

**REGULAR MEETING
DESTIN CITY COUNCIL
JANUARY 22, 2024
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 Bobby Wagner

Councilmember Torey Geile

Councilmember Terésa Hebert

Councilmember Johnny King

Councilmember Dewey Destin

Councilmember Jim Bagby

Councilmember Kevin Schmidt

Destin City Staff

Interim City Manager Louis Zunguze

City Engineer Ryan Scott

Public Information Director Tamara Young

Grants/Projects Manager Jeffrey Cozadd

City Attorney Kimberly Kopp

City Clerk Rey Bailey

Public Works Director Michael Burgess

HR Director Jaime Dittmer

IT Director Andy Peters

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bobby Wagner called the meeting to order at 6:00 PM. Pastor Steve Farris of the First Baptist Church of Destin gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Hebert, seconded by Councilmember King, to approve the agenda passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”).

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

A. Proclamation - Congenital Heart Defect Awareness Month

The mayor read the proclamation designating February 2024 as Congenital Heart Defect Awareness Month.

B. Recognition of the 2023 10U Softball All-Stars and Recognition of the 2023 12U Baseball All-Stars

The mayor and council recognized the 2023 10U Destin Little League Softball All Stars and the 12U Destin Little League Baseball All-Stars for all their hard work representing Destin in the State Tournament at Sarasota, Florida.

C. 2023 Holiday Decorating Contest Winners

The mayor presented an award plaque to each of the following 2023 Holiday Decorating Contest winners:

- Best Decorated Home: Renee Potter – 162 Bent Arrow drive.
- Best Decorated Business: La Paz Restaurant
- Best Decorated Organization: The Palms of Destin
- Best Overall Holiday: Ryan Roberts – 3794 Indian Trail.

2. PUBLIC COMMENTS

Ms. Marcie Bell, a Destin resident, volunteered to be a member of the City Manager Selection Committee if a vacancy occurs.

Mr. John Stephens, a Destin resident and local business owner, expressed his desire to fill the Interim Councilmember position. He also announced his intention to run for a seat on the council in the November 2024 election.

3. CONSENT AGENDA

- A. Animal Control Services Contracts 2024
- B. Approve IT Contract: Cox Internet/Phone renewal
- C. Approve IT Contract: New Budgeted Timekeeping/Payroll System
- D. Motion to rescind the prior Council directive to terminate Mr. Isaac Birch's membership on the City's Parks and Recreation Committee.
- E. Approval of minutes of the January 8, 2024, Regular City Council Meeting
- F. Approval of minutes of November 27, 2023, Special City Council Meeting
- G. Board & Committee Minutes

Motion by Councilmember Bagby, seconded by Councilmember Hebert, to pull Consent Agenda item 3D, and to approve Consent Agenda items 3A-3C, and 3E-3G passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”).

4. CITY MANAGER REPORTS

- A. Motion to rescind a prior Council directive to negotiate a contract with ADS for the FPL Undergrounding Contractor, and Motion to reject all bids.

The City Attorney expressed that based on the reasons outlined in the staff report, staff recommends that the council rescind the council's prior directive to negotiate a contract with ADS for the FPL Undergrounding Project. And that if that motion passes, then the council may also consider rejecting all bids submitted pursuant to RFP 23-10-ENG, Phase 1 Utility Undergrounding Conversion Project.

Motion by Councilmember Bagby, seconded by Councilmember Hebert, to rescind the city council's prior directive to negotiate a contract with ADS for the FPL Undergrounding Project passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted "yes").

Motion by Councilmember Bagby, seconded by Councilmember Hebert, to reject all bids in RFP #23-10-ENG, Phase 1 Utility Undergrounding Conversion Project passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted "yes").

B. Revisions to Purchasing Manual (Operating Instructive ADM-30)

The City Attorney noted this item is for information only. The City of Destin has wide discretion to control its purchasing policy and procedures. The Purchasing Manual should be updated from time to time to better streamline processes, confirm to the Comprehensive Purchasing Policy, and better adhere to current practices. Staff plans to make changes as outlined in the proposed amendments to the Purchasing Manual contained in the staff report to the council.

C. RFP 24-01-ENG - Phase 1 Utility Undergrounding Conversion Project

Motion by Councilmember Hebert, seconded by Councilmember King, to direct staff to issue RFP 24-01-ENG as soon as possible passed 6-0.

D. Synalovski Romanik Saye (SRS) Contract

Interim City Manager Louis Zunguze noted that the council ranked the firm of Synalovski Romanik Saye (SRS) first in the selection process for the Proposal for Town Center Conceptual Site Master Planning and directed the City Manager to negotiate a contract and bring it back for their consideration. The Master Agreement and first Work Authorization are outlined in the staff report.

Councilmember Hebert moved to approve the Master Agreement and Work Authorization #1 and the internal budget transfer; seconded by Councilmember King.

Councilmember Destin wants to make sure they are not addressing a piece of property that the city does not already own, and potentially acquiring a development order now or in the future, such as the Publix Shopping Center property. They could run into some legal problems later if they disagree with some of the particulars of the development order. The owner of the property could insinuate that the reason the city was not approving the development order was because of its desire to acquire it.

According to Councilmember Bagby, he cannot support including a parcel that they have no interest in whatsoever, and which could also come into question if they ever deny their development order.

The City Attorney noted that at this time, no part of the proposed contract involves the city trying to purchase or take any part of this property. There is a requirement in the city's Land Development Code that the applicant must adhere to whether it is with the city or on their own.

The code requires residential development in that zoning district for a 20% non-residential component. Either the city or retailer of a commercial entity could fill that role. It is through this 20% non-residential component that the planning consultant of SRS could envelope into this whole design process. However, it is of the council's prerogative to remove it from the proposed contract if they so desire.

Councilmember Destin offered a substitute motion to restrict this contract to parcels that the city currently owns or allow the parcel if the city arrived in some kind of agreement to acquire or to use it; seconded by Councilmember Bagby.

According to Councilmember Schmidt, it was his understanding that the contract, if they proceed as written, will include some options at the end. They could see some options that show nothing involving Publix property and only the parcels that they already own; but they could also see options that would include Publix property.

The mayor called for a vote on the motion which failed 3 to 4 (Council members Schmidt, Bagby, and Destin voted "yes"; Council members King, Hebert, and Geile voted "no"; Mayor Wagner cast the tie-breaking vote of "no").

Councilmember Destin moved to table this item; seconded by Councilmember Bagby. Motion failed 2-4 (Council members Destin and Bagby voted "yes"; Council members Schmidt, King, Hebert, and Geile voted "no").

Councilmember Hebert moved to approve the Master Agreement and Work Authorization #1 and the internal budget transfer; seconded by Councilmember King. Motion passed 4-2 (Council members Schmidt, King, Hebert, and Geile voted "yes"; Council members Destin and Bagby voted "no").

E. 30% Plans- Linear Park (DAG Architects)

The City Engineer noted that the 30% concept plans have been completed and are ready for the council's review and feedback. A public workshop was held on November 9, 2023, and the result of that workshop is outlined in the staff report. A joint committee meeting was also held on December 12, 2023, involving Public Works/Safety, Parks & Recreation, and the Town Center CRA Advisory Committees. Staff and DAG Architects were seeking public and committee feedback on the current conceptual design and /or a recommendation for city council to move forward with the current design concept. Each of the committees provided separate motions for amendments to the plan. Summary of recommended amendments are as follows:

1. Addition of bathrooms and dog stations.
2. Florida Power & Light (FPL) will install the lighting.
3. Addition of vehicular access and turnarounds along the route.
4. Have a vehicle rated option for the east end bridge, one with and one without.
5. The sidewalk connection at Mattie Kelly corrected.
6. The north south Mattie M. Kelly Blvd connection to remain in the plans (this requires a change order of \$475,000 for engineering, design and permitting).

Following some discussion, Councilmember Geile moved to approve the 30% Concept Design plans with only recommended amendments 2, 3, and 5 from the Joint Committees to be incorporated into the 60% Concept Design plans passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”).

F. Boardwalk Under the Bridge & PD&E/US98/Stahlman Ave Study Update

The City Engineer noted that the city council previously directed the City Manager to have staff reengage with Baskerville-Donovan, Inc. to continue the Zerbe Street/Calhoun Avenue Phase II Design of pedestrian pathway under the Marler Bridge. Per council’s direction, the firm has prepared a concept plan to show how the boardwalk can extend under the bridge, along the frontage of the One Harbor property and tie into the existing pedestrian network within the area. The goal is to provide a new access point to the Harbor Boardwalk that will divert pedestrian traffic away from the Stahlman Avenue/Harbor Blvd intersection while still maintaining minimal impact to the One Harbor property allowing for maximum redevelopment potential.

Mr. Michael Langston, Engineer of Record, from Baskerville-Donovan, Inc. provided an overview of the two contracts and what additional scope will need to be added to accomplish the design and permitting required for a new seawall and boardwalk along the entire property frontage.

Councilmember Hebert moved to direct the City Manager to negotiate with Baskerville-Donovan, Inc. and bring back a revised contract that combines the PD&E Study and One Harbor Boardwalk Extension project into one contract for a future city council meeting, seconded by Councilmember King.

Councilmember Bagby asked about the lighting plan, including installation of security cameras along the boardwalk, particularly under the bridge.

According to Mr. Langston, they will consider including it in their design and coordinate matters with FDOT.

Councilmember Bagby also inquired as to the load rating of the bridge.

Mr. Langston stated that they have not delved much in terms of the load rating, but it would have to be traffic-rated to include LSVs. They will need to have some ability to get emergency vehicles in and out of that facility safely and easily.

Councilmember Bagby asked whether the owners of the southern property had any plans to fix their boardwalk and access point.

The City Engineer noted that staff has a meeting scheduled with the property owners this week to discuss that issue.

Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”).

G. Review IT Ecosystem and Planned approach for Improvements.

The Information Technology (IT) Director provided a summary of the current Software Ecosystem, its modules, connections, and improvement plans, seeking council's guidance on choosing between Cooperative Purchasing for streamline processes or initiating separate RFPs for each phase.

Councilmember Hebert moved to direct the City Manager to proceed with the ongoing improvements to the IT Ecosystem making use of Cooperative Purchasing or Piggybacking where possible to streamline procurement and improve implementation timelines, seconded by Councilmember Schmidt.

Councilmember Bagby recommends finding a way to work simultaneously with the city's internal processes – i.e., payroll and finance – with their external processes – i.e., permitting.

The IT Director noted that the Interim City Manager had already provided some instructions to focus on their external processes.

Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted "yes").

Councilmember Geile requests permission from the council to allow him to get involved with staff at some capacity and making recommendations since he has had experience working with software companies on programing interfaces and a contracting license where he utilizes that program.

Motion by Councilmember Destin, seconded by Councilmember Hebert, to authorize Councilmember Geile to be the council liaison to city staff and to bring back his findings to the city council passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted "yes").

H. Subaward Agreement No. 2024-R12 between Okaloosa County and City of Destin, Clement Taylor Park Renovation Project

The city's Grants/Program Manager requested the council's approval to sign the RESCORE Act Direct Component Subaward Agreement between Okaloosa County and the City of Destin for the renovation of Clement Taylor Park. After both parties execute the Subaward Agreement, the next step in the process will be to begin the procurement process. This process will include bringing an RFP to the council for their approval and then forwarding it to the county for review and approval.

Motion by Councilmember Hebert, seconded by Councilmember Schmidt, to authorize the mayor to execute the Subaward Agreement No. 2024-R12 between Okaloosa County, Florida and the City of Destin, Florida, pertaining to the Direct Component portion of the Restore Act Trust Fund monies allocated to Okaloosa County passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted "yes").

I. City Manager Search Update and Proposed Schedule

The Human Resources Director reported that as of January 16, 2024, there have been 11 applications. All have met the minimum requirements for the full-time City Manager position. The following are the proposed schedule for next steps:

- **Friday, February 9, 2024.** HR Director and City Attorney remove any resumes that do not meet minimum-requirements (A copy of any removed document will also be provided to the Committee and City Council).
- **Monday, February 12, 2024.** Resumes forwarded to the City Manager Selection Committee. The Committee has at least 14 days to review.
- **March 1-25:** Committee meetings to select candidates for interviews, conduct interviews, and short list candidates for Council interviews. The City Clerk's office is currently working with committee members on scheduling.
- **City Council Interviews:** Tentatively to occur between **April 1st and 10th** (absent any delays at Committee level)
- **City Council Meet and Greet and Council Meeting to Direct HR and Legal to negotiate city council contract consideration/approval:** May 6, 2024

J. City Council Seat Vacancy and Appointment of Council Member to Vacated Seat

The City Attorney reported that on January 16, 2024, Councilmember Matthew Sweetser submitted a formal resignation letter to the City Manager, City Attorney, City Clerk, and the Supervisor of Elections, Paul Lux. The City Attorney forwarded the correspondence to the mayor and city council, and this agenda item outlines the council's next steps pursuant to the City Charter.

- Section 3.09(a) of the City Charter provides in relevant part that a vacancy occurs if a Council Member resigns from the Council. Additionally, City Charter section .09(c)(1) provides: *If there is less than one year remaining in the unexpired term or if there is less than one [year] before the next regular city election, the council by a majority vote of the remaining members shall choose a successor to serve until a newly elected mayor or council member is qualified.*
- Notably, City Charter section 3.09(c)(4) states that a *council member or mayor elected to fill the unexpired term of a vacated council or mayor seat shall be eligible to run for one subsequent consecutive term.*

Any council member may move to either accept applications for interim council members and make an appointment at a subsequent council meeting or may immediately appoint a resident of the city to the seat vacated by Councilmember Sweetser to serve until the November 2024 election. The individual may choose to qualify and run for a permanent seat in the November 2024 election but is not required to do so.

Motion by Councilmember Schmidt, seconded by Councilmember Geile, to appoint Mr. John Stephens as Interim City Councilmember passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted "yes").

Motion by Councilmember Geile, seconded by Councilmember Hebert, to appoint Ms. Marcie Bell to the City Manager Selection Committee, replacing Mr. John Stephens, passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”).

K. Announcements

1. The city received several calls and messages regarding the sunken ship at Joe’s Bayou. The US Coast Guard from Panama City and other partners are working with the city’s Code Compliance Department to make sure everything is taken off, including the removal of fuel from the vessel.
2. Florida Arbor Day Celebration was held on January 19th. The city’s Park and Recreation Department originally planned to plant a Buckeye Tree in honor of it. But due to extremely cold temperatures, that action has been delayed. The Parks and Recreation Committee will meet on Tuesday, January 23rd and will Discuss when to plant that tree.
3. On Wednesday, January 24th, the city’s Vulnerability Assessment Planning Meeting will be held in the Annex Chambers.
4. The directional boring contractor is planning to start the 4-Pronged Lake project on Wednesday, January 24th. The work is expected to be completed in two days.
5. The Destin History and Fishing Museum Gumbo Contest will be held on Saturday, January 27th, at the Destin Community Center. Tickets will be available at the Destin Community Center web site or at the Community Center.
6. The Pins and Pancakes Bowling fundraiser will be held on Friday, February 23rd. Money will go towards Destin Forward project for this year, which will be the improvements to the Clement Taylor Park renovations.
7. The city’s Visioning Session will be held on February 29th.
8. This year is the 40th year anniversary of the City of Destin. Planning for the celebration is currently underway.
9. Capt. Fulghum – The Sheriff’s Office obtained a traffic grant for 2024 to do traffic enforcement in the City of Destin. They have currently made 248 traffic stops and about 36% of which have resulted in a citation. By the end of February, they have to submit the paperwork to be approved for the same grant to continue this effort next year. They will need a support letter from the City of Destin before they can apply for that grant.

Councilmember Bagby moved to authorize the mayor to sign the support letter for grant without further council review; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”).

5. PUBLIC HEARINGS

- A. THIS ITEM HAS BEEN CONTINUED TO THE FEBRUARY 5, 2024, REGULAR CITY COUNCIL MEETING TO BE HELD AT 6PM, AT THE REQUEST OF THE APPLICANT. IT WILL NOT BE CONSIDERED ON JANUARY 22ND. THIS NOTE IS INCLUDED IN THE AGENDA FOR THE BENEFIT OF THE PUBLIC AFTER ADVERTISING.

Panhandle Engineering, Inc., on behalf of Ramanada LLC, is requesting approval for a Major Development Order, which includes the construction of a 64-unit boutique hotel, along with the associated site infrastructure, as well as a separate overflow parking lot for the SunDestin condominiums. The subject project is located at 1035 Highway 98 East (Parcel ID: 00-2S-22-0000-0024-001C), totaling approximately 9.18 acres.

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

A. Councilmember Geile

1) Project Status Updates

Dredging Operation – staff received a cost estimate higher than the original estimate. Staff is seeking for at least two more estimates to bring to the council during budget discussion.

- B. Councilmember Destin**
- C. Councilmember Bagby**
- D. Councilmember Hebert**
- E. Councilmember King**
- F. Councilmember Schmidt**
- G. Mayor Wagner**
- H. City Attorney**
 - 1) Form 6**

Motion by Councilmember Destin, seconded by Councilmember Hebert, to pay the flat fee of \$10,000 to participate in a lawsuit that a South Florida Law Firm is bringing based on privacy and freedom of speech concerns and try to get an injunction from the court passed 6-0.

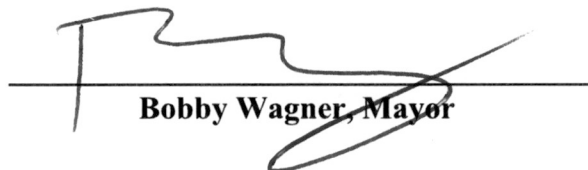
7. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:49 PM.

ATTEST:


Rey Bailey, City Clerk


Bobby Wagner, Mayor