

**GULF BREEZE CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 6, 2011
6:30 P.M. COUNCIL CHAMBERS**

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of August 15, 2011
Approval of Minutes Board of Directors GBFS August 15, 2011
Approval of Minutes Board of Directors CRA August 15, 2011
Approval of Minutes Special City Council Meeting August 31, 2011
4. Ordinance No. 10-11: Authorizing the Establishment of Conduit Programs and the Issuance of Revenue Bonds Outside the State of Florida.
(SECOND READING AND PUBLIC HEARING)

Ordinance No. 11-11: Adopting a New Local Communication Tax Rate. Providing for the Adoption of a New Local Communication Service Tax Rate.
(FIRST READING)

Ordinance No. 12-11: Adopting a New Municipal Public Service Tax. Providing for the Adoption of a Municipal Public Service Tax Rate.
(FIRST READING)

Ordinance No. 13-11 Eliminating Reader Board Signs. Amending Section 23-3, Section 23-5 and Section 23-16 of the Code of Ordinances.
(FIRST READING)

Resolution No. 10-11: Approving a Conduit Bond Program for Eligible Projects and an Amendment to the Interlocal Agreement with Century Relative to Financing Programs outside the State of Florida.

5. **CONSENT AGENDA ITEMS:***

- A. Discussion and Action Regarding Architecture Review Board Referral of August 11, 2011
 - I. Benson Complex – Corner of U.S. Highway 98 and Northcliff:Development Order Approval

- B. Discussion and Action Regarding South Santa Rosa Utility Service Referrals of 8/16/2011
 - I. Ground Storage Repairs/Rehab Bix
 - II. Wastewater Treatment Facility Filter Rehab Bid
 - III. F/Y 2012 Draft Budget Approval

- C. Discussion and Action Regarding Special Event Request – City’s 50th Anniversary 5K Run – Saturday, October 22, 2011, 4:30 p.m.

- D. Discussion and Action Regarding Automated External Defibrillator (AED’s)

- E. Discussion and Action Regarding Purchase of Natural Gas Pipe Trailer

- F. Discussion and Action Regarding Roadway Paving Consultant Contract.

- G. Discussion and Action Regarding Crosswalk Evaluation

- H. Discussion and Action Regarding Payment to Sam Marshall Architects for Feasibility Study-Shoreline Park South Meeting Facility

- I. Discussion and Action Regarding Dispatch Center Air Conditioning and Flooring

***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 Dental and Vision Benefits Alternatives

6. New Business:

1. Discussion and Action Regarding Alternate Project List.
2. Discussion and Action Regarding Fairpoint Regional Utility System Limited Guaranty Agreement

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 proceeding 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 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 1,182nd regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida was held at the Gulf Breeze City Hall on Monday, August 15, 2011, at 6:30 p.m.

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

PRESENTATION:

Mr. Tommy Kolch, whose son played on the Gulf Breeze Sports Association Under 6 Boys Baseball Team, thanked the City Council for the City's support in helping the U-6 team travel to participate in the State play off for a chance to compete in the Little League World Series.

APPROVAL OF MINUTES:

Councilman Schluter moved for approval of the minutes for the regular meeting held on Monday, August 2, 2011. Councilman Morris seconded. The vote for approval was 5 - 0.

**ORDINANCE NO. 09-11: PROHIBITED USES IN THE GATEWAY AND CENTRAL
BUSINESS OVERLAY DISTRICTS - SECOND
READING AND PUBLIC HEARING**

The Ordinance was read by title only by the City Clerk. The Mayor opened the floor for public comments. There was no comments made and the Mayor closed the public hearing. Councilman Henderson moved for approval of the Ordinance.

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

**ORDINANCE NO. 10-11: AUTHORIZING THE ISSUANCE OF BONDS AND
THE ESTABLISHMENT OF CONDUIT FINANCING
PROGRAMS WITHING OR OUTSIDE THE STATE OF
FLORIDA - FIRST READING**

The Ordinance was read by title only by the City Clerk. The City Manager stated the final version of the ordinance will have a validation clause included.

Councilman Schluter moved for approval of the Ordinance on first reading and to scheduled to second reading and public hearing on Tuesday, September 6, 2011. Councilman Landfair seconded. The vote for approval was 5 - 0.

**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**

The Resolution was read by title only by the City Clerk. The Mayor reviewed the Resolution.

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

CONSENT AGENDA ITEMS:

RECOMMENDATION:

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

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.

- B. 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.

- C. 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.

- D. 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.

E. 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.)

F. SUBJECT: 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.

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

ACTION AGENDA ITEMS:

A. SUBJECT: DISCUSSION AND ACTION REGARDING ELECTRONIC READERBOARD SIGNS

Reference: City Manager memo dated August 5, 2011

Mr. Ron Thomas, 419 Surrey Drive, spoke in favor of allowing additional reader board signs. He stated he thought the current ordinance was sufficient.

FIRST RECOMMENDATION:

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

Councilman Landfair moved for approval. Councilman Henderson seconded. The vote for approval was 3 - 2, with Councilman Schluter and Councilman Morris dissenting.

SECOND RECOMMENDATION:

That the City declare a 120 day moratorium not allowing and additional electronic reader board signs to provide enough time for staff and City Attorney to prepare an Ordinance.

Councilman Henderson moved for approval. Councilman Landfair seconded. The vote for approval was 3 - 2, with Councilman Schluter and Councilman Morris dissenting.

Ms. Josie Cotti, CEO of the Gulf Breeze Chamber of Commerce, informed Council that Gulf Breeze Elementary School and Gulf Breeze Middle School had discussed installing an electronic reader board sign at each school. .

B. SUBJECT: DISCUSSION AND ACTION REGARDING EMPLOYEE HEALTH 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.

Councilman Henderson moved for approval. Councilman Schluter seconded. The vote for approval was 5 - 0. (Mayor Zimmern asked the City Manager to inform all employees about the differences obtaining medical services between an HMO and an PPO.)

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.

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

OPEN FORUM:

Mayor Zimmern recognized Boy Scout Castleberry from Troop 11, working on a Scout badge.

ADJOURNMENT:

Mayor Zimmern adjourned the meeting at 7:30 p.m.

CITY CLERK

MAYOR

**MINUTES OF A MEETING OF THE BOARD OF DIRECTORS
FOR THE GULF BREEZE FINANCIAL SERVICES**

A meeting of the Board of Directors for the Gulf Breeze Financial Services, Gulf Breeze, Florida, was convened at the Gulf Breeze City Hall on Monday, August 15, 2011, at 6:32 p.m.

Upon call of the roll for the Gulf Breeze Financial Services the following members were present: Dana Morris, Mayor Pro Tem 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 Gulf Breeze Financial Services to consider the following item:

A. SUBJECT: DISCUSSION AND ACTION REGARDING CITY'S 50TH ANNIVERSARY CELEBRATION

Reference: City Manager memo dated August 5, 2011

RECOMMENDATION:

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

Dr. Zieman spoke regarding the 50th Anniversary and five pieces of outdoor art to be installed at five various locations within Gulf Breeze. The first art piece should be completed within six to eight weeks, will be approximately seventeen feet tall and weigh approximately 600 pounds. It will be placed in Wayside Park.

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

ADJOURNMENT:

The Mayor adjourned this meeting at 6:46 p.m.

CITY CLERK

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, August 15, 2011, at 6:46 p.m.

Upon call of the roll for the Community Redevelopment Agency the following members were present: Dana Morris, Mayor Pro Tem 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:

A. SUBJECT: DISCUSSION AND ACTION REGARDING TEAM SANTA ROSA MEMBERSHIP

Reference: Assistant City Manager memo dated August 4, 2011

RECOMMENDATION:

That the City Council meet as the Board of Directors of the Community Redevelopment Agency and authorize payment to Team Santa Rosa of \$6,000 for 2011 membership dues. (Ms. Cindy Anderson, Executive Director of Team Santa Rosa, gave a presentation of the target markets and various types of work force Team Santa Rosa is encouraging to locate in this area.)

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

ADJOURNMENT:

The Mayor adjourned this meeting at 6:59 p.m.

CITY CLERK

MAYOR

SPECIAL CITY COUNCIL MEETING MINUTES

AUGUST 31, 2011

A special meeting of the City Council was convened at the Gulf Breeze City Hall on Wednesday, August 31, 2011 at 5:56 p.m.

Councilman Present: Joseph Henderson, Mayor Pro Tem J.B. Schluter, David Landfair, Mayor Beverly Zimmern.

Councilman Absent: Dana Morris was out on business.

The purpose of this meeting was for the City Council to consider the following:

A. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT FOR GBHS QUATERBACK CLUB.

Reference: Deputy Chief Robert Randle memo dated August 29, 2011

RECOMMENDATION:

That the City Council approve the 5K run.

Mayor Pro Tem Schluter moved for approval. Councilman Landfair seconded. The vote for approval was unanimous.

B. SUBJECT: DISCUSSION AND ACTION REGARDING GOOGLE EMAIL.

Reference: Memo from James Pelt dated August 29, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL ENTER INTO AN AGREEMENT WITH GOOGLE FOR THE GOOGLE APPS FOR GOVERNMENT SERVICE TO BE RENEWED ANNUALLY UNTIL SUCH TIME AS THE CITY OF GULF BREEZE OR GOOGLE DISCONTINUES THE SERVICE.

Mayor Pro Tem Schluter moved for approval. Councilman Landfair seconded. The vote for approval was unanimous.

C. SUBJECT: DISCUSSION AND ACTION REGARDING MAYOR BEVERLY ZIMMERN NOMINATION TO THE FLORIDA LEAGUE OF CITIES MUNICIPAL INSURANCE TRUST BOARD OF DIRECTORS.

Reference: Verbal report from City Manager

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE THE NOMINATION OF MAYOR BEVERLY ZIMMERN TO THE FLORIDA LEAGUE OF CITIES MUNICIPAL INSURANCE TRUST BOARD OF DIRECTORS.

Mayor Pro Tem Schluter moved for approval. Councilman Landfair seconded. The vote for approval was unanimous.

ADJOURNMENT: 5:59 P.M.

ATTESTED TO:

Deputy City Clerk

Mayor

EXECUTIVE COMMITTEE REPORT

AUGUST 31, 2011

Councilman Present: Joseph Henderson, Mayor Pro Tem J.B. Schluter, David Landfair, Mayor Beverly Zimmern.

Councilman Absent: Dana Morris was out of town on business.

ACTION AGENDA ITEMS:

- A. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 10-11, AUTHORIZING THE ESTABLISHMENT OF CONDUIT PROGRAMS AND THE ISSUANCE OF REVENUE BONDS OUTSIDE THE STATE OF FLORIDA.**

Reference: City Manager memo dated August 24, 2011

RECOMMENDATION:

That the City Council hold a Public Hearing on September 6, 2011 and approve Ordinance 10-11 on Second Reading.

- B. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION NO. 10-11, APPROVING A CONDUIT BOND PROGRAM FOR ELIGIBLE PROJECTS AND AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH CENTURY RELATIVE TO FINANCING PROGRAMS OUTSIDE THE STATE OF FLORIDA.**

Reference: City Manager memo dated August 24, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL ADOPT RESOLUTION 10-11

- C. SUBJECT: DISCUSSION AND ACTION REGARDING INCREASE IN COMMUNICATION SERVICE TAX AND MUNICIPAL UTILITY SERVICE TAX.**

Reference: City Manager memo dated August 25, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE ORDINANCES 11-11 AND 12-11 INCREASING THE COMMUNICATION SERVICES TAX AND THE MUNICIPAL SERVICES TAX RATES ON FIRST READING ON SEPTEMBER 6TH AND PUBLIC HEARING AND SECOND READING ON SEPTEMBER 20, 2011.

D. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE 13-11, ELIMINATING ELECTRONIC READERBOARD SIGNS.

Reference: Director of Community Services Memo dated August 25, 2011.

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE ORDINANCE 13-11 ON FIRST READING AND SCHEDULE THE PUBLIC HEARING AND SECOND READING ON SEPTEMBER 20, 2011.

E. SUBJECT: DISCUSSION AND ACTION REGARDING ARCHITECTURAL REVIEW BOARD REFERRALS OF 8/16/11:

- I. Benson Complex- Corner of U.S. Highway 98 and Northcliff Development Order Approval

Reference: ARB minutes from August 11, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE THE PROJECT AS SUBMITTED.

F. SUBJECT: DISCUSSION AND ACTION REGARDING SOUTH SANTA ROSA UTILITY SERVICE REFERRALS OF 8/16/11.

Reference: Director of Public Services memo dated August 24, 2011.

- I. Ground Storage Repairs/Rehab Bid

RECOMMENDATION:

SSRUS BOARD RECOMMENDS THE CITY COUNCIL AWARD THE GROUND STORAGE REPAIR/REHABILITATION TO VIKTOR CONSTRUCTION FOR \$24,000 FOR CLEANING AND PAINTING PLUS REPAIR COST NOT TO EXCEED AN ADDITIONAL \$26,000.

II. Waste Water Treatment Facility Filter Rehab Bid

RECOMMENDATION:

SSRUS BOARD RECOMMENDS THE CITY COUNCIL AWARD THE WWTF EAST FILTER REPAINT PROJECT TO PEN GULF INC. FOR \$22,665.00.

III. F/Y 2012 Draft Budget Approval

RECOMMENDATION:

SSRUS BOARD RECOMMENDS TO THE CITY COUNCIL APPROVAL OF THE F/Y 2012 PROPOSED BUDGET AS PRESENTED.

G. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST - CITY'S 50TH ANNIVERSARY 5K RUN - SATURDAY, OCTOBER 22, 2011, 4:30 P.M.

Reference: Deputy Chief Robert Randle memo dated August 16, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE THE SPECIAL EVENT APPLICATION.

H. SUBJECT: DISCUSSION AND ACTION REGARDING AUTOMATED EXTERNAL DEFIBRILLATOR (AED'S)

Reference: Deputy Chief Robert Randle memo dated August 23, 2011.

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE THE PURCHASE OF THE AED BATTERIES.

I. SUBJECT: DISCUSSION AND ACTION REGARDING PURCHASE OF NATURAL GAS PIPE TRAILER.

Reference: Assistant Director of Public Services memo dated August 24, 2011.

RECOMMENDATION:

THAT THE CITY COUNCIL AUTHORIZE STAFF TO PROCEED WITH THE PURCHASE OF 2" TRAILER FROM CONSOLIDATED PIPE AND SUPPLY FOR AN AMOUNT NOT TO EXCEED \$5,500.00.

J. SUBJECT: DISCUSSION AND ACTION REGARDING ROADWAY PAVING CONSULTANT CONTRACT.

Reference: Assistant Director of Public Services memo dated August 24, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN CONTRACTS WITH KENNETH HORNE & ASSOCIATES, INC. AS THE CITY'S ROADWAY PAVING CONSULTANT.

K. SUBJECT: DISCUSSION AND ACTION REGARDING CROSSWALK EVALUATION.

Reference: Assistant Director of Public Services memo dated August 24, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL AUTHORIZE HSA CONSULTING GROUP TO COMPLETE THE CROSSWALK NEED EVALUATION ON FAIRPOINT DRIVE AT JULIA WAY AND ON DANIEL DRIVE AT ST. ANN CATHOLIC CHURCH FOR A FEE OF \$3,750.

L. SUBJECT: DISCUSSION AND ACTION REGARDING PAYMENT TO SAM MARSHALL ARCHITECTS LIVE OAK FEASIBILITY STUDY.

Reference: City Manager memo dated August 24, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL MEET AS THE BOARD OF DIRECTORS OF THE COMMUNITY REDEVELOPMENT AGENCY ON TUESDAY, SEPTEMBER 6, 2011 AND APPROVE PAYMENT OF \$4,200 TO SAM MARSHALL ARCHITECTS.

- M. SUBJECT: DISCUSSION AND ACTION REGARDING PAYMENT TO SAM MARSHALL ARCHITECTS FOR FEASIBILITY STUDY – SHORELINE PARK SOUTH MEETING FACILITY.**

Reference: City Manager memo dated August 24, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL AUTHORIZE PAYMENT OF \$8,000 FOR THE FEASIBILITY STUDY OF A BANQUET/MEETING FACILITY IN SHORELINE PARK SOUTH.

- N. SUBJECT: DISCUSSION AND ACTION REGARDING GULF BREEZE PARKWAY PEDESTRIAN TRAVEL IMPROVEMENTS.**

Reference: Director of Public Services memo dated August 24, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE WARRINGTON UTILITY & EXCAVATING FOR THE REPLACEMENT OF SIDEWALK AND INSTALLATION OF SIDEWALK HANDICAP RAMPS AT VARIOUS LOCATIONS ALONG GULF BREEZE PARKWAY AT A COST OF \$15,000 TO BE PAID FROM CRA.

- O. SUBJECT: DISCUSSION AND ACTION REGARDING DENTAL AND VISION BENEFITS ALTERNATIVES.**

Reference: Finance Director memo dated August 12, 2011

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE THE GUARDIAN DENTAL AND DAVIS VISION FASHION-VALUE PLANS AND DISCONTINUE THE CURRENT DENTAL AND VISION REIMBURSEMENT PLAN ONCE THE

NEW COVERAGE BEGINS. FURTHER, THAT EMPLOYEE CONTRIBUTIONS BE ESTABLISHED AS SHOWN IN THE CHART AND THAT A MAXIMUM OF \$5,000 BE RESERVED FOR ANY TRANSITIONAL HARDSHIP INCURRED.

P. SUBJECT: DISCUSSION AND ACTION REGARDING DISPATCH AIR CONDITIONING AND FLOORING.

Reference: Deputy Chief Robert Randle memo dated August 25, 2011.

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE THE PURCHASE OF A NEW AC SYSTEM AND CARPETING FOR THE DISPATCH CENTER.

Q. INFORMATION ITEMS:

NEW BUSINESS:

DISCUSSION AND ACTION REGARDING LETTER OF GUARANTEE BETWEEN THE CITY AND HANCOCK BANK

Reference: Verbal Report from City Manager

RECOMMENDATION:

THAT THIS ITEM BE PLACED ON THE AGENDA FOR TUESDAY, SEPTEMBER 6, 2011.

ADJOURNMENT: 5:55 P.M.

The Executive City Council meeting reconvened at 5:59 pm following the Special City Council Meeting for closing comments.

ADJOURNMENT: 6:02 P.M.

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; provided, however, no Bonds shall be issued in reliance upon the additional powers and approvals contained in this Ordinance relating to Conduit Programs for projects located exclusively outside the state of Florida (and not related to a project within the state of Florida) until the validity, propriety and legality of Bonds to be issued for such Conduit Programs have been first established by validation pursuant to Chapter 75, Florida Statutes.

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.

Ordinance No. 11-11

AN ORDINANCE OF THE CITY OF GULF BREEZE ADOPTING A NEW LOCAL COMMUNICATION SERVICES TAX RATE; PROVIDING FOR THE ADOPTION OF A NEW LOCAL COMMUNICATION SERVICES TAX RATE; PROVIDING FOR ADJUSTMENT OF TAX RATE FOR PERMIT FEES; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the 2000 Regular Session, the Florida Legislature passed the "Communication Services Tax Simplification Law", creating Chapter 202, Florida Statutes; and

WHEREAS, Section 202.19, Florida Statutes, authorizes the City of Gulf Breeze to adopt a local communication services tax at a rate of up to 5.1%. This maximum rate does not include the add-on of up to .12% for municipalities which choose not to levy permit fees; and

WHEREAS, Section 202.20(1)(b), Florida Statutes, establishes the local communications services tax conversion rates beginning on October 1, 2002, with these conversion rates taking effect without any action required by the local government.

WHEREAS, The City of Gulf Breeze desires to increase its local communication services tax from 4.25% to 4.50% pursuant to Section 202.19, Florida Statutes;

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

SECTION 1. Adoption of Local Communications Services Tax Rate.

The local communications services tax conversion rate established under Section 202.20(1)(b), Florida Statutes, for the City of Gulf Breeze is 4.25%, which is less than the maximum rate of 5.10% for municipalities that have not chosen to levy permit fees as established in Section 202.19(2)(a), Florida Statutes. The local communications services tax rate for the City of Gulf Breeze is increased to 4.50%. This rate is to be effective April 1, 2012.

SECTION 2. Notice to the Department of Revenue.

The City of Gulf Breeze directs that notice of the increased Local Communication Services Tax Rate be provided to the Florida Department of Revenue by December 1, 2011. Form DR-700021, and a copy of this ordinance must be submitted with the notification.

SECTION 3. Severability.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent

that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon its passage by the City of Gulf Breeze . The imposition and collection of the new combined Local Communications Services Tax Rate shall commence effective April 1, 2012.

PASSED ON THE FIRST READING ON THE ___ DAY OF September, 2011.

ADVERTISED ON THE ___ DAY OF September, 2011.

PASSED ON THE SECOND READING ON THE ___ DAY OF September, 2011.

By: _____
Beverly H. Zimmern, Mayor

ATTESTED TO BY:

Marita Rhodes, City Clerk

Ordinance No. 12-11

AN ORDINANCE OF THE CITY OF GULF BREEZE ADOPTING A NEW MUNICIPAL PUBLIC SERVICE TAX; PROVIDING FOR THE ADOPTION OF A MUNICIPAL PUBLIC SERVICE TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has established by law that a municipality may levy a tax on the purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service.

WHEREAS, Section 166.231, Florida Statutes, authorizes the City of Gulf Breeze to levy the tax only on purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service.

WHEREAS, the tax imposed by this ordinance shall not be applied against any fuel adjustment charge, and such charge shall be separately stated on each bill. "Fuel adjustment charge" shall mean all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to October 1, 1973.

WHEREAS, The City of Gulf Breeze desires to establish a Municipals Public Service Tax of 5.0% pursuant to Section 166.231, Florida Statutes;

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

SECTION 1. Adoption of Municipal Public Service Tax Rate.

The municipal public services tax rate established under Section 166.231 (1)(a), Florida Statutes, for the City of Gulf Breeze is a maximum of 10%, The municipal public services tax established for the City of Gulf Breeze is 5.0%. This rate is to be effective April 1, 2012.

SECTION 2. Notice to the Department of Revenue.

The City of Gulf Breeze directs that notice to establish Municipal Public Service Tax to be provided to the Florida Department of Revenue by December 1, 2011. Form DR-700001, and a copy of this ordinance must be submitted with the notification.

SECTION 3. Severability.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent

that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon its passage by the City of Gulf Breeze . The imposition and collection of the new Municipal Public Service Tax shall commence effective April 1, 2012.

PASSED ON THE FIRST READING ON THE ___ DAY OF SEPTEMBER, 2011

ADVERTISED ON THE ___ DAY OF SEPTEMBER, 2011.

PASSED ON THE SECOND READING ON THE ___ DAY OF SEPTEMBER, 2011.

By: _____
Beverly H. Zimmern, Mayor

ATTESTED TO BY:

Marita Rhodes, City Clerk

ORDINANCE NO. 13-11

AN ORDINANCE OF THE CITY OF GULF BREEZE FLORIDA, PERTAINING TO ELECTRONIC READER BOARD SIGNS; AMENDING SECTION 23-3, SECTION 23-5 AND SECTION 23-16 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 that regulate uniformity of signs within each zoning district compatible with the intent of the land development code applicable to the districts; and,

WHEREAS, these rules take into account the economic, aesthetic and traffic factors that are reasonably consistent with the exercise of the police powers vested in this city; and,

WHEREAS, this is done so that there will be a minimum of conflict in relation to the need for traffic control, visual compatibility, and economic growth in order to promote the city's interest in maintaining and enhancing property values and the attractive appearance of the city.

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

SECTION 1 - Section 23-3 is hereby amended to read as follows:

Sec. 23-3. Prohibited signs.

The following signs are prohibited:

- (1) Signs located off the premises of the business which the sign advertises or identifies. Relocation notices, however, may be posted for a period of 60 days.
- (2) Signs that project beyond the property line or which encroach on or over public property or rights-of-way.
- (3) Signs that contain statements, words or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
- (4) Signs that contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning" or similar words.
- (5) Banner signs, except for special events and for a period of time not to exceed three weeks in any one given calendar year.
- (6) Beacon, strobe or billboard signs.
- (7) Roof signs.

- (8) Sandwich signs.
- (9) Snipe signs except for political candidates. In the case of snipe signs advertising political candidates, the signs shall not exceed 32 square feet. Political signs must be removed by the candidate within one week after the election.
- (10) Trailer signs except for grand openings or other similar special events. As used herein, a special event shall not mean a political campaign or election.
- (11) Within public property, including right-of-way, only instructional, directional and informational signs shall be allowed and must be approved by the city manager. All other signs are prohibited on public property.
- (12) Signs which convey the appearance of movement or animation in any form shall not be permitted, scrolling or flashing shall not be permitted.
- (13) Signs which obstruct the visibility constituting a hazard to vehicular and pedestrian traffic.
- (14) Electronic reader board signs.

SECTION 2 – Section 23-5 is hereby amended to read as follows:

Sec. 23-5. Existing signs.

~~Any sign destroyed or damaged by more than 50 percent of its replacement value shall be rebuilt to current code requirements. The "Pensacola Beach Fish Sign" located at the junction of State Road 399 and U.S. Highway 98 shall be exempted from this requirement provided the following conditions are met: (i) the location of the sign shall not change, (ii) the dimensions and shape of the sign shall not change, (iii) the artistic design and color scheme shall not change, and (iv) the sign shall be perpetually maintained and kept in good repair.~~

- (a) Any sign destroyed or damaged by more than 50 percent of its replacement value shall be rebuilt to current code requirements.
- (b) The "Pensacola Beach Fish Sign" located at the junction of State Road 399 and U.S. Highway 98 shall be exempted from this requirement provided the following conditions are met: (i) the location of the sign shall not change, (ii) the dimensions and shape of the sign shall not change, (iii) the artistic design and color scheme shall not change, and (iv) the sign shall be perpetually maintained and kept in good repair.
- (c) Existing electronic reader board signs shall be exempted for this requirement

Provided the following conditions are met: (i) the location of the sign shall not change, (ii) the dimensions and shape of the sign shall not change, (iii) the sign shall be perpetually maintained and kept in good repair.

SECTION 3 – Section 23-16 is hereby amended to read as follows:

Sec. 23-16. Same--C-1 and M districts.

The following signs shall be permitted in the C-1 and M districts:

- (1) Any sign permitted in this chapter.
- (2) Any sign or signs may be displayed if they pertain exclusively to the business carried on within the building or on the premises of the business which designates a business area or section. Signs attached to a building shall not be greater in total area than ten percent of the frontage area of the first floor of the building with an additional five percent being available for use by commercial businesses for a sign of the readerboard type. No illuminated sign shall be placed on the side of a building that is within 150 feet of and facing a residential district except when such residential district is separated from the commercial district by a platted street. Such signs shall not exceed a total of 200 square feet.
- (3) Each individual business establishment shall have no more than 50 square feet of total freestanding sign area (100 square feet including both sides of sign), with an additional 25 square feet (50 square feet including both sides) for use by that business for a sign of the readerboard type. If a readerboard is utilized, the readerboard sign shall be attached to the same pole as the principal freestanding sign. If the readerboard sign is placed parallel or at an angle of not more than 45 degrees to the street, a maximum of two signs, each of not more than 25 square feet, may be utilized as readerboard signs, and the reverse side toward the business shall be blank. All freestanding signs must be supported on a single pole or sign assembly and limited to a single business. Signs which are normally an integral part of equipment such as gasoline pumps or other dispensing or servicing devices shall be permitted provided they do not exceed 25 percent of the area of such equipment and are a part of, and not detached from, the equipment. The latter signs need not be included in the overall 50 square foot limitation on sign area.

- (4) a. Each unified group of stores may have one freestanding sign of an area equal to ten square feet per 20 lineal feet of building frontage up to a maximum sign area of 200 square feet (400 square feet including both sides of signs). In addition, each individual store in such a group may have one projecting or hanging sign of three square feet extending no more than three feet from the wall of the building.
- b. Any business operating a motion picture theater or theaters within a unified group of stores, and having obtained an occupational license pursuant to section 11-19, as may be amended for operation of motion picture theaters shall be permitted an additional sign to those detailed in this section to display changeable copy. Each screening area must have an individual seating capacity of at least 100 people. The maximum total sign area permitted is 50 square feet (100 square feet, including both signs of sign). The changeable copy or readerboard section of the sign may contain the following information: Title of the movie(s), rating(s), and/or starting time(s) for each movie title.
- c. A theater which operations cease or discontinue for a period of six consecutive months or longer shall be deemed no longer active pursuant to section 23-9(a).
- (5) No sign shall extend more than 35 feet above grade. No signs shall be erected in the right-of-way, except official state, county or city signs erected by the respective governing agency. Buildings situated 15 feet or less from a right-of-way or property line may have one projecting or hanging sign of six square feet extending no more than three feet from the wall of the building. The bottom of the sign shall have a minimum eight-foot clearance above the walkway.
- (6) Churches and civic organizations are permitted no more than two common signs with locations, size and design as agreed to by the city council for the purpose of identifying those churches and civic organizations in the city. In addition, each church may erect one nonilluminated sign not more than three square feet in area adjacent to U.S. Highway 98 for the purpose of indicating direction to the church.

~~(7) Electronic reader boards shall be permissible provided that conform to the following standards:~~

- ~~a. Duration of message on time: Six seconds, scrolling or flashing shall not be permitted.~~
- ~~b. Luminance: Day 600-1,000 cd/m²; night 100-350 cd/m².~~
- ~~c. Animation: Signs which convey the appearance of movement or animation in any form shall not be permitted, scrolling or flashing shall not be permitted. The message shall only consist of words and static logos.~~
- ~~d. Maintenance: Electronic reader boards shall be maintained in good repair at all times. When any part of the message display is not working properly, the use of the electronic reader board sign will discontinued until the repairs are made.~~
- ~~e. Interchanges and intersections: Electronic reader boards shall not be allowed with 300 feet of an intersection of collector or arterial roadways.~~
- ~~f. Contrast and contrast orientation: Electronic reader boards displays shall have a black background.~~
- ~~g. Height: ERB signs shall be limited to 15 feet in height.~~
- ~~h. Facade: ERB sign shall be shall be designed so that the sign pole assemblies and supports are not visible and must be screened with brick, masonry or stucco.~~
- ~~i. Size: ERB signs shall be limited to 25 square feet of display area.~~
- ~~j. Color: ERB signs shall be limited to one the following colors: red, orange or yellow.~~
- ~~k. Separation: ERB signs shall have a minimum separation distance of 100 feet from any other ERB sign.~~

SECTION 4 - 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 5 - 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 6 - 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

RESOLUTION NO. 10-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA APPROVING A CONDUIT BOND PROGRAM FOR FINANCING THE COSTS OF ELIGIBLE PROJECTS OR PROGRAMS FOR PRIVATE OR NON-PROFIT BUSINESSES OR INDIVIDUALS WITHIN AND OUTSIDE THE STATE OF FLORIDA; APPROVING THE ISSUANCE FROM TIME TO TIME OF NOT EXCEEDING \$750,000,000 CONDUIT REVENUE BONDS, BY THE CAPITAL TRUST AGENCY FOR THE PURPOSE OF FUNDING A LOAN PROGRAM TO FINANCE SUCH PROJECTS; APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT CREATING THE CAPITAL TRUST AGENCY; APPROVING THE ARTICLES AND BYLAWS OF THE AGENCY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Gulf Breeze, Florida (the "City") is authorized pursuant to the Constitution of the State of Florida (the "State") and the laws of the State, particularly Sections 163.01, et seq. and 166.01, et seq., Florida Statutes, and Chapter 61-2207, Laws of Florida, Special Acts of 1961, as amended and supplemented from time to time (the "Authorizing Act") and Ordinance 05-97 of the City, as amended and Ordinance __-11 of the City (the "2011 Conduit Bond Program Ordinance" and collectively, the "Ordinance") to cooperate with other public agencies of the State and of other states, in the exercise of their common powers, including, among other things, their powers to borrow money and finance or refinance projects and programs, including projects and programs described in the Ordinance, Chapter 159, Part II, and Chapter 163, Part I, Florida Statutes, and other applicable provisions of law (collectively with the Authorizing Act, the "Act"); and

WHEREAS, pursuant to an Interlocal Agreement dated as of August 2, 1999 (as heretofore amended, the "Enabling Agreement"), between the City and the Town of Century, Florida, a separate legal and administrative agency known as the Capital Trust Agency (the "Agency") has been created pursuant to Section 163.01, Florida Statutes, and Chapter 617, Florida Statutes, for the purpose of exercising such powers to borrow money and finance such projects and programs on behalf of the City; and

WHEREAS, in order to assist eligible private or non-profit businesses or individuals within and outside the State in financing for projects and programs to serve or further a public purpose or benefit, it is necessary and desirable that the Agency establish additional powers for its program for the financing, for private or not-for-profit businesses or individuals within or outside the State, of eligible projects or programs that benefit, enhance and/or serve a public purpose and relate to a governmental function or purpose authorized by law (the "Conduit Bond Program"); and

WHEREAS, Section 7 of the Enabling Agreement provides for the Enabling Agreement to be supplemented to authorize and permit additional programs and financings; and

WHEREAS, the City Council desires to approve the foregoing Conduit Bond Program for the Agency and the issuance of the proposed bonds by the Agency (the "Conduit Bonds") and the implementation of the Conduit Bond Program, and further to provide for the required supplement to the Enabling Agreement; and

WHEREAS, the City desires to approve the additional powers being granted to the Agency pursuant to the herein described amendment to the Enabling Agreement and Articles of Incorporation and Bylaws of the Agency, to reflect the additional powers described in the 2011 Conduit Bond Program Ordinance;

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

Section 1. Bonds, Conduit Bond Program, Plan of Finance Approved. For purposes of the Enabling Agreement and the charter of the Agency, the City hereby approves the Conduit Bond Program, the plan of finance described herein, and the Conduit Bonds in principal amount not exceeding \$750,000,000. 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, loan agreements, financing agreements, lease-purchase agreements and other agreements or instruments deemed necessary, beneficial or convenient to effect or implement the Conduit Bond Program, such plan of finance, the issuance of the Conduit Bonds and the purposes for which the Conduit Bonds are to 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 Conduit 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 2. 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 A, 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 3. Approval of Additional Powers. The Agency, the separate administrative entity created under the Enabling Agreement, shall have the powers described in the 2011 Conduit Bond Program Ordinance, the herein approved amendment to the Enabling Agreement and the herein approved Articles of Incorporation and Bylaws of the Agency, each reflecting the addition of such powers.

Section 4. Approval of Articles and Bylaws. Changes in the Articles of Incorporation and the Bylaws of the Agency to conform the powers granted to the Agency thereunder to the powers contained in the 2011 Conduit Bond Program Ordinance are hereby authorized, ratified and approved.

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 6th day of September, 2011.

IN WITNESS WHEREOF, the parties have caused this Resolution to be executed by their duly authorized officers.

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

(SEAL)

By: _____
Its: Mayor

ATTEST:

By: _____
Its: City Clerk

Exhibit A

FORM OF AMENDMENT TO INTERLOCAL AGREEMENT

**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

Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 9/2/2011

Subject: Alternate Project List

Attached is a copy of the Alternate Project list as approved by FEMA and the City. The projects and/or items on this list must be built, completed or purchased by September, 2013. As we advised Council, the project of concern is listed as item 4, WWTP Phase I - \$3.3M. This project involves construction of storage ponds, pumps and initial headworks for a wastewater treatment plant in the east end of the SSRUS franchise area. We are concerned that we are going to require added storage and pumps to address current needs, however, the need for the headworks of a new treatment plant can be delayed due to a reduced rate of new development.

We would suggest the Council consider changing the list and asking FEMA to approve the change.

We believe item 4, WWTP Phase I - \$3.3M should be changed to:

- 4. WWTP Phase I Storage Ponds and Pumps
\$1.0M
- 4A. Community Center Cost Increase
\$1.0M
- B. Reconstruction of South Sunset
\$.75M
- C. Extend Natural Gas Main to Portofino
\$.55
- \$3.3m

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE A REVISION TO THE ALTERNATE PROJECT LIST AS PROVIDED HEREIN.



STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT

CHARLIE CRIST
 Governor

David Halatead,
 Interim Director

March 8, 2010

MEMORANDUM

To: Sid Melton
 FEMA Infrastructure Branch Director

From: Robert Seibert
 Lead Deputy Public Assistance Officer

Re: **Alternate Projects**
 City of Gulf Breeze
 FEMA-FL-DR-1551
 Municipal Fishing Pier
 FIPS #: 113-28000-00
 Multiple New Alternate Projects – PW- 3817 V-2

The Sub-grantee is requesting numerous Alternate Projects in lieu of reconstructing the destroyed Municipal Fishing Pier. They are requesting the following new Projects in its place:

1. Recreation Center Expansion	\$4,689,906	Construction
2. Concession Stand & Restrooms	964,700	Construction
3. Baseball Field Improvements	1,135,581	Construction
4. WWTP Phase 1	3,300,000	Construction
5. Natural Gas Pipeline to Beach	2,083,000	Construction
6. Fire Truck	449,558	Equip.
7. Architects & Engineer Costs	713,309	Services
8. Vacuum Truck	185,000	Equip.
9. Fire/Rescue Boat w/Pumper	145,000	Equip.
10. Playground Equipment (4)	300,000	Equip.
11. Fleet Vehicles es	233,000	Equip.
12. Brush Chipper	25,000	Equip.
13. CNG Compression Station	220,000	Equip.
14. Storm water Vaults	240,000	Equip.
15. Ground Penetrating Radar Units (2)	60,000	Equip.
16. Purchase of Lot for Park	260,000	Land Purchase
Total	\$15,004,054	

75% Funding Cap of PW 15,004,054
Difference -----\$0-----

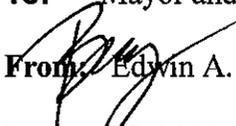


City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 9/2/2011

Subject: Fairpoint Regional Utility System Limited Guaranty Agreement

In 2002, FRUS borrowed \$13,000,000 to acquire land, drill wells and construct a pipeline to provide potable water to the City, South Santa Rosa Utilities, Midway Water and Holley Navarre Water. A portion of this debt has been refinanced through the lower cost State Revolving Trust Fund and a portion has been paid off through normal payments of principal and interest. The remaining balance is approximately \$2.7 million.

Through a series of mergers and acquisitions, Regions Bank is the lender of record. Recently, Regions Bank rating was downgraded which caused letter of credit fees and interest rates on this outstanding balance to increase dramatically. Ed Gray offered to assist FRUS in securing a refinancing arrangement that would result in lower debt service costs.

Hancock Bank has agreed to provide the Letter of Credit for FRUS at a much reduced rate. The outstanding bank loan will be refinanced through a bond issue. As with the 2002 loan, the City as one-third owner of FRUS must guarantee one-third of the debt service and interest responsibility for this FRUS loan. A new Limited Guaranty Agreement has been prepared and is attached hereto.

The savings we were able to achieve through this effort amounts to about \$65,000 to \$80,000 per year.

RECOMMENDATION:

THAT THE CITY COUNCIL APPROVE THE LIMITED GUARANTY AGREEMENT FOR ONE-THIRD OF A \$2.7 REFINANCING FOR FAIRPOINT REGIONAL UTILITY SERVICE.

LIMITED GUARANTY AGREEMENT

THIS Limited Guaranty Agreement (this "Guaranty") is entered into as of the ____ day of _____, 2011, by the CITY OF GULF BREEZE, a Florida municipal corporation, 1070 Shoreline Drive, Gulf Breeze, Florida 32561, (the "Guarantor") in favor of HANCOCK BANK, Attn: Letter of Credit Specialist, 206 East Railroad Street, Long Beach, MS 39560 (the "Bank").

WHEREAS, on behalf of Fairpoint Regional Utility System, Inc. (the "Borrower"), the Bank is issuing its Letter of Credit (the "Letter of Credit") to secure Borrower's Taxable Variable Rate Demand Taxable Notes, Series 2002, in the aggregate principal amount of \$13,000,000 (the "Fairpoint Notes") pursuant to a Trust Indenture dated as of March 1, 2002, by and between the Borrower and Regions Bank, as Trustee (as amended, the "Indenture"); and

WHEREAS, the Guarantor is one of three members of the Borrower (the other two members being Holley-Navarre Water System, Inc. and Midway Water System, Inc., both of whom shall hereinafter be collectively referred to as the "Other Guarantors"), and the proceeds of Fairpoint Notes will be applied to finance wholesale water production and distribution facilities, a portion of which will serve and benefit Guarantor's municipal water utility system (collectively the "2002 Project"); and

WHEREAS, as partial and limited inducement for the Bank to issue the Letter of Credit for the benefit of the 2002 Project, the Guarantor has agreed to execute and deliver this Guaranty to the Bank.

NOW, THEREFORE, the Guarantor hereby agrees as follows:

1. The Guarantor unconditionally guarantees to the Bank the Indebtedness of Borrower to Bank. The word "Indebtedness" as used herein shall mean all obligations of Borrower to Bank under and in accordance with that certain Reimbursement Agreement dated as of _____, 2011, by and between Borrower and the Bank (the "Reimbursement Agreement"). The terms of the preceding two sentences notwithstanding, the liability of Guarantor shall in no instance whatsoever exceed one-third (1/3) of the principal and accrued but unpaid interest outstanding under the Reimbursement Agreement.

2. The obligations of the Guarantor hereunder are independent of and separate from the obligations of the Other Guarantors, and Guarantor shall in no circumstance whatsoever be liable or responsible for any obligations of the Other Guarantors nor shall Guarantor be included or joined in any action against the Other Guarantors except to enforce Guarantor's obligations as set forth in paragraph number 1, above.

3. Notwithstanding anything to the contrary contained herein or in any of the Fairpoint Notes, the Reimbursement Agreement, the Indenture, or in any other instrument or document executed by or on behalf of the Guarantor in connection herewith, no stipulation, covenant, agreement or obligation contained herein or therein shall be deemed or construed to be a

stipulation, covenant, agreement, or obligation of any present or future member, officer, employee, or agent of the Guarantor, or of any incorporator, member, director, trustee, officer, employee, or agent of any successor to the Guarantor, in any such person's individual capacity, and no such person, in his individual capacity, shall be liable personally for any breach or non-observance of or for any failure to perform, fulfill or comply with any such stipulations, covenants, agreements, or obligations, nor shall any recourse be had for the payment of the principal of, premium, if any, or interest on any of the Fairpoint Notes, the Reimbursement Agreement, the Indenture, or the Water Supply Agreement, or for any claim based thereupon or any such stipulation, covenant, agreement, or obligation, against any such person, in his individual capacity, either directly through the Guarantor or any successor of the Guarantor, under any rule of law or equity, statute or constitution or by the enforcement of any assessment or penalty or otherwise. The provisions of this paragraph shall survive termination of this Guaranty.

4. It is the intention of the Bank and the Guarantor that the Guarantor's obligation is limited to payment of only one-third (1/3) of the Indebtedness. In computing the amounts payable hereunder, (i) there shall be no double-counting of amounts payable on the Fairpoint Notes and amounts payable to reimburse the Bank for draws under the Letter of Credit to make such payments on the Fairpoint Notes, and (ii) the Guarantor shall receive credit toward the Indebtedness for one-third (1/3) of all payments made by or on behalf of the Borrower, provided that Guarantor shall not receive any credit for any payments made by the Other Guarantors, except to the extent such payments exceed two-thirds (2/3) of the amounts payable by the Borrower for the Indebtedness.

5. Any notice, demand, request or other communication which the Bank may desire to give to the Guarantor with respect to this Guaranty shall be deemed sufficient if in writing and hand delivered, with a receipt being obtained therefore or mailed to the Guarantor by certified or registered mail, return receipt requested, postage prepaid, addressed to the Guarantor at the address noted below or at any other address that the Guarantor may hereafter designate by written notice to the Bank: The City of Gulf Breeze, Florida, Attention: City Manager, P.O. Box 640, Gulf Breeze, Florida 325562. All such notices, demands, etc., shall be deemed to have been given when received (if hand delivered) or upon deposit in the mail (if mailed).

6. Any suit, action or legal proceeding arising out of this Guaranty must be brought in the Circuit Court in and for Santa Rosa County, Florida.

7. This Guaranty shall inure to the benefit of, and be enforceable by, the Bank and its successors and assigns, and shall be binding upon, and enforceable against, the Guarantor and its successors and assigns.

8. This Guaranty shall be governed by and construed under the laws of the State of Florida, all rights and remedies being governed by such laws.

IN WITNESS WHEREOF, the Guarantor, intending to be legally bound hereby,
has duly executed this Guaranty as of the date first above written.

CITY OF GULF BREEZE, FLORIDA
a Florida Municipal Corporation

By: _____
Name: _____
Title: _____

ATTESTED TO BY:

Name: _____
Title: _____

A0914304



City of Gulf Breeze

DEPARTMENT OF PARKS AND RECREATION

To: Ron Pulley, Director of Parks and Recreation

From: Ryan Ottensmeyer, Recreation Supervisor

Subject: Summer Camp 2011

Date: August 28, 2011

The City's 2011 Summer Day Camp ran from June 10th through August 19th for a total of 50 camp days. Mr. Jeffery Baugus served as Camp Director and was assisted by Miss Alexa Booth and Mr. Matt Shull. The 2011 Camp employed 12 counselors compared to 19 in 2010. The Camp also employed 1 lifeguard in 2010 as well as 2011. The staff of counselors is made up of local high school and college students who each work 25 hours per week, while the lifeguard averaged 18 hours per week. Counselors and lifeguard pay started at \$7.50 per hour, while our second or third year counselors made \$7.75 to \$8.00 per hour.

The following is a summary of this year's Summer Camp utilization.

- ** The 2011 Camp had 279 registered individual children
- ** 2011's average daily attendance of 60
- ** 2011's single day high was 81
- ** 2011's single day low was 19 (this was the first day of camp)

Revenues

June	Week 1	\$970.00	
	Week 2	\$4,583.50	
	Week 3	\$3,388.00	
	Week 4	\$4,932.50	\$13,874.00
July	Week 5	\$3,304.50	
	Week 6	\$4,040.00	
	Week 7	\$4,652.50	
	Week 8	\$4,713.50	\$16,710.50
August	Week 9	\$4,136.00	
	Week 10	\$5,217.50	
	Week 11	\$4,330.00	\$13,683.50
Other	Field Trips	\$3,137.35	\$3,137.35
Total Revenues			<u>\$47,405.35</u>

Expenses

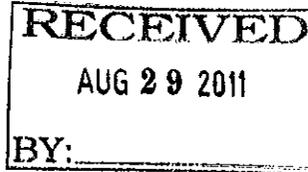
Payroll	\$39,247.14
Other	\$6,326.59
Total Expenses	<u>\$45,573.73</u>

Net Revenue **\$1,831.62**

Duncan Goldthwaite
5317 Haring Court
Metairie, LA 70006
(504) 887 4377

August 23, 2011

Mr. Edwin Eddy, City Manager,
City of Gulf Breeze, Florida
City Hall
City of Gulf Breeze, FL. 32561



Dear Mr Eddy:

I am writing to thank you for your invitation to me to attend the Gulf Breeze 50th Anniversary dinner and celebration last Saturday.

The dinner was excellent and the turn out was fabulous. I especially appreciated hearing the speakers and learning of all the accomplishments of the City and its residents.

The "Gulf Breeze: 50 Years of Service" brochure was excellent and will be a treasured memento of the occasion.

I was pleased to have been recognized as one who was "present at the creation". Gulf Breeze has certainly been a success story, and credit for that success goes not only to its founders, but most especially to its present residents. Look around ! It's a marvelous city with a remarkable spirit of cooperation, friendliness, and accomplishment among its residents.

I was also pleased to hear that you knew of Oliver Semmes, and were acquainted with his son. As City Manager (was he volunteer then ?) Oliver imparted a lot of experience and wisdom to our Council. I particularly admired him and appreciated his suggestions;.

Once again, I was fortunate to have been among the founders, and I am greatly impressed and delighted with all that has transpired since.

Sincerely,

Duncan Goldthwaite
Councilman 1962-64
Capt. Vol Fire Dept
1961-64.
Resident 1958 -64

RECEIVED
AUG 25 2011
BY: _____

Dear Suz,
Thank you for your leadership
in the Cities 50th Anniversary
Celebration. It was fun &
gave our City something special
to promote.

Thank you for your support
in the service recognition
to me. I love our City &
it has been so good to share
and me.

Best regards
Deb: Sharon Fuford

RECEIVED

AUG 25 2011

8-23-11

Mayor Beverly Zimmerman

Council Members Henderson, Landgren,

Morris and Schuster,

City Manager Bob Eddy.

This note attempts in a small way to express my appreciation for the wonderful evening you sponsored last Saturday. I was deeply honored to have been given recognition, but humbled knowing so many persons have contributed to making our city so special.

Each of you are examples

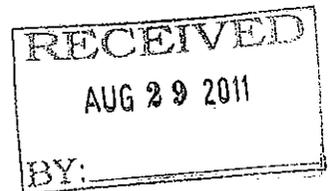
of community minded individuals serving unselfishly to make our city an even better place.

The legacy of volunteerism and commitment to service remain our strength as a city.

Your leadership is much appreciated.

Sincerely,

Ed Bray #



08/26/11

Dear Buzz,

The "50th Celebration Party" as a city was perfect! Committee did a beautiful job. Mayor Zimmerman & committee. I want to thank you for acknowledging me as a retired City employee. It was a privilege & honor to work for the great city of Greef Breeze.

In 1964 (Jan.) visited City Hall, next day my job started, then to new city Hall & later with Police Dept. (26 1/2 yrs) I remember working 5 yrs at the Old Red Brick House. Memories!

Sincerely,
Cathy Petteman

Dorothy Jordan

Dear Beverly,

The appreciate and thank you
and your committee (and all members)
for the beautiful 50th celebration
of our "special" city.

The decorations and food were
outstanding. We were always that
much work and planning went into
the entire event.

Best and I are humbled and
grateful to be a part. Sincerely,
Best and I

RECEIVED

AUG 30 2011

BY: