

**GULF BREEZE CITY COUNCIL
REGULAR MEETING**

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

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of December 7, 2009 (Regular Meeting)
Approval of Minutes of December 7, 2009 (Community Redevelopment Agency)
Approval of Minutes of December 16, 2009 (Special Meeting)
4. Resolution No. 37-09: Establishing a Fee for Reproduction of Motor Vehicle Accident Reports, Traffic Citations and Conducting Background Checks
5. **ACTION AGENDA ITEMS:**
 - A. Discussion and Action Regarding Resolution No. 37-09, Establishing a User Fee for Copies of Crash Reports and Citations and For Conducting a Background Check (COVERED UNDER RESOLUTION SECTION ABOVE)
 - B. Discussion and Action Regarding Highway 98 Beautification - Adding Plants Between Three Mile Bridge and Fairpoint Drive Intersection
 - C. Discussion and Action Regarding Small Cities Community Development Block Grant - American Recovery and Reinvestment Act of 2009 Funding
 - D. Discussion and Action Regarding Storage and Parking of Vehicles on City Rights-of-Way
 - E. Discussion and Action Regarding Conditional Use, Front Yard Fences
 - F. Discussion and Action Regarding Supplemental Part Time Police Details
 - G. Information Items
6. New Business: Discussion and Action Regarding Declaring Damaged Fire Boat as Surplus
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 1,141st regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Monday, December 7, 2009, at 6:30 p.m.

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

GULF BREEZE OPTIMIST YOUTH APPRECIATION:

The Gulf Breeze Optimist Youth Appreciation program is an activity which honors students in middle school who are involved in student government and exhibit leadership qualities. The students are rewarded by being assigned to an honorary position in the City government and conduct a City Council meeting, with support from the Council members.

The following students participated in the Council meeting by representing various official positions: Caitlin Hare, Mayor; Sarah Lemon, Councilman Morris, Cameron Williams, Councilman Schluter; Marrissa McDonald, Councilman Fulford; Emma Reynolds, Councilman Henderson; England Dubinsky, City Attorney and City Clerk; Megan Vaught, City Manager; Connor Crooke, Assistant City Manager; Kyle Stanley, Police Chief; Daniel Lawson, Public Service Director; Chris Brandon, Community Service Director; Sage Dunne, Finance Director and Parks and Recreation Director; and Becca Farris, Fire Chief. The School Representative was Ms. Lauren Baugus.

APPROVAL OF MINUTES:

Councilman Morris moved for approval of the minutes for the regular meeting held on Monday, November 16, 2009. Councilman Fulford seconded. The vote for approval was 5 - 0.

RESOLUTION NO. 34-09: SUPPORT OF NATIONAL GUARD AND RESERVE

The Resolution was read by title only by the City Clerk. Councilman Schluter moved for approval of the Resolution. Councilman Morris seconded. The vote for approval was 5 - 0.

**RESOLUTION NO. 35-09: APPROVING A PLAN OF FINANCE FOR CHARTER
SCHOOL IN MIAMI, DADE COUNTY, APPROVING
AMENDMENT NO. 25 TO THE INTERLOCAL AGREE-
MENT AND APPROVING REPORT OF THE HEARING
OFFICER**

The Resolution was read by title only by the City Clerk. Councilman Morris moved for approval of the Resolution. Councilman Schluter seconded. The vote for approval was 5 - 0.

ACTION AGENDA ITEMS:

- A. **SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION IN SUPPORT OF NATIONAL GUARD AND RESERVE**

COVERED UNDER RESOLUTION SECTION ABOVE.

- B. **SUBJECT: DISCUSSION AND ACTION REGARDING ADDITIONAL DREDGING - GILMORE BAYOU**

Reference: City Manager memo dated November 24, 2009

RECOMMENDATION:

That the City Council direct staff to prepare the appropriate correspondence for signature by the City Manager advising permitting agencies that the City will serve as the applicant for a permit for dredging in Gilmore Bayou.

Councilman Morris moved for approval of the recommendation. Councilman Schluter seconded. The vote for approval was 5 - 0.

- C. **SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST FROM PENSACOLA SPORTS ASSOCIATION, DOUBLE BRIDGE RUN, FEBRUARY 6, 2010, 7:00 A.M.**

Reference: City Manager memo dated October 28, 2009

RECOMMENDATION:

That the City Council approve the Double Bridge Run scheduled for Saturday, February 6, 2010, starting at 7:00 a.m.

Councilman Schluter moved for approval. Councilman Henderson seconded. The vote for approval was 5 - 0.

D. SUBJECT: DISCUSSION AND ACTION REGARDING USER FEE CHARGES FOR BACKGROUND CHECKS

Reference: City Manager memo dated November 24, 2009

RECOMMENDATION:

That the City Council direct staff and the City Attorney to prepare a Resolution implementing a user fee for conducting background checks, providing copies of citations and for providing copies of crash reports.

Councilman Henderson moved for approval. Councilman Morris seconded. The vote for approval was 5 - 0.

E. SUBJECT: DISCUSSION AND ACTION REGARDING PURCHASE OF AN AUTOMATIC LICENSE PLATE READER

Reference: Police Chief memo dated November 18, 2009

RECOMMENDATION:

That the City Council authorizes the Police Department to expend the grant funds awarded and award the bid for the purchase of the ALPR to ELSAG North America.

Councilman Morris moved for approval. Councilman Schluter seconded. The vote for approval was 5 - 0.

F. SUBJECT: DISCUSSION AND ACTION REGARDING MAINTENANCE BY THE ESCAMBIA COUNTY SHERIFF'S OFFICE FOR GULF BREEZE POLICE DEPARTMENT FLEET VEHICLES

Reference: Police Chief memo dated November 19, 2009

RECOMMENDATION:

That the City Council authorize the Police Chief to enter into the agreement with the Escambia County Sheriff's Office for fleet vehicle maintenance and utilize their services as deemed appropriate.

Councilman Schluter moved for approval. Councilman Morris seconded. The vote for approval was 5 - 0.

G. SUBJECT: DISCUSSION AND ACTION REGARDING STORMWATER GRANTS UPDATE

Reference: Assistant Public Services Director memo dated November 23, 2009

RECOMMENDATION:

That the City Council authorize staff to notify the Northwest Florida Water Management District that the Florida Forever Grant funds will not be utilized by the City.

Councilman Schluter moved for approval. Councilman Morris seconded. The vote for approval was 5 - 0.

H. SUBJECT: DISCUSSION AND ACTION REGARDING PURCHASE OF 12.5 ACRE PARCEL AND DONATION OF LOT 1, BLOCK B OF GRASSY POINT ESTATES FROM MR. JOE CAMPUS

Reference: Public Services Director memo dated November 20, 2009

RECOMMENDATION:

That the City Council authorize the purchase of Parcel No. 10-3S-29-0000-00100-0000 consisting of approximately 12.5 acres +/- for \$37,500 from Mr. Joe Campus and also accept the donation for Lot 1, Block B, of Grassy Point Estates.

Councilman Schluter moved for approval. Councilman Henderson seconded. The vote for approval was 4 - 1, with Councilman Morris dissenting.

I. SUBJECT: DISCUSSION AND ACTION REGARDING AMENDMENT OF MUNICIPAL CODE OF ORDINANCES REGARDING PARKING OF VEHICLES ON CITY RIGHTS-OF-WAY

Reference: City Manager memo dated November 23, 2009

RECOMMENDATION:

That the City Council direct staff to work with the City Attorney to develop an Ordinance to amend the City's Code of Ordinances relative to storage of vehicles on the right-of-way. Councilman Fulford asked the City Manager to provide an estimated time frame and list of necessary steps for this Ordinance.

Councilman Schluter moved for approval. Councilman Henderson seconded. The vote for approval was 5 - 0.

J. SUBJECT: DISCUSSION AND ACTION REGARDING TEAM SANTA ROSA POSITION ON GULF DRILLING

Reference: City Manager memo dated November 18, 2009

RECOMMENDATION:

That the City Council endorse the TEAM Santa Rosa position paper on offshore drilling.

Councilman Schluter moved for approval. Councilman Fulford seconded. The vote for approval was 4 - 1, with Councilman Henderson dissenting.

K. SUBJECT: DISCUSSION AND ACTION REGARDING REPORT OF HEARING OFFICER - FINANCING PLAN FOR CHARTER SCHOOL

COVERED UNDER RESOLUTION SECTION ABOVE.

INFORMATION ITEMS

See Memo Regarding Establishing a Consent Agenda

NEW BUSINESS: DISCUSSION AND ACTION REGARDING APPOINTMENT TO THE FLORIDA WATER SERVICES AUTHORITY

Reference: City Manager verbal report

RECOMMENDATION:

That the City Council appoint Mr. Greg Adams and Mr. Theo Elbert of Gulf Breeze and Mr. Robert Smith of Milton to serve on the Board for the Florida Water Services Authority.

Councilman Morris moved for approval. Councilman Henderson seconded. The vote for approval was 5 - 0.

ADJOURNMENT:

Mayor Zimmern adjourned the meeting at 7:00 p.m.

CITY CLERK

MAYOR

**MINUTES OF A MEETING OF THE BOARD OF DIRECTORS
FOR THE COMMUNITY REDEVELOPMENT AGENCY**

A meeting of the Board of Directors for the Community Redevelopment Agency, Gulf Breeze, Florida, was convened at the Gulf Breeze City Hall on Monday, December 7, 2009, at 6:55 p.m.. Upon call of the roll for the Community Redevelopment Agency meeting the following Board members were present: Councilmen Dana Morris, J. B., Schluter, Richard Fulford, Joseph Henderson, and Mayor Beverly Zimmern.

The purpose of the meeting was for the Board of Directors for the Community Redevelopment Agency to consider the following items:

A. SUBJECT: DISCUSSION AND ACTION REGARDING EXPENDITURE OF \$14,466 FOR REPLACEMENT OF ST. ANN CATHOLIC CHURCH ENTRANCE SIGN

Reference: Assistant Public Services Director memo dated November 23, 2009

RECOMMENDATION:

That the City Council approve the payment of \$14,466 to St. Ann Catholic Church for the replacement of their entrance sign.

Councilman Morris moved for approval. Councilman Schluter seconded. The vote for approval was 5 - 0.

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

Reference: Assistant Public Services Director memo dated November 23, 2009

RECOMMENDATION:

That the City Council approve the revised engineering fee of \$11,407 for Baskerville-Donovan, Inc., with \$4,000 of that amount as a direct cost to the City, to be covered by CRA funds and the remainder reimbursable from the grant. All of the construction cost is reimbursable.

Councilman Schluter moved for approval. Councilman Fulford seconded. The vote for approval was 4 - 1, with Councilman Henderson dissenting.

C. **SUBJECT: DISCUSSION AND ACTION REGARDING PAYMENT OF
INVOICES TO JENNIFER FLEMING - \$810 AND LAND
DESIGN INNOVATIONS FOR \$2,341.50**

Reference: City Manager memo dated November 24, 2009

RECOMMENDATION:

That the City Council meet on Monday, December 7, 2009 as the Board of Directors of the Community Redevelopment Agency and approve payment of \$810 to Jennifer Fleming and \$2,341.50 to Land Design Innovations for consulting services.

Councilman Schluter moved for approval. Councilman Fulford seconded. The vote for approval was 5 - 0.

ADJOURNMENT:

Mayor Zimmern adjourned the meeting at 6:57 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, December 16, 2009, at 6:30 p.m.

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

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

**RESOLUTION NO. 36-09: APPROVING A PLAN OF FINANCE FOR
INTERNATIONAL PAPER WATER QUALITY
IMPROVEMENT PROJECT**

Reference: City Manager memo dated December 9, 2009

The Resolution was read by title only by the City Clerk. The City Manager reviewed the purpose of the Resolution and Mr. Ed Gray, III, Executive Director of the Florida Water Services Authority Board was present to answer questions.

RECOMMENDATION:

That the City Council adopt Resolution No. 36-09 approving a plan of finance for the International Paper water quality improvement project and issuance of not to exceed \$50,000,000 in Florida Water Service Authority bonds.

Councilman Fulford moved for approval of Resolution No. 36-09. Councilman Henderson seconded. The vote for approval was 5 - 0.

ADJOURNMENT:

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

CITY CLERK

MAYOR

RESOLUTION 37-09

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF GULF BREEZE, FLORIDA ESTABLISHING A FEE FOR
REPRODUCTION OF MOTOR VEHICLE ACCIDENT REPORTS AND
TRAFFIC CITATIONS AND FOR CONDUCTING BACKGROUND CHECKS.**

WHEREAS, the City currently provides copies of motor vehicle accident reports and traffic citations at no costs; and,

WHEREAS, Florida Statutes allow a \$10.00 charge for copies of accident reports and allow the City to charge a fee to cover its costs for copies of citations; and,

WHEREAS, the City Council believes that recovering the cost for conducting background checks is also prudent; and,

WHEREAS, the imposition of a fee for reproduction of accident reports and citations and conducting background checks places the cost for such service on those requesting the service.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA IN REGULAR SESSION AS FOLLOWS:

SECTION 1:

Effective January 1, 2010, the following fee schedule shall apply to anyone requesting the following services:

- | | |
|---|---------|
| 1. Copies of Traffic Citations | \$.50 |
| 2. Copies of Motor Vehicle Accident Reports | \$10.00 |
| 3. Conducting Background Checks | \$ 3.00 |

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

December, 2009

Mayor

ATTEST

City Clerk

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

ACTION AGENDA ITEMS:

- A. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION NO. 37-09, ESTABLISHING A USER FEE FOR COPIES OF CRASH REPORTS AND CITATIONS AND FOR CONDUCTING A BACKGROUND CHECK**

Reference: City Manager memo dated December 10, 2009

RECOMMENDATION:

That the City Council adopt Resolution No. 37-09, Establishing the following user fee for copies of citations \$.50; crash reports - \$10.00 and for conducting background checks - \$3.00.

- B. SUBJECT: DISCUSSION AND ACTION REGARDING HIGHWAY 98 BEAUTIFICATION - ADDING PLANTS BETWEEN THREE MILE BRIDGE AND FAIRPOINT DRIVE INTERSECTION**

Reference: Parks and Recreation Director memo dated December 7, 2009

RECOMMENDATION:

That the Council authorize the use of Highway Beautification funds in the amount of \$8,200 for the purchase and installation of 322 Burgundy Loropetulum, 239 Silver Saw Palmettos and mulch, to be used in the median beds west of the Highway 98/Fairpoint Drive intersection.

- C. SUBJECT: DISCUSSION AND ACTION REGARDING SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDING**

Reference: Assistant City Manager memo dated December 10, 2009

RECOMMENDATION:

That the City Council accept the federally funded CDBG for sewer and resurfacing work in the CRA, provide the sum of \$119,806 as a match for this grant from the CRA budget and authorize Mayor Zimmern to sign the contract documents.

D. SUBJECT: DISCUSSION AND ACTION REGARDING STORAGE AND PARKING OF VEHICLES ON CITY RIGHTS-OF-WAY

Reference: City Manager memo dated December 9, 2009

FIRST RECOMMENDATION:

That the City Council direct staff and City Attorney to prepare an ordinance to prohibit the storage of vehicles on right-of-way for more than 72 hours.

SECOND RECOMMENDATION:

That the City Council prohibit storage of "oddments" under vehicles stored on private property and the property is to be maintained.

E. SUBJECT: DISCUSSION AND ACTION REGARDING CONDITIONAL USE, FRONT YARD FENCES

Reference: City Manager memo dated December 12, 2009

RECOMMENDATION:

That the City Council direct staff and the City Attorney to draft an amendment to the appropriate sections of the City's Code to allow front yard fences as a conditional use. (The following individuals spoke regarding the fence issue: Dr. Gupta, 111 Shoreline Drive; Jack Green, Eufaula Street; Kathy Cannon, 303 Shoreline Drive; Ramona Nations, 114 Shoreline Drive; David Kemp, 108 Shoreline Drive; Doug Hightower, 103 Shoreline Drive; Shirley McDonald, 35 Shoreline Drive; Donna Hutto, 16 Camelia Street and Jeromee' Beaudette, 424 Warwick Street.

F. SUBJECT: DISCUSSION AND ACTION REGARDING SUPPLEMENTAL PART TIME POLICE DETAILS

Reference: City Manager memo dated December 11, 2009

RECOMMENDATION:

That the City Council authorize the expenditure of \$6,000 from the red light camera fund for extra police details on U.S. Highway 98.

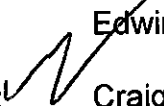
G. INFORMATION ITEMS



City of Gulf Breeze

MEMORANDUM

TO: Edwin A. Eddy, City Manager

FROM:  Craig S. Carmichael, Director of Community Services

DATE: December 15, 2009

SUBJECT: **Fire Boat**

As you will recall, the City's fire boat was destroyed when it capsized in December 2007. The City settled the claim with the insurance carrier, VFIS in June of this year. Due to potential litigation, the damaged vessel has been stored in the beige storage building behind the new firehouse. Now that the claim has been settled, it is no longer necessary to hold onto the vessel.

With the exception of the deck gun and piping, nothing of the vessel is salvageable. It is hopeful that we can sell it for scrap; however, if this fails we may be forced to pay for disposal through one of the local junkyards. The trailer is in fair shape and we plan on holding on to it in hopes that it can be used for the replacement.

Recommendation: *That the City Council declare the damaged vessel surplus and direct staff to dispose of it accordingly.*

CSC
Attachment

Reference: City Manager memo dated May 22, 2009

RECOMMENDATION:

That the City Council direct staff to advertise for a Public Hearing on the alternate projects list for Wednesday, June 10th at 6:30 p.m.

H. SUBJECT: DISCUSSION AND ACTION REGARDING FIRE BOAT CLAIM SETTLEMENT

Reference: Fire Chief memo dated May 21, 2009

RECOMMENDATION:

That the City Council accept the negotiated amount of \$86,997.66 for the damage of the Fire Boat and authorize the Fire Chief to sign the Memorandum of Understanding.

Councilman Schluter moved for approval of the Consent Agenda Items F, G, and H. Councilman Fulford seconded. The vote for approval of the Consent Agenda Items was 4 - 0.

ACTION AGENDA ITEMS:

A. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW BOARD REFERRAL FROM MAY 5, 2009

Reference: Development Review Board Minutes of May 5, 2009

- I. Charles and Judy Simonds - 718 Peake's Point
Amended Request to Construct Retaining Wall to Include
45 Degree Returns Immediately Behind the Existing Seawall**

RECOMMENDATION:

That the City Council approve the retaining wall which has been amended to include the 45 degree returns.

Councilman Schluter moved for approval. Councilman Henderson seconded. The vote for approval was 4 - 0.