

**GULF BREEZE CITY COUNCIL  
REGULAR MEETING**

APRIL 4, 2011  
MONDAY, 6:30 P.M.  
COUNCIL CHAMBERS

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of March 21, 2011 (Regular Meeting)  
Approval of Minutes of March 21, 2011 (CRA Special Meeting)
4. Resolution No. 04-11: Approving Issuance of Not Exceeding \$17,000,000 in Capital Trust Agency Bonds and a Plan of Finance for Acquisition of Sheltering Palms Apartments in Orlando, Florida  
  
Resolution No. 05-11: Approving a Plan of Finance for TM Alexander Apartments, Miami, Florida  
  
Ordinance No. 02-11: Creating Division 13, Gateway Overlay District  
Second Reading and Final Hearing  
  
Ordinance No. 03-11: Adopting an Investment Policy  
Second Reading and Public Hearing  
  
Ordinance No. 04-11: Creating Division 14, CBD Overlay District  
First Reading

**CONSENT AGENDA ITEMS:\***

- A. Discussion and Action Regarding Two (2) Special Event Requests: (1) Gulf Breeze Elementary School Annual Run, Friday, April 15, 2011, 4:30 - 5:30 p.m.; (2) St. Ann Catholic Church Palm Sunday Processional from Wayside Park to Church, Sunday, April 17, 2011, Noon - 4:00 p.m.
- B. Discussion and Action Regarding Hazard Mitigation Grant Program for Funding Stormwater Drainage Improvements
- C. Discussion and Action Regarding Substitute Letter of Credit, Fairpoint Regional Utility System (FRUS)

- D. Discussion and Action Regarding Workshop on Bridge Replacement and Downtown Redevelopment

**\*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

**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 1,172<sup>nd</sup> regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida was held at the Gulf Breeze City Hall on Monday, March 21, 2011, at 6:30 p.m.

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

**APPROVAL OF MINUTES:**

Councilman Morris moved for approval of the minutes for the regular meeting held on March 7, 2011. Councilman Schluter seconded. The vote for approval was 5 - 0.

Councilman Schluter moved for approval of the minutes for the special Community Redevelopment Agency meeting held on March 7, 2011. Councilman Morris seconded. The vote for approval was 5 - 0.

**ORDINANCE NO. 02-11: PERTAINING TO ZONING DISTRICT**

The Ordinance was read by title only. Councilman Schluter moved to approve the Ordinance on First Reading and to schedule the Second Reading and Public Hearing for Monday, April 4, 2011. Councilman Morris seconded. The vote for approval was 5 - 0.

**ORDINANCE NO. 03-11: RELATING TO INVESTMENT POLICIES; ADOPTING AN INVESTMENT POLICY FOR CITY OF GULF BREEZE**

The Ordinance was read by title only. The Mayor reviewed the purpose of the Ordinance. Councilman Henderson moved for approval of the Ordinance on First Reading and to schedule the Second Reading and Public Hearing for Monday, April 4, 2011. Councilman Landfair seconded. The vote for approval was 5 - 0.

**RESOLUTION NO. 03-11: APPROVING A REBATE PROGRAM FOR CITY RESIDENTS THAT PURCHASE ANNUAL BOAT RAMP PERMITS**

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

**CONSENT AGENDA ITEMS:**

**RECOMMENDATION:**

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

A. SUBJECT: DISCUSSION AND ACTION REGARDING NAMING OF TWO ADDITIONAL REEF LOCATIONS

MOVED TO DISCUSSION SECTION BELOW.

B. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW BOARD RECOMMENDATIONS OF MARCH 1, 2011

- I. SANTA ROSA YACHT CLUB - 300 PENSACOLA BEACH ROAD  
Requests to add a boat lift to existing pier at a commercial pier

**RECOMMENDATION:**

**That the City Council approve the project as submitted with the stipulation that all permits are received before the project begins.**

- II. EXPOSITION PROPERTIES, LLC., 1143 GULF BREEZE PARKWAY  
Request to create an outparcel on the northeast corner of the existing Live Oak Village Shopping Center

**RECOMMENDATION:**

**That the City Council approve the project as submitted.**

C. SUBJECT: DISCUSSION AND ACTION REGARDING FINANCING PROPERTY PURCHASE, HARBORTOWN

MOVED TO DISCUSSION SECTION BELOW.

D. SUBJECT: DISCUSSION AND ACTION REGARDING REMOVAL OF DEAD TREES IN THE DEER POINT CONSERVATION AREAS

MOVED TO DISCUSSION AGENDA SECTION BELOW.

E. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 02-11, CREATING DIVISION 13, GATEWAY OVERLAY DISTRICT, SECTION 21-230 THROUGH 21-235 OF THE MUNICIPAL CODE

COVERED UNDER ORDINANCE SECTION ABOVE.

F. SUBJECT: DISCUSSION AND ACTION REGARDING PROHIBITED USES  
IN THE CENTRAL BUSINESS DISTRICT

Reference: Community Services Director memo dated March 9, 2011

**RECOMMENDATION:**

**That the City Council direct staff to incorporate prohibited uses into the CBD overlay district being created by the codification of the CRA design guidelines.**

G. SUBJECT: DISCUSSION AND ACTION REGARDING BOAT RAMP  
PERMIT FEES

COVERED UNDER RESOLUTION SECTION ABOVE

H. SUBJECT: DISCUSSION AND ACTION REGARDING PEST CONTROL  
SERVICES

Reference: City Manager memo dated March 10, 2011

**RECOMMENDATION:**

**That the City Council accept staff recommendation of Ham Pest Control for pest control services (for City buildings) and that the City Council allow the City Manager to enter into a pest control contract with Ham Pest Control.**

I. SUBJECT: DISCUSSION AND ACTION REGARDING DOCUMENT - FILE  
MANAGEMENT

Reference: City Manager memo dated March 10, 2011

**RECOMMENDATION:**

**That the City Council approve the purchase of document management equipment as listed in the staff memo for a total cost of \$11,128.**

J. SUBJECT: DISCUSSION AND ACTION REGARDING INVESTMENT  
POLICY

COVERED UNDER ORDINANCE SECTION ABOVE

**K. SUBJECT: DISCUSSION AND ACTION REGARDING PRESENTATION OF 2011 AUDIT BY O'SULLIVAN CREEL**

Reference: City Manager memo dated March 11, 2011

**RECOMMENDATION:**

**That the City Council accept the audit report given by Mr. Kevin Bowyer with O'Sullivan Creel.**

Councilman Henderson moved for approval of Consent Agenda Items. Councilman Schluter seconded. The vote for approval was 5 - 0.

**CONSENT AGENDA ITEMS FOR DISCUSSION:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING NAMING OF TWO ADDITIONAL REEF LOCATIONS**

Reference: City Manager memo dated March 10, 2011

**RECOMMENDATION:**

**That the City Council approve the naming of two (2) additional reefs close to Pensacola Pass for Yancy Spencer III and Pat Doman.** (Councilman Schluter asked where the two reefs were located. Mr. Robert Turpin, Escambia County Marine Coordinator, 2 Madrid Street, Gulf Breeze, responded and informed everyone of the approximate location of the two reefs. Ms. Kathy Doman, 101 Berry Avenue, thanked the Council and said she couldn't think of anything that would have pleased her husband more. He loved to spend time on the water.)

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

**C. SUBJECT: DISCUSSION AND ACTION REGARDING FINANCING PROPERTY PURCHASE, HARBORTOWN**

Reference: City Manager memo dated March 11, 2011

**RECOMMENDATION:**

**That the City Council agree to finance the purchase of the parcels of**

**property abutting Soundview Trail by Harbortown subject to final approval by the Mayor and City Attorney.**

Councilman Schluter moved for approval. Councilman Morris seconded. The vote for approval was 4 - 1, with Councilman Henderson dissenting.

**D. SUBJECT: DISCUSSION AND ACTION REGARDING REMOVAL OF DEAD TREES IN THE DEER POINT CONSERVATION AREAS**

Reference: Community Services Director memo dated March 8, 2011

**RECOMMENDATION:**

**That the City Council authorize Hurd Brothers Tree Care, LLC to remove the dead trees at a price of \$10 per tree from the two conservation areas in the Deer Point Subdivision with the following conditions: (1) any dead trees that could be used as a potential nesting site cannot be removed; (2) the trees can only be felled and their remnants have to remain in the wetlands; and (3) no mechanical or heavy equipment (exclusive of chainsaws) can be used.** (Councilman Schluter asked that the workers first mark trees to be cut to allow Deer Point homeowners an opportunity to review which trees are selected before they are cut.

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

**ACTION AGENDA ITEMS:**

**PUBLIC HEARING: WAL-MART STORE -334 GULF BREEZE PARKWAY**

WAL-MART STORES, EAST L.P., 334 GULF BREEZE PARKWAY  
Request (1) approval of six variances and (2) approval of plat

The Mayor began the Public Hearing by stating there were two separate actions for the Council consideration. The first is Wal-Mart's request for six variances from the requirements of the Land Development Code as set forth on the proposed plat. If the variances are granted the second action will be for consideration of plat and the proposed site improvements.

As far as the first action regarding the requested variance, Wal-Mart East, LP, is requesting approval of the following variances: (1) relief from the off site automobile storage requirements set forth in Section 24-51 of the Land Development Code; (2) relief from the off site street loading space requirements as set forth in Section 24-52 of the Land Development

Code; (3) relief from the Water Management plan requested requirements as set forth in Division, Article 3 of Chapter 24 of the Land Development Code; (4) relief from the landscaping requirements as set forth in Article 4, Chapter 24, of the Land Development Code; (5) relief from sign prohibition set forth in Section 23-3(1); and (6) relief from the distance separation requirements from churches and schools as set forth in Section 3-4(a) of the Code of Ordinances.

The Council consideration of the variance request requires a quasi judicial hearing by the City Council as contemplated in Section 20-47 of the Code. Each Council Member must publically disclose the following: (1) the substance of any exparte communication which related to this matter including (2) the identity of the people with whom the communications took place; (3) the substance of any written communications or report that each of the Council has reviewed related to the matter and (4) the substance of any investigations, site visits or expert opinions that each of the Council has made or received relative to this matter.

The Mayor stated she met with the City Manager on numerous occasions relative to the project. She met with City staff and attendance with Carl Sanders and Jason Toole and their architect; she discussed the project with Jerry O'Brien who represents Wal-Mart. She also discussed the project with numerous citizens and residents since it was first presented to the City Council. As for written communications she reviewed material furnished by the staff that was made part of the City Council packets for this and previous meetings including memorandums from Mr. Eddy, the proposed building plans, the proposed plat, and similar documents. As for the third category of investigating, site visits or expert opinions, along with the City Manager and Janet Eddy, his wife, the Mayor toured the two Wal-Mart grocery stores in Mobile.

Councilman Morris stated that with the exception of visiting the two stores in the Mobile area, he echo exactly what the Mayor stated in the record and he also discussed the issue with his wife.

Councilman Schluter reported the same as Councilman Morris with the exception that he visited the site and talked with some of the other tenants in the shopping center.

Councilman Henderson stated he visited the site with the City Manager; had some discussions with the City Attorney; talked with a lot of people within the City and saw written materials.

Councilman Landfair visited the site, read the written materials provided by the City; attended the Development Review Board meeting; met with the City Manager, staff and the Wal-Mart team during their presentation; and talked with numerous residents.

The Mayor indicated she would ask the City Manager to explain the particular variances that Wal-Mart is seeking and to explain any other pertinent information, invite the Wal-Mart

representatives to present information they deemed appropriate and then members of the public will be given an opportunity to ask questions and provide their input. Once the Council has received all the information and input, the Public Hearing will be closed and the City Council will deliberate and render a decision of the requested variances.

The City Manager explained the reason Wal-Mart will need the variances is because they want to sub-divide the property. When any property is sub-divided it is required to bring it up to current code. The variances will not be consequential to the City or operations of the Wal-Mart neighborhood grocery. He reviewed the variances requested.

After the City Manager reviewed the variances requested the Mayor introduced the Wal-Mart representatives, Mr. Carl Sanders and Mr. Jason Toole. Mr. Carl Sanders presented a power point presentation of the Wal-Mart project.

The Mayor opened the floor for public comments. The following individuals spoke regarding the project: Ms. Nancy Douglas, 127 Shoreline Drive, spoke in favor of the project; Ms. Cathy Dreadin, 204 Northcliff, had a question about the subdivision of the property; Mr. Brian Todd, Manager, Gulf Breeze Publix, had a question regarding the liquor store signage; Tom Naile, 112 Windsor Place questioned (1) the lighting behind the store and how it will effect the neighborhood and (2) existing noise level related to hours to pick up recyclable materials; Ms. Lisa Williams, owner of Hallmark Store in shopping center, spoke regarding the lighting currently behind the stores now. There were no other public comments made and the Mayor closed the Public Hearing at 7:42 p.m.

The City Attorney stated that there are two steps to follow. The first step is only the consideration of the six variances. Then, if the variances are granted, the next step will be consideration of the site improvements. At this time, while Council is in a quasi judicial hearing, the deliberation should be limited to the variances only.

The Council considered each of the following variance requests separately:

**VARIANCE ONE WITH CONDITION - OFF SITE PARKING SPACES:**

**RECOMMENDATION:**

**Relief from the parking requirements as set forth in Section 24-51 of the Land Development Code for 75 off site parking spaces. These parking spaces will occur in the platted subdivision, but not on Wal-Mart's parcel. The condition will be that they will obtain an easement or other contractual agreement conferring the right to use the spaces and the spaces will not be counted twice.**

Councilman Schluter moved for approval of the variance with the condition. Councilman Morris seconded. The vote for approval was 5 - 0.

**VARIANCE TWO - OFF STREET LOADING SPACE:**

**RECOMMENDATION:**

**Relief from the off street loading space as set forth in Section 24-52 of the Land Development Code, loading space size changing from the required size to 12 x 80 foot truck docks**

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

**VARIANCE THREE - STORMWATER MANAGEMENT:**

**RECOMMENDATION:**

**Relief from bringing the site up to current stormwater standard as set forth in Chapter 24, Article III, Division II, Land Development Code, but to maintain whatever stormwater infrastructure currently exists on the site.**

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

**VARIANCE FOUR WITH CONDITION - LANDSCAPE REQUIREMENTS:**

**RECOMMENDATION:**

**Relief from landscape requirements as set forth in Article 4, Chapter 24 of the Land Development Code to place landscape islands every 15 spaces. The condition will be that in lieu of landscape islands every 15 spaces their will be additional landscaping else where and along U.S. Highway 98 in front of the shopping center. (No additional landscaping will be added to the Northcliff entrance and the landscape area behind Burger King. These areas will remain the same.) Council also recommended to approve planting palm trees with crepe myrtles. (A photo/sketch of the proposed landscape plan was provided by Carl Sanders to the Council as part of a power point presentation.)**

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

**VARIANCE FIVE - SIGN:**

**RECOMMENDATION:**

**Relief from sign requirements as set forth in Chapter 24, Section 23-3(1), of the Land Development Code - there will be one pylon sign for the shopping center, allowing off site businesses in the shopping center to place their sign on the pylon.**

Councilman Schluter moved for approval. Councilman Morris seconded. The vote for approval was 4 - 1, with Councilman Henderson dissenting.

**VARIANCE SIX WITH CONDITION - DISTANCES FROM CHURCHES AND SCHOOLS**

**RECOMMENDATION:**

**Relief from the separation requirements from churches and schools as set forth in Chapter 3, Section 3-4(A), Code of Ordinances - to allow the sale of alcohol beverages (package only) within the distances from schools and churches. The condition will be the same set forth for Publix: (1) there will always be the same ownership of the alcohol beverage store as the grocery store and if ownership ever becomes different the variance will immediately expire; (2) the hours of operation for the alcoholic beverage store will be Sunday through Thursday, 9:00 a.m. - 9:00 p.m. and Friday and Saturday 9:00 a.m. to 10:00 p.m. provided that they will never exceed the limitations in the Code including if the code may be changed in the future; (3) there will be no exterior signage other than the stenciling of the name of the store on the front door and (4) there will be no advertisements, snipe signs, of any nature advertising alcoholic beverages or the like in the store front.**

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

**APPROVAL OF PLAT AND SITE IMPROVEMENTS:**

**RECOMMENDATION:**

**That the City Council link the two together and condition the site improvements upon the platting and condition the filing of the platting until the site improvements have been completed and that the site improvements and platting also be conditioned upon a mutually acceptable developer's agreement that incorporates essentially all terms and conditions presented at this meeting.**

Councilman Schluter moved for approval. Councilman Landfair seconded. The vote for approval was 4 - 1, with Councilman Henderson dissenting.

**B SUBJECT: DISCUSSION AND ACTION REGARDING FLORIDA DEPARTMENT OF TRANSPORTATION - SB 1446 LANDSCAPING GRANT REQUEST FOR PROPOSAL - CONTRACT AWARD RECOMMENDATION**

Reference: Assistant City Manager memo dated March 10, 2011

**RECOMMENDATION:**

**That the City Council waive the Florida Department of Transportation General Condition 1.2 as having no material advantage or disadvantage gained by any of the respective bidders and approve staff award of bid recommendation of the second lowest bid to DesignScapes in the amount of \$199,937.05 for the professional landscaping and irrigation services required in the Florida Department of Transportation - SB 1446 Landscaping Grant and that City Council direct the City Manager to enter into a contract with DesignScapes and authorize the City Manager to sign the contract. (Mr. Todd King, Pensacola Landscaping, 124 Highpoint Drive, spoke regarding the recommendation.)**

Councilman Henderson moved for approval. Councilman Schluter seconded. The vote for approval was 4 - 1, with Councilman Landfair dissenting.

**ADJOURNMENT:**

The Mayor adjourned the meeting at 8:30 p.m.

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MARITA RHODES, CITY CLERK

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BEVERLY H. ZIMMERN, MAYOR

**MINUTES OF A MEETING OF THE BOARD OF DIRECTORS  
FOR THE COMMUNITY REDEVELOPMENT AGENCY**

A meeting of the Board of Directors for the Community Redevelopment Agency, Gulf Breeze, Florida, was convened at the Gulf Breeze City Hall on Monday, March 21, 2011, at 8:23 p.m.

Upon call of the roll for the Community Redevelopment Agency the following members were present: Dana Morris, J. B. Schluter; David G. Landfair, Joseph Henderson and Mayor Beverly Zimmern. .

The purpose of the meeting was for the Board of directors for the Community Redevelopment Agency to consider the following item:

**CONSENT AGENDA ITEMS:**

**RECOMMENDATION FOR CONSENT AGENDA ITEMS A and B:**

**That the City Council meet as the Community Redevelopment Agency Board and approve Consent Agenda Items A and B:.**

- A. SUBJECT: **DISCUSSION AND ACTION REGARDING PROGRESS PAYMENT TO LAVASH AND ASSOCIATES IN THE AMOUNT OF \$6,464**

Reference: City Manager memo dated March 18, 2011

**RECOMMENDATION:**

**That the Board of Directors of the Community Redevelopment Agency approve a payment of \$6,464 to Lavash and Associates.**

- B. SUBJECT: **DISCUSSION AND ACTION REGARDING RUST REMOVAL FORM BRICK COLUMNS LOCATED ON THE EAST SIDE OF HIGHWAY 98**

Reference: Public Services Director memo dated March 14, 2011

**RECOMMENDATION:**

**That the Board of Directors of the Community Redevelopment Agency authorize the expenditure of CRA funds in the amount of \$550 to clean and seal the columns.**

Councilman Henderson moved for approval of Items A and B. Councilman Schluter seconded. The vote for approval was 5 - 0.

The special meeting was adjourned at 8:23 p.m.

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CITY CLERK

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MAYOR

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**RESOLUTION 04-11**

**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 FROM TIME TO TIME OF NOT EXCEEDING AN AGGREGATE PRINCIPAL AMOUNT OF \$17,000,000 CAPITAL TRUST AGENCY REVENUE BONDS FOR THE PURPOSE OF FINANCING A LOAN PROGRAM TO ASSIST IN FINANCING SUCH FACILITIES; APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT CREATING THE CAPITAL TRUST AGENCY; 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 Nos. 1 through No. 28 (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, 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 February 16, 2011, take official action by adopting its preliminary resolution (the "Agency Resolution") indicating its intent to authorize the financing or refinancing of the hereinafter described Projects, 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 and improving existing low-income multi-family rental housing facilities for persons of low income, as further described on attached Schedule I, namely, Bayou Crossing in Riverview, Florida (the "Bayou Crossing Project") and Oasis Club in Orlando, Florida (the "Oasis Club Project" and together with the Bayou Crossing Project, the "Projects"); and

**WHEREAS**, the City has been advised that the Agency desires to issue not exceeding \$17,000,000 of the Bonds for projects on behalf of Sheltering Palms Foundation, Inc. or its affiliate or subordinate nonprofit corporation (as applicable, the "Company"), or a limited liability company of which the Company is a managing member or a limited partnership of which the Company is a general partner, or its assigns (as applicable, the "Borrowers"), 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 March 11, 2011, the Bonds and the Plan of Finance have been submitted to a public hearing held on behalf of the City Council of the City on March 28, 2011; 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 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 on March 11, 2011. 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 \$17,000,000. 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.

**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 the Bonds in a not exceeding aggregate principal amount of \$17,000,000 for all purposes under Section 147(f) of the Code, for all purposes of the Enabling Agreement 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 4<sup>th</sup> day of April, 2011.

**GULF BREEZE, FLORIDA  
CITY COUNCIL**

(SEAL)

By: \_\_\_\_\_  
Beverly H. Zimmern, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Its: City Clerk

RESOLUTION 05-11

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 MULTIFAMILY RENTAL HOUSING FACILITIES LOCATED IN THE STATE OF FLORIDA; APPROVING THE ISSUANCE OF NOT EXCEEDING \$16,000,000 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. 28 (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 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 February 16, 2011, 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, upgrading, reconditioning, improving and beautification of an existing low income multifamily rental housing facility for persons of low income, as further described on attached Schedule I, namely, the TM Alexander Apartments in Miami, Florida (the "Project"); and

WHEREAS, the City has been advised that the Agency desires to issue not exceeding \$16,000,000 of the Bonds for projects on behalf of GMF - Preservation of Affordability Corp., a Tennessee nonprofit corporation whose principal place of business is 65 Germantown Court, Suite 409, Cordova, Tennessee 38018, or its affiliate or subordinate nonprofit corporation (as applicable, the "Company"), or a limited liability company of which the Company is the managing member or a limited partnership of which the Company is the general partner (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 March 12, 2011, 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 March 28, 2011; 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 on March 12, 2011. The City Council hereby approves the report of the public hearing conducted by the Hearing Officer, 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 \$16,000,000. 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 NO. 23-A TO THE ENABLING AGREEMENT RATIFIED.**

Pursuant to the Enabling Agreement, there is hereby approved the execution and delivery of an amendment to 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 Council, with such changes not inconsistent herewith as the Mayor shall approve, her 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 \$16,000,000 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. 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 6. EFFECTIVE DATE.**

This resolution shall take effect immediately upon its adoption this 18th day of April, 2011.

**GULF BREEZE, FLORIDA  
CITY COUNCIL**

(SEAL)

By: \_\_\_\_\_  
Beverly H. Zimmern, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Marita Rhodes, City Clerk

**ORDINANCE NO. 02-11**

**AN ORDINANCE OF THE CITY OF GULF BREEZE FLORIDA, PERTAINING TO ZONING DISTRICT REGULATIONS; CREATING DIVISION 13. GD GATEWAY OVERLAY DISTRICT OF THE CODE OF ORDINANCES; 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 – DIVISION 13. GD GATEWAY OVERLAY DISTRICT OF ARTICLE II OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF GULF BEEZE** is hereby created to read as follows:

**DIVISION 13. GD GATEWAY OVERLAY DISTRICT**

**Sec. 21-230. Purpose, intent.**

In order to promote community goals and objectives for character and aesthetics along specified commercial corridors and areas with the Community Redevelopment Area, three “Gateway Overlay Districts” have been created. The gateway overlay districts are established for the purposes and intents outlined herein:

- a) To preserve the aesthetic and architectural character of the entrances to the City of Gulf Breeze in order to promote economic development;
- b) Enhance the building stock of the City’s gateways through consistency and quality of site layout and design, consistent with the City of Gulf Breeze CRA and Central Business District Design Guidelines, adopted June 11, 2006, as amended;

- c) Incentivize rehabilitation and new construction through regulatory bonuses and relief and financial assistance when it is deemed appropriate and feasible;
- d) Increase property values and stability through quality of construction, property upgrades and redevelopment;
- e) Attract new business opportunities through tax base expansion and employment growth; and,
- f) 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.

**Sec. 21-231. Designation of gateway overlay districts' boundaries.**

The limits and boundaries of the following Gateway Overlay Districts shall be shown on the Official Zoning Map contemplated in Section 21-28:

- a) GD-North: Philip D. Beall Sr. Bridge (Pensacola Bay Bridge) Entrance
- b) GD-South: Bob Sikes Bridge (Pensacola Beach Bridge) Entrance
- c) GD-East: West boundary of the Naval Live Oaks Reservation

The Comment: Unnecessary to code sections can only be changed by ordinance (i.e. Council approval).

**Sec. 21-232. Applicability, conflict with other code sections.**

- a) Unless otherwise noted, the requirements of the Gateway Overlay districts apply to nonresidential Level Two activity and all Level Three Development activity furthermore, the requirements at the Gateway Overlay Districts are in addition to the requirements of the underlying zoning districts. Where the requirements of the underlying districts and the overlay districts conflict, the more restrictive shall apply.
- b) The regulations set forth in this division shall apply solely to the Gateway Overlay Districts. Wherever there is a conflict or inconsistency between the Gateway Overlay Districts' regulations and other regulations of the Land Development Code, the regulations set forth in this section shall control and govern the development and redevelopment within the Gateway Overlay Districts.

**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. 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 or consignment shops;
    - 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;
  3. Building materials and supplies, sales and storage;
  4. Gambling or gaming establishments or facilities (including, but not limited to, online, interactive or internet gambling or gaming),
  5. Car wash facilities;
  6. Flea markets;
  7. Funeral homes and crematoriums;
  8. Gasoline service stations;
  9. Itinerant merchants or vendors;
  10. Machine shops;

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

**Sec. 21-234. Design review process.**

The compatible relationship of proposed development in the Gateway Overlay Districts is of critical public concern for any buildings or site improvements. The intent of design review is not to stifle innovative architecture but to assure respect for and reduce incompatible and adverse impacts on existing land use and promote quality development.

- a) Development within the Gateway Overlay Districts will be reviewed by the Architectural Review Board, based on the requirements of this section and on the City of Gulf Breeze Community Redevelopment Agency (CRA) and Central Business District Design Guidelines, where appropriate. The Architectural Review Board shall recommend approval, approval with conditions, or disapproval of the development site plan to the City Council.
- b) The City Council shall review the development site plan with recommendations from the Development Review Board and the Architectural Review Board and vote to approve, approve with conditions, or disapprove the plan.
- c) Conditions the City Council may apply to a development order before granting approval include, but are not limited to, the following:
  1. Increase or decrease in required front, side and rear setbacks;
  2. Maximum building height and or number of stories;
  3. Addition of enhanced pedestrian or bicycle facilities;
  4. Increase in buffer requirements (i.e., require larger buffer and/or more plants, larger plants, specific types of plants); and,

5. Require specific stormwater management facilities.

**Sec. 21-235. Design guidelines.**

This section describes the elements of design that shall be used in the review and approval of development plans within the Gateway Overlay Districts. The guidelines for these elements are based on the "City of Gulf Breeze CRA and Central Business District Design Guidelines," adopted June 11, 2006, as amended, specifically as detailed in Chapter III (CRA General Standards), Chapter IV (Gulf Breeze Parkway/US 98 Standards), Appendix A (Architectural Styles), and Appendix B (Definitions).

The following guidelines from Chapter III, CRA General Standards, shall apply:

- a) Block layout
- b) Building placement and orientation
- c) Building form and architecture
  1. Architectural style
  2. Building façade
  3. Building entrance
  4. Fenestration
  5. Roofs
  6. Building material
  7. Building color
  8. Civic and institutional buildings
- d) Access, circulation and parking
  1. Access
  2. Pedestrian circulation
  3. Vehicular circular and parking

- e) Pedestrian amenities
- f) Open space
- g) Landscaping and buffering
- h) Irrigation
- i) Service area/utilities
- j) Fences, walls
- k) Stormwater management facilities
- l) Lighting
- m) Signs

The following guidelines from Chapter IV, Gulf Breeze Parkway US 98 Standards, shall apply:

- a) Parking
- b) Streetscape
- c) Fences and walls
- d) Lighting
- e) Signs

For all buildings proposed at a height over 35 feet, this site plan review for consistency with design guidelines adopted in the City of Gulf Breeze Community Redevelopment Plan and Central Business District Design Guidelines shall include a specific review to mitigate any adverse compatibility impacts caused by the additional building height, including but not limited to:

- a) Enhanced landscape buffering.
- b) Location of service drives and/or parking areas to mitigate noise and vehicular lights.
- c) Location and type of lighting, signage, dumpsters, etc.

- d) Variable buffers, combining land and landscaping to achieve adequate separation of uses, appropriate open space, reduction of potential noise, light and glare, and screening of physical features of a proposed development.
- e) Variable setbacks, based upon degree of difference in proposed density, intensity, scale, mass or height.
- f) Placement and effective screening or shielding of site features such as lights, signs, dumpsters, loading areas, parking areas, outdoor storage or other features with potential negative impacts.
- g) Effective transitions of on-site densities, intensities, scale, mass or height.
- h) Other innovative site design features that strive to achieve compatibility and mitigate potential negative impacts.
- i) In addition to meeting the requirements of this section, within any portion of the GD-North, west of U.S. Highway 98 and north of the Chanteclair Subdivision, no building shall exceed 60 feet in height and all buildings exceeding 35 feet in height (including all portions thereof) must be located at least 250-feet from adjacent residential districts. This buffer area cannot be used for another habitable structure or parking garage, except that ancillary uses such as surface parking, open space, swimming pools, landscaping and landscape features, stormwater areas, and ancillary structures (e.g., gazebos, decks, cabanas, lift stations, fire pits, refuse stations, etc.) shall be allowed within the 250-foot buffer; provided, however, this limitation shall not apply if there are no buildings in excess of 35 feet located on the site.

## **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 \_\_\_\_ 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

**ORDINANCE NO. 03-11**

**AN ORDINANCE RELATING TO INVESTMENT POLICIES; ADOPTING AN INVESTMENT POLICY FOR CITY OF GULF BREEZE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 218.415, Florida Statutes, authorizes any unit of local government to conduct investment and reinvestment activity outside the statutory framework, provided such activity is consistent with a written investment plan adopted by the governing body; and

**WHEREAS**, it is the desire of the City Council and in the best interest of the citizens of the City of Gulf Breeze that a written investment plan be adopted on behalf of the City.

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

**SECTION 1.** The foregoing findings are incorporated herein by reference and made a part hereof.

**SECTION 2.** The City of Gulf Breeze Investment Policy, attached hereto as Exhibit "A" and effective upon approval on Second Reading, is hereby found to be consistent and in conformance with the requirements of Section 218.415, Florida Statutes, and is hereby adopted as a written investment plan for the conduct of investment activity of surplus public funds.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4.** If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

**SECTION 5.** This ordinance shall take effect immediately upon its passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this \_\_\_\_\_ day of \_\_\_\_\_, AD. 2011.

\_\_\_\_\_  
Beverly Zimmern, MAYOR

ATTEST: \_\_\_\_\_  
Marita Rhodes, CITY CLERK

## Exhibit 'A'

# City of Gulf Breeze Investment Policy

## I. SCOPE

This policy applies to the investment of all monies of the City of Gulf Breeze, its enterprise funds, and including those held within Gulf Breeze Financial Services (the "City"), both short and long-term, with the exception of City pension funds, if any, or any other monies invested under separate ordinance, resolution, policy, or agreement.

1. **Pooling of Funds.** Except for cash in certain restricted and special funds, the City may consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation in each investment pool and in accordance with generally accepted accounting principles. Such pooling of funds shall be done when advantageous, but not an administrative requirement.

## II. GENERAL OBJECTIVES

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

1. **Safety.** Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.
  - a. **Credit Risk.** The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
    - Limiting investments to the safest types of securities;
    - Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the City will do business; and
    - Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

**b. Interest Rate Risk.** The City will minimize the risk that change in the market value of securities in the portfolio caused by changes in general interest rates will result in any losses, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity; and
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

2. **Liquidity.** The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. A portion of the portfolio, sufficient to meet regular operating needs, should be placed in money market mutual funds or local government investment pools which offer same-day liquidity at par for short-term funds. The remainder of the portfolio should be structured so that securities mature concurrent with known, longer-term, cash needs (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portion of the portfolio not invested in cash-equivalent investments and not otherwise matched to specific cash flow requirements should be laddered appropriately consistent with the maturity limitations provided for in section IV and Attachment 1. The portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity).

2. **Yield.** The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments should be limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity, with the following exceptions:

- Liquidity needs of the portfolio require that the security be sold.
- A security with declining credit may be sold early to minimize loss of principal.
- A security swap would improve the quality, yield, or target duration in the portfolio.

### III. STANDARDS OF CARE

1. **Prudence.** The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. The Investments Administrator, or other employee of the City, acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

If and to the extent any derivative products authorized under section are used, the Investments Administrator shall have developed sufficient understanding and expertise in managing the instruments in question and have researched available investment options and determined that the derivative products to be used are appropriate and cost effective for the strategic portfolio management goals to be addressed. The Investments Administrator will comply with the policies, procedures and other requirements provided for in the City's Derivatives Policy, including but not limited to:

- Obtaining authorization from the Gulf Breeze City Council prior to entering into each derivative transaction;
- Quantifying all risks associated with any proposed transactions;
- Limiting participation in any swap transaction to counterparties with credit ratings of AA- or better; and
- Reporting annually on the financial performance of existing derivative transactions.

2. **Ethics and Conflicts of Interest.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose

any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City.

3. **Delegation of Authority.** Authority to manage the investment program is granted to the Finance Director, City Manager, or the Executive Director of Gulf Breeze Financial Services [hereinafter referred to as the Investments Administrator] as may be appointed. Responsibility for the operation of the investment program is hereby delegated to the Investments Administrator, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. To manage the investments program, the Investments Administrator may enter into agreements with financial dealers and institutions, and is authorized to appoint personnel to invest City funds in accordance with this policy and to initiate or validate wire transfers as required. In no event will anyone other than the Investments Administrator enter into written or verbal agreements or contracts, relating to investments or banking services with financial institutions or dealers, without the express written consent of the Investments Administrator.
4. **Continuing Education.** City investment personnel shall annually complete at least 4 hours of continuing education in subjects or courses of study related to investment practices and products.
5. **Business Procedures**
  - a. **Authorized Financial Dealers and Institutions.** A list will be maintained of financial institutions authorized to provide investment services. Each broker/dealer must comply with the Securities and Exchange Commission's Rule 15c3-1 regarding net capital requirements for brokers or dealers. The City will utilize only those financial institutions who meet the following criteria:-
    - (1) Broker/dealer institutions designated as "Primary Dealers" by the Federal Reserve Bank of New York.

- (2) Banking institutions that maintain a local office in the State of Florida and are broker/dealers in U.S. Government securities.
- (3) Other broker/dealers in U.S. Government securities, approved by the Investments Administrator, who meet the other requirements of this section.

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following, as applicable:

- Audited financial statements
- Proof of National Association of Securities Dealers (NASD) certification
- Completed broker/dealer questionnaire, included as Attachment 2
- Certification of having read and understood and agreeing to comply with the City's investment policy, using firm's letterhead, signed by an authorized representative of the firm.
- Proof of Qualified Public Depository (if applicable)

These standards are understood to be a continuing requirement for all dealers and institutions. Dealers and institutions conducting business with the City are hereby required under this policy to immediately notify the City upon failure to retain the above listed standards. An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the Investments Administrator or his designee.

From time to time, the Investments Administrator may choose to invest in instruments offered by community financial institutions or other banking institutions within the State of Florida. In such situations, a waiver to the criteria under Paragraph 1 may be granted. All terms and relationships will be consistent with state or local law including designation of the institution as a Qualified Public Depository under Florida Statutes, Chapter 280.

- b. Internal Controls.** The Investments Administrator is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that: (1)

the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits require estimates and judgments by management.

Accordingly, the Investments Administrator shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- Control of collusion
  - Separation of transaction authority from accounting and record keeping
  - Custodial safekeeping
  - Avoidance of physical delivery securities
  - Clear delegation of authority to subordinate staff members
  - Written confirmation of transactions for investments and wire transfers
  - Development of a wire transfer agreement with the lead bank
- c. **Delivery vs. Payment.** All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Safekeeping receipts or other evidence of ownership will be audited on a semi-annual basis with a variance report issued to the Investments Administrator.

#### IV. SUITABLE AND AUTHORIZED INVESTMENTS

1. **Investment Types.** Consistent with the Governmental Finance Officers' Association (GFOA) Policy Statement on State and Local Laws Concerning Investment Practices, and/or Chapter 218.415 of the Florida Statutes, the following investments will be permitted by this policy:

- U.S. government obligations, U.S. government agency or instrumentality obligations, and the obligations of federal government sponsored enterprises (GSEs), which have a liquid market with a readily determinable market value;
- Securities whose timely payment of principal and interest are fully guaranteed by any of the above;
- Certificates of deposit and other evidences of deposit at financial institutions, provided that any such investments shall be in a

- qualified public depository (as defined in Chapter 280 of the Florida Statutes) and/or be covered by FDIC insurance;
- Investment-grade obligations of state and local governments and public authorities;
  - Repurchase agreements whose underlying purchased securities consist of the foregoing;
  - Guaranteed Investment Contracts (GIC's) which are collateralized by the foregoing;
  - Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar-denominated securities; and
  - Local government investment pools (LGIPs) either state administered or through joint powers statutes and other intergovernmental agreement legislation;
  - High grade corporate debt consisting of U.S. dollar denominated debt obligations of domestic or foreign corporations, or foreign sovereignties issued in the U.S. or in foreign markets. This shall include, but not be limited to corporate notes and bonds, medium term notes, Eurodollar notes and bonds, asset backed securities, and commercial paper, rated in a high tier (e.g., A-1, P-1, or F-1 or higher) by a nationally recognized rating agency. Any such longer-term investments in this category shall be rated investment grade or better by at least two nationally recognized rating agencies, one of which shall be Moody's or Standard & Poor's; and
  - Any other qualified investment permitted under Florida Statutes then in effect.
2. **Competitive Bid.** When appropriate, the City will attempt to obtain three (3) competitive bids from qualified Dealers and Institutions prior to awarding an investment. The competitive bids may be verbal or written quotes. The investment will be awarded to the bidder who provides the greatest effective yield (best bid) on the investment. Where multiple maturities are bid, the City reserves the right to either award the investment to the bidder which provides the best bid in aggregate for all maturities, or the City may award bids by individual maturity. Any tie bid will be awarded to the financial institution which submits the earlier bid. When purchases are made in the open market by an investment manager contracted by the City, bids are not required.
3. **Repurchase Agreements.** Repurchase agreements shall be consistent with GFOA Recommended Practices on Repurchase Agreements. The City will utilize the basic form of the Master Repurchase Agreement,

recommended by The Bond Market Association, when investing funds in repurchase agreements with financial institutions. However, the Investments Administrator is authorized to amend the form of the Master Repurchase Agreement as required to achieve specific investment goals and objectives.

4. **Use of Mutual Funds and Managed Investments.** The Investments Administrator may purchase mutual funds and other managed investments either directly or through an investment manager or advisor, provided that the investments in any such mutual fund shall be materially consistent with the allowable investments provided for in this investment policy. The Investments Administrator shall monitor the composition and value of the investments in any such fund to ensure that, in combination with other investments, the other limitations of this investment policy are complied with.
5. **Securities Lending.** The Investment Administrator is authorized to participate in one or more securities lending programs. Securities from the City's portfolio may be made available to any such program, provided that participation therein will not restrict the City's ability to sell such securities as the Investment Administrator deems appropriate. Any such securities lending program will require that lent securities be collateralized at 102%, and that collateral be valued daily. The City may participate in a securities lending program through an agent or manager, acting on behalf of the City. The agents or managers of such lending programs will maintain current credit analyses of the borrowers to whom they lend, and a list of the participating borrowers will be submitted for approval by the City. The agent or manager of any lending program shall indemnify the City for any losses arising from a borrower's failure to perform.
6. **Derivatives.** The City is authorized to utilize derivative instruments, including interest rate swaps, for the limited purpose of meeting strategic investment portfolio goals such as hedging the portfolio's exposure to interest rate risk. In order to insure that these derivative instruments are utilized only for these purposes, such derivative instruments shall be appropriately matched against existing or maturing assets. The notional amount and remaining term to maturity of all derivative transactions related to the investment portfolio shall at all times be less than or equal to a like par value and remaining term to maturity of otherwise permitted investment instruments either existing or contemplated at the maturity of existing investments. Any such derivative instruments and the

related investment assets shall be maintained in complementary interest rate modes (fixed or variable).

**7. Investment Parameters**

a. **Diversification**. The investments shall be diversified by:

- limiting investments to avoid over-concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities and U.S. agency obligations),
- limiting the portion of total investments in any single security,
- limiting the portion of any single security purchased to maximize the liquidity of the City's investments,
- limiting investment in securities that have higher credit risks, investing in securities with varying maturities, and
- Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIP's), money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

Investments are subject to the numerical limitations included in Attachment 1.

b. **Maximum Maturities**. To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than ten (10) years from the date of purchase or in accordance with state and local statutes and ordinances. The City shall adopt weighted average maturity limitations consistent with the investment objectives.

Reserve funds and non-operating funds (example: Bond Sinking Funds, Electric & Water Meter Deposits) with longer-term investment horizons may be invested in securities exceeding ten years if, in the judgment of Investments Administrator, any such investments are sufficiently liquid to provide for the unexpected use of such funds. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as LGIPs, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations. For purposes of meeting this requirement, the City may invest in securities with ostensible maturities in excess of ten

years if said securities have, in the judgment of the Investments Administrator, adequate liquidity features (e.g., VRDNs with bank supported puts) or other market liquidity sufficient to ensure the high likelihood of the City being able to access funds at par on short notice. Additionally, notwithstanding the limits provided for in Attachment 1, the City may increase the limit on State and Local Government obligations to 30% of the portfolio, for purposes of investing in liquid obligations as provided for in the previous paragraph, if, in the judgment of the Investments Administrator, said obligations provide sufficient additional return.

## V. REPORTING

1. **Methods.** The Investments Administrator shall prepare an investment report at least annually, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last year. This management summary will be prepared in a manner, which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report will be available to the City Manager and City Council upon request. The report will include the following:
  - Listing of individual securities held at the end of the reporting period
  - Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration that are not intended to be held until maturity
  - Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks
  - Listing of investment by maturity date
  - Percentage of the total portfolio -by type of investment
2. **Performance Standards.** The investment portfolio will be managed in accordance with the parameters specified within this policy.
3. **Marking to Market.** The market value of the portfolio shall be calculated at least annually and a statement of the market value of the portfolio shall be issued at least annually.

## **VI. POLICY CONSIDERATIONS**

1. **Exemption.** Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.
2. **Amendments.** This policy may be reviewed on an annual basis. Any changes must be approved by the City Council.

## **VII. LIST OF ATTACHMENTS**

The following documents are attached to this policy:

Attachment 1 - Schedule of Investment Type Limitations (based on market value)

Attachment 2 - Broker Questionnaire

**ORDINANCE NO. 04-11**

**AN ORDINANCE OF THE CITY OF GULF BREEZE FLORIDA, PERTAINING TO ZONING DISTRICT REGULATIONS; CREATING DIVISION 14. CBD OVERLAY DISTRICT OF THE CODE OF ORDINANCES; 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 protect and enhance the quality of the central business district 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 – DIVISION 14. CBD OVERLAY DISTRICT OF ARTICLE II OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF GULF BEEZE** is hereby created to read as follows:

**DIVISION 14. CBD OVERLAY DISTRICT**

**Sec. 21-240. Purpose, intent.**

In order to promote community goals and objectives for character and aesthetics along specified commercial corridors and areas with the Community Redevelopment Area, a “Central Business Overlay District” has been created. The Central Business Overlay District is established for the purposes and intents outlined herein:

- a) To preserve the aesthetic and architectural character of the commercial core the City of Gulf Breeze in order to promote economic development;
- b) Enhance the building stock of the City’s s central business district through compatibility, consistency and quality of site layout and design, consistent with the City of Gulf Breeze CRA and Central Business District Design Guidelines, adopted June 11, 2006, as amended;

- c) Incentivize rehabilitation and new construction through regulatory bonuses and relief and financial assistance when it is deemed appropriate and feasible;
- d) Increase property values and stability through quality of construction, property upgrades and redevelopment;
- e) Attract new business opportunities through tax base expansion and employment growth; and,
- f) Enhance the quality of the central business district in the City through improved character and safety, pedestrian friendly design, local business stability, compatibility and diversity and pride of property ownership.

**Sec. 21-241. Designation of the central business overlay district boundaries.**

The limits and boundaries of the Central Business Overlay District shall be shown on the Official Zoning Map contemplated in Section 21-28:

**Sec. 21-242. Applicability, conflict with other code sections.**

- a) Unless otherwise noted, the requirements of the Central Business Overlay District apply to nonresidential Level II Development activity and all Level III Development activity furthermore, the requirements at the Central Business Overlay District are in addition to the requirements of the underlying zoning districts. Where the requirements of the underlying districts and the overlay districts conflict, the more restrictive shall apply.
- b) The regulations set forth in this division shall apply solely to the Central Business Overlay District. Wherever there is a conflict or inconsistency between the Central Business Overlay District regulations and other regulations of the Land Development Code, the regulations set forth in this section shall control and govern the development and redevelopment within the Central Business Overlay District.

**Sec. 21-243. Permitted, prohibited uses.**

- a) Permitted uses. All uses generally permitted in the underlying zoning districts shall be permitted within the central business overlay district unless specifically prohibited in this section.
- b) Prohibited uses. The following uses shall not be allowed in the Central Business Overlay 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. The following stand-alone uses:

Dry cleaners:

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):

Laundromats:

Second-hand dealers or consignment shops:

Internet Café or Cyber Café.

3. Gambling or gaming establishments or facilities (including, but not limited to, online, interactive or internet gambling or gaming).
4. Tattoo or piercing business.
5. Car wash facilities.
6. Flea markets.
7. Funeral homes and crematoriums.
8. Itinerant merchants or vendors.
9. Machine shops.
10. Light or heavy industrial or manufacturing businesses.
11. New or used vehicle sales (including, but not limited to, automobiles, trucks, trailers, motorcycle, recreational vehicles, boats).
12. Retail or wholesale plant nurseries.
13. Warehouses.

**Sec. 21-244. Design review process.**

The compatible relationship of proposed development in the Central Business Overlay District is of critical public concern for any buildings or site improvements. The intent of design review is not to stifle innovative architecture but to assure respect for and reduce incompatible and adverse impacts on existing land use and promote quality development.

- a) Development within the Central Business Overlay District will be reviewed by the Architectural Review Board, based on the requirements of this section and on the City of Gulf Breeze Community Redevelopment Agency (CRA) and Central Business District Design Guidelines, where appropriate. The Architectural Review Board shall recommend approval, approval with conditions, or disapproval of the development site plan to the City Council.
- b) The City Council shall review the development site plan with recommendations from the Development Review Board and the Architectural Review Board and vote to approve, approve with conditions, or disapprove the plan.
- c) Conditions the City Council may apply to a development order before granting approval include, but are not limited to, the following:
  1. Increase or decrease in required front, side and rear setbacks;
  2. Maximum building height and/or number of stories;
  3. Addition of enhanced pedestrian or bicycle facilities;
  4. Increase in buffer requirements (i.e., require larger buffer and/or more plants, larger plants, specific types of plants); and,
  5. Require specific stormwater management facilities.

**Sec. 21-245. Design guidelines.**

This section describes the elements of design that shall be used in the review and approval of development plans within the Central Business Overlay District. The guidelines for these elements are based on the "City of Gulf Breeze CRA and Central Business District Design Guidelines," adopted June 11, 2006, as amended, specifically as detailed in Chapter III (CRA General Standards), Chapter IV (Gulf Breeze Parkway/US 98 Standards), Appendix A (Architectural Styles), and Appendix B (Definitions).

The following guidelines from Chapter III, CRA General Standards, shall apply:

- a) Block layout
- b) Building placement and orientation
- c) Building form and architecture
  1. Architectural style

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2. Building façade
  3. Building entrance
  4. Fenestration
  5. Roofs
  6. Building material
  7. Building color
  8. Civic and institutional buildings
- d) Access, circulation and parking
1. Access
  2. Pedestrian circulation
  3. Vehicular circulation and parking
- e) Pedestrian amenities
- f) Open space
- g) Landscaping and buffering
- h) Irrigation
- i) Service area/utilities
- j) Fences, walls
- k) Stormwater management facilities
- l) Lighting
- m) Signs

The following guidelines from Chapter IV, Gulf Breeze Parkway/US 98 Standards, shall apply:

- a) Parking

- b) Streetscape
- c) Fences and walls
- d) Lighting
- e) Signs

For all buildings proposed at a height over 35 feet, this site plan review for consistency with design guidelines adopted in the City of Gulf Breeze Community Redevelopment Plan and Central Business District Design Guidelines shall include a specific review to mitigate any adverse compatibility impacts caused by the additional building height, including but not limited to:

- a) Enhanced landscape buffering.
- b) Location of service drives and/or parking areas to mitigate noise and vehicular lights.
- c) Location and type of lighting, signage, dumpsters, etc.
- d) Variable buffers, combining land and landscaping to achieve adequate separation of uses, appropriate open space, reduction of potential noise, light and glare, and screening of physical features of a proposed development.
- e) Variable setbacks, based upon degree of difference in proposed density, intensity, scale, mass or height.
- f) Placement and effective screening or shielding of site features such as lights, signs, dumpsters, loading areas, parking areas, outdoor storage or other features with potential negative impacts.
- g) Effective transitions of on-site densities, intensities, scale, mass or height.
- h) Other innovative site design features that strive to achieve compatibility and mitigate potential negative impacts.

## **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**

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 \_\_\_\_ 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



**GREEN - C-2 Zoning**  
**RED - CBD Boundry**

0 480ft

**EXECUTIVE COMMITTEE REPORT**

**MARCH 30, 2011**

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

**ACTION AGENDA ITEMS:**

- A. SUBJECT: **DISCUSSION AND ACTION REGARDING DISCUSSION AND ACTION REGARDING TWO (2) SPECIAL EVENT REQUESTS: (1) GULF BREEZE ELEMENTARY SCHOOL ANNUAL RUN, FRIDAY, APRIL 15, 2011; (2) ST. ANN CATHOLIC CHURCH PALM SUNDAY PROCESSIONAL FROM WAYSIDE TO CHURCH, SUNDAY, APRIL 17, 2011**

Reference: Deputy Police Chief memo dated March 21, 2011

**RECOMMENDATION:**

That the City Council approve the following: (1) Gulf Breeze Elementary School annual run to be held on Friday, April 15, 2011, 4:30 - 5:30 p.m. and (2) St. Ann Catholic Church Palm Sunday Processional Sunday, to be held April 17, 2011, noon to 4:00 pm

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- B. SUBJECT: **DISCUSSION AND ACTION REGARDING RESOLUTION NO. 04-11, APPROVING ISSUANCE OF NOT EXCEEDING \$17,000,000 IN CAPITAL TRUST AGENCY BONDS AND A PLAN OF FINANCE FOR ACQUISITION OF SHELTERING PALMS APARTMENTS IN ORLANDO, FLORIDA**

Reference: City Manager memo dated March 23, 2011

**RECOMMENDATION:**

That the City Council adopt Resolution No. 04-11 approving issuance of not to exceed \$17,000,000 in CTA tax exempt bonds for the acquisition of apartment complexes in Orlando by Sheltering Palms.

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- C. SUBJECT: **DISCUSSION AND ACTION REGARDING RESOLUTION NO. 05-11, APPROVING A PLAN OF FINANCE FOR TM ALEXANDER APARTMENTS**

Reference: City Manager memo dated March 23, 2011

**RECOMMENDATION:**

**That the City Council adopt Resolution No. 05-11 approving a plan of finance for TM Alexander Apartment by GMF - preservation of affordability.**

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- D. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 02-11, CREATING DIVISION 13, GATEWAY OVERLAY DISTRICT**

Reference: City Manager memo dated March 24, 2011

**RECOMMENDATION:**

**That the City Council schedule a Public Hearing to be held on Monday, April 4, 2011 and that Ordinance No. 02-11 be approved on Second and Final Reading.**

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- E. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 03-11, ADOPTING AN INVESTMENT POLICY**

Reference: City Manager memo dated March 24, 2011

**RECOMMENDATION:**

**That the City Council schedule a Public Hearing to be held on Monday, April 4, 2011 and that Ordinance No. 03-11 be approved on Second and Final Reading.**

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- F. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 04-11, CREATING AN OVERLAY AREA IN THE CENTRAL BUSINESS DISTRICT**

Reference: City Manager memo dated March 25, 2011

**RECOMMENDATION:**

**That the City Council approve Ordinance No. 04-11, creating overlay zoning regulations in the central business district on First Reading and schedule a Second Reading and Public Hearing for April 18, 2011.**

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**G. SUBJECT: DISCUSSION AND ACTION REGARDING HAZARD MITIGATION GRANT PROGRAM FOR FUNDING STORMWATER DRAINAGE IMPROVEMENTS**

Reference: City Manager memo dated March 24, 2011

**RECOMMENDATION:**

**That the City Council direct staff to prepare and transmit the necessary letters to the State of Florida in order to reapply for HMGP funding for stormwater drainage improvements.**

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**H. SUBJECT: DISCUSSION AND ACTION REGARDING SUBSTITUTE LETTER OF CREDIT, FAIRPOINT REGIONAL UTILITY SYSTEM (FRUS)**

Reference: City Manager memo dated March 24, 2011

**RECOMMENDATION:**

**That the City Council approve substitution of a new letter of credit to back a Fairpoint Regional Utility System borrowing as long as the bank is rated "A" or better and that the letter of credit fee is 150 basis points or less.**

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**I. SUBJECT: DISCUSSION AND ACTION REGARDING WORKSHOP ON BRIDGE REPLACEMENT AND DOWNTOWN REDEVELOPMENT**

Reference: City Manager memo dated March 23, 2011

**RECOMMENDATION:**

**That the City Council schedule a workshop for a presentation by VHB, Miller Sellen, on Wednesday, April 6, 2011, 6:00 p.m., relative to mitigating the impact of replacing the Pensacola Bay Bridge on the City of Gulf Breeze. Council also directed staff and City Attorney to prepare a letter notifying the Florida Department of Transportation that the City expects the Department to follow the Federal Highway Agency standards while doing the P D & E study.**