

**GULF BREEZE CITY COUNCIL
REGULAR MEETING**

MAY 3, 2010
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS

REMINDER - TOWN MEETING - 6:00 P.M.

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes April 19, 2010 (Regular Meeting)
4. Ordinance No. 04-10: Amending Section 21-72 of the Municipal Code, Front Yard Fences - **SECOND READING AND PUBLIC HEARING**

Resolution No. 12-10, Creating a Rebate Program for Boat Ramp Permits
Resolution No. 13-10: Authorizing Issuance of 2010 Participant Loan Program.

5. **CONSENT AGENDA ITEMS:**

- A. Discussion and Action Regarding Annual Town Meeting , Monday, May 3, 2010, 6:00 pm
(COVERED UNDER TOWN MEETING ABOVE)
- B. Discussion and Action Regarding Resolution No. 13-10, Authorizing Issuance of 2010 Participant Loan Program
(COVERED UNDER RESOLUTION SECTION ABOVE)
- C. Discussion and Action Regarding Special Event Request for Capt'n Fun Run on Saturday, August 7, 2010, 7:30 a.m.
- D. Discussion and Action Regarding Recommended Award for Request for Qualification for Fishing Bridge Deconstruction Consulting
- E. Discussion and Action Regarding Ordinance No. 04-10, Amending Section 21-72 of the Municipal Code, Front Yard Fences
(COVERED UNDER ORDINANCE SECTION ABOVE)
- F. Discussion and Action Regarding Resolution No. 12-10, Creating a Rebate Program for Boat Ramp Permits
(COVERED UNDER RESOLUTION SECTION ABOVE)

- G. Discussion and Action Regarding Request to Amend Capital Projects List, Purchase of E-911 Voice Recorder
- H. Discussion and Action Regarding Employee Participation in Disposal of Surplus Equipment
- I. Discussion and Action Regarding Florida Department of Transportation - SB 1446 Landscaping Grant Architecture Consulting Services Contract
- J. Discussion and Action Regarding Forfeited Pension Funds

ACTION AGENDA ITEMS:

- A. Discussion and Action Regarding Second Addition to Driftwood Subdivision Located on North end of Live Oak Street
- B. Discussion and Action Regarding Acquisition of 2 Berry Drive; FEMA Alternative Project #16
- C. Information Items
- 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.

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

The 1,073rd regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Monday, April 19, 2010, at 6:30 p.m.

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

APPROVAL OF MINUTES OF REGULAR MEETING, APRIL 5, 2010:

Councilman Schluter moved for approval of the minutes for the regular meeting held on Monday, April 5, 2010. Councilman Fulford seconded. The vote for approval was 4 - 0.

APPROVAL OF MINUTES FOR SPECIAL MEETING OF APRIL 5, 2010:

Councilman Morris moved for approval of the minutes for the special meeting held on Monday, April 5, 2010. Councilman Schluter seconded. The vote for approval was 4 - 0.

**ORDINANCE NO. 04-10: AMENDING SECTION 21-72 OF THE MUNICIPAL CODE,
FRONT YARD FENCES, ALLOWING STAFF TO
DETERMINE IF CRITERIA FOR FRONT YARD FENCES
ARE MET - FIRST READING**

The Ordinance was read by title only by the City Clerk. The City Manager discussed the ordinance. Councilman Schluter moved for approval of the ordinance on first reading and to schedule the second reading and public hearing for Monday, May 3, 2010. Councilman Morris seconded. The vote for approval was 4 - 0.

**RESOLUTION NO. 11-10: APPROVING CERTAIN ACTIONS RELATIVE TO
CAPITAL FUNDING REVENUE BONDS SERIES 1997A**

The resolution was read by title only by the City Clerk. Councilman Schluter moved for approval of the resolution. Councilman Fulford seconded. The vote for approval was 4 - 0.

CONSENT AGENDA ITEMS:

RECOMMENDATION:

**That the City Council approve the following Consent Agenda Items:
A, B, and C**

A. DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW BOARD REFERRALS OF APRIL 6, 2010

- I. Robert D. Tyler - 105 Chanteclair Circle
Request to Construct a Roof Over an Existing Boat Slip

RECOMMENDATION:

That the City Council accept this project as presented.

- II. Gulf Breeze Hospital - 1110 Gulf Breeze Parkway
Request to Construct a 10 Bed Hospital Addition

RECOMMENDATION:

That the City Council accept the project as presented.

- III. Curt Long - 406 Navy Cove Boulevard
Request to Replace an Existing Seawall and Dock

RECOMMENDATION:

That the City Council accept the project contingent upon receipt of all Federal and State permits.

- IV. Britton Stamps - North End of Live Oak Street
Approval of Variance to Develop a Four Family Subdivision

RECOMMENDATION:

That the City Council approve the project as presented.

B. SUBJECT: DISCUSSION AND ACTION REGARDING PURCHASE OF EQUIPMENT FOR YORK STREET PARK

Reference: Parks and Recreation Director memo dated April 7, 2010

RECOMMENDATION:

That the City Council authorize the purchase of the playground equipment from A. Dawson & Co., Inc., at the U.S. Communities Governmental Purchasing Alliance contract price of \$23,356.47.

C. SUBJECT: DISCUSSION AND ACTION REGARDING UNDERGROUND WIRING

Reference: city Manager memo dated April 8, 2010

RECOMMENDATION:

That the City Council direct staff to meet with Gulf Power regarding development of a plan and cost estimates for converting aerial electric lines to underground.

Councilman Fulford moved for approval of Consent Agenda Items A, B, and C. Councilman Morris seconded. The vote for approval was 4 - 0.

ACTION AGENDA ITEMS:

A. SUBJECT: DISCUSSION AND ACTION REGARDING AMENDMENT/REWRITE OF CITY'S COMPREHENSIVE PLAN

Reference: City Manager memo dated April 8, 2010

RECOMMENDATION:

That the City Council direct staff to hold a workshop on Wednesday April 28th 5:00 p.m. at Gulf Breeze City Hall, to further discuss the height requirements and other issues on the Comp Plan revision. (The following Citizens attended and spoke regarding the height requirement in the Comp Plan and time workshop scheduled: Mr. Flack Logan, 129 Chanteclair Circle, Gulf Breeze Fl; and Ms. JoAnn Price , 85 Chanteclair, Gulf Breeze, FL.)

Councilman Schluter moved for approval to schedule the workshop. Councilman Morris seconded. The vote for approval was 4 - 0.

- B. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 04-10, AMENDMENT OF SECTION 21-72 OF THE MUNICIPAL CODE, FRONT YARD FENCES, ALLOWING STAFF TO DETERMINE IF CRITERIA FOR FRONT YARD FENCES ARE MET - FIRST READING**

(COVERED UNDER ORDINANCE SECTION ABOVE)

- C. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION NO. 11-10, APPROVING CERTAIN ACTIONS RELATIVE TO THE CAPITAL FUNDING REVENUE BONDS, SERIES 1997A**

(COVERED UNDER RESOLUTION SECTION ABOVE)

- D. SUBJECT: DISCUSSION AND ACTION REGARDING BOAT RAMP FEES**

Reference: City Manager memo dated April 8, 2010

RECOMMENDATION:

that the City Council direct staff to prepare a Resolution regarding a \$10 rebate on the purchase of an annual boat ramp permit paid on the next water bill.

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

- E. SUBJECT: DISCUSSION AND ACTION REGARDING EMERGENCY LOAN PROGRAM**

Reference: City Manager memo dated April 12, 2010

RECOMMENDATION:

That the City Council approve an emergency loan program for City staff.

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

INFORMATION ITEMS

**NEW BUSINESS: DISCUSSION AND ACTION REGARDING DISPOSAL OF
SURPLUS FIRE BOAT**

Reference: Community Services Director memo dated April 12, 2010

RECOMMENDATION:

That the City Council accept the bid from Howard M. Yonge in the amount of \$2,200 for the surplus vessel (including trailer) and direct staff to prepare the necessary paperwork to complete the sale.

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

OPEN FORUM:

Ms. JoAnn Price, 85 Chanteclair Circle, asked about the form of workshop for the Comprehensive Plan scheduled for Wednesday, April 28th and if the public will have an opportunity to speak.

Councilman Schluter asked for an update of the AppRiver project and perhaps ask the representatives to attend a Council meeting.

Councilman Morris read a memo from the Police Department commending Officer Greg Baker for stopping a drunk driver from traveling north in the south bound lane of the Pensacola Bay Bridge.

ADJOURNMENT:

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

CITY CLERK

MAYOR

ORDINANCE NO. 04-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING SECTION 21-72 OF THE CODE OF ORDINANCES RELATIVE TO FENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council enacted certain rules and regulations regarding the design and placement of fences on residential lots; and,

WHEREAS, these rules and regulations currently preclude the placement of a fence forward of the front of a primary structure on a residential lot; and,

WHEREAS, the City Council desires to amend these rules and regulations to allow the placement of fence forward of the front of a primary structure in certain instances and when certain design criteria are met.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gulf Breeze, as follows:

SECTION 1: Section 21-72, Fence Requirements is hereby amended to read as follows:

Sec. 21-72. Fence requirements.

- (a) No fence of any description shall be erected nearer to the front lot line than the front of the house on the lot or, in the case of a vacant lot, nearer to the front lot line than that point on the lot where a house could be located when and if built, except as follows: in the case where a house is built closer to the setback limit than a house immediately abutting, then the house further away from the front street may extend the side yard fence to a point equal to the extent of the abutting front yard fence which extends further toward the street. In no case can a side yard fence extend closer to the right-of-way than the setback limit. In the case of a corner lot no fence shall be erected nearer to the side street line than the side street setback line for that particular lot. In those instances on a corner lot in which the front of the house faces the side street lot line, then the section of fence that faces the front lot line shall not be located any closer to the front lot line than 15 feet. The maximum height of such fence shall be eight feet, except that on a corner lot, the height of such fence that protrudes beyond the side of the house facing the side street where the fence joins the house, and that portion of the fence that runs parallel with the side street side of the lot, shall not exceed 6 feet in height. All other sections of a fence located on the lot shall not exceed the maximum height of eight feet.
- (b) Special exceptions.

Fences meeting the following criteria may be located forward of the front of the house but not forward of the front lot line. The ~~Board of Adjustment~~ Development Review

Board will determine if the criteria listed below have been met in accordance with Section 20-108 of the Code of Ordinances.

1. The fence shall be decorative or ornamental in design and match the overall architectural style of the principal structure. No chain link, wire, wooden panel or picket fence shall qualify for a special exception. The design of the fence must be brick, stone or stucco columns joined by metal panels. The metal panels must be less than thirty-three percent (33%) opaque.
2. Landscaping must be installed on the street side of the fence in such a manner as to shield the metal panels from view within three (3) years from the date of construction. Plant material must consist of ornamental shrubs which grow to a height of five (5) to six (6) feet under normal conditions (Recommended species are included in Table 1. Other species with similar attributes may be utilized).
3. The maximum height of the fence panels shall not exceed six (6) feet in height; however, columns may be up to ten (10) feet high. The height measurement will be taken from grade.
4. The minimum distance between columns shall be eight (8) feet. The maximum distance between columns shall be fifteen (15) feet.
5. The property owner must demonstrate the existence of a public safety concern, such as trespassing that frequently occurs about his property which would be significantly mitigated by construction or erection of a fence contemplated in this subsection (b).
6. Any fence that utilizes a gate or similar device to restrict access to the driveway shall be equipped with a rapid entry system as specified in Section 21-265.
7. The decision by the City Manager or designee that the aforementioned criteria have or have not been met may be appealed to the ~~Board of Adjustment~~ Development Review Board. The procedures for appeal shall follow ~~the procedures specified in Chapter 20, Article II, Division 7. Appeals: that of level one development.~~

SECTION 2: SEVERABILITY

It is not the intent of this Ordinance to supersede or conflict with any law, rule, or regulation that has been reserved to or is preempted by laws, rules, and regulations of the State of Florida. If any section, sentence, clause, phrase, or word of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance. Further, in the event that any section,

sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then it is hereby declared to be the intent of the Gulf Breeze4 City Council that this Ordinance be construed to the fullest extent possible in a manner that is valid and constitutional and excepting only such portions of this Ordinance that are necessary in order for the remaining portions hereof to be valid and lawful.

SECTION 3: CONFLICT

The provisions of this Ordinance shall be deemed to control and prevail over any ordinance or portion thereof in conflict with the terms herein.

SECTION 4: EFFECTIVE DATE

This ordinance shall become effective upon its adoption by the City Council of the City of Gulf Breeze.

PASSED ON FIRST READING ON THE 19TH DAY OF APRIL, 2010.

PUBLISHED ON THE 22ND DAY OF APRIL, 2010.

PASSED AND ADOPTED ON THE SECOND READING ON THE 3RD DAY OF MAY, 2010.

CITY OF GULF BREEZE, FLORIDA

BEVERLY H. ZIMMERN, MAYOR

ATTEST:

MARITA RHODES, CITY CLERK

RESOLUTION NO. 12-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE APPROVING A REBATE PROGRAM FOR CITY RESIDENTS THAT PURCHASE ANNUAL BOAT RAMP PERMITS

WHEREAS, the City of Gulf Breeze operates, maintains and improves from time to time two (2) boat ramp and launching facilities; and

WHEREAS, the City requires payment of a daily launch fee or purchase of an annual boat ramp permit to help offset the cost of operating, maintaining and improving the boat ramp facilities; and,

WHEREAS, City residents support the operation, maintenance, and improvement of the boat ramp facilities through payment of ad valorem taxes, utility service taxes and other local taxes;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gulf Breeze as follows:

1. City residents are required to pay the same fee for an annual boat launch permit as are other residents.
2. City staff that handle the sale of the annual permit shall request the home address of the individual purchasing the permit.
3. If the person that purchased the permit resides at a local address, a \$10 rebate from the water bill will be processed as soon as is practical by City staff.
4. At time intervals as deemed appropriate by staff, funds equal to the amount rebated will be transferred from the General Fund to the City's 401 Water and Sewer Account equal to the amount rebated.

EFFECTIVE DATE: This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, SANTA ROSA COUNTY, FLORIDA this ____ day of _____, 2010.

ATTEST:

Beverly H. Zimmern, Mayor

Marita Rhodes, City Clerk

RESOLUTION 13-10

A RESOLUTION AUTHORIZING ISSUANCE OF AND AWARDING SALE OF NOT EXCEEDING \$50,000,000 REVENUE BONDS, SERIES 2010 (PARTICIPANT LOAN PROGRAM) OF THE CITY OF GULF BREEZE; AUTHORIZING EXECUTION AND DELIVERY OF TRUST INDENTURE FOR SUCH BONDS; RATIFYING USE OF A PRELIMINARY OFFERING DOCUMENT IN CONNECTION WITH THE MARKETING OF SUCH BONDS AND OTHER ACTION IN CONNECTION WITH THE DELIVERY OF SUCH BONDS; APPROVING THE FORM OF LOAN AGREEMENT; AND PROVIDING CERTAIN OTHER DETAILS IN CONNECTION WITH THE BONDS AND THE PROGRAM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Gulf Breeze (the "Issuer") is authorized pursuant to law, particularly Sections 163.01, et seq. and 166.01, et seq., Florida Statutes, and Chapter 61-2207, Laws of Florida, Special Acts of 1961, and Ordinance 5-97 of the City, each as amended and supplemented from time to time (collectively, the "Act") to cooperate with other public agencies of the State of Florida in the exercise of their common powers, including, among other things, their powers to borrow money and finance or refinance projects; and

WHEREAS, the Issuer has heretofore issued numerous series of Bonds to finance or refinance capital projects for such other public agencies; and

WHEREAS, the Issuer has been advised that there is substantial additional demand from public agencies for Loans, and that the available moneys under the prior programs are not structured to meet such demand for Loans; and

WHEREAS, the City has determined to issue additional bonds the (the "2010 Bonds") in principal amount not exceeding \$50 Million to enable specific public agencies to benefit from current interest rates, newly developed financing techniques and to increase the moneys available to finance certain types of Projects (the "2010 Program"); and

WHEREAS, the Issuer has further determined that all Loan Agreements with public agencies will be entered into simultaneously with the issuance and delivery of the Bonds; and

WHEREAS, the purposes for which the Bonds are to be issued are not primarily for the sole benefit of the Issuer but are primarily for the mutual benefit of the participating Public Agencies (the "Participants"); and

WHEREAS, the Issuer hereby finds that the timing, size and complexity of the financing and the present volatility of the municipal bond market require that the terms of the Bonds being hereby sold be negotiated at private sale rather than offered by competitive bid at public sale in order to assure the most favorable terms in the bond market and, therefore, has determined to sell such Bonds at private, negotiated sale; and

WHEREAS, the 2010 Bonds will be rated in one of the three highest categories by one or more national rating agencies; and

WHEREAS, the Bonds shall be issued as bonds bearing interest at fixed rates computed on the basis of the interest payable by the Participants; and

WHEREAS, the Issuer desires to ratify the use of the Preliminary Offering Document in connection with the marketing of the Bonds, to approve the preparation and delivery of the final Official Statement, to provide for the sale of the Bonds to Morgan Keegan & Company, Inc., on behalf of the Underwriters, and to authorize the execution of all necessary documents and the taking of all other necessary action in connection with the delivery of the Bonds; now therefore,

BE IT RESOLVED BY THE CITY OF GULF BREEZE, SANTA ROSA COUNTY, FLORIDA:

Section 1. Authorization of Bonds. Obligations of the Issuer to be redesignated and hereafter known as "Revenue Bonds, Series 2010 (Participant Loan Program)" are hereby authorized to be issued in the aggregate principal amount of not exceeding \$50,000,000 (the "Bonds"). The proceeds of the Bonds shall be used to fund the financing or refinancing of qualified projects by making Loans to Participants, all as defined in the hereinafter described Trust Indenture, in the manner described in such Trust Indenture and the Loan Agreements.

Section 2. Award of Bonds; Bond Purchase Agreement. The Issuer hereby finds, determines and declares that the timing and size of the issue and the novelty and complexity of the financing plan for the Bonds, and the need for coordination of the pricing of the Bonds and the setting of interest rates on the Loans, require that the Bonds be negotiated at private sale rather than offered by competitive bid at public sale in order to assure the necessary flexibility to obtain the most favorable terms in the bond market. The negotiated sale of the Bonds to Morgan Keegan & Company, Inc., on behalf of the Underwriters, is hereby authorized pursuant to Section 218.385, Florida Statutes.

The form of the Bond Purchase Agreement attached hereto as Exhibit "C" is hereby approved and shall be executed by the Mayor or Mayor Pro-tem with such provisions or modifications as are necessary to conform to the requirements of the 2010 Program, and to the final Offering Document hereinafter referred to and are not inconsistent with this resolution as

may be approved by the officers executing the same, such approval to be presumed by their execution thereof.

Section 3. Description of Bonds. The Bonds shall be issued in fully registered form, shall be dated and shall mature on the date set forth in the hereinafter described Trust Indenture and in the Official Statement, and shall bear interest initially at the fixed rates set forth in and payable on such dates all as set forth in the Trust Indenture.

Section 4. Redemption Provisions. The Bonds shall be not be subject to redemption prior to maturity.

Section 5. Approval of Documents. The form of Trust Indenture attached hereto as Exhibit "A" and made a part hereof, the other documents referred to therein, and the form of Loan Agreement attached to the Trust Indenture, which shall be entered into with the appropriate governing bodies within the Participants described in the Indenture, the Tax Exemption Certificate and Agreement, in substantially the form attached hereto as Exhibit "B," the Administration Agreement, in substantially the form attached hereto as Exhibit "D," the Rebate Analyst Agreement, in substantially the form attached hereto as Exhibit "E," and other documents necessary or desirable to implement the 2010 Program (the "Bond Documents"), are hereby approved and shall be executed by the Mayor or Mayor Pro-tem and City Clerk of the Issuer, with such provisions or modifications as are necessary to conform to the requirements of the 2010 Program and the Bond Insurer, if any, and to the final Offering Document hereinafter referred to and are not inconsistent with this resolution as may be approved by the officers executing the same, such approval to be presumed by their execution thereof.

Section 6. Approval of Preliminary Offering Document. Use of a Preliminary Offering Document in marketing the Bonds is hereby ratified and approved, and the preparation of a final Official Statement, with such provisions as are consistent with the terms of the Program and the Bond Purchase Agreement, and as shall hereafter be approved by the Mayor or Mayor Pro-tem of the Issuer, such approval to be evidenced by his execution thereof, is hereby authorized and approved in connection with delivery of the Bonds, and the Mayor or Mayor Pro-tem of the Issuer are each hereby authorized to execute and deliver the final Official Statement on behalf of the Issuer, such execution to conclusively establish their approval of the terms and provisions thereof.

Section 7. Authorization of all Other Necessary Action. The Mayor, Mayor Pro-tem, City Clerk, City Manager, City Attorney and Bond Counsel, for the Issuer are each designated agents of the Issuer in connection with the issuance and delivery of the Bonds, and are authorized and empowered, collectively or individually, to take all action and steps to execute and deliver any and all instruments, documents, investments or contracts on behalf of the Issuer which are necessary or desirable in connection with the execution and delivery of the Bonds and which are not inconsistent with the terms and provisions of this resolution and other actions relating to the Bonds heretofore taken by the Issuer.

Section 8. Designation of Trustee, Paying Agent and Registrar. U.S. Bank, National Association, is hereby designated and approved as Trustee, Paying Agent and Registrar for the Bonds.

Section 9. Designation of Participants. The Participant borrowers shall only include the City of Pensacola and, at its option, the Okaloosa County Gas System. All proceeds of the Bonds shall be loaned at the time the Bonds are closed, and only sufficient Bonds to provide funding for such Participants' Loans shall be issued. The Issuer shall pay the costs of issuance of the Bonds from the moneys available from the City's 1997A Loan Program. In the event that Okaloosa Gas System does not prepay its 1997A Loan, the surplus moneys from the 1997A program may be used to fund such Loan, or 1997A Bonds shall be left outstanding for such funding, all as determined by the Administrator.

The Issuer hereby designates Gulf Breeze Financial Services, Inc. as the Administrator and The Law Offices of C. Willis Ritter, PLLC as the Rebate Analyst of the Program. The form of Administration Agreement attached hereto as Exhibit "D", and the forms of Rebate Analyst Agreement attached hereto as Exhibit "E" are hereby approved and shall be executed by the Mayor or Mayor Pro-tem with such provisions or modifications as are necessary to conform to the requirements of the 2010 Program and the Bond Insurer, if any, and to the Trust Indenture and the final Offering Document herein referred to and are not inconsistent with this resolution as may be approved by the officers executing the same, such approval to be presumed by their execution thereof

Section 10. Effective Date. This resolution shall take effect immediately upon its adoption.

ADOPTED: This __ day of _____, 2010.

CITY OF GULF BREEZE, FLORIDA

[SEAL]

By: _____
Mayor

Attested this __ day of _____, 2010.

By: _____
City Clerk

CERTIFICATE OF CITY CLERK

I, Marita Rhodes, City Clerk to the City of Gulf Breeze, Santa Rosa County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution and supporting exhibits as the same were duly adopted and passed at a public meeting of the City Council of the City of Gulf Breeze on the ___ day of _____, 2010, and as the same appears on record in my office.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this ___ day of _____, 2010.

(SEAL)

City Clerk

EXHIBIT "A"
Trust Indenture

EXHIBIT "B"
Tax Exemption Certificate and Agreement

EXHIBIT "C"
Bond Purchase Agreement

EXHIBIT "D"
Administration Agreement

EXHIBIT "E"
Rebate Analyst Agreement

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

ACTION AGENDA ITEMS:

A. SUBJECT: DISCUSSION AND ACTION REGARDING ANNUAL TOWN MEETING, MONDAY, MAY 3, 2010, 6:00 P.M.

Reference: City Manager memo dated April 23, 2010

RECOMMENDATION:

That City Council hold a Town Meeting on the next regular Council meeting, to be held on Monday, May 3rd at City Hall, 6:00 p.m.

B. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION NO. 13-10, AUTHORIZING ISSUANCE OF 2010 PARTICIPANT LOAN PROGRAM

Reference: City Manager memo dated April 23, 2010

RECOMMENDATION:

That the City Council adopt Resolution No. 13-10 establishing the Series 2010 Participant Loan Program.

C. SUBJECT: DISCUSSION AND ACTION REGARDING SECOND ADDITION TO DRIFTWOOD SUBDIVISION LOCATED ON NORTH END OF LIVE OAK STREET

Reference: Community Services Director memo dated April 22, 2010

RECOMMENDATION:

That the City Council approve the project with the following variances: (1) Variance from Section 21-84 Front and Rear Yard Setbacks: For a 20 foot front and rear setback instead of a 30 foot as required by the Land Development Code (LDC); (2) Variance from Section 21-84 Side Street Setback: 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; (3) Variance from Section 21-85 Detached Structures to allow 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; (4) Variance from Section 21-83 allowing a minimum lot size from 9,000 square feet to a minimum lot sizes ranging from 4,441 square feet to 5,224 square feet; (5) Variance from Section 24-99 Storm-Water Requirements to require no retention pond; and (6) Variance from Section 21-140 requiring a minimum 24 road width to 22 feet road width.

D. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 04-10, AMENDING SECTION 21-72 OF THE MUNICIPAL CODE, FRONT YARD FENCES

Reference: City Manager memo dated April 21, 2010

RECOMMENDATION:

That a Public Hearing be held on May 3 and Ordinance No. 04-10 be approved on Second Reading.

E. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION 12-10, CREATING A REBATE PROGRAM FOR BOAT RAMP PERMITS

Reference: City Manager memo dated April 21, 2010

RECOMMENDATION:

That the City Council adopt Resolution 12-10, implementing a rebate program for City residents that purchase annual boat ramp permits.

F. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST FOR CAPT'N FUN RUN ON SATURDAY, AUGUST 7, 2010, 7:30 A.M.

Reference: Deputy Chief memo dated April 19, 2010

RECOMMENDATION:

That the City Council approve the special event request for Capt'n Fun Run to be held on Saturday, August 7, 2010, at 7:30 a.m.

G. SUBJECT: DISCUSSION AND ACTION REGARDING RECOMMENDED AWARD FOR REQUEST FOR QUALIFICATIONS FOR FISHING BRIDGE DECONSTRUCTION CONSULTING

Reference: Finance Director memo dated April 23, 2010

RECOMMENDATION:

That the City Council direct staff to pursue negotiations with Tetra Tech, Inc., to engage them as consulting engineers for the deconstruction of the fishing bridge.

H. SUBJECT: DISCUSSION AND ACTION REGARDING ACQUISITION OF 2 Berry DRIVE, FEMA ALTERNATIVE PROJECT #16

Reference: Finance Director memo dated April 22, 2010

RECOMMENDATION:

That the City Council authorize the acquisition of 2 Berry Drive by the City of Gulf Breeze and authorize Mayor Zimmern and/or City Manager Eddy to sign necessary closing documents; and that accomplish that acquisition, the City Council authorize the expenditure of \$178,000 to purchase the lot and authorize not more than \$5,000 in additional costs for appraisal, legal review, closing and recording costs, and survey cost. Upon closing and completion of the acquisition, that Council authorize staff to submit such expenditures for reimbursement under PW3817-V2, the alternative projects.

I. SUBJECT: DISCUSSION AND ACTION REGARDING FLORIDA DEPARTMENT OF TRANSPORTATION - SB 1446 LANDSCAPING GRANT ARCHITECTURE CONSULTING SERVICES CONTRACT

Reference: Assistant City Manager memo dated April 23, 2010

RECOMMENDATION:

That the City Council accept the Land Design Innovations contract (work order) for services in the amount of \$29,900 and direct the City Manager to sign the contract for the City.

J. SUBJECT: DISCUSSION AND ACTION REGARDING REQUEST TO AMEND CAPITAL PROJECTS LIST, PURCHASE OF E-911 VOICE RECORDER

Reference: City Manager memo dated April 23, 2010

RECOMMENDATION:

That the City Council approve a change to the Capital Budget as follows: Sunset Kids Park Restrooms \$100,000 -\$15,900 = \$84,100; new entry - Replace E-911 Voice Recorder \$15,900.

K. SUBJECT: DISCUSSION AND ACTION REGARDING EMPLOYEE PARTICIPATION IN DISPOSAL OF SURPLUS

Reference: City Manager memo dated April 21, 2010

RECOMMENDATION:

That the City Council direct staff to prepare a Resolution amending the City Personnel Manual prohibiting staff and their immediate families from purchasing surplus equipment.

L. SUBJECT: DISCUSSION AND ACTION REGARDING FORFEITED PENSION FUNDS

Reference: City Manager memo dated April 22, 2010

RECOMMENDATION:

That the City Council direct staff to advise the City's pension fund trustee to convert forfeited funds in the pension fund to regular pension fund contributions until the forfeited funds amount is zero.

M. INFORMATION ITEMS

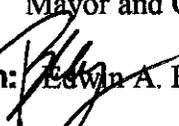


City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 4/30/2010

Subject: Status Report on Items from April 28th Executive Session

We received the letters consenting to the variances Britton Stamps mentioned. We will retain them in our file.

Our plan for the Berry/Fairpoint property is to immediately mitigate drainage problems in the area with an earthen swale and retention area. Later, we plan to install a pipe from Fairpoint and Navarre intersection to this property and then to a vault (we will install later). This will divert currently untreated storm water from the Navarre Street area that flows to Gilmore Bayou to this lot.

We did save \$10,000 on the purchase of the canopy system. This savings and the fact that the restroom project is also on the alternate projects list means that funds are available for purchase of a replacement for the E-911 recorder.

We are going to install more decorative rocks in the triangle next to CVS.

The owners of the Bay Beach Inn asked for a permit to remove two Oaks that block the view of their sign for travellers west bound on U.S. 98. We authorized the removal and replacement as provided for in the code.

The Police Department will deploy the Smart Cart Trailer, decoy cars and extra patrols in Shoreline Park area on heavy game nights from now to the end of baseball season.



**BIKE RIDE WITH THE
MAYOR OF GULF BREEZE
WEDNESDAY MAY 12TH – 8:00 A.M.**

COME CELEBRATE NATIONAL BIKE MONTH AND HIT THE ROAD FOR AN HOUR OF FUN ON WEDNESDAY, MAY 12TH.

GULF BREEZE MAYOR BEVERLY ZIMMERN, ALONG WITH THE GULF BREEZE POLICE, WILL LEAD A RIDE AROUND TOWN AND END AT THE GULF BREEZE CHAMBER FOR COMMENTS, PICTURES, REFRESHMENTS, AND PRIZES.

MEET AT THE RECREATION CENTER AT SHORELINE PARK BETWEEN 7:30 AND 8:00 AM. THE RIDE WILL LEAVE PROMPTLY AT 8:00 AM. IF YOU CAN'T BIKE, JUST SHOW UP AT THE CHAMBER AND ENJOY THE FUN.

"RIDE YOUR BIKE WITH THE MAYOR" IS SPONSORED BY THE COMMUNITY TRAFFIC SAFETY TEAM, CITY OF GULF BREEZE, AND WEST FLORIDA REGIONAL PLANNING COUNCIL. COMMUNITY SUPPORTERS ARE THE LOCAL CITIZENS AND THE GULF BREEZE CHAMBER OF COMMERCE.

NEED MORE INFORMATION, CALL MARGARET CUNNINGHAM AT 932-2914 OR MARITA RHODES, GULF BREEZE CITY HALL, 934-5100.

COME CELEBRATE BIKE MONTH WITH US!!

"BIKE WITH THE MAYOR OF GULF BREEZE"





City of Gulf Breeze

PROCLAMATION

WHEREAS, for more than a century, the bicycle has been an important part of the lives of most Americans, usually providing their first form of independent transportation; and

WHEREAS, today more than 100 million Americans engage in bicycling for fitness, recreation, sport and transportation; and

WHEREAS, the importance of a safe and efficient bicycling environment is being recognized and considered in the planning, engineering and maintenance of transportation projects; and

WHEREAS, bicycling helps meet the goals of Chapter 339.175 Florida Statutes - Metropolitan Planning Organization - to serve the mobility needs of people while minimizing transportation-related fuel consumption and air pollution; and

WHEREAS, bicycling helps meet the goals of Chapter 334.046 Florida Statutes - Florida Department of Transportation (FDOT) - preserving the existing transportation infrastructure, improving travel choices to ensure mobility and preserving the quality of our environment and

WHEREAS, this support is consistent with the City of Gulf Breeze and FDOT policies supporting alternative means of transportation;

NOW, THEREFORE, I, ~~Lane Gilchrist~~, Mayor of the City of Gulf Breeze, do hereby proclaim ~~Friday~~, May 12, 2006 to be

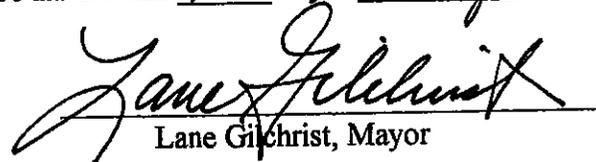
Wed.

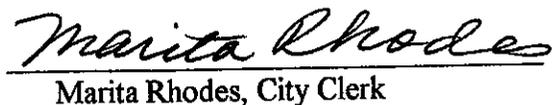
RIDE YOUR BICYCLE TO WORK AND PLAY DAY

in Gulf Breeze and urge all citizens to support Bicycle Day by riding your bicycle to work and/or play.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Gulf Breeze, Santa Rosa County, Florida, to be affixed this 4th day of May, 2006.




Lane Gilchrist, Mayor


Marita Rhodes, City Clerk



City of Gulf Breeze

April 26, 2006

TO: Edwin A. Eddy, City Manager
FROM: Marita Rhodes, City Clerk *Marita*
SUBJ: NATIONAL BIKE TO WORK AND PLAY DAY *1111*

The month of May is Bike month and Friday, ~~May 12, 2006~~ is National Bike to Work and ~~Play Day~~. Each year the City, Chamber of Commerce and the Bike Pedestrian Advisory Committee sponsors a bike ride, for anyone who wants to participate, from the Recreation Center on Shoreline Drive to the Chamber of Commerce building on U.S. Highway 98. Mayor ~~Gilchrist~~ *Will* lead the ride and the Gulf Breeze Police Department escorts the group on their bikes. This will be the ~~third~~ *fourth* year to ride and recognize this nationally acclaimed day. The ride and activities usually takes about an hour. Listed below is the tentative schedule for the ride: *Dieth*

Meet at the Recreation Center before 8:00 a.m. - ~~Friday~~ *wed*, May 12th

Ride starts at 8:00 a.m.

~~Ride will go down Sunset Boulevard, Fairpoint Drive, Hoffman Drive, and~~
U.S. Highway 98 to the Chamber of Commerce building

Mayor will read proclamation and news media will take pictures

Door prizes and refreshments will be given

Crowd disperses and goes their own way

cc: Mayor and City Council
Police Chief Paulding



City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

Cc: Vernon Prather, Director of Public Services

From:  Edwin A. Eddy, City Manager

Date: 4/29/2010

Subject: Refunds from Gulf Power

Attached are copies of two (2) checks the City has received recently from Gulf Power. The \$2784 check is for charges billed for electricity to operate our traffic signals via a minimum charge that should have been reduced once the City installed LED bulbs in the fixtures. The \$3187 check is for billings for fixtures that were eliminated at the City's old wastewater treatment plant.

We continue to isolate every electric meter and audit each charge to be sure the monthly bills are accurate.

Bank of America, N.A., ATLANTA, DEKALB COUNTY, GEORGIA

04-1278
611

Reason: Reviewed Final
Account Number: 02123-78008
Mo Day Year: 04 20 2010
Pay: THE SUM OF ***2784 DOLLARS AND 33 CENTS***** \$****2784.33

To the order of
CITY OF GULF BREEZE
HAROLD HATCHER
1070 SHORELINE DR
GULF BREEZE FL 32561

Not valid if drawn to the order of cash. Presentation must be made within 180 days from date of issue.

Susan D. Bitman
Authorized Signature

⑈00997039⑈ ⑆061112788⑆ 329 998 7646⑈

▲ Refund Check Attached ▲

Customer: CITY OF GULF BREEZE
Account: 02123-78008
Address: 549 GULF BREEZE PKWY TFLT
GULF BREEZE FL 32561

Account Identifier:
Refund Amount: \$2,784.33
Refund Reason: Reviewed Final
Check Number:
Date Issued: 04- 20 - 2010

If you have any questions, please contact us at (850) 969-3111

GULF POWER COMPANY
Customer Accounting Office
One Energy Place
Pensacola, FL 32520-0712

00997362

Bank of America, N.A., ATLANTA, DEKALB COUNTY, GEORGIA

Reason: Combined Refunds Account Number: 90101-17002 Mo: 04 Day: 23 Year: 2010

Pay: THE SUM OF ***3187 DOLLARS AND 10 CENTS ***** \$***3187.10

To the order of
CITY OF GULF BREEZE
% SEWAGE TREATMENT PLANT
P O BOX 640
GULF BREEZE FL 32562

Not valid if drawn to the order of cash. Presentation must be made within 180 days from date of issue.

Susan D. Reiman
Authorized Signature

⑈00997362⑈ ⑆061112788⑆ 329 998 7646⑈

▲ Refund Check Attached ▲

Customer: CITY OF GULF BREEZE
Account: 90101-17002
Address: 1070 SHORELINE DR
UNIT SEWGE
GULF BREEZE FL 32561

Account Identifier: SEWAGE TREATME
Refund Amount: \$3,187.10
Refund Reason: Combined Refunds
Check Number:
Date Issued: 04- 23 - 2010

If you have any questions, please contact us at (850) 969-3111