

**GULF BREEZE CITY COUNCIL
REGULAR MEETING**

MAY 17, 2010
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS

**REMINDER: THERE WILL BE A WORKSHOP BEGINNING AT 5:30 P.M.
TO REVIEW LAND DESIGN INNOVATIONS CONCEPTUAL
DRAWING OF LANDSCAPE DESIGN WORK**

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of May 3, 2010 (Regular Meeting)
Approval of Minutes of May 6, 2010 (Special Meeting)
4. Resolution No. 14-10: Adopting an Anti-Displacement Policy and Relocation Plan
As Part of its Participation in the Community Development
Block Grant (CDBG) Program
5. **CONSENT AGENDA ITEMS*:**
 - A. Discussion and Action Regarding Development Review Board Referrals of May 4, 2010
 - I. June Biggs - 418 North Sunset Boulevard
Requests to Construct a 12.7' x 12/7' Uncovered
Boat Lift Connected to Their Existing Pier
 - II. Richard Holifield - 38 Highpoint Drive
Requests to Construct a New Vinyl Retaining Wall
 - III. Kimberly & Alan Turner - 483 Deer Point Drive
Requests to Construct a Covered Boat Slip
 - B. Discussion and Action Regarding Proposed Dredging of Woodland Bayou
(ITEM WITHDRAWN)
 - C. Discussion and Action Regarding Special Assessment Program for Harbortown
(ITEM WITHDRAWN)
 - D. Discussion and Action Regarding Special Event Request from Gulf Breeze Quarterback
Club for a 5K Run to be held Saturday, September 4, 2010 7:30 A.M.
 - E. Discussion and Action Regarding School Resource Officer Agreement
 - F. Discussion and Action Regarding Community Development Block Grant - American
Recovery and Reinvestment Act - Payment of Invoice from Jordan & Associates in
the Amount of \$9,549.75

G. Discussion and Action Regarding Amendment to City Purchase Policy

*** These are items considered routine in nature and will be considered by one (1) motion. If any citizen wishes to voice an opinion on one of these items you should advise the Council immediately.**

ACTION AGENDA ITEMS:

- A. Discussion and Action Regarding Special Event Request from The Bridge Bar and Sunset Lounge for Beer Tasting Festival, Saturday, May 29, 2010 11 A.M. - 7 P.M.
- B. Discussion and Action Regarding Acquisition of Fire Boat, FEMA Alternate Project #09
- C. Discussion and Action Regarding Gulf Breeze Pedestrian Overpass
- D. Discussion and Action Regarding Florida Department of Transportation - SB 1446 Landscaping Grant Architecture Consulting Services Contract - Workshop (COVERED UNDER WORKSHOP AT 5:30 P.M.)
- E. Discussion and Action Regarding Florida Department of Transportation - SB 1446 Landscaping Grant Architecture Consulting Services Contract - Payment of Invoice from Land Design Innovations in the Amount of \$4,318.93
- F. Discussion and Action Regarding Community Development Block Grant (RESOLUTION APPROVED IN RESOLUTION SECTION ABOVE.)
- 6. New Business: Discussion and Action Regarding Authorization to bid Recreation Center Expansion, FEMA Alternate Project #1
- 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, May 3, 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 Beverly Zimmern.

TOWN MEETING - 6:00 P.M.

The Mayor opened the Town Meeting by reading a statement regarding the City being a Tree City U.S.A. and "Gilchrist Grove", trees planted on Shoreline Drive from the Library to the ball fields in honor of former Mayor Lane Gilchrist.

She also discussed the oil spill which took place in the Gulf at the end of April. She assured everyone she would keep the residents updated.

The City Manager presented a power point presentation of the City's finances, expenditures and revenues.

After the City Manager's presentation the Mayor opened the floor for Council comment. Councilman Morris stated it was nice to have everyone here for the Town Meeting. There were no other Council comments.

The Mayor opened the floor for public input. The following individuals spoke: Ms. Meg Peltier, 409 Gulf Breeze Parkway - thanked the Council for their support and asked for help with funding from the Community Redevelopment Agency; Mr. Bruce DeMotts, 827 Baycliff Road - asked about the oil spill and if there is thought that the City beach areas might be breached and he asked about the stormwater drainage program.

There were no other comments and the Mayor closed the Town Meeting at 6:30 p.m. and convened the Regular City Council meeting.

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

APPROVAL OF MINUTES:

Councilman Morris moved for approval of the minutes for the regular meeting held on Monday, April 19, 2010. Councilman Schluter seconded. The vote for approval was 5 - 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 -SECOND READING AND PUBLIC HEARING

The Ordinance was read by title only by the City Clerk. The City Manager discussed the ordinance and the Mayor opened the Public Hearing for comments. There were no comments made and the Public Hearing was closed. Councilman Henderson moved for approval of the ordinance. Councilman Morris seconded. The vote for approval was 5 - 0.

RESOLUTION NO. 12-10: CREATING A REBATE PROGRAM FOR BOAT RAMP PERMITS

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.

RESOLUTION NO. 13-10: AUTHORIZING ISSUANCE OF 2010 PARTICIPATION LOAN PROGRAM

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

CONSENT AGENDA ITEMS:

RECOMMENDATION:

That the City Council approve the following Consent Agenda Items: A, B, C, D, E, F, G, H, I and J:

- 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**

COVERED UNDER RESOLUTION SECTION ABOVE

- C. 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.

- D. 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.

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

COVERED UNDER RESOLUTION SECTION ABOVE.

G. 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.

H. 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.

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 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.

Councilman Henderson moved for approval of Consent Agenda Items A, B, C, D, E, F, G, H, I and J. Councilman Fulford seconded. The vote for approval was 5 - 0.

ACTION AGENDA ITEMS:

A. 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 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.

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

B. 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.

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

C. INFORMATION ITEMS

NEW BUSINESS: DISCUSSION AND ACTION REGARDING AUTHORIZATION FOR MAYOR TO TAKE ACTION REGARDING OIL SPILL

Reference: City Manager verbal report

RECOMMENDATION:

That the City Council empower the Mayor to take such action as needed as the oil spill situation changes.

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

COUNCIL COMMENTS:

Councilman Schluter asked if the Chamber of Commerce has taken a position on height limitations in the Community Redevelopment Agency district. The response was that the Chamber does not have a position now.

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Councilman Fulford asked if the Reverse 911 system could be used to update residents of the changes in the oil spill. The City Manager indicated the Reverse 911 System could be used and also the e-mail alert system will be used.

ADJOURNMENT:

The Mayor adjourned the meeting at 6:50 p.m.

CITY CLERK

MAYOR

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

A workshop and special meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Thursday, May 6, 2010. The workshop started at 5:30 p.m. and the Special City Council meeting started 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 Beverly Zimmern.

The purpose of the workshop and special meeting was to discuss the BP/Florida Deepwater Horizon oil spill that occurred in the Gulf of Mexico on April 29, 2010. The workshop was held to discuss with concerned city residents and others, action to be taken if the oil spill reaches area waters. The Council wants to have a plan in place to help minimize damage to property in the City.

The following individuals spoke during the workshop: Florida State Representative Clay Ford, Gulf Breeze; Heather Reed, Ecological Consulting Services, Inc., 38 South Blue Angel Parkway, #346, Pensacola, FL 32506; Robert Turpin, 2 Madrid, Gulf Breeze; Shamon Schuler, 108 Pine Tree Drive, Gulf Breeze; Van Hibbert, 123 Shoreline Drive; David Casey, 511 Deer Point Drive; Meg Peltier, Gulf Breeze Chamber of Commerce, 409 Gulf Breeze Parkway; Bill Clark, 60 Highpoint Drive, Gulf Breeze; and Shane Carmichael, Community Services Director for the City.

After general discussion and general information was shared the workshop was closed at 6:30 p.m. and the Special City Council meeting convened.

SPECIAL CITY COUNCIL MEETING CONVENED AT 6:30 P.M.

ACTION AGENDA ITEM:

A. SUBJECT: DISCUSSION AND ACTION REGARDING RESPONSE PLAN FOR OIL SPILL

Reference: City Manager memo dated May 6, 2010

RECOMMENDATION:

That the City Council approve the following plan of action and authorize a \$150,000 budget with funding from reserves: (1) train part time staff (up to 4) in hazardous materials removal tactics; (2) acquire a work boat, protective gear and

miscellaneous oil removal and disposal equipment; (3) acquire boom to adequately encircle patches of oil as it appears; (4) obtain right-of-entry from waterfront residents to enable staff to enter private property to remove oil; (5) authorize expenditure of funds for salary costs for training and deployment for part time staff; (6) acquire disposal carts from Allied Waste for deposit of oily material for safe transport to the landfill; (7) authorize staff to develop a plan for volunteer coast watchers using private boats to be implemented when oil appears offshore of Pensacola Pass.

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

ADJOURNMENT:

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

CITY CLERK

MAYOR

RESOLUTION No. 14-10

A resolution of the City of Gulf Breeze adopting an anti-displacement policy and relocation plan as part of its participation in the Community Development Block Grant (CDBG) program.

WHEREAS, The City of Gulf Breeze finds it in the best interests of the community to participate in the Community Development Block Grant (CDBG) program as a way to provide improvements needed for the benefit of everyone in the community; and

WHEREAS, adoption of certain plans and policies is required for eligibility for CDBG funding.

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

The following plan is adopted as its

CDBG ANTIDISPLACEMENT AND RELOCATION PLAN

I. Displacement Avoidance Policy

The local government is committed to a policy to make all reasonable efforts to ensure that activities undertaken through the use of Community Development Block Grant (CDBG) funds will not cause unnecessary displacement or relocation. The CDBG program will be administered in such a manner that careful consideration is given during the planning phase with regard to avoiding displacement. The local government will also provide information to and keep citizens involved in the process regarding pending zoning and rezoning actions that threaten the preservation of residential areas. Involuntary displacement shall be reserved as a last resort action necessitated only when no other alternative is available and when the activity is determined necessary in order to carry out a specific goal or objective that is of benefit to the public. In this case, community development and housing programs will be planned in a manner which avoids displacement of households or businesses. However, voluntary temporary or permanent displacement may be necessary in order to achieve a benefit to a household or business (such as rehabilitation or replacement of the building). Such benefits shall be identified and requested by the displacee. Voluntary displacement may also occur when a property owner voluntarily offers his home or business property for sale to the local government. In these cases, the seller may be required to waive rights as a condition of sale of the property, and the Uniform Relocation Act provisions will govern actions of the local government and/or its representative. 24 CFR Part 570 is a governing document on displacement and is incorporated by reference. 49 CFR Part 24 provides Uniform Relocation Act information and is incorporated by reference.

II. Definitions of "Standard" and "Non-Standard Suitable for Rehabilitation" Dwelling Unit Condition

In the absence of federal and state provided definitions, the following is provided to establish a frame of reference and context when dealing with matters of displacement and/or relocation as defined in 24 CFR Part 570 and 49 CFR Part 24.

A. Standard Condition

A dwelling unit is considered standard if it has no major defects or only slight defects which are correctable through the course of regular maintenance. It must be in total compliance with applicable local housing and occupancy codes; be structurally sound, watertight and in good repair; be adequate in size with respect to number of rooms and area of living space and contain the following:

1. A safe electrical wiring system adequate for lighting and other normal electrical devices,
2. A heating system capable of sustaining a healthful temperature (consistent with normal, year round climatic conditions),
3. A separate, well-lighted and ventilated bathroom that provides user privacy and contains a sink, commode, and bathtub or shower stall,
4. An appropriate, sanitary and approved source of hot and cold potable water,
5. An appropriate, sanitary and approved sewage drainage system,
6. A fully usable sink in the kitchen,
7. Adequate space and service connections for a refrigerator,
8. An unobstructed egress to a safe, open area at ground level, and
9. Be free of any barriers which would preclude ingress or egress if the occupant is handicapped.

Failure to meet any of these criteria automatically causes a dwelling to not be considered "standard."

B. Substandard Condition Suitable for Rehabilitation

A dwelling unit is considered substandard if it does not fully comply with the standard criteria, or has minor defects which require a certain amount of correction but can still provide safe and adequate shelter or has major defects requiring a great deal of correction and will be safe and adequate once repairs are made.

To be suitable for rehabilitation, a trained housing specialist must carefully inspect the dwelling and prepare a work write-up of repairs necessary to bring it up to standard condition. A cost estimate of repairs will be prepared based on the needs identified in the work write-up. If these costs are equal to or less than 65% of the value of a comparable replacement unit as obtained from more than one licensed contractor, the dwelling will be considered suitable for rehabilitation. If the predicted cost exceeds 65%, the unit will be deemed unsuitable.

This criteria is arbitrary, however, and the local governing body may authorize deviations based on the unique aspects of each dwelling, owner, tenant, etc. on a case by case basis. Each deviation so approved must be thoroughly documented.

Displacement Policy and Procedures

III. Provisions for One-for-One Replacement

The local government will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, and as described in 24 CFR Part 570. Replacement low/moderate-income units may include public housing or existing housing receiving Section 8 project based-assistance.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion and will meet the following requirements:

1. The units will be located within the local jurisdiction.
2. The units will meet all applicable local housing, building, and zoning ordinances and will be in standard, or better, condition.
3. The units will be designed to remain low/moderate-income dwelling units for at least 10 years from the date of initial occupancy (applies to initial tenant only).
4. The units will be sufficient in size and number (functionally equivalent) to house at least the number of occupants who could have been housed in the units that are demolished or converted.

Before obligating or expending CDBG funds that will directly result in such demolition or conversion, the local government will make public and submit to the Florida Department of Community Affairs the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on an area map including approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than low/moderate-income dwelling units;
3. A time schedule for commencement and completion of the demolition or conversion;
4. The general location on a service area map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement units;
5. Identification of the source of funding at the time of submittal and the time frame, location and source for the replacement dwelling unit.
6. The basis for concluding that each replacement dwelling unit will be designed to remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of a unit with a smaller unit is consistent with the housing needs of LMI persons in the jurisdiction.

IV. Permanent, Involuntary Displacement

A. Provisions for Relocation Assistance for Residential Displacement

The local government will provide relocation assistance, as described in 24 CFR Part 570, to each low/moderate-income household involuntarily displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of CDBG-assisted activities. Persons that are relocated are entitled to:

1. A choice between actual reasonable moving expenses or a fixed expense and dislocation allowance,
2. Advisory services,
3. Reimbursement for reasonable and necessary security deposits and credit checks,

4. Interim living costs; and
5. Replacement housing assistance which may include a Section 8 housing voucher/certificate and referral to assisted units; cash rental assistance to reduce the rent and utility cost or lump sum payment equal to the present value of rental assistance installments to be used toward purchasing an interest in a housing cooperative or mutual housing association for a period up to 60 months (5 years).

B. Provisions for Non-Residential Relocation

Businesses, non-profit organizations, farms, etc., shall not be relocated unless the move is voluntary, essential to the project from the public view, and the owner waives his/her rights under the Uniform Act except for the following relocation assistance:

1. Actual moving and reasonable reestablishment expenses not less than \$1,000 nor more than \$20,000 equal to a prorata share for the period of interruption of operations of the average annual net earnings. Average annual net earnings are one half of the entity's net earnings before taxes during the two taxable years immediately prior to the taxable year it was displaced.
2. No other benefits will be provided and a signed waiver acknowledging this fact will be required.

V. Permanent, Voluntary Displacement and Relocation

If it is determined by the local government that occupants of a dwelling (not included in the rehabilitation or demolition/permanent relocation program) should be permanently relocated, due to CDBG activities, and the occupants voluntarily consent, the government will assist in the relocation to a decent, safe and sanitary dwelling unit. Benefits, if provided, will be limited to actual moving costs, counseling, and increases in monthly housing costs incurred by the occupant in an amount equal to the lesser of 60 times the increase or 30 percent of the person's annual income. 24 CFR Part 570 must be consulted to determine specific limitations.

Compensation to obtain replacement housing shall not exceed \$6,000 unless approved otherwise by the local governing body. Should the amount the tenant is entitled is expected to exceed this threshold, consideration shall be given to not performing the demolition or activity which would cause the displacement.

IV. Tenant Assistance Policy/Rental Rehabilitation

A. It is not the local government's policy to permanently displace families in rental units. Participating landlords will be required to warrant that the proposed rental rehabilitation will not cause any tenant to be permanently displaced unless the owner will be able to relocate the tenant displaced in accordance with HUD relocation criteria.

B. If it becomes necessary for an owner to permanently or temporarily move a tenant from a unit as a direct result of rehabilitation assisted through rental rehabilitation funds, the owner will assure that the tenant is offered a comparable, decent, safe and sanitary dwelling unit at an affordable rate as described in the applicable regulations. No tenant will be considered displaced if the owner has offered the tenant full financial compensation for moving, and a comparable decent, safe, sanitary and affordable rental unit and the tenant has declined the offer. However, rental rehabilitation will not be assisted with CDBG funds if the tenant lawfully refuses to relocate.

C. Should displacement become necessary for a LMI family as a result of the rental rehabilitation assistance, the owner will assure that tenants are provided the necessary financial assistance, information, counseling, referrals and housing location options regarding Federal Fair Housing rights, and other relocation services as needed without regard to race, color, religion, sex, familial status, age, handicap or national origin, so as to enable the family to obtain decent, safe and sanitary housing at an affordable rent.

VII. Temporary, Voluntary Displacement and Relocation

A. Persons occupying housing which is to be rehabilitated using CDBG funds must voluntarily agree to inclusion in the program and shall vacate the housing at the direction of the local government (or its CDBG Administrator), in order to facilitate the safe, timely and economical rehabilitation process. The Administrator shall determine the necessity for temporarily vacating the dwelling, and the appropriate duration, generally the entire rehabilitation construction period.

B. The CDBG budget is limited, necessitating that owners are responsible for finding and paying for (if necessary) temporary housing.

C. A moving/displacement allowance of \$300 will be provided each family unit so displaced. This allowance will be provided in two payments of \$150 each on move out and move back in.

D. The local government may provide a safe, decent and sanitary housing unit for use as temporary relocation housing. If financed with CDBG funds, the unit shall be available free of charge to temporarily displaced households for the time period authorized by the CDBG Administrator, generally for the period of rehabilitation construction. Households who occupy the unit shall have a \$75 refundable deposit withheld from their initial moving allowance payment. This deposit shall be refunded in full immediately after the relocation unit is vacated in a clean and undamaged condition. The deposit refund shall be denied in full or in part for payment of damages to the owner/lessee due to the occupant's (a) failure to properly clean or maintain the unit, (b) physical damage to the unit, (c) loss of keys to the unit, or (d) need for any special condition such as fumigation. A \$25 per day penalty may also be assessed for the household's failure to properly vacate the relocation unit when directed to do so by the CDBG Administrator.

VIII. Permanent, Voluntary Displacement and Relocation of Homeowners

A. Homeowners will have their homes demolished with CDBG funds only as a voluntary action, when rehabilitation of the dwelling is not feasible or cost effective. This form of demolition, with provisions for permanent replacement housing, is referred to as demolition relocation. CDBG funds available for permanent relocation assistance are limited. Therefore, financial assistance shall not exceed that described in the following paragraphs.

B. Selected homeowners who meet CDBG very low or low-income limits will receive demolition/relocation assistance not to exceed a locally adopted maximum dollar amount (unless approved otherwise by the local governing body). The amount will depend upon the actual cost of demolition and the replacement dwelling price, with limits based upon the number of bedrooms needed by the household to meet Section 8 standards. The dollar limits for demolition/relocation assistance are contained in the CDBG housing/Rehabilitation/Replacement Policies and Procedures Manual. The assistance amount may be further limited by budget constraints of the CDBG program, so that homeowners may be offered less than these limits. If an owner refuses to accept an offer of assistance, the dwelling will not be demolished and no assistance will be provided.

C. To the extent feasible, replacement units will be of comparable size and type as original units. Type shall mean single family detached, mobile/manufactured home, or attached. If the unit is attached (duplex, triplex) and the displaced owner also owns the other unit (s) as rental property, up to \$10,000 per unit shall be granted for construction of attached replacement units, provided that zoning and other applicable regulations allow construction of an attached unit (s), and that the unit (s) which will be

rented for a period of seven years to CDBG income eligible households at affordable rent levels. Affordable shall mean the average monthly cost for rent and utility charges (water, sewer, electric, gas) and shall not exceed 30% of the tenant household's gross monthly income.

D. Homeowners will be encouraged to relocate onto the property from which they were displaced or onto other property which they own, in order to reduce the cost of the replacement unit. Land shall be included as an eligible replacement unit cost only when the existing site is unsuitable due to inadequate size (based upon zoning or other applicable regulations) or location in a wetland or 100 year floodplain. Existing new housing that is in standard condition may also be approved as replacement housing if included in the CDBG program. Payment shall be disbursed only upon the CDBG Administrator's approval of the replacement unit, based upon the unit being new, affordable and standard.

E. If a homeowner chooses to not purchase a replacement dwelling, compensation shall be determined in the same manner as described in Section V. Compensation shall not be less than \$2,000. This type of assistance will generally not be approved, as there is no replacement unit provided pursuant to the Uniform Act requirements.

F. If space is available, displaced homeowners may be offered temporary replacement housing in one of the units which may be provided by the CDBG program for housing rehabilitation displacees (although there is not likely to be such units available). Moving and storage allowances will be provided as annotated in section VII.

IX. Appeals/Counseling

A. If a claim for assistance is denied by the local governing body, the claimant may appeal to the State and the decision of the State shall be final unless a court determines the decision was arbitrary and capricious.

B. Counseling will be provided to displacees in the areas of household finance, fair housing rights, real estate transactions, and locating and evaluating replacement housing options. Counseling shall be provided by the CDBG Administrator to permanently displaced households to ensure that:

- No person is discriminated against based upon age, race, color, religion, sex, handicap, familial status, national origin, or presence of children in the household.
- Displacees receive information concerning the full range of housing opportunities within the local housing market.

ADOPTED AND PASSED THIS ____ DAY OF _____, 2010.

Beverly H. Zimmern, Mayor

ATTEST:

City Clerk

EXECUTIVE COMMITTEE REPORT

MAY 12, 2010

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

ACTION AGENDA ITEMS:

**A. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT
REVIEW BOARD REFERRALS OF MAY 4, 2010**

- I. June Biggs - 418 North Sunset Boulevard
Requests to Construct a 12.7" x 12.7" Uncovered
Boat Lift Connected to their Existing Pier

RECOMMENDATION:

That the City Council accept the project as presented with the stipulation that all permits are received by staff before boat lift is built.

- II. Richard Holifield - 38 Highpoint Drive
Requests to Construct a New Vinyl Retaining Wall

RECOMMENDATION:

That the City Council accept the project with the requirement that a 45 degree return be added to the wall and the plans be amended accordingly.

- III. Kimberly and Alan Turner - 483 Deer Point Drive
Requests to Construct a Covered Boat Slip

RECOMMENDATION:

That the City Council deny the project. No one appeared to present the Turner case.

**B. SUBJECT: DISCUSSION AND ACTION REGARDING PROPOSED
DREDGING OF WOODLAND BAYOU**

Reference: City Manager memo dated May 7, 2010

RECOMMENDATION:

This item was withdrawn.

C. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL ASSESSMENT PROGRAM FOR HARBOURTOWN

Reference: City Manager memo dated May 7, 2010

RECOMMENDATION:

This item was withdrawn.

D. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST FROM THE BRIDGE BAR AND SUNSET LOUNGE FOR BEER TASTING FESTIVAL, SATURDAY, MAY 29, 2010 FROM 11:00 A.M. TO 7:00 P.M.

Reference: Deputy Police Chief memo dated May 3, 2010

RECOMMENDATION:

That the City Council approve the event contingent on the organizers receiving the temporary beverage license, have two police officers to monitor traffic and assist pedestrian and satisfy the tent requirements. (Staff is to relay to the organizers that law enforcement officials will be empowered to shut down the festival if they deem necessary. The organizers will be invited to attend the regular meeting on Monday.)

E. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST FROM GULF BREEZE QUARTERBACK CLUB FOR A 5K RUN TO BE HELD SATURDAY, SEPTEMBER 4, 2010, 7:30AM

Reference: Deputy Police Chief memo dated May 3, 2010

RECOMMENDATION:

That the City Council approve the 5K run to be held on Saturday, September 4, 2010, at 7:30 a.m.

**F. SUBJECT: DISCUSSION AND ACTION REGARDING DECORATIVE FENCE
U.S. HIGHWAY 98**

Reference: City Manager memo dated May 7, 2010

RECOMMENDATION:

That the City Council meet Monday, May 17, 2010, as the Board of Directors, of the Community Development Agency and authorize expenditure of \$234,556 for purchase of a decorative fence on U. S. Highway 98.

**G. SUBJECT: DISCUSSION AND ACTION REGARDING SCHOOL RESOURCE
OFFICER AGREEMENT**

Reference: City Manager memo dated May 5, 2010

RECOMMENDATION:

That the City Council approve the School Resource Officer Agreement for 2010-2011 and authorize Mayor Zimmern to sign agreement.

**H. SUBJECT: DISCUSSION AND ACTION REGARDING ACQUISITION OF
FIRE BOAT, FEMA ALTERNATIVE PROJECT #09**

Reference: Fire Chief memo dated April 30, 2010

RECOMMENDATION:

That the City Council authorize staff to solicit bids for a 25 foot fire-rescue vessel (alternate project (#09) and authorize staff to submit the expenditure for reimbursement under PW 3817.

**I. SUBJECT: DISCUSSION AND ACTION REGARDING GULF BREEZE
PEDESTRIAN OVERPASS**

Reference: Assistant City Manager memo dated May 6, 2010

RECOMMENDATION:

That the City Council direct staff to obtain actual paint colors to try before making a decision. (Ms. Mary Moulton offered the assistance of her graphic artist to take pictures of the pedestrian overpass and insert various colors determine the best color.)

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

Reference: Assistant City Manager memo dated May 6, 2010

RECOMMENDATION:

That the City Council set May 17, 2010, 5:30 p.m. as a Florida Department of Transportation - SB 1446 Landscaping Grant workshop to review LDI's conceptual drawing for the project.

- K. SUBJECT: DISCUSSION AND ACTION REGARDING FLORIDA DEPARTMENT OF TRANSPORTATION - SB 1446 LANDSCAPING GRANT ARCHITECTURE CONSULTING SERVICES CONTRACT - PAYMENT OF INVOICE FROM LAND DESIGN INNOVATIONS IN THE AMOUNT OF \$4,318.93**

Reference: Assistant City Manager memo dated May 6, 2010

RECOMMENDATION:

That the City Council direct staff to make payment to LDI for services in the amount of \$4,318.93 against the contract for Florida Department of Transportation SB 1446 Landscaping Grant Architecture Consulting Services Contract.

- L. SUBJECT: DISCUSSION AND ACTION REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT - AMERICAN RECOVERY**

**AND REINVESTMENT ACT - PAYMENT OF INVOICE FROM
JORDAN AND ASSOCIATE IN THE AMOUNT OF \$9,549.75**

Reference: Assistant City Manager dated May 4, 2010

RECOMMENDATION:

That the City Council authorize payment to Jordan & Associates of \$9,549.75 for Professional Services rendered.

**M. SUBJECT: DISCUSSION AND ACTION REGARDING AMENDMENT TO
CITY PURCHASE POLICY**

Reference: Assistant City Manager memo dated May 6, 2010

RECOMMENDATION:

That the City Council accept staff recommendation and direct that changes be added immediately to the current purchasing policy of the City.

**N. SUBJECT: DISCUSSION AND ACTION REGARDING COMMUNITY
DEVELOPMENT BLOCK GRANT**

Reference: Assistant City Manager memo dated May 6, 2010

RECOMMENDATION:

That the City Council accept and approve staff recommendation and direct the Mayor to sign the following plans and Resolution No. 14-10: (1) Citizen Participation Plan with a Citizen Complaint Process; (2) Anti-Displacement Policy and Relocation Plan, Resolution No. 14-10; and (3) Affirmative Action Plan.

**O SUBJECT: DISCUSSION AND ACTION REGARDING CITY OF GULF
BREEZE COMPREHENSIVE PLAN**

Reference: Assistant City Manager memo dated May 6, 2010

RECOMMENDATION:

That the City Council meet on Monday, May 17, 2010 as the Board of Directors of the Community Redevelopment Agency and that the CRA Board authorize payment to Indever, Inc., of \$4,500 for professional services rendered (Photo montage preparation).



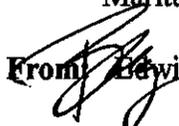
City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Leslie Gomez, Deputy City Clerk

Cc: Mayor & City Council
Marita Rhodes, City Clerk

From:  Edwin A. Eddy, City Manager

Date: 5/11/2010

Subject: **Volunteer Dinner / Relay for Life**

Thanks for managing both of these "extra" duties over the past several weeks. We appreciate your willingness to take on these extra chores and the complete job you do on each along with your other jobs.

The volunteers that were at the dinner were treated to a great dinner by the water and you helped raise a good deal of money to help fight cancer.

Good Job!

*Copy to FILE
Also copy in
5-14 pkt
in folder*



City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mina Lanzetta, Natural Gas Supervisor
Vernon Prather, Director of Public Services

Cc: Mayor & City Council

From:  Edwin A. Eddy, City Manager

Date: 5/12/2010

Subject: Gas Rebate Program

I received a copy of your memo on the success of the recent rebate program. We had more than 4 times the applications compared to 2008. We improved in each category. Great work. This effort along with the customer service your crews provide at each connection means more success for the City's gas program for the future.

Memo

TO: Vernon L. Prather, Director of Public Services
FROM: Mina Lanzetta, NG/SD Supervisor
DATE: May 10, 2010
RE: Natural Gas Special Rebate Update

Our continuing efforts to keep our natural gas system expanding and our existing/new customers interested in converting their electric appliances to natural gas has again proven to be a success by offering our special rebate program.

The City Council approved the program to begin on February 1st and to end on April 30, 2010. The following requests have been submitted:

- 45 applications submitted
- 18 water heaters converted from electric
- 6 stoves converted from electric
- 1 pool heater converted from electric
- 3 generators
- 1 dryer converted from electric
- 20 water heaters replaced gas to gas
- 2 furnaces replaced gas to gas
- 3 stoves replaced gas to gas
- 1 dryer replaced gas to gas
- 4 new constructions
- 5 water heaters
- 2 stoves
- 1 generator
- 2 furnaces
- 1 dryer

We offered a similar program January 15, 2008 thru April 30, 2008 with the following results:

- 11 applications submitted
- 11 water heaters converted from electric
- 4 stoves converted from electric
- 1 dryer converted from electric
- 1 furnace converted from electric

4 generators
1 water heater replaced gas to gas
1 furnace replaced gas to gas

Based on the strong customer response for 2010, we believe that if we offer this rebate again in 2011, we will experience another greater participation in the rebate program. As you can see, the higher rebates increase our market visibility and helps retain existing customers.

Memo

To: Edwin Eddy
From: Steve Milford 
Date: May 12, 2010
Re: April Results of Boat Launch Rebate

As of April 30, 2010 there were 62 eligible purchases of seasonal boat passes for the City Resident rebate. Two of those residents are in apartment complexes with central utility billing and will receive a direct \$10 rebate. The other 60 will receive a credit on the May utility bills that will be mailed on June 2, 2010. Total rebates: \$620.00.

Memo

TO: Vernon L. Prather, Director of Public Services
FROM: Mina Lanzetta, NG/SD Supervisor
DATE: May 10, 2010
RE: Natural Gas Special Rebate Update

*Copy to Council
via 5-14
PKT
info only*

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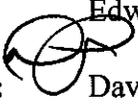
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City of Gulf Breeze

MEMORANDUM

TO: Edwin A. Eddy, City Manager
FROM:  David J. Szymanski, Assistant City Manager
DATE: May 14, 2010
SUBJECT: Recreation Center Expansion, FEMA Alternate Project #1

A formal request for City Council authorization to solicit bids for the Recreation Center expansion, FEMA Alternate Project #1 is necessary. The project was advertised for two weeks in the local paper according to our policy. Solicitations were accepted until May 12, 2010 at 4:00 p.m.. We received sixteen bid packages none of which have been opened.

Staff would like to request authorization from the City Council to rebid the project in full accordance with our standard policy. We will return to those companies the previously unopened bids. We would open up the bid process until June 3, 2010 at 4:00 p.m.

RECOMMENDATION: That the City Council authorize staff to solicit bids for the Recreation Center Expansion, FEMA Project #1 until June 3, 2010.

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

MAY 17, 2010
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS

ACTION AGENDA ITEMS:

- A. Discussion and Action Regarding Decorative Fence - U.S. Highway 98
- B. Discussion and Action Regarding City of Gulf Breeze Comprehensive Plan

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.



City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

From: *E. A. Eddy* Edwin A. Eddy, City Manager

Date: 5/7/2010

Subject: **Decorative Fence- U.S. 98**

Attached please find the memo staff provided the Council on the subject listed above, for the March 10th Executive Session. The City Council agreed to spend \$279,556 from CRA funds to construct the fence. We advised the Council that the School Board agreed to pay one half of this cost making the City's total cost \$139,778.

Our request for the School Board to pay \$139,778 was denied. Their staff has agreed to revisit the matter with a recommendation to pay \$45,000. Further complicating this project is a survey completed by the contractor which revealed that some of the fence as proposed would have been on FDOT right-of-way. FDOT denied our request to encroach some 4' in areas in front of the elementary school and the east side of U.S. 98 along the foot ball practice field.

The School Board has agreed to allow the fence to encroach on their property and reduce the width of the drive on the north end of the elementary school campus by 4'.

The change in funding (if approved by the school board) means the City's contribution would be as follows:

Total Cost	\$279,556
School Board	\$ 45,000
(Plus right-of-way)	
Balance (City)	\$234,556

The funds are available within the CRA budget. It is essential that this project be completed before the landscaping is installed this fall.

RECOMMENDATION:

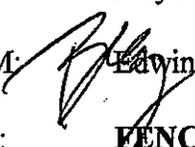
THAT THE CITY COUNCIL MEET MONDAY, MAY 17, 2010 AS THE BOARD OF DIRECTORS OF THE COMMUNITY DEVELOPMENT AGENCY AND AUTHORIZE EXPENDITURE OF \$234,556 FOR PURCHASE OF A DECORATIVE FENCE ON U.S. 98.



City of Gulf Breeze

OFFICE OF THE CITY MANAGER

March 5, 2010

TO: Mayor and City Council
FROM:  Edwin A. Eddy, City Manager
SUBJ: FENCING ALONG U.S. 98

The City Council recently approved the selection of Biggs-Green of Pensacola, to construct approximately 1,600 feet of steel fence with brick columns along U.S. 98. Attached is a copy of the Request for Proposals we used to solicit interest and pricing.

We received a proposal from Biggs-Green for \$294,000 which included industrial grade steel fence with brick columns placed at the same intervals as in the fence at the high school.

Neither the City nor the contractor field verified the length of the fence required as illustrated in the RFP until after the Council approved Biggs-Green's proposal. Now that we have checked with the school and confirmed the length of fence required, the length is actually 1,920 feet. At about \$183 per foot, which is the price derived using \$294,000 for 1,600 feet of fence, the new cost would be about \$351,000. We asked the contractor to discount his price if the City was willing to assist in the demolition of the old fence and cut and dispose of the branches that had to be cleared.

The contractor responded with several suggestions to keep the cost at near the original cost. These options are included in the attached letter. They include:

1. Alternate Fence - Use of a steel fence that has slightly less gauge that would still meet our needs.
2. Increase Column Spacing - The plans call for columns to be 32 feet apart to match the fence at the high school. The fence could be installed with columns 38 feet apart to achieve savings.

Fencing Along U.S. 98
March 5, 2010
Page Two

Thomas Lambert, P.E., Assistant Director of Public Services, evaluated the proposals. He believes that the alternate fence material is acceptable as it meets the same strength and durability standards as the previously specified fence. Thomas also finds that the increased column spacing will not impact the durability of the fence.

In order to match the two fences, I believe we should maintain the 32 foot column spacing. In order to save on fence costs, using the alternate steel appears to be a good choice.

RECOMMENDATION:

That the City Council accept the alternate pricing submitted for steel fence by Biggs-Green for 1,920 linear feet of fence with columns 32 feet apart on center for a total price of \$279,556.

EAE:msr



City of Gulf Breeze

MEMORANDUM

TO: Edwin A. Eddy, City Manager

FROM: David J. Szymanski, Assistant City Manager

DATE: May 6, 2010

SUBJECT: City of Gulf Breeze Comprehensive Plan

A local government comprehensive plan is a dynamic document. While it is designed to provide certainty in the development of a city, it is also designed to respond to changes in a local jurisdiction. During the most recent comprehensive plan update workshops, Council had requested illustrations of how different heights might be represented on selective sites throughout the City.

Stephania Wilson's company Indever was contracted to provide 3 photo montages of selected areas within the City. These photos showed before and after pictures of the selected areas. This presentation was made at the most recent Council workshop for the Comprehensive Plan on April 28, 2010. The City has been presented with an invoice for this service. This expense is budgeted in the CRA for miscellaneous consulting services. The budget amount is \$30,000 and has a balance of \$13,000.

RECOMMENDATION: That the City Council meet on Monday, May 17, 2010 as the Board of Directors of the Community Redevelopment Agency and that the CRA Board authorize payment to Indever, Inc of \$4,500 for professional services rendered (photo montage preparation).

