

**GULF BREEZE CITY COUNCIL
REGULAR MEETING**

AUGUST 1, 2011
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of July 18, 2011 (Regular Meeting)
4. Ordinance No. 08-11: Adopting New Ordinances and Modifying Existing Ordinances To Comply with Laws of Florida Relative to Discharge of Firearms - **SECOND READING AND PUBLIC HEARING**

Ordinance No. 09-11: Amending Sections 21-233 and 21-243 of the City's Land Development Code, Prohibited Uses of Thrift Stores and Donation Drop-off Sites
5. **CONSENT AGENDA ITEMS:***
 - A. Discussion and Action Regarding Request by Midway Water System
 - B. Discussion and Action Regarding Inmate Work Crew Contract WS636 Renewal
 - C. Discussion and Action Regarding Minor Change to City's Personnel Manual
 - D. Discussion and Action Regarding Executive Session and Budget Workshop

***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 Red Light Camera Addition at Hospital Traffic Signal
- B. Discussion and Action Regarding Electronic Reader Boards
6. New Business
7. Open Forum
8. Adjournment

If any person decides to appeal any decisions made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The public is invited to comment on matters before the City Council upon seeking and receiving the recognition from the Chair.

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

The 1,180th regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida was held at the Gulf Breeze City Hall on Monday, July 18, 2011, at 6:30 p.m.

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

APPROVAL OF MINUTES:

Councilman Morris moved for approval of the minutes for the regular meeting held on Tuesday, July 5, 2011. Councilman Landfair seconded. The vote for approval was 5 - 0.

Councilman Schluter moved for approval of the minutes for the Community Redevelopment Agency meeting held on Tuesday, July 5, 2011. Councilman Morris seconded. The vote for approval was 5 - 0.

**ORDINANCE NO. 05-11: PUBLIC HEARING - ADOPTION OF THE AMENDMENTS
TO THE GULF BREEZE COMPREHENSIVE PLAN BASED ON
THE CITY'S ADOPTED EVALUATION AND APPRAISAL
REPORT - SECOND READING AND PUBLIC HEARING**

The Ordinance was read by title only by the City Clerk. The Mayor opened the floor for public comments. There were no comments made and the Mayor closed the public hearing. Councilman Morris moved for approval. Councilman Henderson seconded. The vote for approval was 5 - 0.

**ORDINANCE NO. 08-11: MODIFICATION TO ORDINANCES REGARDING
REGULATION OF FIREARMS AND AMMUNITION
FIRST READING**

The Ordinance was read by title by the City Clerk. Councilman Morris moved for approval of the Ordinance on first reading and to schedule the second reading and public hearing for Monday, August 1, 2011. Councilman Schluter seconded. The vote for approval was 5 - 0.

BEAUTIFICATION AWARDS:

Ms. Ellie Ackley, Chairman of the Beautification Committee, presented the following awards: DISTRICT 1 - Kristin and Erik Ostrom, 108 Gilmore; DISTRICT 2 - Warren Hanna, 303 Navarre; DISTRICT 3 - Theresa and Dale Knee, 500 Silverthorn; DISTRICT 4 - Randy Hebert, 288 Plantation Hill Road; DISTRICT 5 - Ms. Lezear, 1245 Tall Pine Trail; and DISTRICT 6 - Becky and John Tolan, 754 Peake's Point.

CONSENT AGENDA ITEMS:

RECOMMENDATION:

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

- A. SUBJECT: DISCUSSION AND ACTION REGARDING QUARTERLY BEAUTIFICATION AWARDS**

COVERED AT BEGINNING OF MEETING.

- B. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW REFERRALS FROM JULY 6, 2011 MEETING**

Reference: Development Review Board Minutes of July 6, 2011

- (I) Ruth Paulding
Requests to Amend Seawall and Remove Boat House Roof

RECOMMENDATION:

That the City Council approve the modification to the existing seawall and removal of the boat house roof.

- C. SUBJECT: DISCUSSION AND ACTION REGARDING RENEWAL OF SCHOOL RESOURCE OFFICER AGREEMENT**

Reference: City Manager memo dated July 8, 2011

RECOMMENDATION:

That the City Council approve the renewal of the School Resource Officer Agreement with Santa Rosa County School District for 2011 - 2012.

- D. SUBJECT: DISCUSSION AND ACTION REGARDING THRIFT STORES AND DONATION SITES**

Reference: Community Services Director memo dated July 6, 2011

RECOMMENDATION:

That the City Council declare a moratorium on thrift stores and donation drop off sites in the Gateway Overlay District and the Central Business Overlay District and direct staff to prepare an ordinance incorporating changes.

- E. SUBJECT: DISCUSSION AND ACTION REGARDING PAYMENT OF WASTEWATER IMPACT FEES, PENSACOLA STATE COLLEGE**

Reference: City Manager memo dated June 24, 2011

RECOMMENDATION:

That the City Council approve the payment of wastewater impact fees for Phase One of the construction of the Pensacola State College South Santa Rosa County Campus with 25% of the \$40,560 total from the City's Natural Gas fund and 25% from the SSRU fund. PSC will pay the balance.

- F. SUBJECT: DISCUSSION AND ACTION REGARDING BUDGET WORKSHOPS**

Reference: City Manager memo dated July 8, 2011

RECOMMENDATION:

That a budget workshop be scheduled for Saturday, July 16 from 9:00 a.m. to 1:00 p.m.

- G. SUBJECT: DISCUSSION AND ACTION REGARDING LAND DESIGN INNOVATIONS ACQUIRED BY LITTLEJOHN ENGINEERING ASSOCIATES**

Reference: Assistant City Manager memo dated July 8, 2011

RECOMMENDATION:

That the City Council direct staff to solicit an assignment to the current contract from Littlejohn Engineering Associates for Development Review Services on an as needed basis and authorize the Mayor to sign the contract.

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

ACTION AGENDA ITEMS:

A. SUBJECT: DISCUSSION AND ACTION REGARDING AWARD OF BID, CONSTRUCTION OF NEW COMMUNITY CENTER

Reference: City Manager memo dated July 8, 2011

RECOMMENDATION:

That the City Council award the bid for construction and remodeling of the City's Community Center to Hewes and Company with bid alternates 1-6 and alternate 8 for a total cost of \$6,276,275. (Council ask that they be provided a monthly update of the project and notified of any cost changes.)

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

B. SUBJECT: DISCUSSION AND ACTION REGARDING ESTABLISHMENT OF PROPOSED MILLAGE RATE FOR NOTIFICATION TO PROPERTY APPRAISER

Reference: Assistant City Manager memo dated July 8, 2011

RECOMMENDATION:

That the City Council establish 1.9 mills, as the millage rate to be provided to the Property Appraiser for notification to property owners to accomplish "TRIM" requirements. That the Tentative Budget Hearing date for adopting the Resolution for Tentative Ad Valorem and Budget be set for a special meeting Wednesday, September 14, 2011, 6:30 p.m. at Gulf Breeze City Hall, and that the Council set Tuesday, September 20, 2011, 6:30 p.m. at Gulf Breeze City Hall as the date for the final millage, budget public hearing.

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

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**NEW BUSINESS: DISCUSSION AND ACTION REGARDING ORDINANCE
08-11, MODIFICATIONS TO ORDINANCES REGARDING
REGULATION OF FIREARMS AND AMMUNITION
FIRST READING**

COVERED UNDER ORDINANCE SECTION ABOVE

ADJOURNMENT:

Mayor Zimmern adjourned the meeting at 6:55 p.m.

CITY CLERK

MAYOR

ORDINANCE NO.: 08-11

AN ORDINANCE OF THE CITY OF GULF BREEZE ADOPTING NEW ORDINANCES AND MODIFYING EXISTING ORDINANCES SO AS TO COMPLY WITH LAWS OF FLORIDA CHAPTER 2011-109, INCLUDING ADOPTING SECTION 1-17 OF THE CODE OF ORDINANCES OF THE CITY OF GULF BREEZE CLARIFYING THAT NO PROVISIONS OF THE CODE ARE INTENDED AND SHALL NOT BE CONSTRUED TO BE IN CONFLICT OR INCONSISTENT WITH FLORIDA STATUTES SECTION 790.33, INCLUDING REVISIONS THERETO AS CONTEMPLATED BY CHAPTER 2011-109, LAWS OF FLORIDA; ADOPTING SECTION 8-87 OF THE CODE OF ORDINANCES OF THE CITY OF GULF BREEZE CLARIFYING THAT NO PORTIONS OF THE CITY'S NOISE AND EXCESSIVE SOUND REGULATIONS SET FORTH IN ARTICLE III OF CHAPTER 8 OF THE CODE OF ORDINANCES ARE INTENDED OR IN ANY MANNER SHALL BE DEEMED TO BE IN CONFLICT OR INCONSISTENT WITH THE PROVISIONS OF FLORIDA STATUTES SECTION 790.33, INCLUDING REVISIONS THERETO CONTEMPLATED BY CHAPTER 2011-109, LAWS OF FLORIDA; REPEALING SECTION 11-2 OF THE CODE OF ORDINANCES OF CITY OF GULF BREEZE REGARDING DISCHARGE OF FIREARMS AND EXPLOSIVES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has enacted Laws of Florida Chapter 2011-109 amending the provisions of Florida Statutes Section 790.33, also known as the "Joe Carlucci Uniform Firearms Act."

WHEREAS, Laws of Florida Chapter 2011-109 establishes that it is the intent of the Legislature through Florida Statutes Section 790.33 to deter and prevent violations thereof and violations of rights protected under the Constitution and laws of the State of Florida relating to firearms, ammunitions, or components thereof, by official authority that occurs when enactments are passed in violation of state law or under color of local or state authority.

WHEREAS, Laws of Florida Chapter 2011-109 expressly preempts unto the State the entire field of regulation of firearms and ammunitions, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Thus, unless expressly authorized by the Florida Constitution or general State law, local governments will be preempted from any manner of regulation of firearms and ammunitions.

WHEREAS, Laws of Florida Chapter 2011-109 establishes various penalties for violating Florida Statutes Section 790.33, including provisions that:

(a) require a court to declare ordinances, regulations, or rules that violate Florida Statutes Section 790.33 invalid and issue a permanent injunction against the local government from enforcing such ordinances, regulations, or rules;

(b) require a court to assess a civil fine of up to \$5,000.00 against the elected or appointed local government official or administrative agency head under whose jurisdiction a violation occurred if the court determines that a violation was knowing and willful;

(c) specify that a knowing and willful violation of the statute by a person acting in an official capacity is cause for immediate termination of employment; and

(d) authorize a person or organization whose membership is adversely affected by the ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated in violation of the statute to file for declaratory and injunctive relief and for all actual damages attributed to the violation; and in such suits, courts shall award the prevailing plaintiff (i) reasonable attorney's fees and costs, including a contingency fee multiplier as authorized by law, and (ii) the actual damages incurred up to \$100,000.00.

WHEREAS, Laws of Florida Chapter 2011-109 also significantly limits the use of public funds to defend or reimburse the unlawful conduct of any person found to have knowingly and willfully violated Florida Statutes Section 790.33, and provides that such a violation shall be cause for termination of employment or contract or removal from office by the Governor.

WHEREAS, prior to adoption of Laws of Florida Chapter 2011-109 it had been accepted practice of numerous local governments throughout the State of Florida to use their home rule powers to enact ordinances that did not specifically regulate firearms, but which, like ordinances addressing noise and excessive sounds, could impact the use of firearms in the same manner that it would impact other activities generally regulated by such police power ordinances.

WHEREAS, the City of Gulf Breeze, in Sections 8-80 through 8-86 of the Code of Ordinances of the City of Gulf Breeze, has enacted regulations addressing excessive noise and noise pollution that has adverse effects upon public health, safety, welfare, and quality of life, and has adopted other ordinances which may be deemed to conflict with, be inconsistent with, be preempted by, or otherwise be in violation of Florida Statutes Section 790.33, as amended by Laws of Florida Chapter 2011-109.

WHEREAS, the City Council of the City of Gulf Breeze intends by this Ordinance to take all actions necessary so as to assure that no provisions of the Code of Ordinances of the City of Gulf Breeze, including but not limited to Sections 8-80 through 8-86 and Section 11-2, shall be deemed, interpreted, construed, implemented, administered, enforced, etc., in any manner whatsoever to be

a violation of Florida Statutes Section 790.33, including as the statute has been amended by Laws of Florida Chapter 2011-109.

NOW, THEREFORE, be it ordained by the City Council of the City of Gulf Breeze, Florida, as follows:

SECTION 1. Section 1-17 of Chapter 1 of the Code of Ordinances of the City of Gulf Breeze is hereby created to read as follows:

SECTION 1-17. Ordinances Regulating Firearms and Ammunitions.

As established by Florida Statutes Section 790.33, including amendments thereto enacted by Laws of Florida Chapter 2011-109, except as expressly provided by the Florida Constitution or by general law, the Florida Legislature is occupying the whole field of regulation of firearms and ammunitions, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances are any administrative regulations or rules adopted by local or state government relating thereto. Accordingly, all ordinances, regulations, and rules set forth in or contemplated by this Code which in any manner regulate firearms or ammunitions to the extent that the subject matter thereof has been properly occupied by, reserved to, or preempted by the Florida Legislature (i) are hereby declared to be null and void; and (ii) shall not be interpreted, construed, implemented, enforced or the like in any manner so as to conflict with, be inconsistent with, or violate Florida Statutes Section 790.33, including any subsequent amendments thereto.

The City acknowledges that the whole field of regulation of firearms and ammunitions, including any components thereof, are being occupied by the Florida Legislature and that, except as expressly provided by the Florida Constitution or by general law, the City is preempted from adopting, enacting, implementing, or enforcing any ordinances, regulations, and rules pertaining thereto to the extent that the subject matter thereof has been preempted by the Florida Legislature. Accordingly, as a rule of construction and interpretation applicable to all provisions of this Code, it is hereby directed that no provision of this Code shall be deemed or interpreted in any manner to violate state law, including Florida Statutes Section 790.33; rather, the provisions of this Code shall be interpreted and constructed in a manner so as to not cause or result in a violation of state law, including Florida Statutes Section 790.33.

SECTION 2. Section 8-87 is hereby created to be part of Article III of Chapter 8 of the Code of Ordinances of the City of Gulf Breeze, Florida, and shall read as follows:

SECTION 8-87. No Regulation of Firearms or Ammunitions.

No provisions in this Article are intended to be, nor shall any provision of this Article be in any manner interpreted or construed to be, a regulation of firearms or ammunitions in violation of Florida Statutes Section 790.33, including all subsequent amendments thereto. Notwithstanding any

term or provision of this Article which might appear or suggest otherwise, it is hereby expressly acknowledged that the Florida Legislature is occupying the whole field of regulation of firearms and ammunitions, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state governments relating thereto and, correspondingly, no provision of this Article shall apply to firearms and ammunitions.

SECTION 3. Section 11-2 of the Code of Ordinances of the City of Gulf Breeze is hereby repealed in its entirety.

SECTION 4. Severability. It is the intent of this Ordinance to establish that the Code of Ordinances of the City of Gulf Breeze are consistent with and do not supersede or conflict with any law, rule, or regulation that has been reserved to or is preempted by the laws, rules, and regulations of the State of Florida relating to the regulation of firearms and ammunitions. Accordingly, if any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance. Further, in the event that any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then it is hereby declared to be the intent of the City Council of the City of Gulf Breeze that this Ordinance be construed to the fullest extent possible in a manner that is valid and constitutional and excepting only such portions of this Ordinance that are necessary in order for the remaining portions hereof to be valid and lawful.

SECTION 5. Conflict. The provisions of this Ordinance shall be deemed to control and prevail over any ordinance, regulation, rule, or portion thereof in conflict with the terms hereof.

SECTION 6. Effective Date. This Ordinance shall become effective upon its adoption by the City Council of the City of Gulf Breeze.

PASSED ON FIRST READING ON THE ____ DAY OF _____, 2011.

ADVERTISED ON THE ____ DAY OF _____, 2011.

PASSED ON SECOND READING ON THE ____ DAY OF _____, 2011.

BY _____
BEVERLY ZIMMERN, Mayor

ATTESTED TO BY:

MARITA RHODES, City Clerk

ORDINANCE NO. 09-11

AN ORDINANCE OF THE CITY OF GULF BREEZE FLORIDA, RELATIVE TO THE PROHIBITED USES IN THE GATEWAY AND CENTRAL BUSINESS OVERLAY DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Gulf Breeze had adopted certain rules and regulations relative to land use and zoning; and,

WHEREAS, the City Council has recently undertaken steps to revitalize the aesthetic and architectural character of the City of Gulf Breeze; and,

WHEREAS, the City Council desires to enhance the quality of the entrances to the City through improved character and safety, pedestrian friendly design, local business stability and diversity and pride of property ownership; and,

WHEREAS, the City Council desires to incentivize rehabilitation and new construction through regulatory bonuses and relief and financial assistance when available; and,

WHEREAS, the City Council desires to attract new business opportunities through tax base expansion and employment growth.

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

SECTION 1 – Sec. 21-233. Permitted, prohibited uses. is hereby amended to read as follows:

Sec. 21-233. Permitted, prohibited uses.

- a) Permitted uses. All uses generally permitted in the underlying zoning districts shall be permitted within the gateway overlay districts unless specifically prohibited in this section.
- b) Prohibited uses. The following uses shall not be allowed in the Gateway Overlay Districts:
 - 1. Outdoor storage of any materials, supplies, and/or vehicles, either as a stand-alone business or associated with any business, and whether screened or not;
 - 2. Donation drop off sites (short term donation drop off sites related to a specific event or purpose may be allowed; however, they must be approved by the City

Manager or designee and shall be limited to fourteen (14) days or less in duration).

3. The following stand-alone uses:
 - a. Dry cleaners;
 - b. Drive-through facilities (including, but not limited to, bank teller machines, ice vending machines, drive through coffee or food shops less than 500 square feet);
 - c. Laundromats;
 - d. Second-hand dealers, consignment shops, thrift stores or charity stores;
 - e. Personal service shops (including, but not limited to, souvenir shops, beauty salons, tanning parlors, tattoo or piercing businesses);
 - f. Internet Café or Cyber Café;
4. Building materials and supplies, sales and storage;
5. Gambling or gaming establishments or facilities (including, but not limited to, online, interactive or internet gambling or gaming),
6. Car wash facilities;
7. Flea markets;
8. Funeral homes and crematoriums;
9. Gasoline service stations;
10. Itinerant merchants or vendors;
11. Machine shops;
12. Light or heavy industrial or manufacturing businesses;

13. New or used vehicle sales (including, but not limited to, automobiles, trucks, trailers, motorcycle, recreational vehicles, boats);
14. Nursery schools, kindergartens, day care nurseries or nursing homes;
15. Retail or wholesale plant nurseries;
16. Taxicab or limousine company; and
17. Warehouses.

SECTION 2 – Sec. 21-243. Permitted, prohibited uses. is hereby amended to read as follows:

Sec. 21-243. Permitted, prohibited uses.

- a) **Permitted uses.** All uses generally permitted in the underlying zoning districts shall be permitted within the gateway overlay districts unless specifically prohibited in this section.
- b) **Prohibited uses.** The following uses shall not be allowed in the Central Business District:
 1. Outdoor storage of any materials, supplies, and/or vehicles, either as a stand-alone business or associated with any business, and whether screened or not;
 2. Donation drop off sites (short term donation drop off sites related to a specific event or purpose may be allowed; however, they must be approved by the City Manager or designee and shall be limited to fourteen (14) days or less in duration).
 3. The following stand-alone uses:
 - a. Dry cleaners;
 - b. Drive-through facilities (including, but not limited to, bank teller machines, ice vending machines, drive through coffee or food shops less than 500 square feet);

- c. Laundromats;
 - d. Second-hand dealers, consignment shops, thrift stores or charity stores;
 - e. Personal service shops (including, but not limited to, souvenir shops, beauty salons, tanning parlors, tattoo or piercing businesses);
 - f. Internet Café or Cyber Café;
4. Building materials and supplies, sales and storage;
 5. Gambling or gaming establishments or facilities (including, but not limited to, online, interactive or internet gambling or gaming),
 6. Car wash facilities;
 7. Flea markets;
 8. Funeral homes and crematoriums;
 9. Gasoline service stations;
 10. Itinerant merchants or vendors;
 11. Machine shops;
 12. Light or heavy industrial or manufacturing businesses;
 13. New or used vehicle sales (including, but not limited to, automobiles, trucks, trailers, motorcycle, recreational vehicles, boats);
 14. Nursery schools, kindergartens, day care nurseries or nursing homes;
 15. Retail or wholesale plant nurseries;
 16. Taxicab or limousine company; and

17. Warehouses.

SECTION 3 - 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 4 - 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 5 - EFFECTIVE DATE

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

PASSED ON THE FIRST READING ON THE ____ DAY OF _____, 2011.

ADVERTISED ON THE ON THE ____ DAY OF _____, 2011.

PASSED ON THE SECOND READING ON THE ____ DAY OF _____, 2011.

By: _____
Beverly Zimmern, Mayor

ATTESTED TO BY:

Marita Rhodes, City Clerk

D. SUBJECT: DISCUSSION AND ACTION REGARDING RED LIGHT CAMERA ADDITION AT HOSPITAL TRAFFIC SIGNAL

Reference: Police Chief memo dated July 21, 2011

RECOMMENDATION:

That the City Council approve the recommendation to add red light enforcement cameras at the hospital traffic light intersection and direct staff to implement the project in a timely manner. (Council asked staff to check to see if FDOT would install a flashing yellow light to alert drivers of a red light ahead.)

E. SUBJECT: DISCUSSION AND ACTION REGARDING INMATE WORK CREW CONTRACT WS636 RENEWAL

Reference: Assistant City Manager memo dated July 21, 2011

RECOMMENDATION:

That the City Council approve extending the contract for Inmate crews with the Florida Department of Corrections for another year and authorize the Mayor to sign the contract.

F. SUBJECT: DISCUSSION AND ACTION REGARDING ELECTRONIC READER BOARDS

Reference: Community Services Director memo dated July 21, 2011

RECOMMENDATION:

Councilman Henderson made a motion to direct staff to prepare an Ordinance limiting electronic readerboards to orientation to U.S. 98. Councilman Landfair seconded and offered an amendment to the motion providing that the proposed Code Amendment would not allow new electronic readerboards. The motion failed 2 - 2. (Schluter and Morris against.)

G. SUBJECT: DISCUSSION AND ACTION REGARDING MINOR CHANGE TO CITY'S PERSONNEL MANUAL

Reference: City Manager memo dated July 21, 2011

RECOMMENDATION:

That the City Council approve a change to the City's Personnel Manual to allow employees to use annual leave in one hour increments at the direction of the Department Director. (Council asked that they be provided with a copy of the Personnel Manual.)

H. SUBJECT: DISCUSSION AND ACTION REGARDING EXECUTIVE SESSION AND BUDGET WORKSHOP

Reference: City Manager memo dated July 21, 2011

RECOMMENDATION:

That the City Council have a budget workshop from 5:00 p.m. until 6:30 p.m. on Tuesday, August 9th and then break from the workshop for the executive session. Then reconvene the budget workshop immediately after the executive session.

I. INFORMATION ITEMS

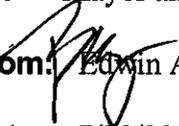


City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 7/29/2011

Subject: **Changes to Personnel Manual**

The following is a recap of the changes we recommend to the City's personnel manual:

1. **Section 6.2 (f)- Annual Leave:**

The time at which an employee may take his vacation will be determined by the Department Head, with due regard to the wishes of the employee and particular regard for the needs of the service. Vacation leave will be charged for actual hours taken as needed ~~in whole or half day increments~~. The increment of vacation time used will be from one hour up to a full day depending on employee need and the department director's discretion.

2. **Reimbursement Schedule:**

The City will reimburse 75% of covered dental expenses to a maximum of \$1,500.00 total dental expense per family, per fiscal year (October 1, through September 30). Dental services must be provided after October 1, 1986, and paid by the employee while they are a current employee to be covered. To the extent an employee's family does not incur \$1,500.00 of covered dental expenses during a fiscal year, the difference may be carried forward to ensuing fiscal years and added to the \$1,500.00 annual cap; provided, however, that in no event shall the maximum covered dental expenses for which the City will reimburse the employee (and/or pay directly to the employee's dentist) seventy-five

percent (75%) exceed \$2,250.00. For example, if in Year One the employee's family incurs only \$500.00 in covered dental expenses (for which either (i) the employee would be reimbursed seventy-five percent (75%), or \$375.00; or (ii) the City would pay seventy-five percent (75%), or \$375.00, directly to the dentist; or (iii) some combination of (i) or (ii) totaling \$375.00) \$1,000.00 of the annual maximum would be unused and \$750.00 of which could be carried forward to Year Two. When added to Year Two's annual \$1,500.00 of covered dental expenses, the employee's family would be entitled to reimbursement of 75% of up to \$2,250.00 of covered dental expenses incurred during Year Two.

3. Reimbursement Schedule: Direct Reimbursement Vision Plan

c. The City will reimburse for 75% of all paid optical exams and treatment up to \$400.00 per family per fiscal year.

The City will also reimburse 75% of the purchase of prescription glasses and contact lenses up to \$300.00 (\$225.00) per individual to a maximum of \$900.00 (\$675.00) per family per fiscal year. Provided further that no individual may be reimbursed for more than (a) two pairs of glasses in each ~~four (4)~~ three (3) year period.

4. 9.5 Disciplinary Procedure:

The reference in this Section to "Disciplinary Review Board" will be changed to "Review Board".

RECOMMENDATION:

That the City Council adopt the changes listed herein to the City's Personnel Manual.

not find an email like that. I checked with Leslie and she also could not find the email.

Do either of you recall the email and can you forward a copy to me so that I can put the request together? Thanks very much.

Peter

From: Matt Dannheisser
Sent: Tuesday, July 19, 2011 2:14 PM
To: eaeddy@ci.gulf-breeze.fl.us; Paulding, Peter (paulding@ci.gulf-breeze.fl.us)
Cc: Stephanie Lucas; Matt Dannheisser
Subject: City of Gulf Breeze - FOP Contract

Buz and Peter:

Attached please find a blacklined version of the proposed 2010-2013 FOP contract. It will be necessary for the City to make certain changes to the City's Personnel Manual in order to formally implement certain of the agreed upon changes. Specifically, I suggest the following changes to the Personnel Manual:

1. *Dental Expense Reimbursement:* Section 7.4(c) should be revised such that the following paragraph is added thereto:

To the extent an employee's family does not incur \$1,500.00 of covered dental expenses during a fiscal year, the difference may be carried forward to ensuing fiscal years and added to the \$1,500.00 annual cap; provided, however, that in no event shall the maximum covered dental expenses for which the City will reimburse the employee (and/or pay directly to the employee's dentist) seventy-five percent (75%) exceed \$2,250.00. For example, if in Year One the employee's family incurs only \$500.00 in covered dental expenses (for which either (i) the employee would be reimbursed seventy-five percent (75%), or \$375.00; or (ii) the City would pay seventy-five percent (75%), or \$375.00, directly to the dentist; or (iii) some combination of (i) or (ii) totaling \$375.00) \$1,000.00 of the annual maximum would be unused and \$750.00 of which could be carried forward to Year Two. When added to Year Two's annual \$1,500.00 of covered dental expenses, the employee's family would be entitled to reimbursement of 75% of up to \$2,250.00 of covered dental expenses incurred during Year Two.

2. *Reimbursement for Eye Glass Expenses.* The references in Section 7.5(c) to four years should be changed to three years.
3. *Disciplinary Review Board.* The references in Section 9.5(l)(10) to "Disciplinary Review Board" should be changed to simply "Review Board."

I trust that one of you will take care of making the changes to the Personnel Manual and bring them forward to the City Council for formal adoption.

The compensation provisions of Article XVIII are dramatically different. Please recall that our agreement with the FOP is (i) salaries will remain unchanged for 2010-2011 (although the City unilaterally gave a 3% increase to offset the new State law regarding employee pension contributions), and (ii) salary provisions for the next two fiscal

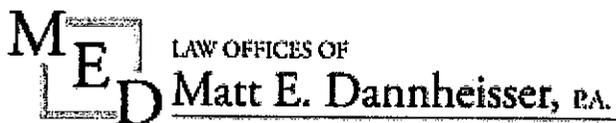
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years would be reopened for further negotiations. The format of the last two contracts contemplated a compensation matrix for each rank. However, since the officers' salaries are frozen for the first year and are to be renegotiated for years two and three, for the time being the matrix does not apply. Consequently, I have removed references to the matrix (as well as removed the provisions of Sections 2 and 3 of Article XVIII). In the event that the City agrees to increase officers' salaries, I would expect the provisions of the matrix (and Sections 2 and 3) to be reinserted.

The contract also contemplates a list of all officers' salaries, ranks, and steps being listed in Exhibit "A." Peter, I need for you to provide me with a current version of that exhibit. I suppose it should include both the salaries that were in effect on October 1, 2010, as well as the current salaries which include the three percent increase.

Please provide me with your thoughts and comments.

Matt

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