

**GULF BREEZE CITY COUNCIL
REGULAR MEETING**

SEPTEMBER 21, 2009
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS

**REMINDER: THERE WILL BE A BRIEF BUDGET WORKSHOP AT 5:45 P.M.
(Light refreshments will be provided)**

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of September 8, 2009 (Regular Meeting)
Approval of Minutes of September 16, 2009 (Special Meeting)
4. **ACTION AGENDA ITEMS:**
 - A. Discussion and Action Regarding Proclamation for Captain E. L. (Rick) Sadsad, Commander of NAS Whiting Field
 - B. Discussion and Action Regarding Firehouse Subs Public Safety Foundation Grant
 - C. Discussion and Action Regarding Special Events Request from Calvary Chapel Annual Fall Festival
 - D. Discussion and Action Regarding Appointment of At Large Member, Fairpoint Regional Utility System
 - E. Discussion and Action Regarding Paving Projects for 2009
 - F. Discussion and Action Regarding Highway 98 Median Modification at Andrew Jackson Trail
 - G. Discussion and Action Regarding Numeric Nutrient Criteria
 - H. Discussion and Action Regarding First Amendment to the Amendment Between the City and Fraternal Order of Police
 - I. Discussion and Action Regarding Renewal of Employee Health Insurance Plan
 - J. Information Items

**COMMUNITY REDEVELOPMENT AGENCY
BOARD OF DIRECTOR
SPECIAL MEETING**

- A. Discussion and Action Regarding TEAM Santa Rosa Membership dues of \$5,000
- B. Discussion and Action Regarding Economic Impact of Quiet Water Project
- C. Discussion and Action Regarding Traffic Concurrency, Class A Office Building

- 6. New Business: Discussion and Action Regarding Approving Long Term Financing for Fairpoint Regional Utility System (Resolution No. 24-09)
- 7. Open Forum
- 8. Adjournment

If any person decides to appeal any decisions made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The public is invited to comment on matters before the City Council upon seeking and receiving recognition from the Chair.

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA**

The 1,135th regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Tuesday, September 8, 2009, at 6:30 p.m.

Upon call of the roll the following Councilmen were present: Dana Morris, Joseph Henderson and Mayor Beverly Zimmern. Councilmen J. B. Schluter and Richard Fulford were out of town.

APPROVAL OF MINUTES:

Councilman Henderson moved for approval of the minutes for the following meetings: regular meeting held on Monday, August 17, 2009; special meeting held on Monday, August 17, 2009; special meeting held Thursday, August 27, 2009 and special meeting held Wednesday, September 8, 2009. Councilman Morris seconded. The vote for approval was 3 - 0.

ORDINANCE NO. 15-09: FAIR HOUSING - SECOND READING AND PUBLIC HEARING

The ordinance was read by title only by the City Clerk. The purpose of the Ordinance was explained and the Mayor opened the floor for public comments. There were no comments made and the Mayor closed the public hearing.

Councilman Morris moved for approval. Councilman Henderson seconded. The vote for approval was 3 - 0.

ACTION AGENDA ITEMS:

- A. SUBJECT: **DISCUSSION AND ACTION REGARDING ORDINANCE NO. 15-09, FAIR HOUSING**

COVERED UNDER ORDINANCE SECTION ABOVE.

SPECIAL MEETING:

- B. SUBJECT: **DISCUSSION AND ACTION REGARDING VARIANCE REQUEST QUIET WATER BUSINESS PARK**

Reference: City Manager memo dated August 27, 2009

RECOMMENDATION:

That a public hearing be held and that variance be granted to allow construction of a 58-60 foot tall office building at 1101 Gulf Breeze Parkway.

The Mayor opened the Public Hearing and the City Manager explained the purpose of the variance request by AppRiver to construct the 58-60 foot tall office building. The following individuals spoke regarding the variance: Mr. C. Fred Robinson, Sunchase Condominium, C-5, asked what keeps the owner of the property next to the Condos from building in that area; Mr. Bob Savage, 202 West Gadsden Street, co-owner of Quiet Water Business Park, answered Mr. Robinson's question; Mr. Mike Murdock, owner of AppRiver, repeated Mr. Savage's response; Mr. Jim Babbitt, Sunchase Condominium, K-3, ask about where the parking garage would be located; Mr. Shannon Ogletree, TEAM Santa Rosa representative; Mr. Ted Ihns, Avalex Technology, interested in moving in with AppRiver; Mr. Jim Doyle asked about parking space requirements; Mr. Jim Donatelli, 365 James River Road, spoke in favor of the project; and State Representative Clay Ford spoke regarding FDOT's response to the City's request for a portion of FDOT right-of-way to construct parking garage. There were no other comments made and the Mayor closed the public hearing.

Councilman Henderson moved for approval of the variance request. Councilman Morris seconded. The vote for approval was 3 - 0.

CONSENT AGENDA ITEMS:

RECOMMENDATION:

That City Council approve the following Consent Agenda Items: C, D, E, F, G, H, AND I:

C. SUBJECT: DISCUSSION AND ACTION REGARDING REPLACEMENT OF TABLES AND CHAIRS FOR RECREATION CENTER

Reference: Parks and Recreation Director memo dated August 26, 2009

RECOMMENDATION:

That City Council authorize the purchase of 250 replacement chairs from Wholesale Folding Tables and Chair, Erie, PA at a cost of \$7,800 and 10 replacement tables from Alulite Tables/Southern Aluminum, Magnolia, AR at a cost of \$3,000, representing a total expenditure of \$10,800.

D. SUBJECT: DISCUSSION AND ACTION REGARDING CITY REPRESENTATIVE - REGIONAL UTILITY AUTHORITY

Reference: City Manager memo dated August 19, 2009

RECOMMENDATION:

That the City Council designate Mayor Beverly Zimmern as the City's representative on the Regional Utility Authority.

E. SUBJECT: DISCUSSION AND ACTION REGARDING SOUTH SANTA ROSA UTILITY SYSTEM BOARD RECOMMENDATIONS

Reference: Public Service Director memo dated August 27, 2009

RECOMMENDATION:

That the City Council authorize the following repairs to the WWTP Head Works for a total cost of \$52,300: (1) D+D Welding: beam removal and replacement - \$15,500; (2) Lowery Paint contractors: sand blasting and painting - \$34,300; and (3) Staff; crane rental, bypass fittings - \$2,500.

F. SUBJECT: DISCUSSION AND ACTION REGARDING UTILITY RATE INCREASES

Reference: Assistant Public Services Director memo dated August 26, 2009

RECOMMENDATION:

That the City Council schedule a Public Hearing to approve the utility rate increases on October 19, 2009, to be effective November 1, 2009.

G. SUBJECT: DISCUSSION AND ACTION REGARDING ANNUAL POPULATION ESTIMATE

Reference: Assistant City Manager memo dated August 26, 2009

RECOMMENDATION:

That the City Council accept the estimate of the City's population for 2009 from the University of Florida, as 5,791.

H. SUBJECT: DISCUSSION AND ACTION REGARDING SOUTHWEST AIRLINES

Reference: City Manager memo dated August 27, 2009

RECOMMENDATION:

That the City monitor closely efforts to attract Southwest Airlines to this area and be prepared to take action if necessary. (No Council action necessary at this time.)

I. SUBJECT: DISCUSSION AND ACTION REGARDING EVALUATION AND APPRAISAL REPORT AMENDMENT PROCESS

Reference: Assistant City Manager memo dated August 26, 2009

RECOMMENDATION:

That the City Council approve payment of invoices in the amount of \$7,729.63 to Ms. Wilson of Indever, LLC for Phase IV work of the City's Evaluation and Appraisal Amendment process.

Councilman Henderson moved for approval of the following Consent Agenda Items: C, D, E, F, G, H, and I. Councilman Morris seconded. The vote for approval of the Consent Agenda Items was 3 - 0.

J. INFORMATION ITEMS

ADJOURNMENT:

Mayor Zimmern adjourned the meeting at 7:10 p.m.

CITY CLERK

MAYOR

**MINUTES OF A SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA**

A special meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Wednesday, September 16, 2009, at 6:30 p.m.

Upon call of the roll the following Councilmen were present: Dana Morris, J. B. Schluter, Joseph Henderson, and Mayor Zimmern,. Councilman Richard Fulford was out of town.

The purpose of the special meeting was to conduct a Public Hearing on the following two items:

**RESOLUTION NO. 22-09: ESTABLISHING A TENTATIVE MILLAGE RATE OF
1.90 MILLS**

The resolution was read by title by the City Clerk. The Mayor reviewed the millage rate and opened the floor for public comment. There were no comments made and the Public Hearing was closed.

RECOMMENDATION:

That the City Council adopt Resolution No. 22-09 setting the tentative millage rate for Fiscal Year 2010.

Councilman Morris moved for approval of Resolution No. 22-09. Councilman Henderson seconded. The vote for approval was 4 - 0.

**RESOLUTION NO. 23-09: ADOPTING TENTATIVE BUDGET FOR FISCAL YEAR
2010**

Reference: Assistant City Manager memo dated September 10, 2009

The resolution was read by title by the City Clerk. The Mayor reviewed the current proposed budget and compared the budget to previous budgets. The Mayor opened the floor for public comment. There were no comments made and the Public Hearing was closed.

RECOMMENDATION:

That the City Council adopt Resolution No. 23-09 containing the tentative budget for Fiscal Year 2010.

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Councilman Henderson moved for approval. Councilman Morris seconded. The vote for approval of Resolution No. 23-09 was 4 - 0.

The following individuals arrived after the special meeting was closed but were recognized by the Mayor to speak regarding the proposed ad valorem millage rate: Mr. Hilt, 1191 Gulf Breeze Parkway, Soundings Condominium and Ms. Jean McPhee, who owns property at 213 Northcliff. Ms. McPhee asked Council to contain costs and not raise the ad valorem rate.

ADJOURNMENT:

Mayor Zimmern adjourned the special meeting at 6:35 p.m.

CITY CLERK

MAYOR

Councilmen Present:, Dana Morris, J. B. Schluter, Joseph Henderson and Mayor Zimmern
Councilman Absent: Richard Fulford

ACTION AGENDA ITEMS:

- A. SUBJECT: DISCUSSION AND ACTION REGARDING PROCLAMATION FOR CAPTAIN E. L. (RICK) SADSAD, COMMANDER OF NAS WHITING FIELD**

Reference: City Manager memo dated September 10, 2009

RECOMMENDATION:

That the City Council honor Captain Rick Sadsad on September 21, 2009, for his service to our country and the local community.

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- B. SUBJECT: DISCUSSION AND ACTION REGARDING FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION GRANT**

Reference: City Manager memo dated September 11, 2009

RECOMMENDATION:

That the City Council accept a grant in the amount of \$13,116 from the Firehouse Subs Public Safety Foundation for an autopulse CPR system.

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- C. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST FROM CALVARY CHAPEL ANNUAL FALL FESTIVAL**

Reference: City Manager memo dated September 11, 2009

RECOMMENDATION:

That the City Council approve the special event application for the Calvary Chapel Fall Festival to be held on Saturday, October 31, 2009 FROM 2:00 - 6:00 p.m.

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- D. SUBJECT: DISCUSSION AND ACTION REGARDING APPOINTMENT OF AT LARGE MEMBER, FAIRPOINT REGIONAL UTILITY SYSTEM**

Reference: City Manager memo dated September 10, 2009

RECOMMENDATION:

That the City Council authorize Thomas Naile to serve as the City's at large appointment to the FRUS Board from September 21, 2009 until March of 2010.

E. SUBJECT: DISCUSSION AND ACTION REGARDING PAVING PROJECTS FOR 2009

Reference: City Manager memo dated September 11, 2009

RECOMMENDATION:

That the City Council approve the following list of paving projects for 2009 and authorize staff and Panhandle Paving and Grading to proceed: (1) Bear Drive and Fairpoint intersections through Camelia Drive intersection, overlay intersection with 1 ½" SP-12.5 - \$10,874; (2) Montrose and Berry, overlay intersection with 1 ½" SP 12.5 (replace stop bars) - \$5,624; (3) Transfer Station entrance and exit - asphalt and concrete and haul off, excavate base material and stockpile on transfer station site, install crushed concrete base material and install 2" SP-12.5 asphalt - \$12,482; and (4) Northcliff - mill and replace 500' of roadway in the 200 block - \$16,116.

F. SUBJECT: DISCUSSION AND ACTION REGARDING HIGHWAY 98 MEDIAN MODIFICATION AT ANDREW JACKSON TRAIL

Reference: Assistant Public Service Director memo dated September 11, 2009

RECOMMENDATION:

That the City Council authorize the City Attorney to review and certify as to form of the agreement and authorize the Mayor to sign the agreement with the Department of Transportation. Additionally, the City Council approve the proposed engineering fee of \$22,500 for Baskerville-Donovan, Inc.

G. SUBJECT: DISCUSSION AND ACTION REGARDING NUMERIC NUTRIENT CRITERIA

Reference: Public Services Director memo dated August 27, 2009

RECOMMENDATION:

That the City Council adopt a resolution in opposition to the proposed EPA Numeric Nutrient Criteria rule and forward our concerns to our elected officials.

H. SUBJECT: DISCUSSION AND ACTION REGARDING FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND FRATERNAL ORDER OF POLICE

Reference: City Manager memo dated September 8, 2009

RECOMMENDATION:

That the City Council approve the First Amendment to the Collective Bargaining Agreement between the City and the Fraternal Order of Police.

I. SUBJECT: DISCUSSION AND ACTION REGARDING RENEWAL OF EMPLOYEE HEALTH INSURANCE PLAN

Reference: Assistant City Manager memo dated September 10, 2009

RECOMMENDATION:

That the City Council approve staying with Blue Cross Blue Shield for the cities health insurance and offering employees the option of two insurance plans, and that the City cover the cost of the 5.1% premium increase for employees.

J. SUBJECT: DISCUSSION AND ACTION REGARDING TEAM SANTA ROSA MEMBERSHIP DUES OF \$5,000

Reference: Assistant City Manager memo dated September 10, 2009

RECOMMENDATION:

That the City Council meet on Monday, September 21, 2009 as the Board of Directors of the Community Redevelopment Agency and that the CRA Board authorize payment to TEAM Santa Rosa of \$5,000 for membership dues.

K. SUBJECT: DISCUSSION AND ACTION REGARDING ECONOMIC IMPACT OF QUIET WATER PROJECT

Reference: City Manager memo dated September 11, 2009

RECOMMENDATION:

That the City Council meet as the Board of Directors of the CRA on Monday, September 21, 2009 and approve the attached agreement with HAAS Center in an amount not to exceed \$1,500.

L. SUBJECT: DISCUSSION AND ACTION REGARDING TRAFFIC CONCURRENCY, CLASS A OFFICE BUILDING

Reference: City Manager memo dated September 11, 2009

RECOMMENDATION:

That the City Council meet on Monday, September 21st as the Board of the CRA and approve the use of Hamilton-Smith and Associates to complete and update the art plan analysis for U.S. 98 traffic at a cost not to exceed \$2,500.

M. INFORMATION ITEMS




City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 9/17/2009

Subject: Resolution No. 24-09, Approving Long Term Financing by the Fairpoint Regional Utility System

The City is a one-third owner of the Fairpoint Regional Utility System which provides potable water for Holley-Navarre, Midway and The City. As part of the original capital plan for FRUS, five (5) supply wells were built with others to come as warranted by demand.

The Mayor and I serve as Board members of the FRUS. For several months now the Board has reviewed and approved plans, specifications and even construction bids for Well #6. The plan to finance the construction is to borrow money from the State Revolving Trust Fund (SRF) for water and waste water infrastructure.

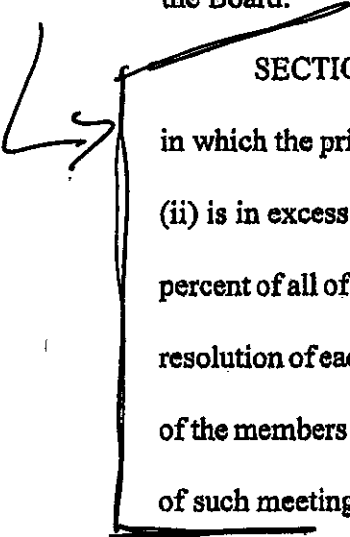
The By-Laws for FRUS require that 100% of the members of the corporation authorize the borrowing. (See excerpt attached)

The attached Resolution will represent the City's approval.

RECOMMENDATION:

THAT THE CITY COUNCIL ADOPT RESOLUTION 24-09 APPROVING LONG TERM FINANCING FROM THE STATE REVOLVING TRUST FUND FOR THE FAIRPOINT REGIONAL UTILITY SYSTEM.

delegated to any officers or employees of the Corporation. Initially there shall be no impact fees assessed or charged to customers of the Corporation for the supply of water or related services. Any subsequent determination or decision of the Board of Directors to impose, assess or charge impact fees to customers of the Corporation shall be made only upon affirmative vote of one hundred percent of all of the Board of Directors (as opposed to one hundred percent of those directors present at a meeting of the Board of Directors at which a quorum is present) at a duly organized meeting of the Board.



SECTION 3. Long Term Financings: Any borrowings, financings or incurrence of debt in which the principal amount thereof (i) may be repaid over a term in excess of twelve months, or (ii) is in excess of \$25,000.00, shall be authorized only upon the affirmative vote of one hundred percent of all of the members of the Corporation (such affirmative vote shall be evidenced by written resolution of each member's governing body) and the affirmative vote of seventy-five percent (75%) of the members of the Board of Directors at a meeting of the Board of Directors, provided that notice of such meeting is given in accordance with these Bylaws and as otherwise required by law.

SECTION 4. Future Customers: The initial customers of the Corporation's water supply utility are anticipated to be Holley-Navarre Water Systems, Inc., Midway Water System, Inc., and the City of Gulf Breeze, per the geographic boundaries of their respective franchises in effect as of July 1, 1998, (hereinafter collectively the "Initial Customers"). Any profits, excesses, gains or the like resulting from the sale or supply of water to any other customer shall inure to the benefit of the Corporation. The Corporation shall sell and supply water to the Initial Customers at the Corporation's actual cost of doing business without any mark up, increase or extra margin. Sale or supply of water to future customers (i.e. any customers of the Corporation other than the Initial

RESOLUTION 24-09

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF GULF BREEZE, FLORIDA APPROVING LONG TERM
FINANCING FOR A POTABLE SUPPLY WELL FROM THE STATE OF
FLORIDA REVOLVING TRUST FUND.**

WHEREAS, the City of Gulf Breeze is part owner of the Fairpoint Regional Utility System along with Holley-Navarre Water System and Midway Water; and,

WHEREAS, The City approved a set of By-Laws for the operation and management of the Fairpoint Regional Utility System; and,

WHEREAS, The FRUS By-Laws require each owner agency to approve by Resolution any long term financing undertaken by the Fairpoint Regional Utility System.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA AS FOLLOWS: That the long term financing of a Capital Improvement Plan to construct a water supply well and associated infrastructure as approved in 2009 by the FRUS Board of Directors is hereby approved.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
GULF BREEZE, SANTA ROSA COUNTY, FLORIDA** on this _____ day of
_____, 2009

Mayor

ATTEST

City Clerk