

**GULF BREEZE CITY COUNCIL  
REGULAR MEETING**

AUGUST 15, 2011  
MONDAY, 6:30 P.M.  
COUNCIL CHAMBERS

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of August 1, 2011 (Regular Meeting)
4. Ordinance No. 09-11: Prohibited Uses in the Gateway and Central Business Overlay Districts  
**SECOND READING AND PUBLIC HEARING**  
  
Ordinance No. 10-11: Authorizing the Issuance of Bonds and the Establishment of Conduit Financing Programs Within the State of Florida or Outside the State of Florida  
  
Resolution No.. 09-11: Approving a Plan of Finance for GMF - Preservation of Affordability Corporation for the Acquisition and Renovation Of Civic Towers Apartments in Miami, Florida; Authorizing The Issuance of \$19,250,000
5. **CONSENT AGENDA ITEMS:\***
  - A. Discussion and Action Regarding Development Review Board Referrals of Aug. 2, 2011
    - I. Andrews Institute - 1040 Gulf Breeze Parkway  
Requests Parking Lot Expansion
    - II. FOG GB, LLC - 1722 West Fletcher Parkway, Tampa FL 33612  
Request to Construct a New Strip Mall at the Corner of Northcliff Drive and Gulf Breeze Parkway
    - III. Exposition Properties, LLC - 5784 Lake Forest Dr, NW, Atlanta, GA  
Request to Create an Outparcel on the Northeast Corner of the Existing Live Oak Village
  - B. Discussion and Action Regarding Weather Bug Media Service Camera on Water Tower (TABLED)
  - C. Discussion and Action Regarding Establishment of a New Government Fund for New Red Light Camera Operations

- D. Discussion and Action Regarding Employee Salary and Benefits Study
- E. Discussion and Action Regarding Additional Architectural Fee - Recreation Center Project
- F. Discussion and Action Regarding Time Change for Executive Session to be held on Wednesday, August 31, 2011

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

**ACTION AGENDA ITEMS:**

- A. Discussion and Action Regarding Electronic Readerboard Signs
- B. Discussion and Action Regarding Employee Health Insurance Coverage for Fiscal Year 2012
- 6. New Business: Discussion and Action Regarding Overall Budget Summary Meeting To Be Scheduled
- 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 1,181<sup>st</sup> regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida was held at the Gulf Breeze City Hall on Monday, August 1, 2011, at 6:30 p.m.

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

**APPROVAL OF MINUTES:**

Councilman Henderson moved for approval of the minutes for the regular meeting held on July 18, 2011. Councilman Morris seconded. The vote for approval was 4 - 0.

**ORDINANCE NO. 08-11: ADOPTING NEW ORDINANCES AND MODIFYING EXISTING ORDINANCES TO COMPLY WITH LAWS OF FLORIDA RELATIVE TO DISCHARGE OF FIREARMS SECOND READING AND PUBLIC HEARING**

The Ordinance was read by title only by the City Clerk. The City Manager reviewed the purpose of the changes and Mayor Pro Tem Schluter opened the floor for public comments. There were no comments. Councilman Morris moved for approval of the Ordinance. Councilman Landfair seconded. The vote for approval was 4 - 0.

**ORDINANCE NO. 09-11: AMENDING SECTIONS 21-233 AND 21-243 OF THE CITY'S LAND DEVELOPMENT CODE, PROHIBITED USES OF THRIFT STORES AND DONATION DROP-OFF SITE - FIRST READING**

The Ordinance was read by title only by the City Clerk. The City Manager explained the changes and why the issued was brought up. Mr. Jim Doyle, 308 Plantation Hill Road, questioned if this would keep organizations such as the Gulf Breeze Hospital from conducting fund raisers in the future. It was explained that requests like that could be handled individually.

Councilman Henderson moved for approval and to schedule the Second Reading and Public Hearing for Monday, August 15, 2011. Councilman Morris seconded. The vote for approval was 4 - 0.

**CONSENT AGENDA ITEMS:**

**RECOMMENDATION:**

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

A. SUBJECT: **DISCUSSION AND ACTION REGARDING REQUEST BY  
MIDWAY WATER SYSTEM**

Reference: Assistant Public Services Director memo dated July 21, 2011

**RECOMMENDATION:**

**That the City Council approve the revised settlement offer to Midway Water System of \$6,890 to reimburse them for water used by our customer through their water system. Additionally, the City also authorizes payment of the take or pay transportation back to January of 2010 in the amount of \$4,650. (Council asked if there is a way the City can test to make sure this situation does not happen with the City.)**

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

Reference: Assistant City Manager memo dated July 21, 2011

**RECOMMENDATION:**

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

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

Reference: City Manager memo dated July 21, 2011

**RECOMMENDATION:**

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

D. SUBJECT: **DISCUSSION AND ACTION REGARDING EXECUTIVE SESSION  
AND BUDGET WORKSHOP**

Reference: City Manager memo dated July 21, 2011

**RECOMMENDATION:**

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

Councilman Morris moved for approval of Consent Agenda Items A, B, C, and D. Councilman Henderson seconded. The vote for approval was 4 - 0.

**ACTION AGENDA ITEMS:**

- A. **SUBJECT: DISCUSSION AND ACTION REGARDING RED LIGHT CAMERA ADDITION AT HOSPITAL TRAFFIC SIGNAL**

Reference: Police Chief memo dated July 21, 2011

**RECOMMENDATION:**

**That the City Council approve the recommendation to add red light enforcement cameras at the hospital traffic light intersection and direct staff to implement the project in a timely manner.**

Councilman Henderson moved for approval. Councilman Morris seconded. The vote for approval was 4 - 0.

- B. **SUBJECT: DISCUSSION AND ACTION REGARDING ELECTRONIC READER BOARDS**

Reference: Community Services Director memo dated July 21, 2011

**RECOMMENDATION:**

**Councilman Henderson made a motion to table this item until and place it on the next Executive Session when the Mayor will be at the meeting. The next Session is to be hold on Tuesday, August 9, 2011. Councilman Landfair seconded. The vote was 2 - 2.**

**NEW BUSINESS: DISCUSSION AND ACTION REGARDING SETTLEMENT OF  
THE TRAFFIPAX LAW SUIT**

Reference: Verbal Report by City Attorney

**RECOMMENDATION:**

**That the City Council approve the settlement agreed upon between the City and Traffipax, the City to receive \$150,000 and Traffipax \$110,000.**

Councilman Morris moved for approval of the settlement. Councilman Landfair seconded. The vote for approval was 4 - 0.

**OPEN FORUM:**

Mr. Jim Doyle, 308 Plantation Hill Road, asked to have more information about the settlement. The City Attorney get additional information and suggested they meet after the meeting if Mr. Doyle had any questions.

Councilman Morris informed everyone he had received a response from the Florida Bar regarding his complaint concerning Attorney Thomas Brady. The Bar has requested Mr. Brady respond to Councilman Morris' complaint by August 9, 2011.

**ADJOURNMENT:**

Mayor Pro Tem Schluter adjourned the meeting at 6:50 p.m.

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Marita Rhodes, City Clerk

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J. B. Schluter, Mayor Pro Tem

**ORDINANCE NO. 09-11**

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

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

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

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

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

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

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

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

**Sec. 21-233. Permitted, prohibited uses.**

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

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

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

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

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

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

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

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

17. Warehouses.

**SECTION 3 - SEVERABILITY**

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

**SECTION 4 - CONFLICT**

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

**SECTION 5 - EFFECTIVE DATE**

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

PASSED ON THE FIRST READING ON THE 1<sup>st</sup> DAY OF Aug, 2011.

ADVERTISED ON THE ON THE 4<sup>th</sup> DAY OF Aug, 2011.

PASSED ON THE SECOND READING ON THE \_\_\_ DAY OF \_\_\_\_\_, 2011.

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

ATTESTED TO BY:

\_\_\_\_\_  
Marita Rhodes, City Clerk



# City of Gulf Breeze

August 12, 2011

TO: Mayor and City Council

FROM: Marita Rhodes, City Clerk *marita*

SUBJ: **ORDINANCE NO. 10-11, AUTHORIZING THE ISSUANCE OF BONDS AND THE ESTABLISHMENT OF CONDUIT FINANCING WITHIN AND OUTSIDE THE STATE OF FLORIDA**

At the Executive Session held Tuesday, August 9, 2011, the City Attorney explained a change to Ordinance 10-11 and Council voted to place it on the agenda for the Regular meeting to be held Monday, August 15, 2011 with a recommendation to approve the Ordinance as amended. A corrected version of the Ordinance was to be sent with the Council packet being distributed Friday, August 12<sup>th</sup>.

Due to Bond Counsel being out of town, a corrected version of the Ordinance was not forwarded to City Hall. We are including a copy of the original Ordinance in the packet and the amended version will be e-mailed to you Monday morning.

ORDINANCE NUMBER 10-11

AN ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, RELATING TO THE FINANCING OF PROGRAMS AND ACQUISITION, OWNERSHIP, CONSTRUCTION, IMPROVEMENT, OPERATION, MANAGEMENT AND FINANCING OF CAPITAL FACILITIES BY OR ON BEHALF OF THE CITY OF GULF BREEZE, FLORIDA, AND OTHER GOVERNMENTAL ENTITIES, AND ON BEHALF OF PRIVATE AND NOT FOR PROFIT ENTITIES, WITHIN THE STATE OF FLORIDA OR OUTSIDE THE STATE OF FLORIDA; AUTHORIZING THE ESTABLISHMENT OF CONDUIT PROGRAMS AND THE ISSUANCE OF REVENUE BONDS TO FINANCE AND REFINANCE THE COST OF SUCH CAPITAL PROJECTS, PAYABLE FROM CERTAIN REVENUES HEREIN DESCRIBED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, notice of intent to consider this Ordinance has been published and has been made available to the public for inspection by law;

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

SECTION 1. DEFINITIONS

“Act” shall mean Sections 163.01, Part I, et seq. and 159.01 et seq., Florida Statutes, Chapter 166, Part II, Florida Statutes, Chapter 420, Florida Statutes, Chapter 159, Part II, Florida Statutes and other applicable provisions of law, and this Ordinance.

“Agency” shall mean the Capital Trust Agency, a legal entity duly created pursuant to and a public agency duly organized and existing under Chapters 163, Part I and 617, Florida Statutes, and that certain Interlocal Agreement dated as of August 1, 1999, between the City and the Town of Century, Florida, as amended and supplemented

“Bonds” shall mean any revenue bonds authorized to be issued pursuant to this Ordinance.

“Borrower” shall mean a Public Agency or an eligible private or not-for-profit business or individual which shall enter into a financing agreement and receive as a loan a portion of the proceeds of the Bonds.

“Capital Projects” shall mean, but shall not be limited to, the development, acquisition, construction, equipping, furnishing, renovating, improving, rehabilitating, or expanding of any one or more or any combination of the following projects which relate to a governmental function or purpose: (i) utilities; (ii) courthouses, jails, prisons, reformatories, penal or correctional institutions; (iii) private and public buildings; (iv) capital facilities which are the object of a public-private partnership; (v) roads and bridges, parking and traffic control facilities

and toll facilities; (vi) playgrounds, recreation and tourism facilities; (vii) convention, trade show and arena facilities, sports facilities, entertainment facilities or attractions generally available to or intended for participation by the public; (viii) media production or distribution facilities; (ix) low and moderate income single-family, mixed-income housing facilities, scattered site or multi-family housing facilities, elderly housing facilities, assisted living facilities, retirement facilities; (x) facilities in redevelopment, enterprise, economically distressed, economic recovery or urban renewal areas; (xi) fire fighting, fire control and fire prevention facilities and systems; (xii) social service centers; (xiii) schools, educational facilities, qualified academy facilities, dormitories; (xiv) stadiums, museums, facilities for training, exhibition or performance of sports or the arts; (xv) child care facilities; (xvi) acute, subacute, long term and clinical health care facilities; (xvii) energy efficiency facilities, electric generating facilities, solar energy facilities, including but not limited to biomass production or recovery facilities; (xviii) mineral and geological recovery or mining facilities, nuclear production, processing and disposal facilities and fuel-related facilities; (xix) office and administrative facilities; (xx) facilities which relieve the burdens of government; (xxi) any capital improvement constituting a "project" as defined in Chapter 159, Part II, Florida Statutes; (xxii) any capital improvement described in Chapter 163, Florida Statutes and Chapter 285, Florida Statutes; (xxiii) any capital project authorized to be financed by a municipality pursuant to any provision of Florida law; (xxiv) any capital project authorized to be financed by or on behalf of a Public Agency or by or for a Borrower or Borrowers; (xxv) economic development or community redevelopment projects for or on behalf of any Public Agency, or by a Public Agency or by or on behalf of a Borrower or Borrowers; and (xxvi) any property authorized to be financed pursuant to Sections 103 and 141 through 150 of the United States Internal Revenue Code (the "Code"); and any and all real or personal property in connection with same, together with reasonable working capital and capitalized costs, reserves, interest and expenses associated with any such project or improvement.

**"City"** shall mean the City of Gulf Breeze, Florida, a municipal corporation of the State of Florida.

**"Conduit Program"** shall mean any plan of finance or financing program for providing funds to finance Capital Projects or any financing mechanism that provides the benefits of public financing to any Public Agency or Borrower, and that implements or furthers the lawful purposes and objectives of the City.

**"Costs"** means the capital costs of acquiring, constructing, equipping, furnishing, rehabilitating, renovating or converting for intended use, any capital facilities constituting a Capital Project, whether by direct purchase, contract for construction, design-build, acquisition of corporate assets, or otherwise. Such costs may include, without limitation, the cost of acquisition of all lands, structures, rights-of-way, franchises, easements and other property rights and interests acquired by the Borrower for a Capital Project; the cost of demolishing, removing or relocating any buildings or structures on lands so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated; the cost of all labor, materials, machinery and equipment, furnishings and fixtures, financing charges, interest prior to and during construction and for such a limited period after completion of such construction, the cost of engineering, financial and legal services, plans, specifications, studies, surveys, brokerage commissions, developer fees, estimates of costs and revenues, other expenses necessary or

incident to determining the feasibility or practicability of constructing a Capital Project, administrative expenses; the capital costs of good will, general intangibles and incorporeal hereditaments, and such other expenses as may be necessary or incident to the acquisition or construction of a Capital Project, the financing of such construction and the placing of such Capital Project in operation; provided, however, that such term shall not include such items as fuel, supplies or other items which are customarily deemed to result in a current operating charge. Such "Costs" shall also include costs, as defined in Sections 166.205(6) and 159.27(2), Florida Statutes, including capitalized interest and working capital associated with Capital Projects, provided that proceeds of the Bonds issued as tax-exempt bonds shall never be expended for working capital in an amount determined at the time of funding each Borrower loan, in an amount in excess of the maximum percentage allowed by law of the total amount loaned to all Borrowers pursuant to any financing agreement with a Borrower.

**"Council"** shall mean the City Council of the City.

**"Public Agency"** shall mean a town, city, county, school board, special district or other public agency (as defined in Section 163.01, Florida Statutes) or a government, public or quasi-public body, sovereignty, or public authority, or an entity not for profit created or established under applicable law and controlled by or acting on behalf of such public agency, government, public or quasi-public body, sovereignty or public authority having power to finance a Capital Project for itself or for the benefit of or at the request of any Borrower.

**"Revenues"** shall mean any specified revenues of the City collected by or accruing to the City other than by the exercise of ad valorem taxing power of the City or taxation in any form on any real property or personal property therein, whether such revenues are now in existence or may hereafter be in existence, including revenues of any Capital Project financed hereunder or revenues made available pursuant to financing agreements with Borrowers entered into in connection with the financing of a Capital Project or Conduit Program hereunder, and shall also include any amounts available under any credit enhancement instrument or hedge agreement, to the extent provided in such instrument or agreement.

**"State"** means the State of Florida.

## **SECTION 2. FINDINGS AND DECLARATION OF NECESSITY.**

(1) Pursuant to the Act, the City is authorized to borrow money, contract loans, and issue bonds from time to time to finance or refinance the undertaking of any Capital Project or Conduit Program.

(2) It is necessary for the public health, safety and general welfare of the City and the State that provisions be made for the establishment of Conduit Programs, and the acquisition and construction of Capital Projects, which serve a public purpose and for financing and refinancing the cost of such projects and programs.

(3) The City is authorized by the Act, among other things, to cooperate with other Public Agencies in the exercise of their common powers, including, among other things, their

powers to borrow money and finance or refinance Capital Projects, and to fund and operate Conduit Programs, both within and without the state of Florida.

(4) Pursuant to the Act, the City may issue its revenue Bonds for the purpose of (i) funding Conduit Programs which serve a public purpose and provide financing for Public Agencies (within the meaning of the Act) or private or not-for-profit businesses or individuals, including, without limitation, financing Capital Projects to be owned or used by such Borrowers, or (ii) financing facilities comprising Capital Projects for use by the City, or by a county, municipal corporation, state or local agency or other public body, or Public Agency or a Borrower having power to borrow money for such purposes, and, as security for the payment of the principal of, and the interest on any such revenue Bonds so issued, to pledge the Revenues from any such facilities or from any financings or loans provided or made by the City.

(5) In order to establish the Conduit Program to assist Borrowers in financing, acquiring, erecting, extending, improving, equipping or repairing such necessary and desirable facilities, to provide Capital Projects and to provide the benefits of public financing for Borrowers, the City may agree to authorize, issue, sell and deliver its revenue Bonds from time to time, and to enter into interlocal agreements and financing agreements with Borrowers to implement such purpose.

(6) The proceeds of the sale of the Bonds will be used: (1) to provide funds to loan to Borrowers and to acquire obligations issued by Borrowers, for the purpose of, and in order to assist the Borrowers in, financing or refinancing of the acquisition, erecting, extending, improving, equipping or repairing Capital Projects (as hereinafter defined), (2) to fund financing programs for the use or benefit of the Public Agencies and the Borrowers, (3) to provide Capital Projects for Borrowers or for Public Agencies, including, without limitation, the City, and (4) to pay certain fees and costs incurred in connection with the foregoing and the issuance of the Bonds.

(7) It is further found and declared that the establishment of Conduit Programs and the promotion, development, construction, acquisition, equipping, operation and maintenance of certain Capital Projects will serve the populations within or outside the City, promote the public health, education and welfare and will significantly increase opportunities for employment for the citizens and residents of the City and its environs, thus improving economic conditions, increasing economic prosperity and the tax base, multiplying the expenditures within the City for construction of housing and businesses and provision of services therein, reducing the burdens of public welfare, publicly assisted housing, charity health care and other burdens of government emanating from unemployment and underemployment, improving the quality of life and attractiveness of the area to additional new industries.

(8) It is further found and declared that the powers conferred by this Ordinance are for public uses and purposes for which public money may be expended and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination; and

(9) It is further found and declared that the financing of Conduit Programs and Capital Projects will enable the City and Public Agencies to serve the public purposes for which they were created; that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; that economic development through the employment opportunities afforded by certain Capital Projects, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, and fulfill the public objectives for which they were instituted, increasing their ability to accomplish their other respective purposes; that the establishment of Conduit Programs and financing of Capital Projects will improve the economic and living conditions of the Borrowers or those served by the Public Agencies in which the Borrowers are located, thereby assisting the Public Agencies in obtaining their goals or enhancing the tax base of the Public Agencies in which such Borrowers operate, live or work; and that the preservation and enhancement of the tax base in such areas bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns.

**SECTION 3. AUTHORIZATION OF CONDUIT PROGRAMS AND FINANCING OF CAPITAL PROJECTS.**

The City is hereby authorized to (i) finance, acquire, construct, furnish and equip Capital Projects in its own jurisdiction and in the jurisdiction of other Public Agencies where the City is authorized to operate (ii) provide and establish Conduit Programs for Borrowers within its own jurisdiction and in the jurisdiction of other Public Agencies where the City is authorized to operate. The appropriate officers of the City are hereby authorized to implement the Conduit Program, and in furtherance thereof, to enter into such interlocal agreements and into financing agreements with Borrowers for the financing of Capital Projects, all as authorized from time to time by resolution of the Council duly adopted.

**SECTION 4. DECLARATION OF PURPOSE.**

It is hereby determined and declared that the purpose of this Ordinance is to provide financing assistance which will aid the Borrowers, the City and the Public Agencies, and will assist the City and Borrowers in financing the cost of Capital Projects. It is hereby further determined and declared that the implementation of the Conduit Programs, the establishment and funding of such Conduit Programs and the financing of such Capital Projects are for a proper and appropriate public purpose of the City.

**SECTION 5. BORROWING.**

For the purpose of providing funds with which to acquire, construct, furnish and equip Capital Projects authorized by Section 2 of this Ordinance and to pay the costs incurred in connection therewith, the City is hereby authorized to issue Bonds payable solely from Revenues, or any specific portion thereof, as provided by resolution of the Council.

Bonds herein authorized to be issued may be issued and sold at one time or from time to time, and shall bear such date or dates, be in such denomination or denominations, be in coupon or registered form, be payable at such place or places, within or without the State, bear interest at such rate or rates not exceeding the maximum rate, if any, established by applicable law, payable at such times and with such frequency, and shall mature at such time or times, not exceeding forty-five (45) years from their date, with or without the privilege of prior redemption by the City and upon such terms or conditions and with such redemption premium as may be determined by the Council in the resolution or resolutions authorizing the Bonds. The Bonds shall be signed either by the manual or facsimile signature of the Mayor or Vice Mayor and shall bear the seal of the City affixed, imprinted or reproduced thereon, attested by the City Clerk or any deputy, provided that at least one signature (which may be that of a trustee, registrar or authenticating agent) is manually executed thereon, and the coupons attached to the Bonds shall bear the facsimile signatures of such officers as may be determined by the Council in the resolution or resolutions authorizing the Bonds. The Bonds shall be sold at public or private sale, with or without advertisement or prior notice, as may be determined by the Council in accordance with Florida law at a price not less than that authorized by Florida law. Pending the preparation of definitive Bonds, temporary bonds, or interim receipts or certificates may be issued to the purchaser or purchasers of Bonds sold pursuant to this Ordinance. Such receipts or certificates shall be in such form and with such provisions as the Council may determine. Book-entry Bonds need not be printed in definitive form.

#### **SECTION 6. PERMITTED COVENANTS.**

Any resolution or resolutions authorizing the issuance of Bonds under this Ordinance, or financing agreements, credit support, hedging agreements or indentures relating thereto, may contain any covenants deemed necessary by the Council to make the Bonds secure and marketable, including, but without limitation, covenants regarding the application of the Bond proceeds; the pledging, the application, securing and continuation of Revenues; the creation and maintenance of reserves; the investment of funds; the issuance of additional Bonds; insurance and insurance proceeds; letters of credit and other enhancements or credit supports; accounts and audits; the sale of Bond financed properties; remedies of bondholders; the vesting in a trustee or trustees of such powers and rights as may be necessary to secure the Bonds and the revenues and funds from which they are payable; the terms and conditions upon which bondholders may exercise their rights and remedies; the replacement of lost, destroyed or mutilated Bonds; the definition, consequences and remedies of an event of default; the terms of any credit support or hedging agreement, the amendment of such resolution and such documents or instruments relating to the Bonds authorized thereby; and the appointment of a receiver in the event of default.

The City recognizes the right of any holder of the Bonds, including any trustee for any bondholders, to enforce his or their rights against the City, its Council or any officer, agent or employee thereof by mandamus, injunction or other action in any court of competent jurisdiction, subject to the covenants and provisions included in the Bond resolution or related documents or instruments relating the Bonds.

All sums received as accrued interest from the sale of any Bonds shall be applied to the payment of interest on the Bonds.

Unless otherwise provided in the resolutions authorizing the Bonds, Bonds issued pursuant to this Ordinance executed by officers in office on the date of such execution shall be valid obligations of the City notwithstanding that before the delivery thereof any or all of the persons executing the same shall have ceased to be such officers.

**SECTION 7. PLEDGE OF REVENUES.**

The principal of and interest on the Bonds authorized to be issued by the City pursuant to this Ordinance shall be payable from such Revenues, or specific portions thereof, as determined by resolution of the Council prior to the issuance thereof, subject only to (1) contract rights relating to such revenues or portions thereof vested in the holders of any prior Bonds and (2) such other obligations as the Council may determine by resolution.

**SECTION 8. OBLIGATIONS NOT GENERAL OBLIGATION DEBT OF CITY.**

Neither the Bonds nor any interlocal agreement or financing agreement or other contract or instruments authorized or permitted hereunder shall be or constitute a general obligation of the City within the meaning of the Constitution of Florida, but shall be limited and special obligations payable solely from Revenues as herein provided, and only in the manner and to the extent provided in the bond, contract or instrument. No holder or holders of any Bonds or any coupons appertaining thereto issued by resolution pursuant to this Ordinance shall ever have the right to compel the exercise of the ad valorem taxing power of the City or taxation in any form of any real and personal property therein to pay such obligations or the interest thereon or be entitled to payment of such principal and interest from any other funds of the City except from the Revenues as provided herein.

**SECTION 9. REFERENDUM AND ELECTION.**

No referendum or election shall be required for the exercise of any of the provisions of this Ordinance, unless such referendum or election is required by the Constitution of Florida in connection with a pledge of specific Revenues by a Borrower.

**SECTION 10. POWER TO AMEND.**

The City does hereby covenant with the holders of Bonds issued pursuant to this Ordinance that it will not enact any ordinance which will repeal, impair or amend in a manner the rights of such bondholders nor the security of the funds which may be pledged to the payment of principal of and interest on Bonds issued pursuant to this Ordinance, and any instruments or documents relating to such Bonds.

**SECTION 11. REFUNDING BONDS.**

The City may by resolution issue Bonds to refund or advance refund any Bonds issued pursuant to this Ordinance or any obligations payable from revenues allocable to or for the benefit of the City and provide for the rights of the holders thereof. Such refunding Bonds may be issued in an amount sufficient to pay the principal of the outstanding Bonds, the interest due and payable on the outstanding Bonds to the maturity thereof or, at the option of the City, to a redemption date on which the outstanding Bonds may be callable prior to maturity, and, if redeemed, the redemption premium, if any, due upon such date of redemption, and any expenses of the issuance and sale of such refunding Bonds. Bonds may be issued hereunder for the combined purposes of refunding and Capital Projects.

The City shall have the power to issue cross-over refunding Bonds and the same are hereby authorized and approved. Nothing in this Ordinance shall be deemed to require that any refunded Bonds be repaid or redeemed earlier than their stated maturities.

**SECTION 12. ALL NECESSARY ACTION.**

The appropriate officers of the City are hereby authorized and empowered to enter into contracts, swap agreements, investment agreements, credit default agreements, intercreditor agreements, escrow agreements, repurchase agreement, reverse repurchase agreements, hedges, caps, collars and other financial investments of all kinds in connection with the issuance of Bonds or management of the debt evidenced thereby, as herein provided or in connection with the investment of proceeds thereof.

**SECTION 13. EFFECT OF ORDINANCE.**

This Ordinance shall not be deemed to repeal or supersede any other law or laws, but shall be considered as supplemental and additional authority to the Council to carry out and perform the powers authorized herein.

**SECTION 14. EFFECTIVE DATE.**

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

**SECTION 15. GOVERNING BODY; AGENCY.**

All power and authority granted to the City by the provisions of this Ordinance shall be exercised by the Council or its successors as the governing body of the City. The Council may delegate to the Mayor or other appropriate official of the City any responsibilities hereunder which may legally be delegated to such official. The administration of any program established hereunder may be performed pursuant to contract with any firm, person or corporation approved by the City, as such duties regarding the issuance and administration of the Bonds and the funds and accounts of the Conduit Programs may be delegated to any corporate trustee with or without the State.

Pursuant to interlocal agreement heretofore or hereafter entered into by the City pursuant to Section 163.01, Florida Statutes, the City may provide that a separate legal or administrative

entity (including the Agency) is authorized to exercise the powers under this Ordinance. Unless otherwise expressly provided by ordinance or resolution of the City, no such interlocal agreement, nor any obligation, contract or instrument entered into by such entity, shall be deemed to authorize, create or establish any liability of the City to pay the principal of, interest on, or other amounts due in connection with any bonds or other obligations issued by such separate legal or administrative entity.

**SECTION 16. SEVERABILITY.**

The provisions of this Ordinance are intended to be severable. If any one or more sections, paragraphs, sentences, clauses or provision shall be held to be illegal or invalid, the remaining sections, sentences, clauses and provisions of this Ordinance shall nevertheless stand and be construed as if the illegal or invalid sections, sentences, clauses or provisions had not been included herein.

**SECTION 17. ORDINANCES IN CONFLICT REPEALED.**

All ordinances or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**CITY COUNCIL OF THE  
CITY OF GULF BREEZE, FLORIDA**

By: \_\_\_\_\_  
Its: Mayor

**ATTEST:**

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

**ADOPTED:** \_\_\_\_\_



# City of Gulf Breeze

OFFICE OF THE CITY MANAGER

August 10, 2011

TO: Mayor and City Council

FROM:  Edwin A. Eddy, City Manager

SUBJ: **RESOLUTION NO. 09-11, APPROVING A PLAN OF FINANCE FOR ACQUISITION OF MULTI-FAMILY RESIDENTIAL HOUSING (CIVIC TOWERS) BY GMF-PRESERVATION OF AFFORDABILITY, AUTHORIZING ISSUANCE OF NOT TO EXCEED \$19,250,000 IN CAPITAL TRUST AGENCY BONDS AND APPROVING AMENDMENT 24A TO THE CITY'S INTERLOCAL AGREEMENT WITH THE TOWN OF CENTURY**

Attached is an updated Resolution and supporting documents for the Civic Towers project for your review and consideration. Nothing substantive has changed in the program.

## RECOMMENDATION:

**That the City Council adopt Resolution 09-11 approving a plan of finance for GMF - Preservation of Affordability.**

EAE:msr

RESOLUTION 09-11

**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 \$19,250,000 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 July 28, 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 Civic Tower Apartments in Miami, Florida (the "Project"); and

**WHEREAS**, the City has been advised that the Agency desires to issue not exceeding \$19,250,000 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 (the "City Council") 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 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 \$19,250,000. 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. 24-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 \$19,250,000 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 15<sup>th</sup> day of August, 2011.

**GULF BREEZE, FLORIDA  
CITY COUNCIL**

(SEAL)

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

**ATTEST:**

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

**EXHIBIT "A"**

**REPORT OF CITY MANAGER**

**EXHIBIT "B"**

**AMENDMENT NO. 24-A  
OF THE ENABLING AGREEMENT**

**[Follows]**

## **SCHEDULE I**

### **THE PROJECT**

Civic Tower Apartments, an approximately 196 unit multifamily rental housing facility located at 1855 NW 15<sup>th</sup> Avenue, Miami, Florida 33125, within Miami-Dade County, Florida.

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## EXHIBIT A

### AMENDMENT NO. 24-A TO INTERLOCAL AGREEMENT

This **AMENDMENT NO. 24-A TO INTERLOCAL AGREEMENT** (this "Amendment No. 24-A") is made and entered into as of the 1st day of August, 2011, by and among the **CITY OF GULF BREEZE, FLORIDA**, a municipal corporation of the State of Florida ("Gulf Breeze") and the **TOWN OF CENTURY, FLORIDA**, a municipal corporation of the State of Florida ("Century"). Gulf Breeze and Century may collectively be referred to herein as the "Parties,"

#### WITNESSETH:

**WHEREAS**, the Parties hereto have by Interlocal Agreement, dated as of August 2, 1999, as amended by Amendments No. 1 through No. 29 (collectively, the "Enabling Agreement"), heretofore provided for the creation of the Capital Trust Agency (the "Agency"), to enable public, private and not-for-profit organizations to obtain public assistance in financing certain projects or programs that benefit, enhance and/or serve a public purpose; and

**WHEREAS**, 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"), a nonprofit corporation qualified to do business in Florida, and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") 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 (as applicable, the "Borrower"), is engaged in, among other things of acquiring, developing, rehabilitating, owning, and operating multifamily rental housing facilities for persons of low income throughout the United State; and

**WHEREAS**, pursuant to Amendment No. 24, dated as of July 1, 2009 ("Amendment No. 24"), the Agency was authorized to: (i) issue its revenue bonds in a principal amount not to exceed \$20,000,000 in one or more series and (ii) loan the net proceeds of such revenue bonds to The American Opportunity Foundation, Inc. or its subordinate nonprofit corporation for the financing or refinancing of an existing low income multifamily rental housing facility for persons of low income, as further described on attached Schedule 1, namely, Civic Tower Apartments in Miami, Florida (the "Project"); and

**WHEREAS**, on July 28, 2011, the Agency approved a request by the Borrower that the Agency issue its revenue bonds in a principal amount not to exceed \$19,250,000 (the "Bonds") in one or more series and loan the net proceeds thereof to the Borrower, for the purpose, among other things, of financing and refinancing the Project, including acquiring, upgrading, reconditioning, improving and beautification of the Project; and

**WHEREAS**, the Agency will issue its Bonds on a case-by-case basis after review by the

Agency, to provide financing and refinancing from time to time for individual projects or groups of projects, or eligible financing programs, based upon the credit pledged therefor from one or more of the projects, the Borrower, the Company, a credit enhancement facility, if any, or from the revenues of any such programs; and

**WHEREAS**, Section 7 of the Enabling Agreement requires that as a condition precedent to the Agency issuing the Bonds, the Agency must obtain the prior written approval, evidenced by resolution, from the governing bodies of Century and Gulf Breeze approving such issuance and approving an amendment to the Enabling Agreement specifically authorizing such issuance. Such approval evidenced by appropriate resolutions has been obtained authorizing the execution and delivery of this Amendment No. 24-A to the Enabling Agreement with respect to the financing herein described; and

**WHEREAS**, the Parties desire to supercede Amendment No. 24 and amend the Enabling Agreement to permit and authorize the Agency to issue the Bonds herein described from time to time and loan the proceeds to the Borrower in order to provide financing and refinancing for the Project; provided that at no time shall the principal amount of Bonds outstanding exceed the maximum principal amount set forth herein; and

**NOW, THEREFORE**, the Parties hereby agree as follows:

**SECTION 1. ENABLING AGREEMENT AMENDED FOR PROJECT.**

This Amendment No. 24-A is entered into pursuant to Section 7 of the Enabling Agreement for the purpose of authorizing the Agency to issue the Bonds and to finance projects of the type and character of the Project.

**SECTION 2. BONDS, PROGRAM, PLAN OF FINANCE APPROVED.**

The Parties do hereby approve and authorize the Bonds, and the issuance of Bonds from time to time, in one or more series, in an aggregate principal amount not exceeding at any time the aggregate principal amount of \$19,250,000. Each installment or issue of such Bonds shall be designated by series, in such manner as the Agency shall determine, so as to separately identify each such installment or issue. The Agency and its officers, employees, agents and attorneys are hereby authorized to enter into, on behalf of the Agency, from time to time, interlocal agreements, cash management agreements, interest rate swap or hedge transactions, investment agreements, repurchase agreements, bond credit or insurance agreements, escrow agreements, reimbursement agreements, security documents and other agreements or instruments deemed necessary or convenient to effect or implement the financing and refinancing of the Project through the issuance of the Bonds, and the purposes and programs for which the Bonds are to be issued and to conform the purposes stated in the Articles of Incorporation of the Agency to authorizations herein contained. No obligation of the Agency under any such agreement or instrument shall constitute an obligation of Century or of Gulf Breeze. The Bonds shall be limited and special obligations of the

Agency, payable from the revenues or receipts of the programs or projects, payments by the Borrower, or other sources relating to the purpose for which they are issued, all in the indentures for the Bonds. The Bonds shall not constitute a pledge of the faith and credit or taxing power of or constitute an obligation of Century or of Gulf Breeze.

**SECTION 3. ADMINISTRATIVE FEES AND EXPENSES FOR THE TOWN OF CENTURY.**

Upon the issuance of each series or installment of Bonds, Century shall be paid by either the Agency or Gulf Breeze, solely from amounts received from the Borrower the sum specified on Schedule 2 attached hereto.

**SECTION 4. ENABLING AGREEMENT CONTINUED.**

The Enabling Agreement, as amended hereby except Amendment No. 24 which is hereby superceded by this Amendment No. 24-A, is hereby ratified, confirmed and approved and shall otherwise continue in full force and effect. Nothing in this Amendment No. 24-A shall be deemed to adversely affect the authorizations in the Enabling Agreement as it existed prior to the effective date of this Amendment No. 24-A, or to adversely affect the interests of the holders of any Bonds issued or to be issued pursuant to such authorizations. Except as and only to the extent specifically amended hereby, such Enabling Agreement is hereby incorporated by reference.

**SECTION 5. INDEMNITY.**

To the extent permitted by law, the Agency and Gulf Breeze shall indemnify and defend Century and hold Century harmless against any and all claims, losses, liabilities or damages to property or any injury or death of any person or persons occurring in connection with the issuance of the Bonds pursuant hereto, or in connection with the acquisition or operation of any Project, or for any liability any way growing out of or resulting from the Enabling Agreement, as amended, this Amendment No. 24-A, the financing agreements and/or bond indentures executed in connection with the Bonds or the Bonds, including, without limitation, all costs and expenses of Century, including reasonable attorney's fees, incurred in the performance of any activities of Century in connection with the foregoing or the enforcement of any agreement of the Agency herein contained. Any such obligation of Gulf Breeze or the Agency shall be payable solely from the amounts available to them for such purposes under the Bond financing or any other plan of finance heretofore or hereafter undertaken by the Agency, and shall not constitute a general obligation or a pledge of the faith and credit of Gulf Breeze or the Agency, or an obligation to pay the same from any sources other than such amounts available to them for such purposes under the Bond financing.

**SECTION 6. SEVERABILITY OF INVALID PROVISIONS.**

If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provisions of law or contrary to the policy of express law, though not

expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed severable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other provisions hereto.

**SECTION 7. COUNTERPARTS.**

This Amendment may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**SECTION 8. EFFECTIVE DATE; AMENDMENTS.**

This Amendment shall take effect when duly executed by the Parties and filed in accordance with law. This Amendment may be amended only by written instrument signed by authorized representatives of Century and of Gulf Breeze; provided, however, that no such amendment which would adversely affect the rights of the holders or owners of any then outstanding Bonds of the Agency or of any other member shall take effect until such time as all necessary consents or approvals with respect to such Bonds shall have been obtained, in the case of the rights of bondholders, or the consents and approvals of the affected members, in the case of the rights of members.

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**IN WITNESS WHEREOF**, the Parties have caused this Amendment No. 24-A to Enabling Agreement to be executed by their duly authorized officers as of the date first above written.

**CITY OF GULF BREEZE, FLORIDA**

[SEAL]

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

**ATTEST:**

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

**TOWN OF CENTURY, FLORIDA**

[SEAL]

By: \_\_\_\_\_  
Mayor

**ATTEST:**

By: \_\_\_\_\_  
Town Clerk

**SCHEDULE 1**

**THE PROJECT**

Civic Tower Apartments, an approximately 196 unit multifamily rental housing facility located at 1855 NW 15<sup>th</sup> Avenue, Miami, Florida 33125, within Miami-Dade County, Florida.

**SCHEDULE 2  
PAYMENT TO TOWN OF CENTURY**

\$350.00 per million principal amount of each issue, upon issuance thereof, but not less than \$2,500.00.

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# City of Gulf Breeze

OFFICE OF THE CITY MANAGER

## Memorandum

**To:** Mayor and City Council

**From:**  Arwin A. Eddy, City Manager

**Date:** 8/11/2011

**Subject: Renewal of Health Insurance Plan**

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We were able to gather some additional information regarding the proposed health insurance information regarding the proposed health insurance plan for City staff commencing October 1, 2011.

We currently provide employee health insurance through a Blue Cross Blue Shield program called Blue Options 3559. Renewal of this plan would result in a 8.07% increase in premiums. We propose that we switch plans to a BCBS plan referred to as Blue Care HMO Plan 042. We will actually have a rate for 2012 of 1.13% less than current premiums under this new plan if our employee census stays the same.

The key differences in this new plan are:

1. Doctors List: Whenever a plan is changed, we want to be sure the physicians our employees utilize are on the list for the new HMO. There are 105 primary care physicians in Santa Rosa County. Only eight (8) are not on the BCBS HMO List. We will obtain the same information for Escambia. BCBS has pledged to add doctors to the list as feasible.
2. Plan Features: Doctor visits will cost employees \$25.00 under the new plan rather than \$20.00 under the current plan. Specialist visits are also \$5.00 more under the new plan. Generic prescriptions are \$5.00 less under the new plan. Outpatient Hospital Services will cost more up front however, all doctor care will be covered under one fee. Inpatient hospital services will be cheaper overall through the new plan.

The maximum out of pocket for the new plan is \$3,500 and \$7,000 per family. Under the current plan the max out of pocket is \$2,500 and \$5,000 per family. We will need to continue to provide assistance to staff in the form of annual leave buyback in certain situations.

3. Patient Care: The proposed HMO does not require patients to first go to their primary care doctor as with older HMO's. Patients can "self refer" themselves to a specialist on the list or to other primary care physicians on the list.

We are still working on final numbers for the dental insurance coverage. It appears from early figures that we will be able to provide our staff with comprehensive dental coverage that includes 100% coverage for preventative care for a reasonable increase in cost.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE BCBS PLAN BLUE CARE HMO 042 FOR EMPLOYEE HEALTH INSURANCE FOR FISCAL YEAR 2012 COMMENCING OCTOBER 1, 2011.**

**EXECUTIVE COMMITTEE REPORT**

**AUGUST 9, 2010**

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

**ACTION AGENDA ITEMS:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW BOARD REFERRALS OF AUGUST 2, 2011**

**I. ANDREWS INSTITUTE - 1040 GULF BREEZE PARKWAY  
Request Parking Lot Expansion**

**RECOMMENDATION:**

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

**II. FOG GB, LLC - 1722 WEST FLETCHER PARKWAY, TAMPA, FL 33612  
Request to Construct a New Strip Mall at the Corner of Northcliff Drive and Gulf Breeze Parkway**

**RECOMMENDATION:**

**That the City Council approve the project contingent upon the project engineer providing the City with a copy of the long term maintenance plan for the storm-water system and an NPDES for small construction activity.**

**III. EXPOSITION PROPERTIES, LLC - 5784 LAKE FOREST DR., SW, ATLANTA, GA (PROJECT LOCATION: 1143 GULF BREEZE PARKWAY)  
Request to Create an Outparcel on the Northeast Corner of the Existing Live Oak Village**

**RECOMMENDATION:**

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

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**B. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE 09-11, PROHIBITED USES IN THE GATEWAY AND CENTRAL BUSINESS OVERLAY DISTRICT**

Reference: City Manager memo dated August 5, 2011

**RECOMMENDATION:**

**That the City Council hold a Public Hearing and approve Ordinance 09-11 on Second Reading on Monday, August 15, 2011.**

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- C. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE 10-11, AUTHORIZING THE ISSUANCE OF BONDS AND THE ESTABLISHMENT OF CONDUIT FINANCING PROGRAMS WITHIN OR OUTSIDE THE STATE OF FLORIDA**

Reference: City Manager memo dated August 4, 2011

**RECOMMENDATION:**

**That the City Council approve Ordinance 10-11 on First Reading on August 15, 2011 and schedule Public Hearing and Second Reading on September 6, 2011. (The City Attorney indicated there will be a minor change in the Ordinance to include A validation clause.)**

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- D. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION NO. 09-11, APPROVING A PLAN OF FINANCE FOR GMF - PRESERVATION OF AFFORDABILITY CORPORATION FOR THE ACQUISITION AND RENOVATION OF CIVIC TOWERS APARTMENTS IN MIAMI, FL; AUTHORIZING THE ISSUANCE OF \$19,250,000**

Reference: City Manager memo dated August 4, 2011

**RECOMMENDATION:**

**That the City Council adopt Resolution 09-11 approving a plan of finance for GMF - Preservation of Affordability Corporation in an amount not exceeding \$19,250,000 for the acquisition and renovation of Civic Towers Apartment in Miami, Florida. (As part of adopting the Resolution, the City Council is approving Amendment 24 to the Interlocal Agreement between the City and the Town of Century.**

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**E. SUBJECT: DISCUSSION AND ACTION REGARDING WEATHER BUG MEDIA SERVICE CAMERA ON WATER TOWER**

Reference: Police Chief memo dated August 3, 2011

**RECOMMENDATION:**

**That the City Council table this item at this time.**

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**F. SUBJECT: DISCUSSION AND ACTION REGARDING ESTABLISHMENT OF A NEW GOVERNMENT FUND FOR NEW RIGHT LIGHT CAMERA OPERATIONS**

Reference: Finance Director memo dated August 2, 2011

**RECOMMENDATION:**

**That the City Council approve the creation of a new government fund code to capture revenues and costs related to the City's new red light camera operations, to be instituted effect October 1, 2011.**

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**G. SUBJECT: DISCUSSION AND ACTION REGARDING ELECTRONIC READERBOARD SIGNS**

Reference: City Manager memo dated August 5, 2011

**RECOMMENDATION:**

**That the City Council direct staff and City Attorney to draft an ordinance that would disallow any new electronic readerboards in any location.**

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**H. SUBJECT: DISCUSSION AND ACTION REGARDING TEAM SANTA ROSA MEMBERSHIP**

Reference: Assistant City Manager memo dated August 4, 2011

**RECOMMENDATION:**

**That the City Council meet on Monday, August 15, 2011 as the Board of Directors of the Community Redevelopment Agency and that the CRA Board authorize payment to Team Santa Rosa of \$6,000 for 2011 membership dues. (Council asked if they could receive a report on TEAM Santa Rosa activities.)**

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**I. SUBJECT: DISCUSSION AND ACTION REGARDING EMPLOYEE INSURANCE COVERAGE FOR FISCAL YEAR 2012**

Reference: Finance Director memo dated August 4, 2011

**RECOMMENDATION:**

**That the City Council approve the Self Referral HMO plan for eligible employees for fiscal year 2012.**

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**J. SUBJECT: DISCUSSION AND ACTION REGARDING EMPLOYEE SALARY AND BENEFITS STUDY**

Reference: Assistant City Manager memo dated August 5, 2011

**RECOMMENDATION:**

**That the City Council direct staff to prepare a RFP for a Employee Salary and Benefits Study, to advertise, select a firm/individual and make a hiring recommendation to the Council.**

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**K. SUBJECT: DISCUSSION AND ACTION REGARDING CITY'S 50<sup>TH</sup> ANNIVERSARY CELEBRATION**

Reference: City Manager memo dated August 5, 2011

**RECOMMENDATION:**

**That the City Council meet on Monday, August 15<sup>th</sup> as the Board of Directors of Gulf Breeze Financial Services and approve an allocation of \$75,000 for the City's celebration of its 50<sup>th</sup> anniversary.**

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**L. SUBJECT: DISCUSSION AND ACTION REGARDING ADDITIONAL ARCHITECTURAL FEE - RECREATION CENTER PROJECT**

Reference: Parks and Recreation Director memo dated August 4, 2011

**RECOMMENDATION:**

**That the Council authorize an additional \$115,125 to Bay Design Associates Architects.** (Funding for this increase in fees to come from allowance on Alternate Projects List for Design and Engineering.)

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**M. INFORMATION ITEMS**

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**NEW BUSINESS: DISCUSSION AND ACTION REGARDING TIME CHANGE FOR EXECUTIVE SESSION TO BE HELD ON WEDNESDAY, AUGUST 31, 2011**

Reference: Verbal Report from City Manager

**RECOMMENDATION:**

**That the City Council reschedule the meeting time for the Executive Session to be held Wednesday, August 31, 2011 from 6:30 p.m. to 5:30 p.m.**

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**NEW BUSINESS: DISCUSSION AND ACTION REGARDING OVERALL BUDGET SUMMARY MEETING**

Reference: Verbal Report from City Manager

**RECOMMENDATION:**

**That the City Council schedule a meeting to review the overall budget summary to be held during the week of August 22, 2011 on a date to be determined.**



**THOMAS M. KNIGHT, SHERIFF  
SARASOTA COUNTY SHERIFF'S OFFICE**

Post Office Box 4115  
Sarasota, Florida 34230-4115  
Telephone (941) 861-5800  
Fax (941) 861-4039  
[www.sarasotasheriff.org](http://www.sarasotasheriff.org)

August 4, 2011

Chief Peter Paulding  
Gulf Breeze Police Department  
311 Fairpoint Drive  
Gulf Breeze, Florida 32561

Dear Chief Paulding,

On behalf of the men and women of the Sarasota County Sheriff's Office, I would like to take this opportunity to express our gratitude and appreciation to Lieutenant Rick Hawthorne for being an Assessor at our recent CFA Mock Assessment. His knowledge and professionalism were greatly appreciated and his expertise was invaluable during the review process.

Lt. Hawthorne reflects the dedicated and professional image of the Gulf Breeze Police Department and is an excellent representative of your agency. Please convey our gratitude to Lt. Hawthorne.

If our agency can be of assistance to you or your organization in the future, please do not hesitate to contact my office at 941-861-4008.

Respectfully,

A handwritten signature in black ink, appearing to read "Tom Knight".

Thomas M. Knight, Sheriff  
Sarasota County, Florida

Cc: Accreditation



• Equal Opportunity Employer •  
• Accredited Full Service Law Enforcement Agency •  
• 2071 Ringling Boulevard • Sarasota • Florida 34237-7036 •





# City of Gulf Breeze

OFFICE OF THE CITY MANAGER

August 12, 2011

TO: Mayor and City Council  
FROM: *E. A. Eddy*  
Edwin A. Eddy, City Manager  
SUBJ: **NEXT BUDGET WORKSHOP**

At the conclusion of the August 9 Council workshop on the 2012 budget, the Council indicated that another workshop is necessary. We suggest a "wrap up" session on Wednesday, August 24 at 5:30 p.m. (There is no Executive Session during the week of August 22 through August 26.

**RECOMMENDATION:**

**That the City Council schedule a budget workshop on Wednesday, August 24 at 5:30 p.m.**

EAE:msr

**GULF BREEZE FINANCIAL SERVICES  
BOARD OF DIRECTORS**

AUGUST 15, 2011  
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 50<sup>th</sup> Anniversary Celebration

**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.**



# City of Gulf Breeze

OFFICE OF THE CITY MANAGER

## Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 8/5/2011

Subject: City's 50<sup>th</sup> Anniversary Celebration

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At a previous City Council meeting, a plan for celebration of the City's 50<sup>th</sup> Anniversary was approved. The components of the celebration include a sit down dinner on August 20<sup>th</sup>, an outdoor BBQ with fireworks on October 22<sup>nd</sup> and a program to acquire and install permanent, outdoor community art in the City.

The Community Art program is estimated to cost \$250,000. Of this, "not to exceed" total, \$125,000 will be provided by donors.

In order to fund the art project and the other events the City Council may wish to consider an allocation in the amount of \$75,000 from Gulf Breeze Financial Services.

We have ordered one piece of outdoor art that will be placed on the east side of Wayside Park. We have a donor of \$25,000 and with the City's match, we have ordered the piece which was approved by the donor and Dr. Zieman who is coordinating this effort.

### RECOMMENDATION:

**THAT THE CITY COUNCIL MEET ON MONDAY, AUGUST 15<sup>TH</sup> AS THE BOARD OF DIRECTORS OF GULF BREEZE FINANCIAL SERVICES AND APPROVE AN ALLOCATION OF \$75,000 FOR THE CITY'S CELEBRATION OF ITS 50<sup>TH</sup> ANNIVERSARY.**

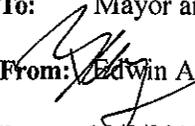


# City of Gulf Breeze

OFFICE OF THE CITY MANAGER

## Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 12/3/2010

Subject: **Celebration of the City's 50<sup>th</sup> Anniversary**

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

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

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

### **RECOMMENDATION:**

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

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

**NEW BUSINESS:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING CELEBRATION OF THE CITY'S 50<sup>TH</sup> ANNIVERSARY**

Reference: City Manager memo dated December 3, 2010

**RECOMMENDATION:**

**That the City Council endorse the following plans for the City's 50<sup>th</sup> Anniversary celebration offer any added thoughts: (1) hold a formal dinner to mark the City's official incorporation in August, 1961; (2) hold an outdoor event, such as a barbecue or cookout in October and (3) install up to five (5) pieces of permanent art at key focal points throughout the City.**

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

**B. SUBJECT: DISCUSSION AND ACTION REGARDING COUNCIL BOARD APPOINTMENTS**

Reference: Verbal discussion

**RECOMMENDATION:**

**The Mayor made the following Council appointments to various boards: Joe Henderson - South Santa Rosa Utility System Board and Regional Utility Authority Board; J. B. Schluter - Development Review Board, Architectural Review Board, and designated alternate to the Alabama Florida Transportation Planning Organization; Dana Morris - Tourist Development Board and TEAM Santa Rosa; David Landfair - Bay Area Resource Council (BARC) and Mayor Zimmern - Florida Alabama Transportation Planning Organization, Florida Regional Utility System Board, South Santa Rosa Utility System Board (ex officio) and Northwest Florida Transportation Planning Organization.**

Council unanimously agreed to the appointments.

**COMMUNITY REDEVELOPMENT AGENCY  
BOARD OF DIRECTORS**

**AUGUST 15, 2011  
TUESDAY - 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 Team Santa Rosa Membership

**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.**



# City of Gulf Breeze

## MEMORANDUM

**TO:** Edwin A. Eddy, City Manager

**FROM:** David J. Szymanski, Assistant City Manager

**DATE:** August 04, 2011

**SUBJECT:** Team Santa Rosa Membership

The City of Gulf Breeze has been a member of Team Santa Rosa for over a decade. The City recognizes that economic growth in Santa Rosa County equates to improved quality of life, better opportunity for our citizens, and increased property values. Team Santa Rosa is striving to work with prospective employers to choose Santa Rosa County as well as existing businesses to encourage growth. Team Santa Rosa is a partnership between the County, the local governments, state and federal agencies, and private industry.

An annual membership invoice has been submitted by Team Santa Rosa for \$6,000. It would be appropriate for the City to pay this invoice. The FY2011 CRA budget has money set aside for this membership. It is appropriate that this membership be paid from the CRA, as economic development is why the CRA was established in 1989.

**RECOMMENDATION: That the City Council meet on Monday, August 15, 2011 as the Board of Directors of the Community Redevelopment Agency and that the CRA Board authorize payment to Team Santa Rosa of \$6,000 for 2011 membership dues.**



**TEAM Santa Rosa**  
FLORIDA  
 ECONOMIC DEVELOPMENT COUNCIL, INC

6491 Caroline Street  
 Milton, FL 32570-4592

# Invoice

Date	Invoice #
8/3/2011	20011-1752

<b>Bill To</b>
Dave Symanski City of Gulf Breeze P. O. Box 640 Gulf Breeze, FL 32562-0640

<b>Due Date</b>
9/15/2011

Description	Amount
City of Gulf Breeze TEAM Investment Dues	6,000.00
	<b>Total</b>
	\$6,000.00