will be interested in being the project manager on the Destin Crosstown Connect project and that he stated he would be willing to discuss it. He also stated there are local contractors with plenty of staff that would love the opportunity to work with the city for a much smaller fee.

The mayor called for a vote on the motion, which passes 4-2 (Council members Schmidt, Hebert, Destin, and Wagner voted "yes"; Council members Bagby and Braden voted "no"; Councilmember King was absent from the meeting).

C. Medical & Ancillary Benefit Renewals

The Deputy City Manager and Mr. David Barton and Mr, Mike Carroway from Acentria Insurance provided the following information:

- Employee ancillary benefits (dental, vision, disability, indemnity, and life) are provided by Guardian Insurance.
  - Rate increase for dental, vision, disability, hospital indemnity, and life are zero.
  - Staff recommends renewal of these benefits with Guardian.
- Employee health benefits have been provided by United Health Care.
  - United Health Care presented a 34% renewal quote. The city's insurance brokers negotiated it down to 28%.
    - Aetna is non-competitive to the United Health Care quote
    - Florida League of Cities has declined to provide quote
    - Florida Blue is 5% below United Health Care renewal quote. Florida Blue 03769 plan offer provides:
      - Premium increase of 23%
      - No significant design changes
      - One-month premium deduction ($95,000)
      - Overall savings for employees
      - Most similar to current UHC PPO plan
  - After careful review and coordination within the organization and discussion, staff recommends switching coverage to Florida Blue 03769 plan and its companion Health Savings Account Plan as the best option for renewal. The potential effect on FY2023 budget is $213,000 ((less one-month premium deduction of $95,000.

Councilmember Hebert moved to authorize the City Manager to renew existing ancillary benefits with Guardian and to accept Florida Blue's proposal of PPQ Plan 03769, with its companion Health Savings Account Plan to be effective September 1, 2022; seconded by Councilmember Schmidt. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

D. Cross Town Connector- Stormwater Update

Community Development Director Louis Zunguze explained that during the July 11, 2022 city council meeting, the city council directed staff to obtain costs associated with the redesign of an underground retention system for the Destin Cross Town Connector project, instead of an above ground system. The Atkins Consultants have provided design parameters and costs, scopes of work and schedules to underground one or both retention areas and have provided associated scopes of work and proposals for the two options.

Mr. James Park, Senior Engineer, and Ms. Nikki Rowe, Drainage Engineer, Atkins Engineering, presented the following information:

Atkins Q&A

1. At what level of rework (60% or 90%) will the redesign mean?
   Rework will include a redesign of the 90% plans to show the revised drainage design. 90% plans will be resubmitted 60 days following NTP.
2. Explain the difference in retention from four lanes to two lanes and why the ponds are as large as they are.
   The ponds in the previous 4-lane project design were not only larger in overall area/size, but they had steeper side slopes (3:1 vs 4:1) which allowed them to retain more runoff but required them to be fenced from public access for safety. The current pond volumes are dictated by the NWFWMD criteria for water quality and volume for a closed basin retention pond while maintaining required freeboard. There is little excess volume available in the Pond 1 since the freeboard requirement is marginally met. Pond 2 has a small amount of excess volume which could be utilized by future improvement projects in the area.
3. Are the design percolation rates conservative?
   The values used for the soil permeability rates for the pond recovery analysis are based on the geotechnical borings and lab analysis. The NWFWMD criteria requires a 1.5 factor of safety be used to account for siltation which occurs in retention ponds. There is no additional safety margin other than that required by the WMD criteria for permitting and the geotechnical engineer's recommendations.
4. Explain the reason for the drainage basin being larger than the project.
   There is offsite area which currently drains to the proposed R/W that is shown in the basin map. State drainage law requires that the existing drainage patterns be maintained and accommodated so that the proposed project does not cause adverse impacts. In addition, curb and gutter is being added to the roadways which will block runoff from adjacent off-pavement grass areas, so in order to maintain spread criteria and drain runoff from the road, the runoff is being captured into the stormsewer system or directed through flumes to grassed depressional areas.

5. Can surface retention be utilized at the Beach & Benning Dr intersection to reduce the large ponds or redistribute some of the retention areas?
   There are two small triangular parcel remainders (~0.25 AC each) at the Beach intersection that could potentially be used to provide some attenuation and treatment. However, additional geotechnical borings an analysis would need to be done in those areas for calculations and permitting. It would not eliminate the need for Pond 2 but just marginally reduce its size and would result in 3 ponds/depressions to maintain in the area where there could be other better uses for those parcel remainders such as a dog park or swing set, etc. As far as the Benning intersection, there is not much area for treatment and retention except the very small green spaces in front of people's homes in-between the road and R/W. It would not eliminate the need for Pond 1 and would only marginally reduce its size for not much benefit.
6. Why is there no difference between the schedule for both options?
   60 Days was stated by Atkins during the July 11th City Council meeting. While the level of effort to revise both Pond 1 and Pond 2 will be higher, Atkins felt it was important to maintain the timeframe that was stated and agreed upon. If the option to revise both Pond 1 and Pond 2 is chosen, Atkins will call upon additional staff to meet the schedule.
7. Go over Assumptions and Exclusions in the proposal.
   The scope language and assumptions/exclusions were made based on the information that we had at the time of creating the scope, that an underground retention system was desired for either one or both ponds. Those assumptions and scope language can be updated after this meeting, if the underground retention design is chosen, and after discussing your desires and gaining a better understanding of the design intentions for the system.

What are underground retention systems?

- They are an underground structure designed to manage excess stormwater runoff on a developed site, often in an urban setting. This type of best management practice is typically selected when there is insufficient space on the site to build a surface facility such as a detention basin or retention basin.
- Allows for high volume storage of runoff in a small footprint area.
- Can be made from a variety of materials, including corrugated metal pipe, aluminum, steel, plastic, fiberglass, pre-cast or poured-in-place concrete.
- Typically buried under a parking lot or other open land on the site.
- Allows stormwater runoff to infiltrate into the groundwater table like a traditional retention pond.
- Are more expensive than traditional retentions ponds but allow for land uses above the system within the same footprint.

DISCUSSIONS:

Councilmember Destin noted that the area in question, other than the area in the right-of-way, has been designated as a park in May 2021.

Mr. Park stated that he was not sure of the specific date but was aware it was the intent for the area outside of the roadway curb and gutter.

Councilmember Destin asked whether a 4:1 side slope is appropriate for a public park.

Ms. Nikki Rowe noted that the Northwest Florida Water Management District criteria allows for a 4:1 side slope per pond without being fenced; and that it is a reasonable use in a public park.

Councilmember Destin inquired as to the reason behind incorporating a large area of Beach Drive, Legion Drive, and Azalea Drive within the drainage basis as shown in the plan.

Ms. Rowe explained that those areas were included within the drainage basin based on topographic survey and research on runoff directions in those areas.

Councilmember Destin asked what percentage of square footage were added to the drainage basin by including all these roadways.

Ms. Rowe stated that approximately half an acre was added, but she could come back with a more precise number.

Councilmember Destin pointed out there is not a single pond, similar to the one shown in the plan, on Airport Road, Mountain Drive, Azalea Drive and Beach Drive. He asked how they are handling the stormwater on those roadways. He added that it appears they are draining from the swale on each side of Mountain Drive into a percolation system that goes through pipes under the road. He asked where the drainage goes through on Mountain Drive.

According to Engineering Assistant Joe Bodi, the drainage goes through the scepter chambers underneath the roadway throughout the length of the road on Mountain Drive.

Ms. Rowe noted there are exfiltration trenches in Legion Drive to which the stormwater currently drains. Also, there is existing ribbon curbing so runoff can escape the road and percolate into any green spaces in front of houses.

Councilmember Destin asked why that particular design is not applicable to the 1200 feet of crosstown connector road.

According to Ms. Rowe, she is not sure when those other roads were designed and permitted, but the ponds are based on current Northwest Florida Water Quality and Attenuation Criteria. She added that the exfiltration trenches provide water quality treatment, but they do not provide storm water attenuation which basically holds the runoff volume so that it does not flood properties or the road.

Councilmember Destin stated that they should have adhered to the policy set by the council in 2021, which is to eliminate the drainage retention pond and designate the rest of the campground as a park.

Councilmember Bagby stated that he shares Councilmember Destin's concerns. It was his understanding the initial plan of the council was to turn the campground into a park, and that the engineers should have been working towards that goal instead of deciding to create ponds.

Mr. Park explained there has been a lot of history on this project that he was not aware of as he was not the project manager at the start of this project. As far as he was aware, they have designated the right-of-way as park to make sure the road stays a two-lane road. He continued they have done work to prepare concepts for parks on the north property which he understood was the park location. However, they are the consultants for the city, and they will be happy to do what is in the best interest of the city and will follow council's direction in order to get there. He added they have not proposed underground retention from the beginning as that is a much pricier solution and not best practice.

Councilmember Braden asked why they are spending money for the exfiltration system when the original pond design is in variable depth and the 4:1 slope is still traversable and accessible and is adequate for parks.

The mayor noted it was the council's direction to do so.

Ms. Rowe clarified that the above ground ponds are traversable and usable as park space but mainly just for pedestrians walking around or playing sports, but not for playground equipment. The below ground system can support playground equipment and other park features but not trees.

Councilmember Schmidt inquired whether the cross-town connector has ever been designed to be a 4-lane road.

Mr. Park noted there were 100% plans several years ago for a 4-lane road, and then the road was then redesigned to be a 2-lane road.

Councilmember Schmidt noted there has been some statements made about drainage analysis being underway. He asked whether there has been some analysis done on this topic the last few years.

Mr. Park explained they started with the general analysis of the basin to see where the water is coming from, the geometric design, inlet locations, and piping sizes. They did the calculations to determine the design constraints. At a certain point of the design phase, they react to the roadway design and determine where they can place the ponds.

According to Councilmember Schmidt, the council has not been specific in detailing their motions and giving directions to staff resulting in a lot of gray areas. The motion that was adopted in May 2021 was to designate the portion of the Old Destin Campground property that is not part of the right-of-way for the crosstown connector as the green belt/park, and that council will provide the details as money becomes available. He continued that the definition of a green belt is an area of open land around the city on which building is restricted. It did not say anything about playground equipment or anything of that nature. Also, he was told that the north property is where they are going to have the playground and benches. He added that green space and park are important, but he does not support a redesign and spending a lot of money just to create a park. He just wants to move forward with the current design and have the road built as it is going to benefit everybody.

The mayor commented that he rewatched the October 2021 council workshop on this topic prior to tonight's meeting. One of the things spoken about with the 2-lane road is that greenspace with be zoned Recreation to make sure the road will not be converted to 4 lanes in the future. Ideas regarding the linear park, narrowing the lanes, and reducing speed limit to 25 miles per hour also came up to slow down traffic on that road. The discussions revolved around having pond #1 and pond #2 as well as the green area on the north side of the 2-lane connector for recreational activity. There were no directions given to make it a flat ground and no discussions about underground drainage.

Councilmember Destin noted that he and Mr. Buckingham has been working with an engineering company which he had used in the past. Mr. Buckingham has some information and estimate that is far less that will show how they can save money by utilizing this engineering company.

Mr. Mike Buckingham handed out some materials to the mayor and council. He stated that the material he just handed out was a set of plans from a well-known local engineer. The plans show another option to the plans submitted by the city's current engineer. He stated that the city has spent almost $600,000 on the current design for the project. This company can give them a price that is reasonable and can provide the city a reasonable alternative.

Mr. Buckingham also stated that he has been involved in this business for over 30 years, and that he feels the design they currently have is twice as big as they need; adding he has approached two other engineering companies in the community that have done a lot of work for the city to review the plans and they came up with a similar conclusion. He asked the same companies what they would charge to design the road for the City of Destin from start to finish, and that the response was $40,000 to $45,000 for a complete design.

At this time, Councilmember Schmidt called for a point of order stating they are being unfair to their current engineering consultant by allowing Mr. Buckingham to continue with his comments. He continued that no one from the engineering company Mr. Buckingham is speaking about is present at this meeting, and that they are not under contract with the city on this project.

The mayor noted that Mr. Buckingham's presentation is inappropriate. He pointed out that the city put out a proposal for the design of the cross-town connector road, and that they have been under contract with Atkins Engineering for many years. The engineering company Mr. Buckingham spoke about did not submit a proposal. Furthermore, the materials that were presented to council tonight was not properly vetted and had not been seen before by this council. He added it is not fair to the group that came here tonight to make a formal presentation.

The City Attorney noted he was not with the city when it hired Atkins Engineering; however, the company was most likely hired through a Request for Qualifications (RFQ) process, which is a Consultants Competitive Negotiations Act where they do not initially submit prices. If the council has a portion of that work that they want to rebid, they may have to go through that process again; and that if an amount is given tonight from a company Mr. Buckingham was speaking about, it could create legal issues with procurement which they would want to avoid.

Councilmember Destin asked whether they could assign their other continuing services engineer to review the stormwater portion of the project.

According to the City Attorney, there is a threshold to which they could use their continuing services contractors. It was recently raised to about $4 million estimated cost of a construction. He added he does not have a good answer to that question tonight since he is not sure as to the total cost of construction for this project. They may need to go through another RFQ process if it exceeds that amount.

Mr. Buckingham asked whether it would be possible to do what Councilmember Destin was asking which is to put some swales in the little underdrain either under the road or in between the medians, grab the majority of the storage and discharge it out in the shallow pond.

Ms. Rowe stated that the median is not going to provide the attenuation that is necessary. They could capture the runoff in the median by changing the typical section, but that is not really going to change the volume needed based on the Northwest Florida Water Management District criteria.

Ms. Miranda Glass, a drainage engineer, noted that the options they are seeing tonight are wholesale replacements to get a flat area as it was requested. If the suggestion is to have a larger scale vault underneath the roadway, it is definitely another option. There is going to be some cover requirements that might be able to expand the usage of the greenspace such as for tree planting. However, those vaults that they would typically place underneath the roadway is the most expensive option.

According to Councilmember Bagby, it has been mentioned previously that there is excess capacity in the large pond and that the small pond is exactly what they need. He asked how much additional capacity they have in the large pond.

Ms. Rowe stated that they have about .75 feet of volume across the pond that could provide additional treatment and attenuation.

According to Councilmember Bagby, if they increase the area of the pond as much as possible and they already have excess capacity, which means they could reduce the depth of the pond.

Ms. Rowe stated that is affirmative, however, the council wanted the wandering shared use path which narrowed down how large and how they could create the pond. In some areas, the shared use path can be closer to the roadway. They could widen it and make it a bit shallow, but, since they have that huge hill area in such a skinny parcel, it has to be deeper to get the required volume. She added it could probably be much shallower if it was more of a rectangular shape rather than an odd oblong shape.

Councilmember Bagby asked if it would be possible to take pond #1 any deeper.

According to Ms. Rowe, with the safety factor involved and the seasonal high ground water table that was found with the borings, they would not be able to take pond #1 any deeper.

Councilmember Bagby asked why they put the crown of the road where it slopes to the outside rather than to the inside where they could put some kind of capture and feed it to one of the ponds.

Mr. Park explained that the modified section they see at this time is a reduction of the original and ultimately the standard typical section that they look to is the raised median and sloping to the outside. A lot of that is driver expectancy. It may be possible to put that slope to the inside and have stormwater retention on the median. They would need to run those calculations to really get a good picture as to what impact it would have on landscaping or what kind of reduction that would take to the ponds.

Councilmember Destin moved to direct the City Manager to enter into the addendum to the agreement with Atkins Consultants and execute the redesign of the Destin Cross Town Connector retention system, in order to underground retention pond #2, in the amount of $45,491.58, to provide council the option to turn that area into a park/green space, as previously designated, passed 4-2 (Council members Schmidt, Hebert, Destin, and Wagner voted "yes"; Council members Bagby and Braden voted "no"; Councilmember King was absent from the meeting).

E. Flood Insurance Update - Risk Rating 2.0

Public Works Director Michael Burgess provided the flood insurance update to the council.

Risk Rating 2.0 – What Has Not Changed?

- Existing policies will not increase more than 18% per year
- Mandatory purchase requirement
- Pre-FIRM and newly mapped area subsidies
- Policy assignment/transfer
- Community Rating System (CRS) – Destin is a Class 6
- Premium Calculation Algorithm
    - Effective October 1, 2021 for all new policies
    - Effective April 1, 2022 for all policy renewals
- Premium Calculation Methodology – factors
    - No rate tables (FIM)
- Phasing out of former policy types (PRP, MPPP, SFR)
- Discounts – CRS, machinery and equipment, flood vents
- Fewer foundation types
- Policies will be elevation rated
    - Plus other factors

Calculating Premiums

- Proximity to flooding source
- Flood frequency

- Cost to rebuild/replace
- Construction type (frame, masonry, other)
- Foundation type
- Building occupancy
- Equitable distribution of premiums across all policy holders
    - Higher value homes will see an increase
    - Google "Risk Rating 2.0 YouTube"

Retiring Policy Types & Procedures

- Preferred Risk Policy (PRP)
    - For structures located in Zone X or removed via a LOMA, LOMR, or LOMR-F
- Mortgage Portfolio Protection Program (MPPP)
    - Force-Placement of flood insurance
- Submit for Rate (SFR)
    - Elevation of home was more than 1 foot below BFE

Annual Premium Effects for Florida, all policies

- Total Number of Policies Statewide = 1,727,811

Category	Policies	%
• Policies Decreased	342,109	27.0%
• Policies Incr. $0-$10	1,178,302	57.1%
• Policies Incr. $10-$20	134,558	11.1%
• Policies Incr. >$20	72,842	4.8%

Annual Premium Effects for ***32541***, All Policies

- Total Number of Policies = 8,108

Category	Policies	%
• Policies Decreased	3,366	41.5%
• Policies Incr. $0-$10	4,341	53.5%
• Policies Incr. $10-$20	280	3.5%
• Policies Incr. >$20	121	1.5%

Annual Premium Effects for ***32541***, Residential

- Total Number of Residential Policies = 1,579

Category	Policies	%
• Policies Decreased	405	25.6%
• Policies Incr. $0-$10	938	59.4%
• Policies Incr. $10-$20	154	9.8%
• Policies Incr. >$20	82	5.2%

F. Baseball Conversion Costs @ DES

The Deputy City Manager provided council the information on the costs to renovate the Destin Elementary School baseball field to meet high school standards. He stated that renovations will include repairs to the existing backstop, the first baseline fence, field lighting, safety netting, mound construction, and infield reconditioning. Destin High School has already purchased the safety netting. This price will be in the range of $40,000 to $45,000. He stated that staff will bring back the cost analysis for renovating the Morgan Sports Center baseball field on August 15th council meeting.

G. Announcements

1. Okaloosa County Schools start back on Wednesday, August 10th.
2. The Library will be closed on Friday, August 19th, for staff to attend the Annual OCPLC staff training day and will open as usual on Saturday, August 20.
3. Many thanks to the staff for hosting Big Truck Day on Friday, July 29th.
4. The Destin City Council will host a Budget Workshop on Thursday, August 11th at 5:30 PM.
5. For the month of August, randomly selected Destin households will receive information to participate in Destin's 2022 Community Survey. There will be a follow-on survey for all residents to participate at a later date. Staff is working with POLCO which is overseeing the survey and the letters that are going out to the households will be signed by Mayor Jarvis.
6. Early voting for the primary elections is scheduled for August 13 – 20, from 10 AM to 6 PM at the Destin Community Center.

5. PUBLIC HEARINGS

A. Second reading of Ordinance 22-09-CN - Exclusive Solid Waste Franchise Agreement with Waste Management, Inc, of Florida.

The City Attorney read proposed Ordinance 22-09-CN by title, and then presented it to the city council on second reading.

> AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR THE EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT, INC. OF FLORIDA, A PRIVATE CORPORATION, FOR THE COLLECTION AND DISPOSAL OF ALL RESIDENTIAL AND COMMERCIAL TRASH, GARBAGE, AND OTHER REFUSE WITHIN THE CITY LIMITS; PROVIDING FOR THE COLLECTION OF RESIDENTIAL RECYCLABLE MATERIALS WITHIN THE CITY LIMITS; PROVIDING FOR DEFINITIONS; GRANT OF FRANCHISE; LIMITS OF FRANCHISE; TERM; FRANCHISE CONSIDERATION; ASSIGNMENT; BANKRUPTCY OR INSOLVENCY; DEFAULT; RATE CHANGES; RIGHTS OF FIRST REFUSAL; RESTORATION; COMPLIANCE WITH LAWS, LIABILITY INSURANCE, HOLD HARMLESS, WORKERS COMPENSATION; PERFORMANCE BOND; RIGHT TO REQUIRE PERFORMANCE; DISPUTE RESOLUTION; OPERATIONS DURING DISPUTE; STANDARD OF PERFORMANCE; CURBSIDE RECYCLABLE MATERIALS COLLECTION AND DISPOSAL; RECYCLING PROGRAM; COLLECTION SERVICES AND OPERATIONS; OFFICE AND COLLECTION HOURS; COLLECTION EQUIPMENT; DISPOSAL ROUTES AND SCHEDULES; GRANTEE PERSONNEL; SPILLAGE AND LITTER; STORMS AND OTHER EMERGENCIES; NONDISCRIMINATION PROVISION; RATES AND CHARGES; RATE CHANGES; DELINQUENT ACCOUNTS; ACCOUNTING, RIGHT TO AUDIT; COMPLAINTS; CHARGES FOR FAILURE OF PERFORMANCE; VENUE; SOVEREIGN IMMUNITY; CONFLICTING ORDINANCES AND RESOLUTIONS; SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against proposed Ordinance 22-09-CN.

Ms. Marcie Bell, a Destin resident, acknowledges that her previous concern about overages and contamination fees no longer exist. She stated that with regards to the issue involving short-term rental properties, there is already a code on the books that is meant to deal with this issue. She continued that they need to do their best to support the Code Compliance Department by doing things to provide them some assistance in enforcing the code. One way is to require Waste Management to put house numbers on all cans throughout the city. This would allow for easy identification by both Waste Management workers and the city's Code Compliance officers as to whom each can belongs. She continued that a simple proactive drive by Code Compliance Officers on city streets would allow them to quickly identify code violators and issue notices of violations.

Having no further comments from the public, the mayor closed the public hearing portion of this item and turned the matter over to the city council for their discussion and consideration.

Councilmember Bagby moved to adopt Ordinance 22-09-CN on second reading, seconded by Councilmember Wagner.

There were some discussions about numbering the trash cans to facilitate quick ownership identification and who will be responsible for covering the costs to mark the cans.

Ms. Doug Rainer of Waste Management, Inc. stated that his company has not had that discussion; however, if that is what the council wants, his company could go ahead and obtain quotes on what it would cost to do it.

There was a question as to whether they could make some modifications to the ordinance without sending it back to first reading.

According to the City Attorney, making a minor modification such as who will be responsible for paying to mark the cans would not send the ordinance back to first reading. However, he would recommends continuing second reading of the proposed ordinance to the next meeting to allow them time to negotiate with Waste Management and craft a language to be included in the franchise agreement.

Councilmember Destin moved to continue second reading of Ordinance 22-09-CN to August 15, 2022, seconded by Councilmember Bagby. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

B. First reading of Ordinance 22-11-CN - Relating to the lease of certain real property owned by the City of Destin. Providing for city council approval of the second amendment to the reclaimed water lease for the lease of property located at 4200 Indian Bayou Trail, Destin, Florida to Destin Water Users, Inc.

The City Attorney read proposed Ordinance 22-11-CN by title, and then presented it to the city council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE LEASE OF CERTAIN REAL PROPERTY OWNED BY THE CITY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF THE SECOND AMENDMENT TO RECLAIMED WATER LEASE FOR LEASE OF PROPERTY LOCATED AT 4200 INDIAN BAYOU TRAIL, DESTIN, FLORIDA TO DESTIN WATER USERS, INC.; PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against proposed Ordinance 22-11-CN. Having none, the mayor closed the public hearing portion of this item and turned the matter over to the city council for discussion and consideration.

Councilmember Schmidt moved for approval of Ordinance 22-11-CN on first reading and direct staff to advertise it for second reading; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

C. Proposed Conditional Use 22-25-CU, Bowman Consulting, on behalf of Arris Destin Retail, LLC, is requesting approval of Conditional Use 22-25-CU. This project includes he location of a parking lot to serve the employees of the approved fast-food restaurant to be located next door. The subject project is located on a portion of the commercial outparcel at 1015 US Highway 98 East (Parcel ID: 00-2S-22-0000-0013- 019A).

The City Attorney sworn in the following individuals for testimony:

- Senior Planner Daniel Butler
- Ron McBee, Bowman Consulting Group

The City Attorney asked the council whether there has been any ex-parté communications relating to the proposed project.

Each member of the council responded there have not been any ex-parté communication the occurred relating to the proposed project.

Mr. Ron McBee of Bowman Consulting Group, representing the applicant, presented the proposed project to the council.

The mayor opened a public hearing to receive comments for or against the proposed project. Having none, the mayor closed the public hearing portion of this item and sent the matter over to the city council for their discussion and consideration.

Councilmember Hebert moved for approval of Conditional Use 22-25-CU with the following condition: The proposed parking lot shall be utilized by staff and customers of Chick-Fil-A only. Councilmember Wagner provided a second to the motion, which passes 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

D. First reading of Ordinance 109.11 - Amending the City's Personnel Rules and Regulations

The City Attorney read proposed Ordinance 109.11 by title, and then presented it to the city council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENT OF ORDINANCE 109, AS AMENDED, PERSONNEL RULES AND REGULATIONS, PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO SECTION 40, HOLIDAYS; 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 proposed Ordinance 109.11. Having none, the mayor closed the public hearing portion of this item and turned the matter over to the city council for discussion and consideration.

Councilmember Hebert moved for approval of Ordinance 109.11 on first reading and direct city staff to advertise it for second reading; seconded by Councilmember Destin. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was 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

Councilmember Bagby request the City Manager Evaluation topic be placed under his name on the August 15th council meeting agenda for discussion.

Councilmember Bagby asked staff to contact the Florida Fish and Wildlife Commission (FFWC) and ask them to outline the process involved in removing derelict vessels and provide that information to council.

E. Councilmember Hebert
F. Councilmember King
G. Councilmember Schmidt
    1. Morgan Sports Center Baseball Field

Councilmember Schmidt asked staff to provide the cost analysis for renovating the Morgan Sports Center baseball field at the August 15th council meeting.

    2. Helicopter Usage and Safety

Councilmember Schmidt stated that there have been a lot of activities going on with the tour helicopters, and that he has been receiving a lot of calls from the citizens.

Councilmember Schmidt moved to direct the City Land Use Attorney to coordinate with county staff to determine and to provide to the council the current permitted usage and future allowable usages of the property currently being utilized by the tour helicopters. Councilmember Wagner provided a second to the motion, which passes 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

Councilmember Schmidt requests the following categories – Reactive and Proactive Responses – be added to the Code Enforcement Report.

H. Mayor Gary Jarvis

Mayor Jarvis requests staff includes the following information to the Morgan Sports Center renovation cost analysis report they plan to bring back on August 15th:

- Pros and Cons (benefits and negative impacts)

Councilmember Bagby would also like to see a list of other assistance the city is already providing the Destin High School, such as the use of the soccer field and softball field.

I. Land Use Attorney
J. City Attorney

The City Attorney requests the council schedule another executive session to discuss the litigation involving the City of Destin and the Destin Fishing Fleet, Inc.

Councilmember Bagby moved to schedule a Council Executive Session concerning litigation involving the *Destin Fishing Fleet, Inc., v. City of Destin,* Okaloosa County Court Case No. 2019-CA-000425F, on August 15, 2022, at 5:30 PM; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

7. PUBLIC COMMENTS

Ms. Marcie Bell noted that with regards to the tour helicopters, she has witnessed two or three helicopters being at the helipad location this summer, and that she does not think that is allowed. She also stated she is committed to providing any assistance he can to the Code Compliance Department to make it a very efficient department for the city.

8. ADJOURN

Having no further business at this time, the meeting was adjourned at 9:45 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk