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**MINUTES**  
**CITY OF PANAMA CITY**  
**CITY COMMISSION MEETING**  
**DECEMBER 8, 2020**  
**8:00 AM**

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**1. Opening Prayer** with Pastor Ron Brown of First Presbyterian Church.

**2. Pledge of Allegiance to The Flag.**

**3. Roll Call and Approval of Minutes** for the November 24, 2020 City Commission Meeting.

Interim City Clerk Brandy Waldron called the roll with the following members present: Mayor Greg Brudnicki, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, and Mike Nichols. Also present: City Manager Mark McQueen and City Attorney Nevin Zimmerman.

Commissioner Rader moved to approve the minutes for the November 24, 2020 City Commission Meeting as presented. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

**4. Mayor's Report**

**4.a. Kevin Lolley, Fire Department, 20-year service recognition plaque.**

Mayor Brudnicki recognized Kevin Lolley, Fire Department, for 20 years of service.

**4.b. Rebuild Bay County Award Presentation.**

Janice Lucas, Rebuild Bay County Board Chair, presented the City of Panama City a Certificate of Appreciation for their support since Hurricane Michael.

**5. Audience Participation**

Walter P. Henry, 614 Maple Street, Panama City; Tommy Hamm, 1204 Savannah Drive, Panama City; Alvin Peters, 25 E. 8<sup>th</sup> Street, Panama City; Greg Dossie, PO Box 35894, Panama City; and Tony Bostick, 159 N. Kimbrel Avenue, Panama City; addressed the Commission.

**6. City Attorney**

**6.a. Ratification of Extensions to the Declaration of State of Emergency due to Hurricane Sally.**

Commissioner Rader moved to ratify Hurricane Sally State of Emergency Declarations No. 11 and No. 12. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

## **6. City Attorney (Continued)**

### **6.b. Ratification of Extensions to the Declaration of State of Emergency due to COVID-19.**

Commissioner Brown moved to ratify COVID-19 State of Emergency Declarations No. 37 and No. 38. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

### **6.c. Ratification of purchase contract at 613 5th Street East.**

Commissioner Nichols moved to ratify the purchase contract for 613 5<sup>th</sup> Street East in the amount of \$35,000.00. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

### **6.d. Consideration of Second Amendment to Developer Reimbursement Agreement with D.R. Horton, Inc. (Liberty Subdivision).**

Commissioner Brown moved to approve the Second Amendment to Developer Reimbursement Agreement with D.R. Horton, Inc. (Liberty Subdivision). On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

### **6.e. Consideration of Interlocal Agreement for distribution of proceeds of Local Option Fuel Tax levied under Section 336.025(1)(a), Florida Statutes.**

Commissioner Rader moved to approve the Interlocal Agreement for distribution of proceeds of Local Option Fuel Tax levied under Section 336.025(1)(a), Florida Statutes. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

### **6.f. Discussion of proposed Large-Scale Commercial Improvement Assistance Grant Program.**

City Attorney Zimmerman explained that the goal of the proposed new Large-Scale Commercial Improvement Assistance Grant Program is to incentivize the development of large projects within the Community Redevelopment Areas that are consistent with the City's CRA plans. This item will be placed on an upcoming agenda.

City Attorney Zimmerman briefed the Commission on the status of City Manager McQueen's negotiations with the property owners of 711 W. Beach Drive regarding their Nuisance Abatement Assessment. A secured agreement to pay 1/3 of the assessment per year for three years was reached with the property owners.

## **7. Unfinished Business**

### **7.a. Final reading of Ordinance 2771.1, amending the Future Land Use Map of the City to reflect a land use designation of Residential for the property located at 1102 McKenzie Avenue.**

Commissioner Brown moved to approve Ordinance 2771.1, amending the Future Land Use Map of the City to reflect a land use designation of Residential for the property located at 1102 McKenzie Avenue. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

The Ordinance was read as a final reading by title only, as shown below:

#### ORDINANCE NO. 2771.1

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF RESIDENTIAL FOR A PARCEL OF PROPERTY LOCATED AT 1102 MCKENZIE AVENUE, PANAMA CITY, FLORIDA, PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

## **7. Unfinished Business (Continued)**

### **7.b. Final reading of Ordinance 2771.2 amending the Zoning Map of the City to reflect a zoning designation of Residential-1, R-1, for the property located at 1102 McKenzie Avenue.**

Commissioner Brown moved to approve Ordinance 2771.2, amending the Zoning Map of the City to reflect a zoning designation of Residential, R-1, for the property located at 1102 McKenzie Avenue. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

The Ordinance was read as a final reading by title only, as shown below:

#### **ORDINANCE NO. 2771.2**

AN ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 1102 MCKENZIE AVENUE, PANAMA CITY, FLORIDA, HAVING APPROXIMATELY 0.191 ACRES, RESIDENTIAL-1, R-1, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

## **8. Consent Agenda**

- 8.a. No Child Left Behind Drive-Up Toy Giveaway on December 12, 2020 from 12:00 p.m. to 3:00 p.m., located at Oakland Terrace Park Clubhouse.**
- 8.b. Kickflips and Cars on December 19, 2020 from 11:00 a.m. to 5:00 p.m., located at the Downtown Skatepark.**
- 8.c. Millville Farmers Market, Thursdays January thru December 2021, from 4:00 p.m. to 9:00 p.m., located at Watson Bayou Park.**
- 8.d. Panama City Farmers Market, Saturdays January thru December 2021, from 8:00 a.m. to 3:00 p.m., located at McKenzie Park. through December 2021.**
- 8.e. Show your Love for the League, 5K and Kids Fun Run on February 13, 2021 from 6:00 a.m. to 11:00 a.m., on The Scenic Cove Course.**

Commissioner Haligas moved to approve the Consent Agenda as presented. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

## **9. City Manager**

### **9.a. First reading of Ordinance 2773.1 amending the Future Land Use Map of the City to reflect a land use designation of General Commercial for the property located at 800 W 13<sup>th</sup> Street.**

The Ordinance was read as a first reading by title only, as shown below:

#### **ORDINANCE NO. 2773.1**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF GENERAL COMMERCIAL FOR A PARCEL OF PROPERTY LOCATED AT ID 18152-000-000 800 13th STREET W, PANAMA CITY, FLORIDA, PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

**9. City Manager (Continued)**

**9.b. First reading of Ordinance 2773.2 amending the Zoning Map of the City to reflect a zoning designation of General Commercial 2, GC-2, for the property located at 800 W 13<sup>th</sup> Street.**

The Ordinance was read as a first reading by title only, as shown below:

**ORDINANCE NO. 2773.2**

AN ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT PARCEL ID 18152-000-000 800 13th STREET W, PANAMA CITY, FLORIDA, HAVING APPROXIMATELY 0.191 ACRES, RESIDENTIAL-1, R-1, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**9.c. First reading of Ordinance 2774.1 amending the Future Land Use Map of the City to reflect a land use designation of General Mixed Use for the property located at 1709 Beck Ave.**

The Ordinance was read as a first reading by title only, as shown below:

**ORDINANCE NO. 2774.1**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF MIXED USE FOR A PARCEL OF PROPERTY LOCATED AT PARCEL ID 28926- 000-000 1709 BECK AVE, PANAMA CITY, FLORIDA, PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

**9.d. First reading of Ordinance 2774.2 amending the Zoning Map of the City to reflect a zoning designation of General Commercial 2, GC-2, for the property located at 800 W 13<sup>th</sup> Street.**

The Ordinance was read as a first reading by title only, as shown below:

**ORDINANCE NO. 2774.2**

AN ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT PARCEL ID 28926-000-000 1709 BECK AVE, PANAMA CITY, FLORIDA, HAVING APPROXIMATELY 0.191 ACRES, RESIDENTIAL-1, R-1, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**9.e. Consideration of approval of contract with Daston Corporation for public records retention of city email in the amount of \$96,375.00.**

Commissioner Rader moved to approve the contract with Daston Corporation for public records retention of city email in the amount of \$96,375.00. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

**9.f. Consideration to award contract for bailout kits to Municipal Emergency Services in the amount of \$34,360.00.**

Commissioner Haligas moved to award the contract for bailout kits to Municipal Emergency Services in the amount of \$34,360.00. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

## **9. City Manager (Continued)**

### **9.g. Consideration of approval of Change Order 5 with L&K Contracting, Inc., for the Highway 390 Water and Wastewater Relocation Project in the amount of \$282,745.00.**

Commissioner Nichols moved to approve Change Order 5 with L&K Contracting, Inc., for the Highway 390 Water and Wastewater Relocation Project in the amount of \$282,745.00. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

### **9.h. Consideration of approval of Change Order 2 with Dewberry to provide C.E.I. services to the for the Highway 390 Water and Wastewater Relocation Project in the amount of \$31,750.00.**

Commissioner Rader moved to approve Change Order 2 with Dewberry to provide C.E.I. services for the Highway 390 Water and Wastewater Relocation Project in the amount of \$31,750.00. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

Commissioner Rader left the meeting at 9:21 a.m.

### **9.i. Consideration of approval of Task Order with Dewberry to provide professional engineering - post design services for Lift Station #34 Wastewater System Improvements Project in the amount of \$45,000.00.**

Commissioner Haligas moved to approve Task Order with Dewberry to provide professional engineering - post design services for Lift Station #34 Wastewater System Improvements Project in the amount of \$45,000.00. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 4-0 vote.

### **9.j. Consideration to award the Urban Forestry Grant contract to Legacy Arborist Services in the amount of \$49,250.00.**

Commissioner Haligas moved to award the Urban Forestry Grant contract to Legacy Arborist Services in the amount of \$49,250.00. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 4-0 vote.

### **9.k. Consideration to approve multiple proposals and a contract for the Triumph/ESG (Eastern Shipbuilding Group) Grant Award Agreement.**

Commissioner Haligas moved to approve Triumph/Eastern Shipbuilding Group Grant Award Agreements for the aluminum fabrication building project with Anchor CEI for administrative services in the amount of \$94,875.00 and Birkshire Johnstone, LLC, for building construction in the amount of \$3,634,200.00; and for Phase 1 of the uphill bulkhead project to DRMP for construction administrative services in the amount of \$182,251.00. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 4-0 vote.

Commissioner Rader returned to the meeting at 9:28 a.m.

### **9.l. First Public Hearing of Development Agreement with CG PC1, LLC (Nehi Road Apartments).**

City Attorney Zimmerman explained this was the first of two public hearings with the second being held on January 12, 2021. The purpose of the proposed Development Agreement with CG PC1, LLC, is to provide certainty to the Developer of the agreed upon terms and conditions to the development of the project including reimbursement of impact fees and construction of a new sewer pump station.

## **9. City Manager (Continued)**

### **9.m. Consideration of declaration of a special event for Panama City's Downtown Countdown, December 31, 2020, within the Historic Downtown Entertainment District.**

Commissioner Haligas moved to declare Panama City's Downtown Countdown, December 31, 2020, as a special event being held within the Historic Downtown Entertainment District. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

### **9.n. Presentation of Water and Wastewater Technical Rate Study by Raftelis.**

Murray Hamilton, Senior Manager, Raftelis, presented a summary of the Water and Wastewater Study results and recommendations. Mr. Hamilton explained that due to a loss in revenues following Hurricane Michael there is not adequate annual cash flow to meet the minimum debt service ratio on the System's outstanding debt, and the System has the need to address approximately \$2.2 million in critical capital projects for FY21 that are not currently funded. He then reviewed three different rate increase scenarios to achieve the objectives to meet the minimum debt service coverage requirement, fund the critical capital projects for FY21, achieve the City's cash reserve policy of at least 30% (110 days) of total expenditures by FY24, and allow the rate increases to be phased in over time. An increase in meter tampering fees and convenience fees for duplicate invoices were also discussed.

### **9.o. Consideration of adoption of Resolution 20201208.1 amending the Water and Wastewater fees.**

Walter P. Henry, 614 Maple Avenue, Panama City; John Robbins, 2101 Northside Drive, Unit 3, Panama City; Greg Dossie, PO Box 35894, Panama City; addressed the Commission.

Commissioner Rader moved to adoption of Resolution 20201208.1 amending the Water and Wastewater fees. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". Commissioner Jenna Haligas voted "NAY". The City Clerk certified the motion passed by a 4-1 vote.

### **9.p. Consideration of Notice of Intent with Viking Cruises Ltd.**

City Manager McQueen stated that Viking Cruises Ltd. Had expressed their desire to designate the City of Panama City as a port of call for their cruise line.

Jennifer Vigil, President/CEO, Community Development Corporation stated that the CDC was currently exploring excursion options for the cruises when in port at Panama City.

Victor Walsh, Financial Administrator, Florida Department of Health in Bay County, explained that the DOH had reviewed Viking Cruises safety precautions for COVID-19 and felt they met required standards and protocols.

Commissioner Rader moved to approve a Notice of Intent with Viking Cruises Ltd. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted "YEA". "NAYS" - none. The City Clerk certified the motion passed by a 5-0 vote.

## **10. Adjournment**

There being no further business, the meeting was adjourned at 11:07 a.m.