

**GULF BREEZE CITY COUNCIL
REGULAR MEETING**

JUNE 4, 2012
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of May 21, 2012 (Regular Meeting)
4. Ordinance No. 05-12: Amending Section 19-281, of the Code of Ordinances, Pertaining To the Collection of Deposits for Natural Gas Services to Commercial Customers **FIRST READING**

Resolution No.09-12: Establishing the Natural Gas Service Deposit and Connection Fee Policy
5. **CONSENT AGENDA ITEMS:***
 - A. Discussion and Action Regarding Special Event Application for the Gulf Breeze Quarterback Club Annual 5K Run September 8, 2012.
 - B. Discussion and Action Regarding Holiday Decorations.
 - C. Discussion and Action Regarding Sidewalk - Shoreline Park Loop.
 - D. Discussion and Action Regarding Gilmore Bayou Dredging.
 - E. Discussion and Action Regarding Updating / Replacing Accounting & Utility Billing Software.
 - F. Discussion and Action Regarding TDC Contribution for Baseball Tournament.

***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:

None

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 1,200th regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida was held at the Gulf Breeze City Hall on Monday, May 21, at 6:30 p.m.

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

PRESENTATION OF PROCLAMATION: EXTENDING SINCERE APPRECIATION TO DOUG BARR, EXECUTIVE DIRECTOR, NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Mayor Zimmern read the proclamation in its entirety and presented it to Mr. Doug Barr, along with a couple of souvenirs from the City.

EAGLE SCOUT PROJECT:

The Mayor also introduced the Eagle Scout who designed and built an official volleyball court at the Shoreline Park South gazebo. Eagle Scout Adam Enzun coordinated the work on the volleyball court.

Members of Boy Scout Troop 417, meeting at St. Ann Catholic Church, was also present. They were working on obtaining merit badges.

COMMUNITY CENTER CONSTRUCTION UPDATE:

Mr. Steve Jernigan, Bay Design, presented an update on the Community Center construction. He indicated the work was still approximately 30 days behind schedule. They have weekly project meetings to discuss concerns and to keep on top of the project. He indicated Phase II should be completed by October, 2012 and the entire project completed January, 2013.

APPROVAL OF MINUTES:

Councilman Schluter moved for approval of the minutes for the regular meeting held on Monday, May 7, 2012. Councilman Landfair seconded. The vote for approval was 5 - 0.

Councilman Henderson moved for approval of the minutes for the regular meeting held on Monday, May 7, 2012. Councilman Landfair seconded. The vote for approval was 5 - 0.

Councilman Schluter moved for approval of the minutes for the Town Hall meeting held on Monday, May 7, 2012. Councilman Henderson seconded. The vote for approval was 5 - 0.

Councilman Schluter moved for approval of the minutes for the Special Meeting held on Wednesday, May 16, 2012, to swear in Councilman Cleveland. Councilman Cleveland seconded. The vote for approval was 5 - 0.

**RESOLUTION NOL 08-12: CONTRACTUAL RATE INCREASE BY ALLIED WASTE/
REPUBLIC SERVICES**

The Mayor reviewed the Resolution for the attendees of the meeting and explained the increase in rates. Councilman Henderson moved for approval of the Resolution. Councilman Schluter seconded. The vote for approval was 5 - 0.

CONSENT AGENDA ITEMS:

RECOMMENDATION:

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

**A. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT
REVIEW BOARD REFERRALS OF TUESDAY, MAY 8, 2012**

Reference: Development Review Board Minutes of May 8, 2012

RECOMMENDATIONS:

- I. Mohamed Helmi - 497 Deer Point Drive
Requesting to install a 28'L x 14'W x 6.5'D vinyl lined swimming pool within 50' of the Mean High Water Line (MHWL)

That the City Council approve the project as submitted

- II. Santa Rosa Yacht Club - 300 Pensacola Beach Road
Requesting to dredge approximately 3,000 cubic yards of sand from their existing basin

That the City Council approve the project as submitted.

**B. SUBJECT: DISCUSSION AND ACTION REGARDING ADDITIONAL
POLICE DEPARTMENT SURPLUS/SALVAGE PROPERTY
TO SELL ON GOVDEALS.COM**

Reference: Police Chief memo dated May 2, 2012

RECOMMENDATION

That the City Council allow the Police Department to proceed with selling surplus/salvage property on the Govdeals.com auction site with the proceeds being deposited into the City General Fund.

C. SUBJECT: DISCUSSION AND ACTION REGARDING ESTABLISHING DEPOSIT REQUIREMENTS FOR NATURAL GAS ACCOUNTS

Reference: Memo from Public Services Director and Finance Director

RECOMMENDATION:

That the City Council direct staff to prepare an Ordinance to amend the Municipal Code of Ordinances relative to gas utility deposits.

D. SUBJECT: DISCUSSION AND ACTION REGARDING PENSACOLA BEACH GAS PIPELINE EXTENSION FROM AVENIDA 10 TO PORTOFINO RESORT, CHANGE ORDER #2

Reference: Public Services Director memo dated May 9, 2012

RECOMMENDATION:

That the City Council award change order #2 to install 3.25 miles of 4" gas main from Avenida 10 to Portofino Resort for FEMA Alternative Project #5 in the amount of \$555,317.33 to Utility Services Company.

E. SUBJECT: DISCUSSION AND ACTION REGARDING ANNUAL REQUEST FOR FUNDS BY GULF BREEZE AREA CHAMBER OF COMMERCE

Reference: Assistant City Manager memo dated May 11, 2012

RECOMMENDATION:

That the City Council approve payment in the amount equal to the FY 2012 TDC funds budgeted for the Gulf Breeze Area Chamber of Commerce of \$6,000.

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

ACTION AGENDA ITEMS:

A. SUBJECT: DISCUSSION AND ACTION REGARDING SIDEWALK - SHORELINE PARK LOOP

Reference: City Manager memo dated May 11, 2012

RECOMMENDATION:

That the City Council authorize Rebol/Battle Engineers of Pensacola to complete the design and prepare plans for bidding a 6 foot wide sidewalk loop from City Hall west to South Sunset and from the Boat Ramp Road east to City Hall. (Mr. Bill Fisher, 209 Williamsburg Drive, indicated a path on the west side to connect Williamsburg was not needed and he ask about what kind of materials would be used to make the sidewalk.)

Councilman Henderson moved for approval of the project. Councilman Cleveland seconded. The vote for approval was 5 - 0.

B. SUBJECT: DISCUSSION AND ACTION REGARDING APPOINTMENTS TO CITY BOARDS

Reference: City Manager memo dated May 11, 2012

RECOMMENDATION:

That the City Council make the following Board appointments:

BOARD OF ADJUSTMENT: appoint Bruce DeMotts to replace Karen Thompson; Renee Bookout to replace Lorie Menke and appoint Bob Wilson as an alternate.

DEVELOPMENT REVIEW BOARD - Reappoint Samantha Rine and Lee Brown to a second term; Replace John Schuster with Bill Clark; replace Cheryl Fromularo with Laverne Baker and appoint Jonathan Porta as an alternate.

ARCHITECTURAL REVIEW BOARD: Reappoint all members and replace Summer King with Allan Bell.

SOUTH SANTA ROSA UTILITY SYSTEM BOARD: reappoint all members.

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

NEW BUSINESS: DISCUSSION AND ACTION REGARDING EMERGENCY REPAIRS TO GENERATOR AND ELECTRONICS

Reference: Community Services Director memo dated May 15, 2012

RECOMMENDATION:

That the City Council retroactively approve the emergency repair of the Fire Department's generator and authorize City staff to proceed with the replacement of the other damaged items following normal purchasing guidelines. All items will be funded from the City's red light camera proceeds and if the City receives insurance reimbursements, the funds will be deposited into the general fund.

Councilman Schluter moved for approval of the recommendation. Councilman Cleveland seconded. The vote for approval was 5 - 0.

OPEN FORUM:

Scout Ben Linkous, 1607 Bay Mist, asked how many Mayors there had been before Mayor Zimmern. The Mayor indicated there had been ten Mayors prior to her, but she was the only female. His attention was pointed to the pictures of the previous Mayors located on the wall next to the hallway.

ADJOURNMENT:

The Mayor adjourned the meeting at 7:05 p.m.

CITY CLERK

MAYOR

ORDINANCE 05-12

A ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, PERTAINING TO THE COLLECTION OF DEPOSITS FOR NATURAL GAS SERVICE TO COMMERCIAL CUSTOMERS, AMENDING SECTION 19-281 OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE..

WHEREAS, the City of Gulf Breeze offers natural gas service to commercial customers both within and outside of its incorporated limits; and,

WHEREAS, the City of Gulf Breeze requires that all service be secured by a form of deposit or security; and,

WHEREAS, the City Council desires to modify the deposit and security requirements to reflect current conditions in the natural gas market and facilitate the addition of large natural gas commercial customers;

NOW, THEREFORE, BE IT ORDAINED By the City Council of the City of Gulf Breeze, Florida, as follows;

SECTION 1 - Section 19-281 is hereby amended to read as follows:

(c) Gas utility deposits.

- (1) No connection shall be made to the City's natural gas system until a deposit therefore has been paid to the City by the prospective gas service user in the amount as set forth in the utility deposit schedule in the city clerk's office and in accordance with the rules and regulations approved by the City Council applicable thereto. The rules and regulations adopted pursuant to this subsection shall provide a charge for making any such connections to the natural gas system in such a reasonable amounts as the City Council may determine. No connection shall be made to the city natural gas system until a deposit has been made to the city by the prospective gas service user in the minimum which is on file in the city clerk's office nor more than an amount not to exceed two months' estimated usage in accordance with rules and regulations which shall be adopted from time to time by the city council. The rules and regulations adopted pursuant to this subsection shall provide a charge for making any such connections in such a reasonable amount as the city council may determine.
- (2) The city council may provide that there be no connection charge or tap fee for connections to the gas system.
- (3) The city shall be entitled to recover the cost of making any connection, together with reasonable penalties, interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such cost of making connections, the city shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state, county and municipal taxes. Such lien may be foreclosed by the city in the same manner provided by state laws for the foreclosure of mortgages upon real estate.
- (4) Each dwelling unit in an apartment house shall be considered as a separate consumer under this division and shall be separately metered and billed.

- (d) Utility deposit increases. If any customer account is on the cutoff list more than twice in any 12-month period, the city manager is authorized to increase the amount of deposit to cover an average usage of total city utilities services, including water, sewer, gas and refuse collection, for a period of two months.
- (e) Bond as utility deposit. In the event that the calculation of water, sewer and/or gas utility deposits referenced in the preceding section results in a utility deposit in excess of \$5,000.00 for a single commercial or residential utility account, the owner or individual is whose name the utility account is registered may place a bond, letter of credit, certificate of deposit, or other guarantee, in a form acceptable to the city in lieu of the cash deposit required herein.

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 the 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 upon its adoption by the City Council.

PASSED ON THE FIRST READING ON THE ____ DAY OF _____, 2012.

ADVERTISED ON ____ DAY OF _____, 2012.

PASSED ON THE SECOND READING ON THE ____ DAY OF _____, 2012.

BY: _____
Beverly Zimmern, Mayor

ATTESTED TO BY:

Marita Rhodes, City Clerk

RESOLUTION 09-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, ESTABLISHING THE NATURAL GAS SERVICE DEPOSIT AND CONNECTION FEE POLICY.

WHEREAS, the City of Gulf Breeze provides both natural gas service within and outside of its incorporated limits;

WHEREAS, the City Council has determined that a deposit and connections fees must be collected to protect the City's interests; and,

WHEREAS, the City Council also wishes to provide a policy that does not discourage new customers from utilizing the natural gas system;

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

SECTION 1: The Natural Gas deposits and connection fees are amended as follows:

- Residential Customers - \$50.00 minimum
- Commercial Property Owners or Pensacola Beach Master Lease Holders - \$100.00 minimum
- Commercial Lessees or Pensacola Beach Sublease Holders – two months anticipated usage, but not to exceed \$1000.00
- The City Manager, per Code of Ordinances, may require a larger deposit up to two months average usage
- New Connection Fee - \$300.00 unless waived by Director of Public Service

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, SANTA ROSA COUNTY, FLORIDA on this _____ day of _____, 2012.

Beverly Zimmern, Mayor

ATTEST

Marita Rhodes, City Clerk

Councilmen Present: Bob Cleveland, Joseph Henderson, David G. Landfair, Mayor Pro Tem
J. B. Schluter and Mayor Beverly Zimmern

ACTION AGENDA ITEMS:

- A. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT
REQUEST FOR THE GULF BREEZE QUARTERBACK CLUB
ANNUAL 5K RUN - SEPTEMBER 8, 2012**

Reference: Deputy Police Chief memo dated May 18, 2012

RECOMMENDATION:

That the City Council approve the special event request from the Gulf Breeze Quarterback Club to hold their annual 5K run on Saturday, September 8, 2012.

- B. SUBJECT: DISCUSSION AND ACTION REGARDING HOLIDAY
DECORATIONS**

Reference: City Clerk memo dated May 23, 2012

RECOMMENDATION:

That the City Council direct staff to bid out the holiday decoration program with the scope from 2011 as a base bid. The package will include bid alternates for LED light and expansion of the program based on contributions. It was suggested that some local businesses, organizations or churches may wish to add to the base level of decorations by adding another median in return for a small 12" x 12" sign in the median to acknowledge the contribution.

- C. SUBJECT: DISCUSSION AND ACTION REGARDING SIDEWALK -
SHORELINE PARK LOOP**

Reference: City Manager memo dated May 25, 2012

RECOMMENDATION:

That the City Council authorize Rebol-Battle of Pensacola to complete the engineering and design for the proposed Shoreline sidewalk loop for an amount not to exceed \$16,000.

D. SUBJECT: DISCUSSION AND ACTION REGARDING GILMORE BAYOU DREDGING

Reference: City Manager memo dated May 25, 2012

RECOMMENDATION:

That the City Council direct staff to pay \$4,585 toward the previous dredging of the entrance of Gilmore Bayou and \$2,051.25, an amount equal to five shares of the current project, for a total of \$6,634.25.

E. SUBJECT: DISCUSSION AND ACTION REGARDING UPDATING/ REPLACING ACCOUNTING & UTILITY BILLING SOFTWARE

Reference: Finance Director memo dated May 23, 2012

RECOMMENDATION:

That the City Council direct staff to issue an RFP for the City's utility billing, "back office" and accounting software for the purposes of providing a recommendation to the City Council prior to current contract expiration.

F. SUBJECT: DISCUSSION AND ACTION REGARDING CITY OF GULF BREEZE MASTER PLANNING INVOICE

Reference: Assistant City Manager memo dated May 23, 2012

RECOMMENDATION:

That the City Council meet as the Board of Directors of the Community Redevelopment Agency on Monday, June 4, 2012, and approve payment of Invoice No. 148004 for \$15,166.57 to VHB MillerSellen.

G. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 05-12, NATURAL GAS DEPOSIT POLICY; TO MODIFY SECTION 19-281 AND RESOLUTION 09-12 SETTING DEPOSIT SCHEDULE

Reference: Assistant Public Services Director memo dated May 23, 2012

RECOMMENDATION:

That the City Council approve Ordinance 05-12 on First Reading on June 4, 2012 and schedule the Second Reading and Public Hearing on June 18, 2012. Also, recommended is the approval of Resolution 09-12 on June 18, 2012. (The City Manager suggested to amend Ordinance 05-12, Section C, Item 4e, to leave in the words "and/or gas" and amend Resolution 09-12, fourth Bullet Point, to change the word "approve" to "require".

H. SUBJECT: DISCUSSION AND ACTION REGARDING NATURAL GAS INFORMATION SHEET

Reference: Assistant Public Services Director memo dated May 23, 2012

RECOMMENDATION:

The Mayor tabled this item until a later date.

I. SUBJECT: DISCUSSION AND ACTION REGARDING TDC CONTRIBUTION FOR BASEBALL TOURNAMENT

Reference: City Manager memo dated May 25, 2012

RECOMMENDATION:

That the City Council approve an expenditure of \$2,500 from Tourist Development Council funds for the Gulf Breeze Summer Classic Baseball Tournament.

J INFORMATION ITEMS

**COMMUNITY REDEVELOPMENT AGENCY
BOARD OF DIRECTORS**

JUNE 4, 2012
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS

**THIS MEETING WILL BE HELD AT THE END OF THE
REGULAR CITY COUNCIL MEETING**

- A Discussion and Action Regarding City of Gulf Breeze Master Planning Invoice.

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.



City of Gulf Breeze

MEMORANDUM

TO: Edwin A. Eddy, City Manager
FROM:  David J. Szymanski, Assistant City Manager
DATE: May 23, 2012
SUBJECT: City of Gulf Breeze Master Planning Invoice

On May 9, 2011, the City Council directed staff to draft a Request for Proposal for a Master Planning consultant for the City and Hwy 98. On November 7, 2011 the City Council selected VHB MillerSellen for the Master Plan Project and directed staff to negotiate scope of work and a contract. An agreed upon contract was signed by the Mayor in February 2012.

We have received Invoice No: 0148004 for professional services from April 15, 2012 to May 12, 2012. in the amount of \$15,166.57. This is the third payment against this \$329,500 contract. YTD we have spent \$32,936.67. The following actions have been taken against contract tasks:

Task 1 – Context Report

Prepare basemaps and GIS data webpage
Review City regulatory documents to analyze existing conditions and policies that affect development
Coordination with economic subconsultants
Updates to master project schedule

Task 2 – Public Participation Process

Prepare stakeholder interviews schedule, coordinate with steering committee members to confirm invited attendees
Phone calls and emails to follow up with invitees
Prepare worksheets and questions for stakeholders
Round trip travel to Gulf Breeze, two days of stakeholder's interview sessions
Begin preparing schedule and logistics for Design Charette

It is recommended that Council approve payment. This project is funded by the

Community Redevelopment Agency.

RECOMMENDATION: That the City Council meet as the Board of Directors of the Community Redevelopment Agency on Monday, June 4, 2012 and approve payment of Invoice No. 148004 for \$15,166.57 to VHB MillerSellen.



MillerSellen

101 Walnut Street, PO Box 9151, Watertown, MA 02471
617.924.1770 • FAX 617.924.2286

Invoice

Invoice No: 0148004
May 18, 2012

Mr. Edwin Eddy
City Manager
City of Gulf Breeze
1070 Shoreline Drive
Gulf Breeze, FL 32561

VHB Project # 61691.00

Gulf Breeze Master Plan

Professional Services from April 15, 2012 to May 12, 2012

Task 00000 Reimbursables

Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Context Report	25,000.00	66.00	16,500.00	10,500.00	6,000.00
Public Participation Process	105,000.00	15.70	16,485.00	7,455.00	9,030.00
Revitalization Alternatives	75,000.00	0.00	0.00	0.00	0.00
Market Analysis	54,500.00	4.60	2,507.00	2,507.00	0.00
Master Plan Preparation	55,000.00	0.00	0.00	0.00	0.00
Total Fee	314,500.00		35,492.00	20,462.00	15,030.00
	Total Fee			15,030.00	

Reimbursable Expenses

Postage & Delivery	22.27
Travel & Lodging	100.66
Meals	13.64
Total Reimbursables	136.57

Total this Task \$15,166.57

Total this Invoice \$15,166.57

Billings to Date

	Current	Prior	Total
Fee	15,030.00	20,462.00	35,492.00
Labor	0.00	5,362.50	5,362.50
Consultant	0.00	1,291.42	1,291.42
Expense	136.57	5,820.75	5,957.32
Totals	15,166.57	32,936.67	48,103.24

Payment Due Upon Receipt.

Remittance copy