

**GULF BREEZE CITY COUNCIL
REGULAR MEETING**

JULY 6, 2010
TUESDAY, 6:30 P.M.
COUNCIL CHAMBERS

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of June 21, 2010 (Regular Meeting)
4. Resolution No. 16-10: Adopting Section 504, Compliance Policy Regarding Community Development Block Grant
5. **CONSENT AGENDA ITEMS:***
 - A. Discussion and Action Regarding Community Development Block Grant - 504 Compliance Policy (COVERED UNDER RESOLUTION SECTION ABOVE)
 - B. Discussion and Action Regarding Alternate Project #11, Purchase of Fleet Vehicles
 - C. Discussion and Action Regarding Status and Proposed uses for State Revolving Fund (SRF Loan) for SSRUS Eastern Wastewater Treatment Facility
 - D. Discussion and Action Regarding Report to Council of Critical Required Acquisitions and Procurements Regarding the Deepwater Horizon Oil Spill

***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 the items, you should advise the Council immediately.**
6. **ACTION AGENDA ITEMS:**
 - A. Discussion and Action Regarding Plans and Specifications, Landscaping Design, Phase II, U.S. 98 Beautification
7. New Business:
8. Open Forum
9. Adjournment

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

ACTION AGENDA ITEMS:

- A. Discussion and Action Regarding Final Invoice, Indever, LLC, in the Amount of \$13,630

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 1,154th regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Monday, June 21, 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.

**SWEARING IN JOSEPH HENDERSON, II, TO THE U.S. NAVY BY LT, USN(RET)
JOSEPH HENDERSON (COUNCILMAN)**

At the beginning of the meeting the City Council and visitors joined LT, USN (Ret.) Joseph Henderson (Councilman), his wife, and others in the audience as he sworn his son, Joseph Henderson, II, to the U.S. Navy.

PRESENTATION OF EAGLE SCOUT PROJECT:

Eagle Scout Nevin Shaffer presented his proposed project to the City Council. He plans to construct an animal holding pen for animals who have been found within the City limits. This holding pen will be located at the Gulf Breeze Police Department. It will have concrete flooring, dog houses to keep the animals out of the weather, metal dog bowls to lower the cleaning time and some cleaners help keep the area clean. He and the City Manager will visit a couple of civic organizations to try and collect a donation to help with the project.

Councilman Morris moved for approval of the project. Councilman Fulford seconded. The vote for approval of the project was - 0.

BEAUTIFICATION AWARDS:

Ms. Ellie Ackley, 7 North Sunset Boulevard, introduced the Beautification Committee by name and explained a little about the Beautification program. The captains of each district introduced their district's winners.

JULIE BRILL - DISTRICT 1: Winner - Mr. and Mrs. Ron Thomas, 419 Surrey Drive; DEBBIE CEDERQUIST - DISTRICT 2: Winner - Mr. and Mrs. Donald Lawrence, 107 Norwich; TRISHA BRISKA - DISTRICT 3: Winners (joint winners) resident at 109 Nandina and 555 Silverthorn. The most improved area in her district was 201 Poinciana Drive; LORI MENKE - DISTRICT 4: Winner - Terry and Mike Papantonio, 588 Baycliff Road; SHIRLEY BROUGHAM - DISTRICT 5: Winner - Dr. O'Grady, 1 Shoreline Place; and ELLIE ACKLEY - DISTRICT 6: Winner Mr. and Mrs. R. L. Jones, 123 Chanteclair Circle.

APPROVAL OF MINUTES:

Councilman Henderson moved for approval of the minutes for the regular meeting held on Monday, June 7, 2010. Councilman Schluter seconded. The vote for approval was 5 - 0.

RESOLUTION NO. 15-01: OPPOSING THE INTERBASIN TRANSFER OF WATER AND THE ESTABLISHMENT OF A CENTRAL REGULATORY COMMISSION FOR WATER RESOURCE SUPPLY DEVELOPMENT

The Resolution was read by title only by the City Clerk. 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 - I

A. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW BOARD REFERRAL

- I. Kimberly Marie Turner - 483 Deer Point Drive
Request to construct a 4' x 175' pier with a 16' x 16' terminal platform,
a 3' x 47' catwalk and a 14' x 30' boathouse coverall 5' above mean high water

RECOMMENDATION:

That the City Council accept the project contingent upon the permits from the Corps of Engineers and Florida Department of Protection being obtained and provided to the City.

B. SUBJECT: DISCUSSION AND ACTION REGARDING AWARD OF BID, CONCRETE WORK AT HODGES PARK

Reference: Parks and Recreation Director memo dated June 11, 2010

RECOMMENDATION:

That City Council approve award of bid to the low bidder, J. Miller Construction, Inc., of Pensacola, in the amount of \$13,240.

C. SUBJECT: DISCUSSION AND ACTION REGARDING STOCK PILE OF OLD ELECTRONIC EQUIPMENT

Reference: City Clerk memo dated June 9, 2010

RECOMMENDATION:

That the City Council direct staff to dispose of the old electronic equipment in the most efficient and least expensive method.

D. SUBJECT: DISCUSSION AND ACTION REGARDING FEMA PROJECT #12 PURCHASE OF BRUSH/WOOD CHIPPER

Reference: City Manager memo dated June 11, 2010

RECOMMENDATION:

That the City Council authorize staff to solicit bids for a brush/wood chipper that is capable of processing 12 inch limbs (Alternate Project #12) and authorize staff to submit the expenditure for reimbursement under PW 3817.

E. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION OPPOSING INTERBASIN TRANSFER OF WATER AND ESTABLISHMENT OF CENTRAL WATER REGULATORY COMMISSION

(COVERED UNDER RESOLUTION SECTION ABOVE.)

F. SUBJECT: DISCUSSION AND ACTION REGARDING ENGAGEMENT OF TETRA TECH AS CONSULTING ENGINEER FOR FISHING BRIDGE DECONSTRUCTION

Reference: Finance Director memo dated June 11, 2010

RECOMMENDATION:

That the City Council authorize the City Manager to execute the work order

agreement and engage Tetra Tech as the City's consulting engineering for the deconstruction of the Fishing Bridge.

G. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW BOARD APPOINTMENT

Reference: Deputy city Clerk memo dated June 11, 2010

RECOMMENDATION:

That the City Council appoint Board alternate Samantha Rine, 203 North Sunset Boulevard, to serve on the Development Review Board and select two (2) alternates.

H. SUBJECT: DISCUSSION AND ACTION REGARDING FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE

Reference: City Manager memo dated June 10, 2010

RECOMMENDATION:

That the City Council appoint Mayor Zimmern as the official voting delegate at the 84th Annual Florida League of Cities conference, August 19 - 21.

I. INFORMATION ITEMS

Councilman Morris moved for approval of Consent Agenda Items A - I. Councilman Fulford seconded. The vote for approval was 5 - 0.

ACTION AGENDA ITEMS:

A. PUBLIC HEARING ON THE CITY'S DRAFT COMPREHENSIVE PLAN

The Mayor opened the Public Hearing at approximately 6:45 p.m. The City Manager explained changes being proposed. The following individuals spoke regarding the proposed changes: Mr. John Kuder, 481 Deerpoint Drive; Ms. Susan Wolf, 34 Highpoint Drive; and Mr. Scott Wheatley, 35 Gulf Breeze Parkway; Dr. B. B. Jordan, 101 Beach Drive; Ms. Ann Belleau, Laura Lane; Mr. Bill Graves, 1181 Gulf Breeze Parkway; and Mr. Ken Wolf, 15 North Sunset Boulevard.

Mr. Dave Pender, 1001 North 12th Avenue, Pensacola gave a power point presentation comparing the differences in footprint between a building that could be built up to 60 feet high, the parking and distance from a residential zone to a one story fast food building, the parking and distance from residential zone. Mr. Dale Long, Favre Engineering, 119 Greg Square, Pensacola, FL., and Ms. Mary Moulton, also spoke regarding building height changes along with the power point presentation.

There were no other comments and the Mayor closed the Public Hearing at 7:15 p.m. Councilman Schluter moved for approval of the amendments to the Comprehensive Plan. Councilman Morris seconded. The vote for approval was 5 - 0.

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

Reference: Assistant City Manager memo dated June 11, 2010

RECOMMENDATION:

This item is withdrawn and will be placed on the agenda for the next Executive Session to be held on Wednesday, June 30, 2010.

NEW BUSINESS: DISCUSSION AND ACTION REGARDING PEAKE'S POINT HOMEOWNERS ASSOCIATION TO ASK FOR CITY CONTRACTING ASSISTANCE WITH OIL PROTECTION EFFORTS

Reference: Letter from Peake's Point Homeowners Association, Inc., dated 06/15/10

RECOMMENDATION:

That the City Council authorize staff to assist the Peake's Point Homeowners Association, and any other water front homeowner's association needing similar assistance, to purchase materials and services needed to protect their shoreline and rip rap from approaching oil and tarballs. (The Homeowners Association will pre-pay one hundred percent of the contract amount needed to cover all expenses.)

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

**NEW BUSINESS: DISCUSSION AND ACTION REGARDING ADDITIONAL
BOOMING OF BEACH FRONT FROM PEAKE'S POINT TO
DEER POINT**

Reference: Verbal report by City Manager

RECOMMENDATION:

Provided for information only. No Council action necessary.

**NEW BUSINESS: DEMAND FROM BAPTIST HOSPITAL FOR RETURN OF
MONEY THE HOSPITAL PAID TO CITY FOR THE MOULTON
DEVELOPMENT ASSISTANCE TO DEVELOP SEASHELL
COLLECTIONS**

Reference: Verbal report from the City Attorney

RECOMMENDATION:

That the City Council allow the City Attorney to accept the Service of Process from Baptist Hospital and direct the City Attorney to initiate a third party complaint against Moulton Properties seeking recovery of the funds Baptist Hospital will be seeking from the City.

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

OPEN FORUM:

Mr. Bob Swiebel, 1416 Nautilus Drive, Navarre, spoke regarding the United Peninsula Association pursuing the designation of U.S. Highway 98 as a scenic route.

ADJOURNMENT:

The Mayor adjourned the meeting at 7:45 p.m.

CITY CLERK

MAYOR

RESOLUTION 16-10

A RESOLUTION OF THE CITY OF GULF BREEZE, FLORIDA ADOPTING SECTION 504 COMPLIANCE POLICY

WHEREAS, millions of Americans have one or more physical or mental disabilities and the number of Americans with such disabilities is increasing; and

WHEREAS, individuals with disabilities constitute one of the most disadvantaged groups in society; and

WHEREAS, disability is a natural part of the human experience and in no way diminishes the right of individuals to:

- (A) Live independently;
- (B) Enjoy self-determination;
- (C) Make choices;
- (D) Contribute to society;
- (E) Pursue meaningful careers; and
- (F) Enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society; and

WHEREAS, increased employment of individuals with disabilities can be achieved through implementation of statewide workforce investment systems under Title I of the Workforce Investment Act of 1998 that provide meaningful and effective participation for individuals with disabilities in workforce investment activities and activities carried out under the vocational rehabilitation program established under Title I, and through the provision of independent living services, support services, and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations; and

WHEREAS, individuals with disabilities continually encounter various forms of discrimination in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting and public services; and

WHEREAS, the goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to:

- (A) Make informed choices and decisions; and
- (B) Achieve equality of opportunity, full inclusion and integration in society, employment, independent living and economic and social self-sufficiency, for such individuals.

Resolution No. 16-10
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NOW, THEREFORE, BUT IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA:

The City of Gulf Breeze hereby adopts the attached Section 504 Compliance Policy. This Resolution shall become effective immediately upon its passage.

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

CITY OF GULF BREEZE, FLORIDA

BY: _____
Beverly H. Zimmern, Mayor

ATTEST:

Marita Rhodes, City Clerk

CITY OF GULF BREEZE

SECTION 504

COMPLIANCE POLICY

I. GENERAL POLICY

A. APPLICABILITY

This Section 504 Compliance Policy establishes procedures and guidelines that shall be used to effectuate compliance with nondiscrimination based on handicap to the end that no otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD). Compliance with Section 504 does not assure compliance with requirements for accessibility by physically handicapped persons imposed under the Architectural Barriers Act of 1968. All HUD Federally financed activities shall be accomplished in compliance with applicable state and federal laws.

SECTION 504 LAW AND REGULATIONS

Laws relative to nondiscrimination based on handicap in federally assisted programs of HUD, in general, may be found in Section 504 of the Rehabilitation Act of 1973 (as amended), Section 109 of the Housing and Community Development Act of 1974 (as amended), and 24 CFR, Part 8. The provisions of these nondiscriminatory procedures shall not be construed to conflict with or supersede the requirements of any other applicable state or federal laws or regulations. In regard to programs or activities in connection with Community Development Block Grants (CDBG), the U. S. Department of Housing and Urban Development (HUD) grant administration regulations relating to non-discriminatory practices are promulgated in the Uniform Federal Accessibility Standards (UFAS). This document, which sets standards for facility accessibility by

physically handicapped persons for federally funded facilities, programs, and/or activities, is hereby incorporated by reference. Future state or federal regulations applicable to nondiscriminatory practices under the CDBG Program shall supersede and/or supplement this policy.

B. DEFINITIONS

1. "Accessible" when used with respect to the design, construction, or alteration of a facility or a portion of a facility other than an individual dwelling unit, means that the facility or portion of the facility when designed, constructed or altered, can be approached, entered, and used by individuals with physical handicaps;
2. "Accessible" when used with respect to the design, construction, or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical handicaps;
3. "Accessible Route" means a continuous unobstructed path connecting accessible elements and spaces in a building or facility that complies with the space and reaches requirements of applicable standards prescribed by 24 CFR, Part 8, section 8.32;
4. "Adaptability" means the ability of certain elements of a dwelling unit, such as kitchen counters, sinks, and grab bars, to be added to, raised, lowered, or otherwise altered, to accommodate the needs of persons, with or without handicaps, or to accommodate the needs of persons with different types or degrees of disability;
5. "Auxiliary Aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving Federal financial assistance

(i.e., readers, Brailled materials, audio recordings, telephone communication devices for deaf persons (TDDs), interpreters, etc.);

6. "Individual with Handicaps" means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment, or is regarded as having such impairment.
7. "Qualified Individual With Handicaps" means:
 - a. with respect to employment, an individual with handicaps who, with reasonable accommodation, can perform the essential functions of the job in question; and
 - b. with respect to any non-employment program, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the City of Gulf Breeze can demonstrate would result in a fundamental alteration in its nature; or with respect to any other non-employment program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.
8. "Undue Hardship" means financial or administrative burdens that would be imposed on the operation of the City of Gulf Breeze's program. Factors to be considered include:
 - a. the overall size of the City of Gulf Breeze's program with respect to number of employees, number and type of facilities, and size of budget;
 - b. the type of the City of Gulf Breeze's operation, including the composition and structure of the City of Gulf Breeze's workforce; and
 - c. the nature and cost of the accommodation needed.

II. COMMUNICATIONS

A. AUXILIARY AIDS

The City of Gulf Breeze shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity receiving Federal financial assistance. The City of Gulf Breeze is not required to provide individually prescribed devices or other devices of a personal nature. Where the City of Gulf Breeze communicates with applicants and beneficiaries via telephone, telecommunication devices for deaf persons (TDDs) shall be used. The telephone number to utilize the TDD is (800) 955-8771. This is not a dedicated circuit; however, employees who normally answer this line are familiar with TDD tones and will immediately switch the line to TDD receive mode. The City of Gulf Breeze shall adopt and implement procedures to ensure that interested persons (including persons with impaired vision or hearing) can obtain information concerning the existence and location of accessible services, activities, and facilities. Mobility impaired persons in wheel chairs should call ahead for assistance, blind individuals should call ahead for escorts, and deaf persons should call ahead for an interpreter (person schooled in sign language). In brief, if the disabled person calls the City of Gulf Breeze prior to the event and communicates to a City of Gulf Breeze employee the particular problem that he or she has, assistance will be provided accordingly. However, Section 504 does not require the City of Gulf Breeze to take any action that the City of Gulf Breeze can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens.

III. EMPLOYMENT

A. GENERAL PROHIBITIONS

No qualified individual with handicaps shall, solely on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives Federal financial assistance from HUD.

B. REASONABLE ACCOMMODATION

The City of Gulf Breeze shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant with handicaps or employee with handicaps, unless the City of Gulf Breeze can demonstrate that the accommodation would impose an undue hardship on the operation of its program. The City of Gulf Breeze may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

C. EMPLOYMENT CRITERIA

The City of Gulf Breeze will not use any employment test or other selection criterion that screens out individuals with handicaps nor make any pre-employment inquiry of an applicant to determine whether the applicant is an individual with handicaps or to the nature or severity of a handicap. The City of Gulf Breeze may, however, make pre-employment inquiry into an applicant's ability to perform job-related functions.

IV. PROGRAM ACCESSIBILITY

A. GENERAL REQUIREMENTS

No qualified individual with handicaps shall, because the City of Gulf Breeze's facilities are inaccessible to or unusable by individuals with handicaps, be denied the

benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance.

B. NON-HOUSING FACILITIES

New non-housing facilities shall be designed and constructed to be readily accessible to and usable by individuals with handicaps. Alterations to existing non-housing facilities shall, to the maximum extent feasible, be made to make them more readily accessible to and usable by individuals with handicaps. The City of Gulf Breeze shall operate each non-housing program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps.

1. Methods

The City of Gulf Breeze may comply with the requirements of this section through such means as location of programs or services to ensure accessible facilities or accessible portions of facilities, assignment of aides to beneficiaries, home visits, the addition or redesign of equipment, changes in management policies or procedures, acquisition or construction of additional facilities, or alterations to existing facilities. The City of Gulf Breeze is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

2. Historic Preservation Programs or Activities

In meeting Section 504 requirements in historic preservation programs or activities, the City of Gulf Breeze shall give priority to methods that provide physical access to individuals with handicaps. However, in cases where a physical alteration to an historic property would substantially impair the "significant historic features" of

the property or result in undue financial and administrative burdens, the structural modifications need not be made. In unique cases where this occurs, the precise alterations, impact and reasons for noncompliance shall be completely documented.

3. Time Period for Compliance

The City of Gulf Breeze shall comply with the obligations established under this section immediately, except that where structural changes in facilities are undertaken, such changes shall be made within the time frames established by the attached transition plan. If structural changes to non-housing facilities will be undertaken to achieve program accessibility, the City of Gulf Breeze shall develop a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including individuals with handicaps or organizations representing those individuals. A copy of the plan shall be available for public inspection, and at a minimum, shall:

- a. identify physical obstacles in the City of Gulf Breeze' facilities that limit the accessibility; of its programs or activities to individuals with handicaps;
- b. describe in detail the methods that will be used to make the facilities accessible;
- c. specify the schedule for taking the steps necessary to achieve compliance with this section and identify steps that will be taken during each year of the transition period;
- d. indicate the official responsible for implementation of the plan; and
- e. identify the persons or groups with whose assistance the plan was prepared.

V. ENFORCEMENT

A. ASSURANCES

An applicant for Federal financial assistance for a program or activity to which Section 504 applies shall submit an assurance to HUD on a form specified by the responsible civil rights official that the program or activity will be operated in compliance with Section 504. In case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the City of Gulf Breeze for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended. In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the City of Gulf Breeze for the period during which it retains ownership or possession of the property. In all other cases, the assurance will obligate the City of Gulf Breeze for the period during which Federal financial assistance is extended.

B. SELF-EVALUATION

The City of Gulf Breeze shall, as expeditiously as possible, and after consultation with interested persons, including individuals with handicaps or with organizations representing those individuals:

1. evaluate its current policies and practices to determine whether they do not or may not meet the requirements of Section 504;
2. modify any policies and practices that do not meet the requirements of Section 504;
and
3. take appropriate corrective steps to remedy the discrimination.

The attached Self-Evaluation Plan will be utilized to review each public facility for accessibility and compliance. The results of this evaluation are to be utilized in preparing the Transition Plan.

A recipient that employs fifteen or more persons shall, for at least three years following completion of the evaluation, maintain on file, make available for public inspection, and provide to the responsible civil rights official, upon request: a list of the interested persons consulted, a description of areas examined and any problems identified, and a description of any modifications made and or any remedial steps taken.

C. DESIGNATION OF RESPONSIBLE EMPLOYEE

A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with Section 504. The responsible person designated is the City Manager, and can be reached at (850) 934-5115.

VI. GRIEVANCE PROCEDURES/COMPLAINT RESOLUTION

A. GENERAL PROVISIONS

A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504.

B. NOTICE

A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with hearing and vision impairments, and unions and professional organizations that it does not discriminate on the basis of handicap. The notification shall state that the recipient does not discriminate in regards to its federally assisted programs.

The notification shall also include an identification of the responsible employee designated to coordinate with Section 504 (See Section V, Paragraph D above). The initial notification shall be made as soon as possible but within 90 days of Policy adoption. Methods of notification may include the posting of notices or publication in newspapers. Any such notice must include all of the information discussed in this paragraph. The recipient must also ensure that members of the population, likely to be affected directly by a Federally assisted program, who have visual or hearing impairments are provided with the information necessary to understand and participate in the program.

C. GRIEVANCE PROCEDURES

Any person or any representative of such a person who believes that he or she has been discriminated against should first contact, in writing, the person identified as City Manager on page 10 of this policy. The grievance must be filed within 30 days of the alleged discriminatory act and must give the following:

1. name and address of the complainant;
2. name and address of the alleged offending party;
3. specific details, in a near chronological order, of the events leading to the alleged action;
4. the alleged discrimination;
5. names, addresses and phone numbers of any witnesses or other persons having knowledge of the circumstances; and
6. any other relevant information.

The City of Gulf Breeze will attempt to satisfactorily resolve the issue, informally, by contacting the involved parties within 20 days of receipt. Documentation of all phone calls, contacts and information received or disseminated must be carefully kept. Additionally, the members of the elected government must be kept informed and up-to-date regarding the grievance and the progress in resolution. This information flow will occur via written progress reports, no less frequently than monthly, and discussions, as necessary, at each regularly scheduled meeting of the elected body.

The Citizens Advisory Task Force (CATF) will be called into session to advise the City of Gulf Breeze and to fashion a plan for resolution should initial resolution attempts fail. This group will function in an advisory capacity as specified in the document that establishes their existence. Records of proceedings will be maintained and forwarded to the elected body. The CATF may call both parties together in an attempt to reach an amicable solution. The City Manager will act as the intermediary between the CATF and the electorate and will ensure the same information flow as described above.

Should informal resolution be unsuccessful, the grievance will be elevated to the formal stage. All communications will occur only in written form, via certified mail. The local government's attorney will become the lead official, acting on behalf of and with the consent of the local governing body. Maximum effort will be given to achievement of a mutually agreeable resolution with all proceedings and communications thoroughly and precisely documented.

If the preceding attempts remain unsuccessful, the matter shall be officially brought to the attention of the applicable State or Federal agency and their guidance solicited and followed.

Information in the sections which follow expound further on grievance/ complaints which have exhausted local capability.

D. COMPLIANCE INFORMATION

Each recipient shall keep such records and submit to the responsible civil rights official complete and accurate compliance reports upon request. The records shall indicate the extent to which individuals with handicaps are beneficiaries of federally assisted programs. Each recipient shall permit access to these records by the responsible civil rights official and the general public during normal business hours.

E. DISCRIMINATION COMPLAINTS/GRIEVANCES

Any person, or any representative of such a person, who believes that he or she has been discriminated against may file a confidential complaint with HUD's Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410. The written complaint must be filed within 180 days of the alleged discriminatory act. The complaint must give the name and address of the alleged complainant, the name and address of the offending party, and the details of the events leading to the charge of discrimination. The responsible civil rights official will notify both the complainant and the recipient of the agency's receipt of the complaint within ten calendar days.

F. COMPLAINT/GRIEVANCE RESOLUTION

HUD's civil rights official will review the case for acceptance, rejection, or referral within twenty days of acknowledgment of receipt of the complaint. The recipient of federal monies is then notified of the complaint and is given a chance to respond in writing within thirty days of receiving it. HUD officials then attempt to resolve the

complaint informally. If informal resolution is not possible, an investigation is conducted resulting in either a dismissal of the complaint or a letter of findings against the recipient, which must be issued within 180 days of receipt of the complaint. The letter of findings is then sent via certified mail, return receipt requested, to both the complainant and the recipient. Within ten days of notification of noncompliance, the recipient may volunteer to comply with the regulation. Otherwise, compliance may be effected by the suspension or termination of, or refusal to grant or continue federal financial assistance.

This last measure is the end result of a process that goes through many channels:

1. the recipient is notified of its failure to comply,
2. a finding of noncompliance is formally recorded after the recipient has been given the opportunity for a hearing,
3. the Secretary of HUD approves the action, and
4. thirty days expire after the Secretary has filed a report with the committees of the House and Senate having legislative jurisdiction over the program or activity involved. Intimidatory or retaliatory acts by the recipient or the offended party is prohibited. No intimidation, threats, coercion, or discrimination against any person for having participated in this investigation is permitted. The identity of complainants shall be kept confidential except to the extent necessary to carry out the intent of this policy.

ATTACHMENT A SELF-EVALUATION PLAN

1. Parking:
 - (a) Handicapped designated parking spaces provided.
 - (b) Spaces closest to accessible entrance and on accessible route.
 - (c) Spaces minimum of 96" in width.
 - (d) Access aisle adjacent to parking space and minimum of 60" in width.
 - (e) Slope of space and access aisle is maximum of 1:50.
 - (f) Spaces marked with universal access codes.

2. Accessible Route:
 - (a) Unobstructed path.
 - (b) Minimum width of 36".
 - (c) Minimum passing space of 60" at 200' intervals.
 - (d) Minimum headroom of 80".
 - (e) Surface texture of firm, stable, non-slip material.
 - (f) Slope not to exceed 1:20.
 - (g) If slope exceeds .5", install ramp (see Section 5).
 - (h) Gratings of maximum .5" width in direction of route.

3. Outside Paths and Walks:
 - (a) Minimum of one accessible route in boundary of site from public transportation stops, parking, passenger loading zones, streets or sidewalks.

4. Curb Ramps:
 - (a) Provided where an accessible route crosses a curb.
 - (b) Maximum slope of 1:12.
 - (c) Minimum width of 36".
 - (d) Firm, stable, non-slip surface.
 - (e) Maximum slope of flared sides of 1:10 if no hand or guard rails provided.

5. Ramps:
 - (a) Provided on any part of an accessible route with a slope exceeding 1:20.
 - (b) Maximum slope of 1:12.
 - (c) Maximum cross slope of 1:50.
 - (d) Firm, stable, non-slip surface.
 - (e) 30" to 34" high handrails extending 1' beyond top and bottom, or ramp provided if ramp rise exceeds 6" and run exceeds 72".
 - (f) Edge protection to prevent slipping off ramps.
 - (g) Level landing same width as ramp and minimum of 60" in length at top and bottom of ramp and at turn of ramp.

6. Building Entrance:
 - (a) Minimum of one principle entrance.
 - (b) On an accessible route.
 - (c) Level entry or sloped with a 32" non-revolving door.
 - (d) Minimum of 32" width.
 - (e) Entryway clear of obstacles.
 - (f) Hardware maximum height of 48" and push/pull type or lever operated.
 - (g) Maximum of 8.5 lbf exterior hinged door, 5lbf interior hinged door, sliding or folding.
 - (h) Maximum of .5" height with leveled edge and maximum slope of 1:2.

7. Elevators:
 - (a) Minimum of one serving each level on an accessible route in a multi-story facility where levels are not connected by ramps.
 - (b) Self-leveling with reopening devices.
 - (c) Doors remain open for 3 seconds.
 - (d) Minimum side opening of 51" x 58" and minimum front opening of 51" x 80".
 - (e) Centered maximum of 42" from floor, and lighted.
 - (f) Control panel maximum of 48" from floor, with buttons minimum of 3/4", and marked with raised characters.

8. Lifts:
 - (a) May be used in lieu of elevator.
 - (b) Minimum of 30" x 48".
 - (c) Control panel maximum of 48" front approach and 54" parallel approach.
 - (d) One hand operable.

9. Toilets:
 - (a) On accessible route.
 - (b) Entrance door minimum of 32" with lever handle, or push/pull type hardware.
 - (c) Door closer 5 lbf maximum effort to open.
 - (d) Unobstructed space.
 - (e) Doors on stalls minimum of 32" and stalls minimum of 36".
 - (f) Grab bars 33" – 36" high at back and side of commode, 1.25" – 1.50" diameter, and 1.50" clear of wall.
 - (g) Commode seat 17" – 19" height.
 - (h) Toilet paper dispensers 19" minimum above floor.
 - (i) Lavatory maximum 34" height, drain and hot water pipes insulated, and minimum 29" clearance below apron.
 - (j) Mirror bottom 40" maximum above floor.
 - (k) Urinal basin opening maximum 17" from floor.
 - (l) Towel dispenser and disposal unit height 40" maximum above floor.
 - (m) Faucet handles extended.

10. Drinking Fountains:
- (a) 50% of water fountains must be accessible on each floor; if only one is available, it must be accessible.
 - (b) On an accessible route.
 - (c) Spout mounted 36" above floor.
 - (d) Controls must be operable with one hand without grasping or twisting.
 - (e) Wall-mounted bottom of apron to floor 27" minimum; built in 30" x 48" minimum in front of fountain.
11. Warning Signals:
- (a) If warning systems are provided, both visual and audible should be provided.
 - (b) Signals must be perceptible above prevailing sounds.
 - (c) Signals must be visual – flashing exit signs.
12. Meet Rooms and Conference Areas:
- (a) Are all rooms handicapped accessible?
 - (b) Minimum of three wheelchair locations in lieu of seats.
 - (c) Wheelchair locations must be on an accessible route.
 - (d) Wheelchair locations forward access must be a minimum of 48" long x 33" wide, and side access must be a minimum of 60" long x 33" wide.
 - (e) Performing areas must be on an accessible route.
 - (f) Listening systems must be audio-looped and radio-frequency acceptable.
13. Public Telephones:
- (a) Minimum of one per floor if phones are installed.
 - (b) On an accessible route with clear floor space 30" x 48".
 - (c) Highest operable control 48" for front approach and 54" for parallel approach.
 - (d) Control must be push buttons.
 - (e) At least one phone shall generate a magnetic field and at least one shall have a volume control for the hearing-impaired.

Definition: Handicapped means wheelchair bound, mobility-impaired, hearing-impaired, deaf, and/or blind.

ATTACHMENT C
TRANSITION PLAN
FOR
SECTION 504 COMPLIANCE

1. Facility: _____
Name/Location

	Obstacles	Accessibility Method	Schedule	Responsibility
a.				
b.				
c.				
d.				

2. Facility: _____
Name/Location

	Obstacles	Accessibility Method	Schedule	Responsibility
a.				
b.				
c.				
d.				

EXECUTIVE COMMITTEE REPORT

JUNE 30, 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 COMMUNITY DEVELOPMENT BLOCK GRANT - 504 COMPLIANCE POLICY

Reference: Assistant City Manager memo dated June 25, 2010

RECOMMENDATION:

That the City Council approve Resolution No. 16-10 adopting Section 504, Compliance Policy for the Community Development Block Grant (CDBG) at the regular City Council meeting to be held on Tuesday, July 5, 2010.

B. SUBJECT: DISCUSSION AND ACTION REGARDING ALTERNATE PROJECT #11, PURCHASE OF FLEET VEHICLES

Reference: City Manager memo dated June 23, 2010

RECOMMENDATION:

That the City Council approve the following list of vehicles as provided for purchase via the normal bidding procedures and Alternate Project #11, Purchase of Fleet Vehicles: (1) POLICE DEPARTMENT: 1 Chevrolet Tahoe Police Package and 2 Crown Victoria Police Packages - \$86,000 (Ford F-150 truck to be transferred to Parks Department); (2) PARKS DEPARTMENT: Tractor - \$30,000; 4 door crew truck - \$32,000 and dual axle trailer - \$5,000, total \$67,000; and (3) PUBLIC SERVICES: (1) replace three work trucks with utility bed - \$80,000 (\$26,000 per unit), total for all departments \$233,000.

C. SUBJECT: DISCUSSION AND ACTION REGARDING PLANS AND SPECIFICATIONS, LANDSCAPING DESIGN, PHASE II U.S. 98 BEAUTIFICATION

Reference: City Manager memo dated June 25, 2010

RECOMMENDATION:

That the City Council place this item on the agenda for the regular meeting to be held on Tuesday, July 5, 2010, for further discussion and action.

D. SUBJECT: DISCUSSION AND ACTION REGARDING STATUS AND PROPOSED USES FOR STATE REVOLVING FUND (SRF LOAN) FOR SSRUS EASTERN WASTEWATER TREATMENT FACILITY

Reference: Public Services Director memo dated June 24, 2010

RECOMMENDATION:

That the City Council authorize staff to activate the SRF loan in the amount of \$946,645 for SSRUS.

E. SUBJECT: DISCUSSION AND ACTION REGARDING REPORT TO COUNCIL OF CRITICAL REQUIRED ACQUISITIONS AND PROCUREMENTS REGARDING THE DEEPWATER HORIZON OIL SPILL

Reference: Finance Director memo dated June 18, 2010

RECOMMENDATION:

That the City Council approve May and June expenditures.

F. SUBJECT: DISCUSSION AND ACTION REGARDING FINAL INVOICE, INDEVER, LLC, IN THE AMOUNT OF \$13,630

Reference: City Manager memo dated June 25, 2010

RECOMMENDATION:

That the City Council meet Tuesday, July 6, 2010, as the Board of Directors of the Community Redevelopment Agency and authorize payment of \$13,630 to Indever, LLC, for consulting services associated with the rewrite of the City's Comprehensive Plan.



City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 6/25/2010

Subject: Final Invoice, Indever, LLC

Attached please find an email we received from Stephania Wilson of Indever, LLC and her final invoice. In the email, Ms. Wilson offers her reasoning behind the charges. Now that we have completed the Evaluation and Appraisal Report generated amendments to the City's Comprehensive Plan, it is probably a good time to seek assistance from other sources to complete the process.

We have been in touch with the Florida Institute of Government who has a person on staff to assist cities in processing their amendments through the Department of Community Affairs. We may need additional consultant support as we begin the process of rewriting the Land Development Code. At this point, the I of G has been very helpful. We will owe them for their services, however the cost will be far less than the charges we have seen so far.

The rewrite of the Comp Plan will improve economic development opportunities and reduce incompatibility between low density residential and commercial uses. We have funds budgeted in the CRA fund to pay consulting fee.

RECOMMENDATION:

THAT THE CITY COUNCIL MEET TUESDAY, JULY 6TH AS THE BOARD OF DIRECTORS OF THE COMMUNITY DEVELOPMENT AGENCY AND AUTHORIZE PAYMENT OF \$13,630.00 TO INDEVER, LLC. FOR CONSULTING SERVICES ASSOCIATED WITH THE REWRITE OF THE CITY'S COMPREHENSIVE PLAN.

Date: May 18, 2010

To: David Szymanski, City of Gulf Breeze

From: Stephania Wilson, Indever, LLC

Re: Response to Additional Information requested pertaining to **Task Order #3**
Digital Renderings :1005-1001-04302011-03

Per your request, additional information has been requested concerning the fee for the photo montages presented at the Council meeting. To begin, it must be stated that many more hours were expended on this project than were charged. In addition, I was also very pleased to complete this in less than a week. All my other projects were put on hold to complete this request. More than 60 hours of time was utilized to create these renderings. I understand that when the finished product is viewed that it seems to be a very simple undertaking. It is not; I assure you. On average, these same photo montages would have cost the city a minimum of \$2100, more likely \$2500 per montage for a possible total of \$6300 to \$7500 from another firm. This price is a substantial increase over what was charged by my firm. In addition, there was no additional charge for expediting this project. These montages require time to combine the present and future by properly aligning (stitching) photos to create a background that is able to incorporate foreign objects (feasible buildings, structures, etc) visually demonstrating possibilities of a site. In addition, capturing these photos by live take or purchase (another cost) is time consuming as well. Therefore, it not only takes time and a team to gather the pictures and information (setbacks, etc.) for an accurate portrayal of the site, it also takes effort to simply ensure a quality product. Of course, more could have been done to enhance the product; however, we were on an almost impossible deadline and these very basic montages were all that was needed for the City to ascertain an understanding of what is possible.

Below is the information from the task order that stipulates what tasks were completed in order to accomplish this request:

Purpose

To produce digital examples of select properties for illustrative purposes to demonstrate height and scale of buildings in direct relation to land use and zoning categories.

Objective

Design renderings that will create a visual basis for the City to garner a better understanding of height and scale in combination with land use to further the decision-making process of the Comprehensive Plan Amendments.

Scope

Create and develop three (3) digital renderings to be utilized in a power point presentation, if necessary. The properties to be selected will be chosen from two (2) standpoints: physical and geopolitical. The physical aspect will be utilized to determine which properties will best demonstrate

May 18, 2010

Page 2 of 2

Response to Additional Information requested pertaining to **Task Order #3** Digital Renderings
1005-1001-04302011-03

height and scale. The geopolitical aspect takes into account property owners' opinions and location, dictating the need for neutrality. Taking these 2 aspects into consideration, the following properties were selected:

- Gulf Coast Inn and its business neighbors
- The Sea Shell Collections 2 parcels next to the AT&T parcel and St Francis Drive
- Peyton Place and its business neighbors

I. Key Tasks

- ***Task A – Prepare “Existing” photo montages for the above three (3) locations***

Stitch together “existing” photo montages for three (3) separate locations selected with assistance from the City utilizing street view photos captured and furnished by Indever LLC

- ***Task B – Prepare “After” photo montages of the above three (3) locations incorporating 3-story, 4-story and 5-story buildings into the “after” photo montage***

Incorporate 3, 4 and 5-story buildings into the “after” montage for three (3) separate locations utilizing photos of example buildings researched and/or captured and furnished by Indever LLC

- ***Task C – Incorporate montage into a PowerPoint Presentation, if necessary.***

II. Deliverables

A. Illustrations

- i. **Renderings** - Three (3) digital renderings of selected properties developed for single usage or media presentation.
- ii. **Documents** – Copies of all pertinent documentation will be submitted to City and other identified parties.

If you have any additional questions, please do not hesitate to contact me.



SENT: E-MAIL: dszymans@ci.gulf-breeze.fl.us

Date: June 7, 2010

To: Dave Szymanski, City of Gulf Breeze

From: Stephania Wilson, Indever LLC

Re: May 2010 Status Report
1005-1001-08312009-04-0510

This month it was decided by the City Council at the April 28, 2010 council meeting that a site plan analysis should be conducted in order to be able to clearly ascertain what structures may be built on parcels throughout the CRA. This analysis was requested due to the discussion surrounding the Photo Montages presentation at the meeting. These montages had been requested in order to illustrate what varying heights would look like above 35 feet or 3 stories. These photo montages gave us a glimpse into the challenge that Gulf Breeze does not have available individual parcels that can accommodate buildings over 35 feet much less 2 stories. With this brief analysis, it was discovered that several parcels would need to be combined to accommodate a higher structure due to the current code and even then, there are only 3 or 4 places that are possible within the CRA. . Therefore the City Council asked Indever LLC to conduct a Site Plan Analysis in order to ascertain: (1) what could be build, (2) how high it can be built based on current regulations. We plan to complete this simultaneously with the LDC revisions. In addition, it was decided by the Council and City Staff that the Future Land Use Element (FLUE) would be revised based on the latest draft. A task order was submitted to complete this revision. Multiple revisions had already been completed and this latest request was a comprehensive rewrite of the entire element dictating the need for an additional task order.

We have been working steadily on the revision of the Future Land Use Element, even with a significant delay. During this time of the reworking of the Future Land Use Element, and making great progress, Mary Moulton and the Moulton Family hired a consultant named Frank Schnidman, a Professor of Planning and Economic Development at Florida Atlantic University. He and I have been discussing the revisions throughout the process of the Future Land Use Element; Mr. Schnidman has been an invaluable resource and a great asset to the overall effort and by all parties, to have a great document that is flexible and usable. We are also in the process of completing Future Land Use Map series. The Data and Analysis portion has been set aside due to the amount of work needed to properly revise the Future Land Use Element within such a compressed timeframe. These revisions were based on several meetings and many questions of the City Council and the City Staff. Therefore, several revisions of the "revision" has been and will be until the transmittal.

The goal is to have the Future Land Use Element and the Future Land Use Map series transmitted by June 7, 2010. However, it appears that the transmittal will be at the following meeting scheduled for June 21, 2010, A drop dead date of June 7, 2010, was decided upon to ensure the plan approval by the

end of the year, December 22, 2010, according to our time line. This allows DCA enough time to review, especially with the reduction in their staff. The date of December 31, 2010 completion is recommended for a variety of reasons. The most important is the Amendment Four (4) proposition that will be placed on the ballot in November 2010. If this amendment passes, the overall planning legal framework will change for the State of Florida.

The fear with the Amendment 4 passage is that the adoption of the plan after January 1, 2011, will be delayed due to the new legislation. We will do everything possible to push through DCA as fast as possible. We are pleased that the document is much further along than it was in the beginning when we started. This Plan is a Policy Document and is more of a Policy Document today than it ever was. This document does have a few regulations that would best be suited in the CRA Plan and the Land Development code; however, the overall document is a far cry from where it was previously in the 1990 comprehensive Plan. This Plan is much more flexible, workable and much easier to follow. An economic benefits package is also discussed in the Plan to be developed and incorporated in an amendment of the CRA Plan. This will include any other items needed for compatibility with the LDC.

We are pleased that the document is much further along than it was in the beginning when we started. The plan is a policy document and it is more of a policy document today than it ever has been. There are regulations in there that would be best suited in the CRA Plan and the Land Development Code, however overall the document is a far cry from where it was previously in the 1990 Comprehensive Plan. This document is much more flexible and much more workable and something much easier to follow. Unfortunately the plan is not able to fully empower the Community Redevelopment Agency as was originally hoped. An economic benefits package is discussed in the Plan and the CRA Plan will need to be amended to incorporate this and other adjustments to ensure it is complementary with the LDC.

In the Month of June we sent Task Orders for the Site Plan, LCD and the CRA Plan to be executed. Work will begin on these Task Orders as soon as the transmittal for the Future Land Use Element is completed and sent to DCA and these Task Orders are executed. Within the next couple of months, DCA will review the transmittal and will send to Gulf Breeze an ORC Report with their Objections, Recommendations and Comments. Once we received the ORC report, we will revise accordingly and continue the process to adoption.

While awaiting the ORC Report from DCA, we will begin the Site Plan Analysis and the revisions to the Land Development Code. As the year progresses, we will be developing, revising and amending documents in order to make sure all planning and legal documents of the city are complementary to each other and all other documents needed to endure compliance with DCA regulations are developed and submitted. The city has made much progress up to this point and will continue throughout this year as each document is revised.

INVOICE



Attention	Dave Szymanski	Project Title	TO #4
Title:	Assistant City Manager	Project Description	Revision of the proposed Future Land Use Element Draft
Company Name:	City of Gulf Breeze	Invoice Number	1005-1001-08312009-04-02
Address:	1070 Shoreline Dr.	Term	June 2010 Services Rendered
City, State Zip Code:	Gulf Breeze, FL 32562		FINAL BILL
Date:	June 18, 2010	Due Date:	Upon Receipt

Description	Quantity	Unit Price	Cost
Comprehensive Plan Amendments	33.47	150.00	5,020.50
Planning Services	30.25	100.00	3,025.00
Executive Administrator	11.56	75.00	867.00
GIS/Graphics	20	100.00	2,000.00
		Subtotal	10,912.50

Total Due \$10,912.50

120 days past due	90 Days Past Due	30 Days past due	Current Due	Total Due:
		\$2,717.50	\$10,912.50	\$13,630.00

TO #4	Paid to Date	Current Due	Balance	Balance on Task Order
	\$0.00			

Remit to:
 Indever LLC
 P.O. Box 1027
 Pensacola, FL 32591

T. 850 602-5089