

**GULF BREEZE CITY COUNCIL  
REGULAR MEETING**

MARCH 1, 2010  
MONDAY, 6:30 P.M.  
COUNCIL CHAMBERS

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of February 16, 2010 (Regular Meeting)
4. Resolution No. 07-10: Opposing an Amendment to the Florida Constitution that Would Force voters to decide all changes to a City or County's Comprehensive Plan
5. **CONSENT AGENDA ITEMS:**
  - A. Discussion and Action Regarding Conceptual Approval Request by Britton Stamps for a Proposed subdivision that is adjacent to the Driftwood Subdivision located on the north end of Live Oak Street
  - B. Discussion and Action Regarding Special Event Application for St. Ann Catholic Church annual 5 K run
  - C. Discussion and Action Regarding Transient Rental
  - D. Discussion and Action Regarding Intelligent Transportation System Letter of Support
  - E. Information Items

**ACTION AGENDA ITEMS:**

- A. Discussion and Action Regarding Proposed Resolution in Opposition to Amendment Four
- B. Discussion and Action Regarding Appointment of Alternates to Various Boards
6. New Business:
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.**

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

**RESOLUTION NO. 02-10: ADOPTING THE EVALUATION AND APPRAISAL  
REPORT FOR THE CITY**

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

**RESOLUTION NO. 03-10: ESTABLISHING A POLICY FOR COMPLIANCE WITH  
THE FAIR AND ACCURATE CREDIT TRANSACTION  
ACT OF 2003 (FACTA)**

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

**RESOLUTION NO. 04-10: REVISING THE CROSS-CONNECTION PROGRAM**

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

**RESOLUTION NO. 05-10: ALLIED WASTE RATE ADJUSTMENT:**

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

**RESOLUTION NO. 06-10: GRANT AGREEMENT WITH THE STATE OF FLORIDA  
DEPARTMENT OF AGRICULTURE AND CONSUMER  
SERVICES, DIVISION OF FORESTRY**

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

**CONSENT AGENDA ITEMS:**

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

The 1,146<sup>th</sup> regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Tuesday, February 16, 2010, 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.

**PUBLIC HEARING: ADOPTION OF EVALUATION AND APPRAISAL REPORT:**

Mayor Zimmern opened the public hearing for the City's evaluation and appraisal report and introduced Ms. Stephania Wilson, (an independent consultant), Indever, LLC. Ms. Wilson presented a power point presentation explaining the issues and amendments to be submitted to the Department of Community Affairs. After the presentation the Mayor opened the floor for public comments and questions. The following individual spoke: Mr. Joe Reynes, 3802 Tiger Point Boulevard. There were no other comments made and the Mayor closed the public hearing. The adoption of the evaluation and appraisal report will be approved in Resolution No. 02-10 below.

**APPROVAL OF MINUTES:**

Councilman Fulford moved for approval of the minutes for the regular meeting held on Monday, February 1, 2010. Councilman Henderson seconded. The vote for approval was 5 - 0.

**ORDINANCE NO. 01-10: AMENDING SECTIONS 8-51 AND 8-56 OF THE  
MUNICIPAL CODE OF ORDINANCES RELATIVE TO  
STORAGE OF VEHICLES ON RIGHTS-OF-WAY  
SECOND READING AND PUBLIC HEARING**

The Ordinance was read by title only by the City Clerk. The Mayor reviewed the purpose of the ordinance and opened the floor for public comment. The following individuals spoke: Mr. Les Harper, 315 Shoreline Drive; Mr. Alan Little, 304 Washington Avenue; and Ms. Katherine Headrick, 603 Silverthorn. There were no other comments made and the public hearing was closed.

Councilman Henderson moved for approval of the ordinance. Councilman Henderson seconded. The vote for approval was 5 - 0.

**ORDINANCE NO. 02-10: AMENDING SECTION 21-72 OF THE MUNICIPAL CODE  
OF ORDINANCES, RELATIVE TO FENCES**

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

**RECOMMENDATION:**

**That City Council approve the following Consent Agenda items: A, B, C, D, E, F, G, J, and K:**

- A. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW BOARD REFERRAL OF FEBRUARY 2, 2010**

Reference: Development Review Board Minutes dated February 2, 2010

Kym and Martin S. Lewis  
98 Shoreline Drive - request to Construct  
a 190 foot pier with two finger piers

**RECOMMENDATION:**

**That the City Council approve the project as presented with the stipulation that the public access issue be addressed.**

- B. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST FROM ST. ANN CATHOLIC CHURCH FOR A PALM SUNDAY PROCESSIONAL FROM WAYSIDE PARK TO THE CHURCH ON SUNDAY, MARCH 28, 2010**

Reference: Deputy Police Chief memo dated February 3, 2010

**RECOMMENDATION:**

**That the City Council approve the special event request from St. Ann Catholic Church for a Palm Sunday Processional from Wayside Park to the Church on Sunday, March 28, 2010.**

- C. SUBJECT: DISCUSSION AND ACTION REGARDING REVISED CROSS CONNECTION CONTROL PROGRAM**

(COVERED UNDER RESOLUTION SECTION ABOVE)

- D. SUBJECT: DISCUSSION AND ACTION REGARDING THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT (FACTA ACT)**

(COVERED UNDER RESOLUTION SECTION ABOVE)

**E. SUBJECT: DISCUSSION AND ACTION REGARDING NATURAL GAS AND STORMWATER CONTRACTS**

Reference: Assistant Public Services Director memo dated February 4, 2010

**RECOMMENDATION:**

**That the City Council approve and authorize the Mayor to sign the contracts for stormwater improvements with Hatch Mott MacDonald, and the contracts for stormwater improvements and natural gas main extension with Baskerville-Donovan, Inc.**

**F. SUBJECT: DISCUSSION AND ACTION REGARDING FOREST HEALTH IMPROVEMENT INITIATIVE GRANT**

(COVERED UNDER RESOLUTION SECTION ABOVE)

**G. SUBJECT: DISCUSSION AND ACTION REGARDING CONTRACTUAL RATE INCREASE REQUESTED BY ALLIED WASTE/ REPUBLIC SERVICES**

(COVERED UNDER RESOLUTION SECTION ABOVE)

ITEMS H AND I ARE LISTED BELOW UNDER ACTION AGENDA ITEMS.

**J. SUBJECT: DISCUSSION AND ACTION REGARDING SCHEDULING A PUBLIC FORUM FOR THE EVALUATION AND APPRAISAL REPORT**

(COVERED UNDER PUBLIC HEARING AND RESOLUTION SECTIONS ABOVE)

**K. INFORMATION ITEMS**

Councilman Fulford moved for approval of the following Consent Agenda Items: A, B, C, D, E, F, G, J, and K. Councilman Morris seconded. The vote for approval of the Consent Agenda Items was 5 - 0.

**ACTION AGENDA ITEMS:**

- A. SUBJECT: DISCUSSION AND ACTION REGARDING ARCHITECTURAL REVIEW BOARD REFERRAL OF CONCEPTUAL REVIEW OF THE QUIETWATER OFFICE PROJECT**

Reference: Community Service Director memo dated February 3, 2010

**RECOMMENDATION:**

**That the City Council accept the ARB's recommendation and conceptually approve the Quietwater Office building.**

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

- B. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 01-10, AMENDING SECTIONS 8-51 AND 8-56 OF THE MUNICIPAL CODE OF ORDINANCES RELATIVE TO STORAGE OF VEHICLES ON RIGHTS-OF-WAY**

(COVERED UNDER ORDINANCE SECTION ABOVE)

- C. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 02-10, AMENDING SECTION 21-72 OF THE CODE OF ORDINANCES RELATIVE TO FRONT YARD FENCES**

(COVERED UNDER ORDINANCE SECTION ABOVE)

- D. SUBJECT: DISCUSSION AND ACTION REGARDING DRACENA WAY LIFT STATION REHAB**

Reference: Public Services Director memo dated February 4, 2010

**RECOMMENDATION:**

**That the City Council authorize the rehabilitation to the Dracena Way Lift Station by Brown Construction in the amount of \$82,597.04 with funding from reserves.**

Councilman Morris moved for approval. Councilman Henderson seconded. The vote for approval was 4 - 0 - 1, with Councilman Fulford abstaining due to a conflict of interest. (A conflict of interest form is attached with the minutes.)

**H. SUBJECT: DISCUSSION AND ACTION REGARDING FLORIDA DEPARTMENT OF TRANSPORTATION SB 1446 - LANDSCAPE GRANT - SELECTION OF DESIGN CONSULTANT**

Reference: Assistant City Manager memo dated February 16, 2010

**RECOMMENDATION:**

**That the City Council approve Land Design Innovations to do the landscape design work for the Florida Department of Transportation - SB 1446 Landscaping Grant that was recently awarded to the City.**

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

**I. SUBJECT: DISCUSSION AND ACTION REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT - AMERICAN RECOVERY AND REINVESTMENT ACT, SELECTION OF ADMINISTRATIVE CONSULTANT AND ENGINEER**

Reference: Assistant City Manager memo dated February 16, 2010

**RECOMMENDATION:**

**That the City Council select Jordan & Associates for the CDBG Administrative Services and Baskerville-Donovan for the CDBG Engineering Services required by the CDBG Grant that was recently awarded to the City.**

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

**NEW BUSINESS: AWARD OF BID FOR DESIGN/BUILD OF DECORATIVE FENCING ON U.S. HIGHWAY 98 FROM ANDREW JACKSON TRAIL TO PEDESTRIAN WALKOVER**

Reference: Assistant City Manager memo dated February 12, 2010

**RECOMMENDATION:**

**That the City Council accept the bid from Biggs-Green to build and install a concrete/brick column fence with steel panels on the east side of U.S. Highway 98 from Andrew Jackson Trail to the walkover and on the west side from the bus road south of the Chamber building to the entrance of the elementary school.**

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

**ADJOURNMENT:**

Mayor Zimmern adjourned the meeting at 7:15 p.m.

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CITY CLERK

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MAYOR

**RESOLUTION NO. 07-10**

**A RESOLUTION OF THE CITY COUNCIL OF GULF BREEZE, FLORIDA,  
OPPOSING AN AMENDMENT TO THE FLORIDA CONSTITUTION THAT  
WOULD FORCE VOTERS TO DECIDE ALL CHANGES TO A CITY OR  
COUNTY'S COMPREHENSIVE PLAN**

**WHEREAS**, the State of Florida has experienced tremendous growth; and

**WHEREAS**, the challenges presented by growth require that local governments embrace smart growth policies aimed at protecting our State's quality of life, engendering greater economic prosperity, and equitably planning for the common good; and

**WHEREAS**, smart growth requires careful planning and direction combined with a clear and effective means of engaging the people's voice; and

**WHEREAS**, the City Council of Gulf Breeze understands that elected leaders must always empower citizens and never abandon government's primary responsibility for creating sound public policy; and

**WHEREAS**, Amendment 4 seeks to place a constitutional amendment before Florida's voters to amend Article II, Section 7, of the Florida Constitution, (title: REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL GOVERNMENT COMPREHENSIVE LAND USE PLANS); and

**WHEREAS**, this amendment constitutes a fundamental abandonment of government's responsibility to represent all its citizens; and

**WHEREAS**, this amendment will impede progress on smarter growth policies aimed at improving citizen input, enhancing public participation, and engaging every community; and

**WHEREAS**, this amendment will further disenfranchise millions of Florida's already-fatigued electorate, paralyze local governments and potentially cripple vital public services including crime prevention, transportation improvement and public education; and

**WHEREAS**, this amendment poses a grave threat to Florida's unique quality of life.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF GULF BREEZE, FLORIDA THAT:**

**SECTION 1.** The City Council of the City of Gulf Breeze, Florida meeting on Monday, March 1, 2010, having dedicated its own policies to advancing smarter growth recommends defeat of the Florida Hometown Democracy initiative and its proposed amendment to the Florida Constitution.

**SECTION 2:** The City Council of Gulf Breeze urges citizens to vote "no" on amendment 4, when it appears on the 2010 ballot.

**SECTION 3:** The City Council of Gulf Breeze does not concur with the "one size fits all" approach of Amendment 4 and believes in opening a broad-based community dialogue that addresses the unique growth management concerns of our community.

**PASSED AND ADOPTION** by the City Council of the City of Gulf Breeze, Santa Rosa County, Florida on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

BY: \_\_\_\_\_  
Beverly H. Zimmern, Mayor

ATTEST:

\_\_\_\_\_  
Marita Rhodes, 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 CONCEPTUAL APPROVAL REQUEST BY BRITTON STAMPS FOR A PROPOSED SUBDIVISION THAT IS ADJACENT TO THE DRIFTWOOD SUBDIVISION LOCATED ON THE NORTH END OF LIVE OAK STREET**

Reference: Community Services Director memo dated February 17, 2010

**RECOMMENDATION:**

That the City Council conceptually approve the project with the following four variances and direct staff to schedule and advertise a public hearing on April 28, 2010, to formally approve the variances: (1) For a 20 foot front and rear setback instead of a 30 foot as required by the Land Development Code (LDC); (2) For a 5.5 foot side street setback on the lot immediately adjacent to Live Oak Street, the Land Development Code requires a 15 foot side street setback; and (3) For minimum lot sizes ranging from 4,441 square feet to 5,224 square feet, the Land Development Code requires a minimum lot size of 9,000 square feet and (4) For a variance from Section 21-85 allowing a generator or HVAC equipment to be located within the 5 foot setback to be worded in such a way that only a generator or HVAC equipment could be located within the setback.

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- B. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST FOR THE ST. ANN CATHOLIC CHURCH ANNUAL 5K RUN SATURDAY, APRIL 17, 2010, 8:00 A.M.**

Reference: Deputy Police Chief memo dated February 19, 2010

**RECOMMENDATION:**

That the City Council approve the special event request for St. Ann Catholic Church to conduct the annual 5K run Saturday, April 17, 2010, 8:00 a.m.

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- C. SUBJECT: DISCUSSION AND ACTION REGARDING TRANSIENT RENTAL**

Reference: City Manager memo dated February 19, 2010

**RECOMMENDATION:**

**That this item be tabled indefinitely.**

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**D. SUBJECT: DISCUSSION AND ACTION REGARDING INTELLIGENT TRANSPORTATION SYSTEM LETTER OF SUPPORT**

Reference: Assistant City Manager memo dated February 19, 2010

**RECOMMENDATION:**

**That the City Council direct staff to draft a letter of support for an intelligent transportation system proposed by the City of Pensacola and authorize the Mayor to execute the letter.**

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**E. SUBJECT: DISCUSSION AND ACTION REGARDING PROPOSED RESOLUTION IN OPPOSITION TO AMENDMENT FOUR**

Reference: City Manager memo dated February 19, 2010

**RECOMMENDATION:**

**That the City Council direct staff to prepare a resolution opposing amendment Four for adoption by the City Council on Monday, March 1, 2010.**

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**F. SUBJECT: DISCUSSION AND ACTION REGARDING APPOINTMENT OF ALTERNATES TO VARIOUS BOARDS**

Reference: City Clerk memo dated February 19, 2010

**RECOMMENDATION:**

**That the City Council appoint Mr. Bill Clark and Mr. Lee Brown to serve as alternates on the Board of Adjustment, term to expire 2014. (It would be helpful to have another person to serve as alternate for the Development Review Board.)**

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**G. INFORMATION ITEMS**



February 18, 2010

Dear Government Official:

Mediacom would like to share some valuable information to you regarding your channel line-up.

Effective on or about March 9, 2010 the following change will occur on your channel line up.

The change in the programming is the following:

WE from channel 51 to channel 69  
FOX News from channel 53 to channel 73  
Golf from channel 54 to channel 74  
WBPG from channel 55 to channel 75  
Oxygen from channel 56 to channel 76  
TMC HD from channel 891 to channel 892

Also, the programming below will be added to your channel line-up:

WKRK Weather Radar – channel 80  
WKRK Retro TV – channel 81  
WSRE World – channel 82  
WSRE Knowledge – channel 83  
WSRE – channel 84

The above channels will be shown on the digital basic tier.

Thank you for allowing us serve your community. If you have any questions, please feel free to call me at 850-934-2572.

Sincerely,

*Barbara S. Bonowicz*

Barbara S. Bonowicz  
Government Relations

Gulf Breeze, Milton, Pace, Santa Rosa County, Pensacola Beach/Escambia County, FL/Okaloosa County