

**GULF BREEZE CITY COUNCIL
REGULAR MEETING**

DECEMBER 6, 2010
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS

SWEARING IN NEW COUNCIL

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of November 15, 2010 (Regular Meeting)
Approval of Minutes of November 29, 2010 (Special Council Meeting)
4. Ordinance No. 05-10: Establishing a "No Motor" Zone Behind Deadman's Island
Breakwater -**SECOND READING AND PUBLIC HEARING**

Resolution No. 31-10: Support of National Guard and Reserve

Resolution No. 35-10: Approving Plan of Finance for Cypress Cathedral Apartments

Resolution No. 36-10: Urging Action Relative to Protection of Wildlife

5. **CONSENT AGENDA ITEMS:***

- A. Discussion and Action Regarding Presidential Service Awards to Volunteer Fire
Department Individuals
- B. Discussion and Action Regarding Ordinance No. 05-10, Establishing a No Motor Zone
Behind Deadman's Island Breakwater
(COVERED UNDER ORDINANCE SECTION ABOVE)
- C. Discussion and Action Regarding Proposed Resolution Urging Action Relative to
Protection of Wildlife (COVERED UNDER RESOLUTION SECTION ABOVE)
- D. Discussion and Action Regarding Resolution No. 34-10, Fiscal Year 2010 Year End
Budget Adjustments (COVERED UNDER MINUTES FOR SPECIAL MEETING
HELD NOVEMBER 29, 2010)
- E. Discussion and Action Regarding Resolution No. 35-10, Approving Plan of Finance
for Cypress Cathedral Apartments
(COVERED UNDER RESOLUTION SECTION ABOVE)
- F. Discussion and Action Regarding Resolution in Support of National Guard and
Reserve (COVERED UNDER RESOLUTION SECTION ABOVE)

- G. Discussion and Action Regarding Volunteer Firefighter Tuition Assistance Program
- H. Discussion and Action Regarding Architectural Support - Shoreline Park North - Football Concession & Restrooms
- I. Discussion and Action Regarding Request from City Attorney for Rate Adjustment
- J. Discussion and Action Regarding Shoreline Park Rest Room and Softball Concession Bid Results
- K. Information Items

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

ACTION AGENDA ITEMS:

- A. Discussion and Action Regarding Consulting Assistance, Replacement of Pensacola Bay Bridge
- B. Discussion and Action Regarding Installation of Backflow Preventers at the Villas
- C. Discussion and Action Regarding Feasibility Study of a Reception, Banquet and Meeting Facility

6. NEW BUSINESS

- A. Discussion and Action Regarding Celebration of the City's 50th Anniversary
- B. Discussion and Action Regarding Board Appointments
- C. Discussion and Action Regarding Schedule for Upcoming Meetings

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 1,164th regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Monday, November 15, 2010, at 6:30 p.m.

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

APPROVAL OF MINUTES:

Councilman Morris moved for approval of the minutes for the regular meeting held on Monday, November 1, 2010. Councilman Schluter seconded. The vote for approval was unanimous.

Councilman Schluter moved for approval of the minutes for a special Community Redevelopment Agency meeting held on Monday, November 1, 2010. The City Clerk stated that a correction to the CRA minutes was needed. The minutes has Councilman Henderson and Councilman Fulford attending the meeting, but both were out of town. The minutes will be corrected to show they were not in attendance. Councilman Morris seconded. The vote for approval was unanimous.

PLAQUE PRESENTATION:

Tom Naile on behalf of the Gulf Breeze Optimist Club presented the City with a picture to recognize the service of Lane Gilchrist to the Optimist Club. Mayor Zimmern accepted the picture on the City's behalf.

**ORDINANCE NO. 05-10 ESTABLISHING A NO MOTOR ZONE ON THE
NORTHEAST SIDE OF DEADMAN'S ISLAND. FIRST READING.**

The ordinance was read by title only by the City Clerk. The Director of Community Services presented the Ordinance to the Council. Councilman Morris moved for approval of the ordinance on first reading and to schedule the second reading and public hearing for December 6, 2010. The vote for approval was unanimous.

RESOLUTION NO. 29-10 -Recognizing Coastwatch Volunteers:

The resolution was read by title only by the City Clerk. Councilman Schluter read the purpose of the resolution to the Council. The Mayor then opened the floor for public comments. There were no comments and the Mayor closed the Public Hearing.

Councilman Morris moved to adopt the Resolution. Councilman Fulford seconded. The vote for approval was unanimous

The Mayor stated that another motion would be needed to approve the purchase of a \$50.00 gift card for each Coast Watch Volunteer as we discussed at the Executive Session.

A motion was made by Councilman Morris to approve the purchase of a \$50.00 gift card. Councilman Schluter seconded. The vote for approval was 4-1 (Councilman Henderson dissenting).

RESOLUTION NO. 30-10 - APPROVING A PLAN OF FINANCE FOR CAPITAL PROJECTS FOR GOODWILL INDUSTRIES OF SOUTHWEST FLORIDA.

The resolution was read by title only by the City Clerk.

Councilman Morris moved to adopt the resolution. Councilman Schluter seconded. The vote for approval was unanimous.

RESOLUTION NO. 32-10: APPROVING A PLAN OF FINANCE FOR CERTAIN MULTI-FAMILY RENTAL HOUSING (CIVIC TOWER) NOT TO EXCEED \$18,000,000.

The resolution was read by title only by the City Clerk. Councilman Schluter moved for approval of the resolution. Councilman Morris seconded. The vote for approval was unanimous.

RESOLUTION NO. 33-10 APPROVING A PLAN OF FINANCE FOR CERTAIN MULTI FAMILY RENTAL HOUSING (TM ALEXANDER) NOT TO EXCEED \$15,000,000.

The resolution was read by title only by the City Clerk. Councilman Schluter moved for approval of the resolution. Councilman Morris seconded. The vote for approval was unanimous.

ACTION ITEMS:

- A. SUBJECT: **DISCUSSION AND ACTION REGARDING ORDINANCE NO. 05-10, ESTABLISHING A NO MOTOR ZONE ON NORTHEAST SIDE OF DEADMAN'S ISLAND.**
(COVERED UNDER ORDINANCE SECTION ABOVE)
- B. SUBJECT **DISCUSSION AND ACTION REGARDING RESOLUTION NO. 29-10, RECOGNIZING COASTWATCH VOLUNTEERS.**
(COVERED UNDER RESOLUTION SECTION ABOVE)

- C. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION NO. 30-10 APPROVING A PLAN OF FINANCE FOR CAPITAL PROJECTS FOR GOODWILL INDUSTRIES OF SOUTHWEST FLORIDA.
(COVERED UNDER RESOLUTION SECTION ABOVE)
- D. SUBJECT: DISCUSSION AND ACTION REGARDING THE GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARD TO THE CITY OF GULF BREEZE.

Reference: Director of Finance memo dated November 2, 2010.

RECOMMENDATION: That the City Council accept the award from the Government Finance Officer's Association and recognize the Director of Finance and staff for their good work in receiving this award.

No Council action is necessary. The Mayor on behalf of the Council and citizens, gave thanks to the finance department for their good work.

- E. SUBJECT: DISCUSSION AND ACTION REGARDING FIRE DEPARTMENT HOSE AND NOZZLE REPLACEMENT.

Reference Fire Chief Memo dated November 4, 2010

RECOMMENDATION That the City Council authorize the waiving of the formal bid process and authorize staff to purchase the aforementioned items based on three written quotes with a total acquisition cost not to exceed \$12,100.00.

Councilman Dick Fulford moved for approval. Councilman Schluter seconded. The vote for approval was unanimous.

- F. SUBJECT: DISCUSSION AND ACTION REGARDING RED LIGHT CAMERA PROJECT SERVER ACQUISITION.

Reference: Chief of Police memo dated November 4, 2010.

RECOMMENDATION: That the City Council approve the expenditure of funds not to exceed \$7,500 for the purchase of a computer server and firewall compatible with the Sensys America equipment and software that will enable the operation of the red light camera enforcement projects.

Councilman Morris moved for approval. Councilman Schluter seconded. The vote for approval was unanimous.

G. SUBJECT: DISCUSSION AND ACTION REGARDING PAVEMENT RESTRIPING.

Reference: Director of Public Services memo dated November 4, 2010

RECOMMENDATION: That the City Council authorize Gulf Coast Traffic Engineers to restripe the identified areas at a cost of \$9,067.00.

Councilman Schluter moved to approve the recommendation. Councilman Morris seconded the motion. The vote for approval was unanimous.

H. SUBJECT: DISCUSSION AND ACTION REGARDING 8TH ANNUAL PET FEST TO BE HELD SATURDAY, NOVEMBER 20, 2010, 9:30 A.M. TO 3:3:0 P.M.

Reference: Assistant City Manager memo dated November 4, 2010

RECOMMENDATION: That the City Council approve a Special Event Request by the Gulf Breeze Area Chamber of Commerce for Pet Fest on November 20, 2010.

Councilman Schluter moved for approval of the recommendation. Councilman Morris seconded. The vote for approval was unanimous

I. SUBJECT: DISCUSSION AND ACTION REGARDING COMMUNITY PLAYGROUND, REPLACING EQUIPMENT.

Reference: Director of Parks & Recreation memo dated November 3, 2010

RECOMMENDATION: The Advisory Parks Board recommends that City Council direct staff to proceed immediately to publish a request for proposals for the replacement of all playground equipment in Sunset, Williamsburg, Woodland and McClure Parks.

Councilman Fulford moved for approval of the recommendation. Councilman Morris seconded. The vote for approval was unanimous

J. SUBJECT: DISCUSSION AND ACTION REGARDING ELECTRONIC READER BOARD.

Reference Director of Parks and Recreation memo dated November 4, 2010.

RECOMMENDATION: That City Council direct staff to seek support and guidance from State Representative Clay Ford regarding a possible exemption to the "changeable message" rule.

Councilman Schluter moved for approval of the recommendation. Councilman Morris seconded. The vote for approval was 4-1. Councilman Henderson dissenting.

K. **SUBJECT: DISCUSSION AND ACTION REGARDING SHORELINE DRIVE IRRIGATION & STABILIZATION.**

Reference: Director of Parks & Recreation memo dated November 3, 2010.

RECOMMENDATION: That City Council authorize the purchase of materials from FIS Outdoor and direct City staff to proceed with the installation of the irrigation from the entrance to Shoreline Park South to Tall Pine Drive, using designated Capital Project funds.

Councilman Schluter moved for approval of the recommendation. Councilman Morris seconded. The vote for approval was unanimous

L. **SUBJECT: DISCUSSION AND ACTION REGARDING PROHIBITION OF TEXTING WHILE DRIVING.**

Reference: City Manager memo dated November 5, 2010

RECOMMENDATION: That the City Council direct staff to consult with State Representative Clay Ford regarding a course of action to ban texting while driving. In addition, the City Attorney reported that our Police Officers can write a ticket to an individual who is texting while driving for careless driving.

Councilman Henderson moved for approval of the recommendation. Councilman Schluter seconded. The vote for approval was unanimous.

M. **SUBJECT: DISCUSSION AND ACTION REGARDING DATES FOR FINAL BUDGET RESOLUTION FOR FY 2010.**

Reference: Director of Finance Steve Milford memo dated November 4, 2010

RECOMMENDATION: That the Council hold a special meeting on Monday, November 29, 2010 to approve the final budget resolution for FY 2010

Councilman Morris moved for approval of the recommendation. Councilman Fulford seconded. The vote for approval was unanimous.

Regular Council Minutes
November 15, 2010

N. INFORMATION ITEMS:

**NEW BUSINESS: DISCUSSION AND ACTION REGARDING RESOLUTIONS 32-10 AND 33-10, APPROVING A PLAN OF FINANCE FOR CIVIC TOWERS AND TM ALEXANDER, HOUSING FACILITIES FOR ELDERLY PERSONS IN MIAMI, FLORIDA.
(COVERED UNDER RESOLUTION SECTION ABOVE)**

OPEN FORUM:

ADJOURNMENT:

The Mayor adjourned the meeting at 7:10 p.m.

DEPUTY CITY CLERK

MAYOR

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

A special meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was convened at the Gulf Breeze City Hall on Monday, November 29, 2010, at 6:30 p.m. Upon call of the roll the following Council members were present: Councilmen Dana Morris, J. B., Schluter, Richard Fulford, Joseph Henderson, and Mayor Beverly Zimmern.

The purpose of the meeting was for the City Council to consider approval of Resolution No. 34-10:

- A. SUBJECT: DISCUSSION AND ACTION REGARDING APPROVAL OF RESOLUTION NO. 34-10, APPROVING YEAR END ADJUSTMENT TO FISCAL YEAR 2010 BUDGET**

Reference: City Manager memo dated November 24, 2010

RECOMMENDATION:

That Resolution 34-10 be adopted by the City Council .

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

The special meeting was adjourned at 6:33 p.m.

CITY CLERK

MAYOR

ORDINANCE NO. 05-10

AN ORDINANCE OF THE CITY OF GULF BREEZE FLORIDA, PERTAINING TO THE CREATION OF A COMBUSTION MOTOR EXCLUSION ZONE; AMENDING CHAPTER 18, ARTICLE VI OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the public health, safety, and welfare of persons using the waters of the City of Gulf Breeze require the regulation of certain water borne activities on and within those waters; and,

WHEREAS, the City of Gulf Breeze has partnered with other Local, State and Federal agencies and received grant funding to establish a natural breakwater at the northeastern tip of Deadman's Island; and,

WHEREAS, the natural breakwater helps prevent the erosion of the tip of Deadman's Island; and,

WHEREAS, the breakwater has created an area between the northeastern tip of Deadman's Island and the breakwater structure that has enhanced the City's marine resources or aquatic habitat; and,

WHEREAS, the natural breakwater has created an area that is conducive to swimming and snorkeling; and,

WHEREAS, the unrestricted use of vessels or the adverse impacts of such use may result in harm to swimmers, snorkelers, marine resources or aquatic habitat.

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

SECTION 1 – ARTICLE VI is hereby amended to read:

ARTICLE VI. WATERWAYS

Sec. 18-100. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Combustion motor exclusion zone or motor exclusion zone means an area where the entry of vessels being propelled or powered by an internal combustion engine is prohibited. These zones do not apply to vessels using other means of propulsion (e.g., sails, oars, poles, etc.) or to vessels equipped with an internal combustion engine when such engine is not in use.

Idle speed--No wake zone means a restricted or controlled zone which has been established to protect the interests of the public and in which zone motorboats cannot proceed at any speed greater than that speed which is necessary to maintain steerage way.

Motorboat is synonymous with boat as referenced in Section 1(b), Article VII of the Florida Constitution and shall include every description of watercraft, barge and air boat used or capable of being used as a means of transportation on water.

Regulatory marker means any anchored or fixed marker in, on or over the water or on the shore and shall include but not be limited to speed zone markers and warning markers.

Sec. 18-101. Idle speed--No wake zones.

It shall be unlawful for any person to operate any motorboat in or upon the waters of the city at a speed any greater than the minimum speed necessary to maintain steerageway in any idle speed--no wake zone designated by a regulatory marker reading "no wake zone" or "idle speed--no wake" or similar or like warning.

Sec. 18-102. Gilmore Bayou a no wake zone.

The entire portion of the waters of Gilmore Bayou are hereby designated as an idle speed--no wake zone. Regulatory markers appropriately identifying Gilmore Bayou as an idle speed--no wake zone shall be posted in accordance with applicable regulations of the State of Florida, Florida Fish and Wildlife Conservation Commission relating to uniform waterway markers.

Sec. 18-103. Deadman's Island combustion motor exclusion zone.

The area between the northeastern end of Deadman's Island and the oyster reef breakwater is hereby designated a combustion motor exclusion zone. Regulatory markers appropriately identifying the area as a combustion motor exclusion zone shall be posted in accordance with applicable regulations of the State of Florida, Florida Fish and Wildlife Conservation Commission relating to uniform waterway markers.

Sec. 18-103. Penalties.

(a) Any person cited for a violation of section 18-101 shall be deemed to be charged with a noncriminal infraction and shall be cited to appear before the county court. The civil penalty for any such infraction is \$75.00, except as otherwise provided in this section.

(b) Any person cited for an infraction under this section may:

- (1) Post a bond, which shall be equal in amount to the applicable civil penalty; or
- (2) Sign and accept a citation indicating a promise to appear.

The officer may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(c) Any person who willfully refuses to post a bond or accept and sign a summons is guilty of

a misdemeanor of the second degree, punishable as provided by Florida Statutes.

(d) Any person charged with a noncriminal infraction under this article may:

(1) Pay the civil penalty, either by mail or in person within ten days of the date of receiving the citation; or

(2) If he has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the issue of commission of the infraction.

(e) Any person electing to appear before the county court or who is required so to appear shall be deemed to have waived the limitations on the civil penalty specified in subsection (a). The court, after hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proved, the court may impose a civil penalty not to exceed \$500.00.

(f) At a hearing under this article, the commission of a charged infraction must be proved beyond a reasonable doubt.

(g) If a person is found by the hearing official to have committed an infraction, he may appeal that finding to the circuit court.

SECTION 2 - SEVERABILITY

If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid or void, such holding shall not in any manner affect the validity of the remaining portions of this Ordinance.

SECTION 3 - CONFLICT

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

SECTION 4 - EFFECTIVE DATE

This Ordinance shall become effective upon its adoption by the City Council.

PASSED ON THE FIRST READING ON THE 15TH DAY OF NOVEMBER, 2010.

ADVERTISED ON THE ON THE 25TH DAY OF NOVEMBER, 2010.

PASSED ON THE SECOND READING ON THE 6TH DAY OF DECEMBER, 2010.

ORDINANCE 05-10
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By: _____
Beverly Zimmern, Mayor

ATTESTED TO BY:

Marita Rhodes, City Clerk

RESOLUTION 31-10

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF GULF BREEZE, FLORIDA ENDORSING EMPLOYER
SUPPORT FOR THE NATIONAL GUARD AND RESERVE, IN FURTHERANCE
OF OUR CONTRY'S SERVICE MEMBERS AND THEIR FAMILIES DURING
TIME OF NEED; FURTHER INSTRUCTING THE CITY CLERK TO
TRANSMIT SAME TO THE CHAIRMAN OF THE NATIONAL COMMITTEE
FOR EMPLOYEE SUPPORT OF THE GUARD AND RESERVE.**

WHEREAS, the City of Gulf Breeze as an employer who proffers unconditional support for the Guard and Reserve recognizes that the National Guard and Reserve are essential to the strength of our nation and the well being of our communities; and,

WHEREAS, in the highest of American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession; whereby they are trained to respond to their community and their country during time of need; further acknowledging that said individuals deserve the support of ever segment of our society; and,

WHEREAS, if these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security;

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

SECTION 1. That the City Council does hereby join other employees in pledging that it fully recognized, honors and enforces the Uniformed Services Employment and Reemployment Right Act (USERRA).

SECTION 2. That our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve.

SECTION 3. That we will continually recognize and support our country's service members and their families in peace, in crisis, and in war.

SECTION 4. That this resolution is effective immediately upon the date of its passage and adoption herein.

Officially adopted by City Council to take effect _____, 2010.

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

Mayor, Beverly H. Zimmern

ATTEST

City Clerk, Marita Rhodes

RESOLUTION ~~35~~-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, APPROVING A PLAN OF FINANCE FOR THE COSTS OF THE ACQUISITION OF CERTAIN MULTI-FAMILY RENTAL HOUSING FACILITIES LOCATED IN THE STATE OF FLORIDA; APPROVING THE ISSUANCE OF NOT EXCEEDING \$8,000,000 CAPITAL TRUST AGENCY REVENUE BONDS FOR THE PURPOSE OF FINANCING A LOAN PROGRAM TO ASSIST IN FINANCING SUCH FACILITIES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Gulf Breeze, Florida (the "City"), a municipal corporation of the State of Florida, has heretofore adopted Resolution No. 14-99 dated as of July 19, 1999 (the "Original Resolution"), and entered into an Interlocal Agreement between the City and the Town of Century, Florida, dated as of August 2, 1999, as amended by Amendment No. 1 through No. 27 (collectively, the "Enabling Agreement"), approving the creation of the Capital Trust Agency (the "Agency"), a public agency of the State of Florida, organized and existing under the provisions of Chapter 163, Part I, and Chapter 159, Part II, Florida Statutes, Ordinance No. 05-97 of the City, as amended, and its Articles of Incorporation, as amended (its "Charter") and other applicable provisions of law (collectively the "Act"), to enable public, private and not-for-profit organizations to obtain public assistance in financing or refinancing certain beneficial projects or programs that benefit, enhance and/or serve a public purpose; and

WHEREAS, pursuant to the Act and in accordance with the provisions of the Original Resolution, the Agency did on October 19, 2010, take official action by adopting its preliminary resolution (the "Agency Resolution") indicating its intent to authorize the financing or refinancing of the hereinafter described Project, and the issuance from time to time of revenue bonds (the "Bonds") by the Agency for a loan program for the purpose, among other things of acquiring, developing, rehabilitating, owning, and operating the multi-family rental housing facilities for qualified elderly persons or persons of low and moderate income, as further described on attached Schedule I, namely, the Cypress Cathedral Apartments in Winter Haven, Florida (the "Project"); and

WHEREAS, the City has been advised that the Agency desires to issue not exceeding \$8,000,000 of the Bonds for projects on behalf of Cypress Oaks LLLP, a Florida Limited Liability Limited Partnership (as applicable, the "Company"), or a limited liability company of which the Company is a member or a limited partnership of which the Company is a partner, or its assigns (as applicable, the "Borrower") to fund the loan program herein described (the "Plan of Finance"); and

WHEREAS, Section 147(f) of the Code, requires public approval of certain revenue bonds by an applicable elected representative or governmental unit on behalf of which such bonds are to be issued, following a public hearing; and

WHEREAS, as required pursuant to Section 147(f) of the Code notice of such public hearing was given in the form required by the Code by publication more than fourteen (14) days prior to such public hearing in the *Pensacola News Journal* on November 9, 2010, the Bonds and the Plan of Finance have been submitted to a public hearing held on behalf of the City Council of the City of Gulf Breeze, Florida on November 23, 2010; and

WHEREAS, the City Manager has conducted the public hearing on behalf of the City Council and provided reasonable opportunity for all interested persons to express their views, both orally and in writing and diligently and conscientiously considered all comments and concerns expressed by such individuals, if any; and

WHEREAS, the City Council desires to approve the Bonds and the issuance and sale thereof pursuant to the Plan of Finance and to grant all approvals required or contemplated by Section 147(f) of the Code, to express its approval of the action taken by the Agency and its officials pursuant to the Agency Resolution, and to grant all other approvals required by the Enabling Agreement, as amended and the Original Resolution in connection with the issuance and sale of the Bonds;

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

SECTION 1. PUBLIC HEARING NOTICE AND REPORT APPROVED.

The City Council hereby approves the form of and the manner of publication of the Notice of Public Hearing (the "Notice") published in the *Pensacola News Journal*, a newspaper of general circulation in the jurisdiction of the City Council on November 9, 2010. The City Council hereby approves the report of the public hearing conducted by the City Manager, a copy of which is attached as Exhibit "A" hereto. Such Notice and other means and methods utilized by the City to give notice of purpose, time and date of the public hearing provided reasonable notice sufficient to inform residents of the City of the proposed Bonds.

SECTION 2. BONDS AND PLAN OF FINANCE APPROVED.

For purposes of the Act, the City hereby approves the Plan of Finance described herein, and the Bonds in the aggregate principal amount not exceeding \$8,000,000. The Agency and its officers, employees, agents and attorneys are hereby authorized from time to time to take all action, to execute and deliver such authorizations, approvals, certificates and documents, and to enter into, on behalf of the Agency, such interlocal agreements, interest rate swap or hedge transactions, investment agreements, repurchase agreements, bond credit or insurance

agreements, reimbursement agreements, and other agreements or instruments deemed necessary or convenient to effect, implement, maintain and continue the Plan of Finance, the financing or refinancing of the Project through the issuance from time to time of the Bonds and the purposes for which the Bonds are to be issued. No obligation of the Agency under any such agreement shall constitute an obligation of the City except to the extent the same may be expressly approved by the City. The Bonds shall be limited and special obligations of the Agency, and shall not constitute a pledge of the faith and credit or taxing power of or constitute an obligation of the City. The City acknowledges that the Plan of Finance may involve the use of federal income tax credits to reduce the costs of refinancing the Project.

SECTION 3. AMENDMENT TO THE ENABLING AGREEMENT.

Pursuant to the Enabling Agreement, there is hereby approved an amendment to the Enabling Agreement to effect the approvals set forth in Section 1 hereof. Such amendment shall be in substantially the form attached hereto as Exhibit "B," and the Mayor is authorized to execute and deliver the same on behalf of the City, with such changes not inconsistent herewith as the Mayor shall approve, his execution thereof to conclusively establish such approval.

SECTION 4. TEFRA APPROVAL.

After diligent and conscientious consideration of the views expressed by the persons appearing at the public hearing, the City Council hereby approves the Agency's Plan of Finance, and the issuance by the Agency of not exceeding \$8,000,000 principal amount of revenue bonds for the all purposes under Section 147(f) of the Code, for all purposes of the Enabling Agreement, as amended and for all purposes of the Original Resolution.

SECTION 5. ALL NECESSARY ACTION.

The Mayor, Mayor Pro Tem, City Clerk, Deputy City Clerk, City Manager, counsel to the City, McGuireWoods LLP, Bond Counsel, and the appropriate officials of the City are hereby authorized to execute and deliver all documents, instruments, certificates, approvals and waivers as may be necessary or useful in connection with the authorizations of the City contained herein.

SECTION 6. REPEALING CLAUSE.

All resolutions or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

SECTION 7. EFFECTIVE DATE.

This resolution shall take effect immediately upon its adoption this 6th day of December, 2010.

**GULF BREEZE, FLORIDA
CITY COUNCIL**

(SEAL)

By: _____
Beverly H. Zimmern, Mayor

ATTEST:

By: _____
Its: City Clerk

RESOLUTION 36-10

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF GULF BREEZE, FLORIDA URGING THE
ESCAMBIA-SANTA ROSA COUNTY LEGISLATIVE DELEGATION
TO REVIEW EXISTING REGULATION REGARDING PROTECTION OF
CERTAIN SALTWATER WILDLIFE AND TAKE ACTION AS NECESSARY TO
AMEND APPLICABLE LAWS TO PROVIDE ADEQUATE PROTECTION
FOR VARIOUS UNPROTECTED SALTWATER WILDLIFE
FROM WANTON DESTRUCTION.**

WHEREAS, the City of Gulf Breeze is a peninsula surrounded on three side by estuarine and marine waters; and,

WHEREAS, there exists in these waters abundant wildlife each of which plays an important role in the ecosystem of the bays, Sound and Gulf waters; and,

WHEREAS, a healthy marine ecosystem which is abundant with wildlife of all varieties is important to the natural and economic health of the area; and,

WHEREAS, there are laws to protect certain of these saltwater based marine species from wanton unnecessary destruction while certain other species, such as sting rays, are not protected.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA that the Escambia-Santa Rosa Legislative Delegation is hereby requested to review existing laws protecting marine wildlife and seek to amend these laws as necessary to protect other species such as sting rays from willful and wanton destruction by man.

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

Mayor, Beverly H. Zimmern

ATTEST

City Clerk, Marita Rhodes

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

ACTION AGENDA ITEMS:

**A. SUBJECT: DISCUSSION AND ACTION REGARDING PRESIDENTIAL
SERVICE AWARDS TO VOLUNTEER FIRE DEPARTMENT
INDIVIDUALS**

Reference: Fire Chief memo dated November 18, 2010

RECOMMENDATION:

That the City Council recognize the following individuals for their dedicated service to the City of Gulf Breeze and attend a Fire Department training session to present the President's Lifetime Volunteer Service Award: Henry Belk; Craig Carmichael; James Custred; Thomas Hall; Scott Kasper; Michael McKenzie; Kyle Simms; Frances Spearing and William Spearing.

**B. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO.
05-10, ESTABLISHING A NO MOTOR ZONE BEHIND
DEADMAN'S ISLAND BREAKWATER**

Reference: Community Services Director memo dated November 18, 2010

RECOMMENDATION:

That the City Council schedule the Second Reading and Public Hearing for December 6, 2010. (The following individuals spoke regarding: Mr. Charlie Switzer, 407 Navy Cove Boulevard - against the no motor zone; Ms. Nancy Palmer, 5316 Woodlawn Trace - for the zone; Mr. Mike Esmond, 2955 Duke Drive - for the zone and suggested the Council create a marine sanctuary zone.)

**C. SUBJECT: DISCUSSION AND ACTION REGARDING PROPOSED
RESOLUTION URGING ACTION RELATIVE TO PROTECTION
OF WILDLIFE**

Reference: City Manager memo dated November 24, 2010

RECOMMENDATION:

That staff be directed to finalize a Resolution urging the State of Florida to act to protect wildlife such as stingrays from senseless destruction.

- D. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION NO. 34-10, FISCAL YEAR 2010 YEAR END BUDGET ADJUSTMENTS**

COVERED UNDER SPECIAL MEETING MINUTES

- E. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION NO. 35-10, APPROVING PLAN OF FINANCE FOR CYPRESS CATHEDRAL APARTMENTS**

Reference: City Manager memo dated November 23, 2010

RECOMMENDATION:

That the City Council adopt Resolution No. 35-10 approving the plan of finance for the Cypress Cathedral Apartment Complex in Winter Haven, Florida and issuance of not to exceed \$8,000,000 in Capital Trust Agency Bonds.

- F. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION NO. 31-10, SUPPORT OF NATIONAL GUARD AND RESERVE**

Reference: City Manager memo dated November 23, 2010

RECOMMENDATION:

That the City Council adopt Resolution No. 31-10 at the December 6, 2010 Council meeting supporting the National Guard and Reserve.

- G. SUBJECT: DISCUSSION AND ACTION REGARDING VOLUNTEER FIREFIGHTER TUITION ASSISTANCE PROGRAM**

Reference: Community Services Director memo dated November 23, 2010

RECOMMENDATION:

That the City Council authorize the use of \$10,000 from surplus GBFS funds to establish the volunteer firefighter Tuition Assistance Program. (Council asked that they be kept updated of the expenditures.)

H. SUBJECT: DISCUSSION AND ACTION REGARDING ARCHITECTURAL SUPPORT - SHORELINE PARK NORTH - FOOTBALL CONCESSION AND RESTROOMS

Reference: Parks and Recreation Director memo dated November 22, 2010

RECOMMENDATION:

That the City Council authorize Bay Design Associates Architects to provide the construction plans, develop bid specifications and provide construction administration for the Football Concession and Restrooms project for the total sum of \$22,919. (Council asked that the plans show landscaping and lighting.)

I. SUBJECT: DISCUSSION AND ACTION REGARDING CONSULTING ASSISTANCE, REPLACEMENT OF PENSACOLA BAY BRIDGE

Reference: City Manager memo dated November 23, 2010

RECOMMENDATION:

That the City Council approve a consulting agreement with Morris Clark, P.E., of Pensacola, Florida for an amount not to exceed \$10,000 for professional assistance relative to transportation planning projects and the replacement of the Pensacola Bay Bridge.

J. SUBJECT: DISCUSSION AND ACTION REGARDING INSTALLATION OF BACKFLOW PREVENTERS AT THE VILLAS

Reference: City Manager memo dated November 23, 2010

RECOMMENDATION:

That the City Council award the Villas sewer service improvements to Brown Construction for \$53,509.59.

K. SUBJECT: DISCUSSION AND ACTION REGARDING REQUEST FROM CITY ATTORNEY FOR RATE ADJUSTMENT

Reference: City Attorney letter dated November 23, 2010

RECOMMENDATION:

That the City Council approve the City Attorney's request for a \$10 per hour rate adjustment, which results in a 1.9% annual increase.

L. SUBJECT: DISCUSSION AND ACTION REGARDING FEASIBILITY STUDY OF A RECEPTION, BANQUET AND MEETING FACILITY

Reference: City Manager memo dated November 23, 2010

RECOMMENDATION:

That the City Council authorize David Alsop of Sam Marshall Architects to conduct a feasibility study of a formal meeting and reception building for a price not to exceed \$8,000.

M. SUBJECT: DISCUSSION AND ACTION REGARDING SHORELINE PARK RESTROOM AND SOFTBALL CONCESSION BID RESULTS

Reference: Parks and Recreation Center Director memo dated November 19, 2010

RECOMMENDATION:

That the City Council authorize the award of a contract to Hewes and Company, LLC, of Milton, FL, in the amount of \$614,800 for the construction of a restroom facility at the west end of Shoreline Park North and a concession and restroom facility to serve the softball complex.

N. INFORMATION ITEMS

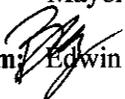


City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 11/30/2010

Subject: Feasibility Study of Formal Meeting Facility / Park Master Plan

On the agenda for the Council's December 6th meeting is a recommendation to pay Sam Marshall Architects to complete a feasibility study of a facility for formal meetings or receptions. The idea is that such a facility could be patterned after the Sanders Beach facility in Pensacola.

The two questions at the Executive Session were: 1) Why not use Bay Design for the feasibility study since they are already under contract to design the addition to and renovation of the Rec Center; and, 2) How will the provision of a formal meeting facility impact the City's master plan for Shoreline Park?

After attending a reception at the Sanders Beach facility, we asked David Alsop, local resident and long time City Board member about the possibility of locating such a facility in the City. Mr. Alsop has frequently assisted staff with minor design issues and concepts at no charge. (For example, he has met with staff several times over the past 15 years each time the idea of a City auditorium is raised.)

Mr. Alsop and I decided, after his initial look at the Sanders Beach facility, that a building like that may make some sense in Gulf Breeze. We agreed that a formal study would be necessary to help the Council decide to proceed to a workshop on the idea. He agreed to do the study for a cost not to exceed \$8,000.

Bay Design is focused on design of the Rec Center improvements. While a formal meeting/reception center will reduce the pressure to provide all of the community's meeting space needs at the Rec Center and help with parking problems in the main Rec Center lot, we believe the two jobs are independent of one another.

We have attached a copy of the Master Plan for Shoreline Park. The plan includes four "trail observation overlook" facilities on the south side of Shoreline Drive. These facilities will provide the opportunity to experience the magnificent view of Santa Rosa Sound from more than just a rough walking trail. If one of these facilities was upgraded to a meeting facility, the attractiveness of the facility would be greatly enhanced by the availability of the waterfront view.

Location of a formal meeting facility in such a location will not require change to the other aspects of the master plan. If the Council decides to relocate the disc golf course to the south side of Shoreline at some point in the future, this could still be done.

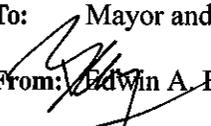


City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 12/3/2010

Subject: Celebration of the City's 50th Anniversary

The City was incorporated in 1961. We will celebrate 50 years of being a City in 2011. Mayor Zimmern and staff have been working on a plan to present to the Council for a fitting commemoration of this anniversary. The initial plans have three major aspects at this point.

1. Formal Dinner- To mark the City's official incorporation in August, 1961, we thought a formal dinner in August to be held at St. Ann's would be fitting. This would be a dinner to recognize the council, board members and others, past and present that have had a significant role in the City's history. Individuals and corporate sponsors would be encouraged to attend by purchasing tickets or tables. A video or videos will be presented.
2. Outdoor Event- A barbeque or cookout in October to be held at Shoreline Park. The Pensacola Civic Band will play with fireworks at the end.
3. Dedication of Permanent Outdoor Art – In order to recognize the City's five (5) decades of existence and in order to underscore the difference that makes Gulf Breeze special, we thought purchase and installation of up to five (5) pieces of permanent art to be installed at key focal points throughout the City would be extraordinary. These pieces would be produced by local artists. The cost of which would be shared by the City and donors.

At this point, the framework for the celebration is being developed by a small committee. This group will be expanded in order to add events if necessary and bring the events above from paper to reality.

RECOMMENDATION:

THAT THE CITY COUNCIL OFFER ANY ADDED THOUGHTS FOR THE CITY'S 50TH ANNIVERSARY CELEBRATION AND ENDORSE THE PLANS DESCRIBED ABOVE.

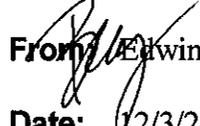


City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 12/3/2010

Subject: Holiday Meeting Schedule

Following our usual custom, we will try to keep the agenda for the December 20th and January 3rd Regular meetings as light as possible. In addition, the Council may wish to forego an Executive Session meeting on December 29th. This would mean proceeding to the January 3rd Regular meeting without the benefit of an Executive Session.

RECOMMENDATION:

THAT THE EXECUTIVE SESSION SCHEDULED FOR WEDNESDAY, DECEMBER 29, 2010 BE CANCELLED.

STEPHEN H. ECHSNER
Board Certified Civil Trial Lawyer
National Board of Trial Advocacy
The Florida Bar, Board of Governors - Member

11-23-10

Dear Honorable Mayor Zimmerman,

Thank you of the City of Gulf Breeze
for recognition given to Gulf Breeze Constructors.
The letter from President Obama, the
President's Volunteer Service Award certificate of
pin presented to volunteers at the Chat's
Fish by our sponsoring partners. Someone
with the City of Gulf Breeze must do some
great things to obtain these awards. I
am proud to represent Gulf Breeze and
appreciate the opportunity to provide service while
being fun at the same time.

Thank you for the good work.
Kind regards,




Aylstock, Witkin,
Kreis & Overholtz, PLLC

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