

**City Council Special Meeting  
Tuesday February 12, 2019 1:00 pm  
City Hall 201 Paradise Path**

**Mayor William A. Cathey**

**Councilman Bill McGlothlin  
Councilwoman Linda Albrecht**

**Councilman Jerry Wallace  
Councilman Rex Putnal**

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1. Meeting Minutes
  - a. February 5, 2019
2. Ordinance 713

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA  
AMENDING THE MEXICO BEACH CITY CODE RELATED TO BUILDING  
REGULATIONS; AMENDING CHAPTER 151 TO IDENTIFY WIND SPEED  
LINES IN THE CITY; PROVIDING FOR CODIFICATION; PROVIDING FOR  
SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF  
ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

- a. Motion to read Ordinance 713 by title only.
- b. Motion to adopt Ordinance 713.

3. Ordinance 714

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA,  
AMENDING THE CITY'S PURCHASING PROCEDURES, PROVIDING  
SIMPLIFIED PROCESSES FOR EMERGENCY PURCHASING AND  
PIGGYBACKING; WAIVING FORMAL COMPETITIVE PURCHASING  
REQUIREMENTS FOR 365 DAYS  
FOR PURCHASES UP TO \$20,000; PROVIDING FOR SEVERABILITY;  
PROVIDING AN EFFECTIVE DATE.

- a. Motion to read Ordinance 714 by title only
- b. Motion to adopt Ordinance 714

4. Panhandle Engineering Task Order
5. Ratify Emergency Pump Invoices
6. Dewberry Task Order for Soil Sampling
7. SRF Agreement
8. Set Date for Fire Assessment Workshop

9. Task Order for Hurricane Michael – Gulf of Mexico Debris Removal

10. Department Reports

11. Miscellaneous

**CONFERENCE BRIDGE TO LISTEN TO THE MEETING: 1-302-202-1107 ACCESS  
CODE: 620849**

\*You are hereby notified that in accordance with Florida Statutes, you have a right to appeal any decision made by the Council with respect to any matter considered. You may need to insure that a verbatim record of the proceedings is made which may need to include evidence and testimony upon which the appeal is based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Adrian Welle, City Clerk, at 114 North 22<sup>nd</sup> Street, Mexico Beach, Florida 32456; or by phone at (850) 648-5700 at least five calendar days prior to the meeting. If you are hearing or speech impaired, and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay System, which can be reached at 1-800-955-8770 (TDD).

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City Hall 201 Paradise Path**

**Present:**

**Mayor William A. Cathey  
Councilman Rex Putnal  
Councilman Jerry Wallace  
Councilwoman Linda Albrecht  
Councilman Bill McGlothlin**

**Also Present:**

**Adrian Welle, City Clerk  
Anthony Kelly, Police Chief  
Sandy Walker, Fire Chief**

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**Meeting called to order at 5:00 p.m.**

Bob and Carol Cox were present representing MBARA to present on behalf a check for \$50,000 of donations that have been received by the MBARA on behalf of the City.

Mayor Cathey called to order a Public Hearing 5:04pm.

No public comments were heard.

Public Hearing closed at 5:05pm.

Ordinance 710

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA ADOPTING A COMPREHENSIVE UPDATE TO THE CITY OF MEXICO BEACH COMPREHENSIVE PLAN; AMENDING THE INTRODUCTION THROUGH FORMER SECTIONS I-VII INCLUDING REVISING COMMUNITY PROFILE, REVISING PUBLIC PARTICIPATION SECTION, REVISING PURPOSE AND INTENT LANGUAGE, UPDATING LANGUAGE TO REFLECT CHANGES IN LAWS, AND DELETING UNNECESSARY LANGUAGE AND DEFINITIONS; AMENDING THE FUTURE LAND USE ELEMENT INCLUDING REVISIONS TO DEFINITIONS, REORGANIZING AND CLARIFYING RULES, DELETING UNUSED CATEGORIES, REVISING RULE FOR HOW TO MEASURE HEIGHT, RENAMING TOURIST RESIDENTIAL TO HIGH DENSITY RESIDENTIAL AND SETTING MAXIMUM DENSITY, REVISING ALLOWABLE USES IN GENERAL COMMERCIAL, REVISING ALLOWABLE INTENSITY AND USES FOR RECREATION DISTRICT, PROVIDING ADDITIONAL RULES FOR

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PRESERVATION DISTRICT, DELETING AND RELOCATING CERTAIN RULES FOR ENVIRONMENTALLY SENSITIVE LAND; DELETING CERTAIN POLICIES RELATING TO LAND DEVELOPMENT REGULATIONS, REVISING INFILL AND URBAN SPRAWL POLICIES, REVISING POLICIES REGARDING STORMWATER, DRAINAGE, AND PUBLIC PROPERTY, ADDING PROTECTIONS FOR WATER DEPENDENT USES, PROVIDING RULES FOR USE OF PLATTED LOTS AND REVISING RULES FOR ALLOWABLE NONCONFORMING USES, AND ADDING POLICES ABOUT COMPATIBILITY OF ADJACENT LAND USES; RENAMING THE TRAFFIC CIRCULATION ELEMENT TO TRANSPORTATION ELEMENT AND SUBSTANTIALLY REWRITING IT INCLUDING CLARIFICATIONS, NEW REQUIREMENTS AND PROHIBITIONS, REVISED APPLICABILITY AND EXEMPTIONS, POLICIES FOR NON-MOTORIZED TRANSPORTATION, POLICIES FOR MEXICO BEACH TOURIST CORRIDOR, AND NEW ACCESS RULES; REWRITING THE HOUSING ELEMENT INCLUDING ADDRESSING POLICIES REQUIRED BY STATE LAW; AMENDING THE GENERAL UTILITIES ELEMENT TO REWRITE THE SANITARY SEWER SUB-ELEMENT, TO REVISE THE SOLID WASTE SUB-ELEMENT INCLUDING CLARIFICATIONS AND CHANGES TO LEVEL OF SERVICE STANDARDS, TO REVISE POTABLE WATER SUB-ELEMENT INCLUDING CLARIFICATIONS AND CHANGES TO LEVEL OF SERVICE STANDARDS, AND REWRITING DRAINAGE SUB-ELEMENT; REWRITING THE CONSERVATION ELEMENT AND ADDING ASSOCIATED MAPS TO IT; AMENDING THE RECREATION AND OPEN SPACE ELEMENT INCLUDING REVISING LEVEL OF SERVICE STANDARDS AND REQUIREMENTS FOR DEVELOPERS TO PROVIDE PARK SPACE, REQUIRING CITY TO RETAIN BEACH ACCESSES, AND REVISING OPEN SPACE STANDARDS; REWRITING THE INTERGOVERNMENTAL COORDINATION ELEMENT AND PLACING GREATER EMPHASIS ON TYNDALL AIR FORCE BASE; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT INCLUDING REVISIONS TO PURPOSES AND LEVEL OF SERVICE STANDARDS; DELETING EVALUATION AND MONITORING SECTION; DELETING CONCURRENCY MANAGEMENT SYSTEM

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SECTION; PROVIDING FOR REPEAL, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

- a. Motion by Mrs. Albrecht and seconded by Mr. Putnal to Read Ordinance 710 by title only. Motion carried unanimously.
- b. Motion by Mr. McGlothlin and seconded by Mrs. Albrecht to adopt Ordinance 710. Motion carried unanimously

Mayor Cathey opened the Public Hearing at 5:10pm for Ordinance 711

Comments were heard from residents regarding modular and mobile home construction.

Mayor Cathey closed the Public Hearing at 5:23pm.

Ordinance 711

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA ADOPTING A COMPREHENSIVE UPDATE TO THE CITY'S LAND DEVELOPMENT REGULATIONS INCLUDING ENSURING CONSISTENCY WITH COMPREHENSIVE PLAN UPDATE; UPDATING REFERENCES TO STATUTES AND OTHER LAW; AMENDING DEFINITIONS; DELETING UNUSED ZONING CATEGORIES; RENAMING TOURIST RESIDENTIAL TO HIGH DENSITY RESIDENTIAL AND SETTING MAXIMUM DENSITY; REORGANIZING AND AMENDING RULES FOR ALLOWABLE USES AND DEVELOPMENT STANDARDS IN EACH ZONING CATEGORY; CLARIFYING RULES FOR MODULAR HOMES; AMENDING RULES FOR MIXED USE DEVELOPMENT; AMENDING RULES FOR HOW TO MEASURE HEIGHT; CREATING RULES FOR EVALUATING CHANGE IN USE WITHIN SAME ZONING CATEGORY; CREATING TOURIST CORRIDOR OVERLAY DISTRICT AND RULES APPLICABLE TO IT; REQUIRING USES IN PUD TO BE CONSISTENT WITH COMPREHENSIVE PLAN; AMENDING AND REORGANIZING RULES FOR ACCESSORY USES AND STRUCTURES INCLUDING SETBACKS; AMENDING RULES FOR ACCESSORY APARTMENTS; DELETING CERTAIN RULES REGULATING CONDUCT RATHER THAN USE OF LAND; CREATING LOT SPLIT DEFINITION AND REVISING RULES FOR LOT SPLITS AND PLATS; MAKING FLOODPLAIN RULES CONSISTENT WITH CITY'S FLOODPLAIN ORDINANCE; AMENDING RULES FOR POROUS PAVING; AMENDING PROCEDURES AND RULES

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FOR MAJOR RESIDENTIAL DEVELOPMENT ORDERS AND MAJOR COMMERCIAL DEVELOPMENT ORDERS; AMENDING RULES FOR REVIEW OF ALL DEVELOPMENT ORDERS; AMENDING SPECIAL MASTER CODE ENFORCEMENT PROCEDURES AND PROVIDING FOR HEARINGS ONLY IF REQUESTED BY VIOLATOR; AMENDING RULES FOR ALLOWABLE NONCONFORMING USES INCLUDING NONRESIDENTIAL STRUCTURES; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; REPEALING RULES THAT CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

- a. Motion by Mr. Putnal and seconded by Mr. Wallace to read Ordinance 711 by title only. Motion carried unanimously.
- b. Motion by Mr. Putnal and seconded by Mrs. Albrecht to adopt Ordinance 711. Motion carried unanimously.

Mayor Cathey opened the Public Hearing for Ordinance 712 at 5:27pm.

No comments from the Public were heard.

Public Hearing was closed at 5:27pm

Ordinance 712

AN ORDINANCE OF MEXICO BEACH, FLORIDA AMENDING THE MEXICO BEACH CITY CODE TO AMEND THE FLOODPLAIN REQUIREMENTS TO REQUIRE NEW STRUCTURES IN THE UNSHADED ZONE X ZONE TO BE 1 FOOT ABOVE THE CROWN OF THE ROAD OR CURB; TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE, BUILDING AND THE FLORIDA BUILDING CODE, RESIDENTIAL TO INCREASE MINIMUM ELEVATION REQUIREMENTS (FREEBOARD) USING FEMA'S DRAFT BEST AVAILABLE DATA MAP; DIRECTING STAFF TO DEVELOP PROPOSES RULES TO REQUIRE MITIGATION TO IMPACTS TO FLOODPLAIN; PROVIDING FOR FISCAL IMPACT STATEMENT, CODIFICATION, PENALTIES, APPLICABILITY, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

- a. Motion by Mr. Wallace and seconded by Mr. McGlothlin to read Ordinance 712 by title only. Motion carried unanimously.
- b. Motion by Mrs. Albrecht and seconded by Mr. McGlothlin to adopt Ordinance 712. Motion carried unanimously.

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City Clerk Welle presented to the council a proposal for a food truck court at the corner of 10<sup>th</sup> street and highway 98. Discussion of the council ensued.

Motion by Mr. Putnal and seconded by Mr. Wallace to allow the food truck court to move forward and be in operation for up to 24 months. Motion carried unanimously.

Motion by Mr. Putnal and seconded by Mrs. Albrecht to ratify a \$2.8 Million Grant Agreement with the Florida Department of Transportation. Motion carried unanimously.

City Clerk Welle asked if the council would like to go back to 2 meetings per month now that the LDR and Comprehensive Plan have been approved and completed. Discussion of the council ensued. Consensus of the council was to go hold council meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month at 1pm.

Police Chief Kelly updated the council on call volume and concerns in the Police Department.

Fire Chief Walker gave a report of the happenings in the Fire Department.

City Clerk Welle informed the council that the City received an insurance payment last Friday in the amount of \$2.1 Million. This is not a closeout but an initial payment.

**Mr. McGlothlin made a motion to adjourn the meeting and Mr. Wallace seconded.**

**The meeting adjourned at 6:03 p.m.**

By: \_\_\_\_\_  
Mayor William A. Cathey

Attest: \_\_\_\_\_  
Adrian Welle, City Clerk

## ORDINANCE 713

**AN ORDINANCE OF MEXICO BEACH, FLORIDA AMENDING THE MEXICO BEACH CITY CODE RELATED TO BUILDING REGULATIONS; AMENDING CHAPTER 151 TO IDENTIFY WIND SPEED LINES IN THE CITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on October 10, 2018, Hurricane Michael struck the City of Mexico Beach (the “City”) as a strong Category 4 hurricane resulting in massive damages to private and public property;

WHEREAS, most buildings in the City were made uninhabitable and many will be redesigned and rebuilt; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code; and

WHEREAS, Florida Building Code Section 1609.3 regulates ultimate design wind speed for buildings and structures and provides maps showing the required ultimate design wind speeds for each building risk category; and

WHEREAS, each of these maps shows the City of Mexico Beach approximately at the midpoint between two different wind zone categories; and

WHEREAS, Florida Building Code Section 1609.3 provides that the exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores wherever possible; and

WHEREAS, Risk Category I Buildings are buildings and other structures that represent a low hazard to human life in the event of failure, including but not limited to agricultural facilities, certain temporary facilities, minor storage facilities, and screen enclosures; and

WHEREAS, Risk Category II Buildings includes all buildings and structures not included in Risk Categories I, III, and IV, which means Risk Category II includes residences and most businesses; and

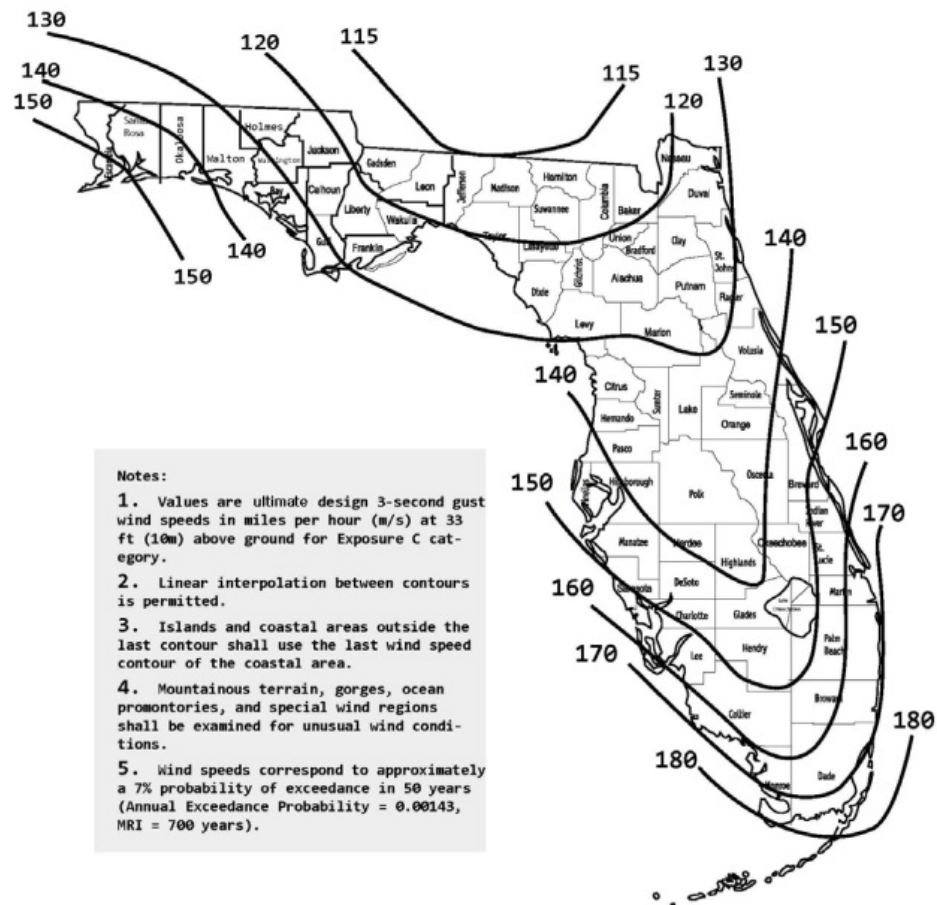
WHEREAS, Risk Category III Buildings are buildings and other structures that represent a substantial hazard to human life in the event of failure, such as public assemblies with an



occupant load greater than 300; certain educational buildings; certain health care buildings; power-generating stations, water treatment facilities for potable water, wastewater treatment facilities and other public utility facilities not included in Risk Category IV; and certain other buildings having high occupancy loads or high risks;

WHEREAS, Risk Category IV Buildings are buildings and other structures designated as essential facilities, including but not limited to certain surgery or emergency treatment facilities; fire, rescue, ambulance and police stations and emergency vehicle garages; emergency shelters; power-generating stations; buildings and other structures having critical national defense functions; and water storage facilities and pump structures required to maintain water pressure for fire suppression; and

WHEREAS, Florida Building Code Figure 1609.3(1) provides Ultimate Design Wind Speeds,  $V_{ult}$ , for Risk Category II Buildings And Other Structures as follows:



; and

WHEREAS, for the reasons described herein, the City has determined that the 140 miles per hour ultimate design wind speed rather than the 130 miles per hour ultimate design wind speed better serves the interests of public health, safety, and welfare; and

WHEREAS, damage and injuries due to future hurricanes would be reduced by strengthening the ultimate design wind speed standard to 140 miles per hour; and

WHEREAS, insurance rates within the City are likely to be affected favorably by strengthening the ultimate design wind speed standard to 140 miles per hour; and

WHEREAS, the City's future emergency response costs should be reduced by strengthening the ultimate design wind speed standard to 140 miles per hour; and

WHEREAS, the locally designated ultimate design wind speed to the east of the City is already 140 miles per hour so most contractors doing business in the City already are familiar with the associated materials and techniques; and

WHEREAS, the City anticipates that strengthening this standard may be helpful to maximize federal and state reimbursement of the ongoing Hurricane Michael response project or help with the City's eligibility for certain programs or grants; and

WHEREAS, the City's Comprehensive Plan requires the City to provide plans, programs and regulations meant to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA:

SECTION 1. FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2. CITY CODE AMENDMENTS. From and after the effective date of this ordinance, § 151.0835 is created and adopted as part of the City Code relating to required ultimate design wind speed as follows (new text **bold and underlined**, deleted text ~~struck through~~):

**§ 151.035 REQUIRED ULTIMATE DESIGN WIND SPEED.**

**The ultimate design wind speed,  $V_{ult}$ , for the determination of the wind loads for Risk Category II Buildings, as defined by the Florida Building Code, shall be 140 miles per hour for all of the City of Mexico Beach.**

SECTION 3. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 5. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Mexico Beach, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
William A. Cathey, Mayor

ATTEST:

\_\_\_\_\_  
CITY CLERK

ORDINANCE 714

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA, AMENDING THE CITY'S PURCHASING PROCEDURES, PROVIDING SIMPLIFIED PROCESSES FOR EMERGENCY PURCHASING AND PIGGYBACKING; WAIVING FORMAL COMPETITIVE PURCHASING REQUIREMENTS FOR 365 DAYS FOR PURCHASES UP TO \$20,000; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Rick Scott, Governor of the State of Florida, Issued Executive Order 18-276 declaring a state of emergency in Bay County as a result of Tropical Storm Michael;

WHEREAS, on October 10, 2018, Hurricane Michael struck the City of Mexico Beach (the "City") resulting in massive damages to private and public property and structures in the City;

WHEREAS, Rick Scott Issued Executive Order 18-360 extending the state of emergency in Bay County as a result of Hurricane Michael for an additional sixty days from December 5, 2018;

WHEREAS, the State of Emergency has continued to be extended by the State; and

WHEREAS, these Executive Orders permit the City, in accordance with Florida Statute 252.38, to waive procedures and formalities pertaining to contracts; acquisition of supplies, materials, and facilities; expenditure of public funds; and other similar actions; and

WHEREAS, in some instances the City has relied on these Executive Orders to streamline purchases, but the Executive Orders will expire eventually; and

WHEREAS, Section 30.01 of the City Code provides that Expenditures of an amount exceeding \$8,000 shall be by competitive bids; and

WHEREAS, the older Section 30.02 of the City Code provides the apparently inconsistent rule that, "Expenditures from \$1,500 to \$3,000 may be authorized by Council action without competitive bids" and other rules that appear out of date and may have been intended to be superseded previously; and

WHEREAS, due to the unusual number of purchases relating to the Hurricane Michael recovery and repairs of associated damage, including expenses covered by insurance proceeds, it has become burdensome to conduct formal competitive bidding for relatively small purchases, both in terms of staff time and advertising costs; and

WHEREAS, during the hurricane recovery, most purchases have greater time sensitivity than under normal conditions; and

WHEREAS, various public procurement requirements exist by statute in the State of Florida and the revisions provided by this ordinance do not violate those statutory public procurement requirements; and

WHEREAS, the City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA:

SECTION 1. FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2. PERMANENT AMENDMENTS. From and after the effective date of this ordinance, the Mexico Beach City Code relating to competitive bidding is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

### **§ 30.01 EXPENDITURE OF CITY FUNDS BY COMPETITIVE BIDS.**

Expenditures of an amount exceeding \$8,000 shall be by competitive bids. Competitive bids normally will be solicited by advertisement in a local or area newspaper of general circulation. This procedure may be supplemented by direct mailings, posted notices and/or other advertising means when practical. ~~Where newspaper advertising is good cause, one or more of these means can be utilized to obtain bids.~~ The best and lowest bid normally will be selected; however, the Council may reject any or all bids or select other than the low bid where there is full justification. An exception from competitive bids may be approved by Council majority vote for goods and/or services **needed to address an emergency;** from single source outlets, federal and state agencies, or one time auctions; **when piggybacking a public contract procured under Florida law within the past 365 days; or** where the best interest of the citizens of the city require it after unsuccessfully attempting competitive bidding.

### ~~**§ 30.02 EXPENDITURE OF CITY FUNDS WITHOUT COMPETITIVE BIDS.**~~

~~—(A) Expenditures from \$1,500 to \$3,000 may be authorized by Council action without competitive bids.~~

~~—(B) Expenditures up to \$1,500 may be authorized by the Mayor or a Council member.~~

~~—(C) Expenditures up to \$1,000 may be authorized by the City Administrator.~~

~~—(D) Expenditures up to \$250 may be made by the Public Works Director or Assistant Public Works Director.~~

SECTION 3. TEMPORARY AMENDMENTS. For 365 days in recognition of the unique conditions caused by Hurricane Michael, formal competitive bidding procedures are not required for expenditures up to \$20,000. These purchases must still be approved in advance by the City Council when they exceed \$5,000.00.

SECTION 4. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED at the special meeting of the City Council of the City of Mexico Beach, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
William A. Cathey, Mayor

ATTEST:

\_\_\_\_\_  
CITY CLERK