

**GULF BREEZE CITY COUNCIL  
REGULAR MEETING AGENDA**

SEPTEMBER 4, 2013  
WEDNESDAY, 6:30 P.M.  
COUNCIL CHAMBERS

*REMINDER: THIS MEETING HAS BEEN RESCHEDULED BECAUSE OF A FEDERAL HOLIDAY AND TRIM REQUIREMENTS*

1. Roll Call
2. Invocation and Pledge of Allegiance

**SPECIAL MEETING: PUBLIC HEARING REGARDING:**

**Resolution No. 13-13: Resolution Tentatively Levying an Ad Valorem Property Tax**

**Resolution No. 14-13: Resolution Tentatively Adopting a Budget for the City for the Fiscal Year 2014**

3. Approval of Minutes of August 19, 2013 (Regular Meeting)
4. Ordinance No. 05-13: Ordinance regarding front yard parking and creating Section 18-78 of the Code of Ordinances.  
**SECOND READING AND PUBLIC HEARING**
5. Resolution No. 16-13: Resolution Approving a Plan of Finance for Acquisition and Renovation of Low Income Housing Facility by Elderly Housing, Development and Operations Corporation and Authorizing Issuance of up to \$10,000,000 in Capital Trust Agency Bonds
8. **CONSENT AGENDA ITEMS:\***
  - A. Discussion and Action Regarding Development Review Board Recommendations
  - B. Discussion and Action Regarding Special Event Application from Gulf Breeze Area Chamber of Commerce
  - C. Discussion and action regarding SSRUS Board Recommendations

- D. Discussion and Action Regarding Harris-Inman Dock Request
- E. Discussion and Action Regarding Offer for 801 Gulf Breeze Parkway
- F. Discussion and Action Regarding Cancellation of Award of Bid to EarthLink
- G. Discussion and Action Regarding Approval of Municipal Costs for Red Light Camera Hearings
- H. Discussion and Action Regarding Renewal of City Employee Health Insurance Plan
- I. Discussion and Action Regarding Gulf Coast Sustainable Living Center

**\*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 Temporary Lease of Property on Bergren Road
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- 9. New Business
  - 10. Open Forum
  - 11. 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.**

**RESOLUTION NO. 13-13**

**A RESOLUTION TENTATIVELY LEVYING AN AD VALOREM PROPERTY TAX  
FOR THE CITY OF GULF BREEZE FOR 2013; PROVIDING AN  
EFFECTIVE DATE.**

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

SECTION 1:

An ad valorem tax of 1.9723 mills is tentatively levied for 2013 against all property, both real and personal, not exempt from taxation within the corporate limits of the City of Gulf Breeze.

SECTION 2:

The 2013 tentative ad valorem tax rate of 1.9723 mills constitutes a 6.49% increase from the Rolled-Back Rate (1.852) as calculated according to Chapter 200, Florida Statutes.

SECTION 3:

This resolution shall take effect immediately upon its adoption by the City Council and shall be published as required by law. The ad valorem tax levy provided for herein shall not become final until a resolution levying the tax is adopted at a subsequent public hearing.

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

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

ATTEST:

\_\_\_\_\_  
Leslie Guyer, City Clerk  
Stephanie Lucas, City Clerk

**RESOLUTION NO. 14-13**

**A RESOLUTION TO BE ENTITLED:**

**A RESOLUTION TENTATIVELY ADOPTING A BUDGET FOR THE CITY OF GULF BREEZE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, MAKING APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF THE CITY GOVERNMENT AND ALL DEPARTMENTS THEREOF AND FOR THE PAYMENT OF ACCOUNT OF THE BONDED INDEBTEDNESS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, REPEALING CLAUSE AND EFFECTIVE DATE.**

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

**SECTION 1:**

That the appropriation hereinafter made are based on the estimates contained in the Budget, as indexed, submitted by the City Manager, as afterwards revised, approved and adopted by the City Council for the payment of the expenses of the City Government and all Departments of the City, and on account of the bonded indebtedness, as the same as set forth in said Budget so adopted, copies of which are on file in the Office of the City Manager, and to which reference may be made;

That said budget summarized as to estimated revenues, transfers and appropriations for fund is set forth herein;

That there is estimated that there be will received and available for appropriation for the Fiscal Year beginning October 1, 2013 the amounts of revenues as listed according to the respective funds; detailed by source, type, and account as set forth in said Budget;

That there be and is hereby appropriated the sums shown for the various purposes hereinafter specified, for the Fiscal Year beginning October 1, 2013, provided from the sources of revenue hereinbefore designated;

That there is determined that certain transfer of funds will be required during the Fiscal Year beginning October 1, 2013, and such transfers are hereby authorized as set forth herein:





**SUMMARY OF PROPOSED FUND TRANSFERS**  
**FISCAL YEAR 2013-2014**

**REIMBURSEMENTS:**      For Internal Services

<b><u>FROM:</u></b>	<b><u>TO:</u></b>	
Solid Waste	General Fund	\$ 78,844
Water Utility Services	General Fund	\$ 131,121
Sewer Utility Services	General Fund	\$ 86,421
Natural Gas Utility Services	General Fund	\$ 191,622
South Santa Rosa Utility System	General Fund	\$ 270,821
Stormwater	General Fund	\$ 15,993
Red Light Camera	General Fund	\$ 75,000
Natural Gas Loan	General Fund	\$ 208,469
		\$ 1,058,296

**CONTRIBUTIONS:**

<b><u>FROM:</u></b>	<b><u>TO:</u></b>	
Gulf Breeze Financial Services	General Fund	\$ 500,000
Capital Trust Agency	General Fund	\$ 325,000
		\$ 825,000

SECTION 2:

This budget shall be administered in strict adherence to the Charter and Code of Ordinances of the City of Gulf Breeze, as amended, the Laws of the State of Florida, applicable bond covenants, and the Budget Manual as adopted by the City Council. Amendments to this budget shall be only by Supplemental Appropriations Resolution for all revenues and for all expenditures by fund and by object code; provided further that the City Manager is authorized to approve transfers of appropriated expenditures between those sub-object codes within the object codes of each fund.

SECTION 3:

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 4:

This resolution shall take effect upon its adoption by City Council immediately and shall be published as required by law.

PASSED AND ADOPTED by the City Council of the City of Gulf Breeze, Santa Rosa County, Florida, on the 4 day of September, 2013.

APPROVED:

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Beverly H. Zimmern, Mayor

ATTEST:

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Leslie Guyer, City Clerk  
Stephanie Lucas, City Clerk

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

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The 1,230<sup>th</sup> regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Monday, August 19, 2013, at 6:30 p.m.

Upon call of the roll the following Councilmen were present: Councilwoman Cherry Fitch, Mayor Pro Tem J. B. Schluter, Councilman Joseph Henderson, and Councilman David G. Landfair. Mayor Beverly H. Zimmern was on vacation.

**APPROVAL OF MINUTES:**

Councilman Landfair moved for approval of the minutes for the regular meeting held on Monday, August 5, 2013. Councilman Henderson seconded. The vote for approval was 4-0.

Councilman Landfair moved for approval of the minutes for the CRA meeting held on Monday, August 5, 2013. Councilman Henderson seconded. The vote for approval was 4-0.

**ORDINANCE NO. 05-13: ORDINANCE REGARDING FRONT YARD PARKING AND CREATING SECTION 18-78 OF THE CODE OF ORDINANCES.**

Councilman Henderson moved for approval of the Ordinance and that the public hearing be held on Wednesday, September 4, 2013. Councilwoman Fitch seconded. The vote for approval was 3-1. (Councilman Landfair)

Councilman Landfair made a motion that the matter be decided by referendum. The motion did not receive a second.

**RESOLUTON NO. 15-13: RESOLUTION APPROVING A PLAN OF FINANCE FOR ACQUISITION AND RENOVATION OF LOW INCOME HOUSING FACILITY BY ELDERLY HOUSING, DEVELOPMENT AND OPERATIONS CORPORATION AND AUTHORIZING ISSUANCE OF UP TO \$10,000,000 IN CAPITAL TRUST AGENCY BONDS.**

Councilman Landfair moved for approval of the Resolution. Councilwoman Fitch seconded. The vote for approval was 4-0.

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

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**CONSENT AGENDA ITEMS:**

**RECOMMENDATION:**

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

**A. SUBJECT: DISCUSSION AND ACTION REGARDING MOBILE DATA TERMINAL PROJECT**

Reference: Chief of Police memo dated July 10, 2013.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE MOBILE DATA TERMINAL PROJECT FOR THE POLICE AND FIRE DEPARTMENT AND FUND IT FROM THE RED LIGHT CAMERA FUND.**

**B. SUBJECT: DISCUSSION AND ACTION REGARDING STORMWATER PHASE II PROJECTS**

Reference: Assistant Director of Public Services memo dated August 8, 2013.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN THE GRANT AGREEMENT FOR THE STORMWATER PHASE II PROJECTS ONCE THE FINAL COMMENTS FROM THE CITY ATTORNEY AND STAFF ARE INCORPORATED.**

**C. SUBJECT: DISCUSSION AND ACTION REGARDING NATURE CONSERVANCY PROJECT SUBMITTALS**

Reference: Assistant Director of Public Services memo dated August 8, 2013.

MINUTES OF THE REGULAR MEETING OF THE  
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**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE BASKERVILLE-DONOVAN, INC. TO PREPARE A SUBMITTAL OF POTENTIAL PROJECTS TO THE NATURE CONSERVANCY FOR \$3,450.00.**

**D. SUBJECT: DISCUSSION AND ACTION REGARDING NATURAL GAS SERVICE TO SHOGUN RESTAURANT**

Reference: Director of Public Services memo dated August 7, 2013.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE UTILITY SERVICE COMPANY TO INSTALL A NATURAL GAS SERVICE LINE TO SHOGUN RESTAURANT FOR \$6,430 WITH \$2,220 CONTINGENCY FOR DEWATERING.**

**E. SUBJECT: DISCUSSION AND ACTION REGARDING RESIDENTIAL NATURAL GAS REBATES**

Reference: Director of Public Services memo dated August 6, 2013.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE STAFF TO IMPLEMENT THE PROPOSED NATURAL GAS RESIDENTIAL REBATES EFFECTIVE OCTOBER 1, 2013.**

**F. SUBJECT: DISCUSSION AND ACTION REGARDING SIGNATORY ON CITY BANK ACCOUNTS**

Reference: City Manager memo dated August 7, 2013.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE ADDITION OF CITY CLERKS LESLIE GUYER AND STEPHANIE LUCAS AND CHIEF OF POLICE ROBERT RANDLE AS SIGNATORIES ON THE CITY'S BANK ACCOUNT AND TO**

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

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**REMOVE MARITA RHODES AND PETER PAULDING AS SIGNATORIES  
FROM THE ACCOUNT.**

**G. SUBJECT: DISCUSSION AND ACTION REGARDING ACCEPTANCE OF  
ANNUAL POPULATION ESTIMATE**

Reference: Assistant City Manager memo dated August 8, 2013.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL ACCEPT THE ESTIMATE OF THE CITY'S  
POPULATION OF 5,805.**

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

**ACTION AGENDA ITEMS:**

**A. Discussion and Action Regarding Formal Acceptance of Franchise to Operate a  
Natural Gas System on Santa Rosa Island**

Reference: City Manager memo dated August 16, 2013.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL FORMALLY ACCEPT THE GRANT OF  
FRANCHISE BY ESCAMBIA COUNTY, FLORIDA, TO OPERATE,  
CONSTRUCT, AND MAINTAIN A NATURAL GAS DISTRIBUTION SYSTEM  
ON SANTA ROSA ISLAND AS GRANTED TO THE CITY OF GULF BREEZE  
BY ESCAMBIA COUNTY ORDINANCE NUMBER 2013-23.**

Councilman Landfair moved for acceptance of the grant. Councilman Henderson seconded. The  
vote for approval was 4-0.

**B. Discussion and Action Regarding the Council Holding a Private Attorney-Client  
Session Confined to Settlement Negotiations or Strategy Sessions Related to  
Litigation Expenditures in Connection with a Lawsuit Brought Against the City by  
Lance Reese and Pete and Mitzi Peters.**

MINUTES OF THE REGULAR MEETING OF THE  
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Mayor Pro Tem Schluter suspended the City Council meeting at 6:45 p.m. He then announced the commencement of the Private Attorney-Client meeting and advised that the only individuals allowed to be present during the meeting would be Councilwoman Fitch, Councilman Henderson, Councilman Landfair, City Attorney Matt Dannheisser, City Manager, court reporter Jim Taylor, and himself. All other attendees were asked to leave the Council Chambers until the conclusion of the Private Attorney-Client meeting.

**OPEN FORUM:**

The following individuals spoke during Open Forum:

Mr. Robert Turpin, 2 Madrid Drive, spoke regarding the parking ordinance and suggested having diagrams prepared depicting the new requirements pursuant to the ordinance.

Mrs. Ann Belleau, 204 Laura Lane, spoke with regards to the parking ordinance and the effects it would have on vehicles parking in cul-de-sacs.

The Regular Meeting was reopened following the Attorney-Client meeting at 7:53 p.m.

**ADJOURNMENT:** The Mayor Pro Tem adjourned the meeting at 7:54 p.m.

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City Clerk

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Mayor

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

**ACTION AGENDA ITEMS:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING DRAFT ORDINANCE NO. 05-13 – REGULATION OF FRONT YARD PARKING AND PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES.**

Reference: City Manager memo dated August 23, 2013

**RECOMMENDATION:**

**THAT THE CITY COUNCIL HOLD A PUBLIC HEARING ON WEDNESDAY, SEPTEMBER 4, 2013, AND APPROVE ORDINANCE NO. 05-13 ON SECOND READING.**

Councilman Schluter made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilman Henderson. The vote for approval was 4 to 1. (Councilman Landfair)

Councilman Landfair made a motion that the matter be decided by referendum. The motion did not receive a second.

**B. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW BOARD RECOMMENDATIONS.**

Reference: DRB Minutes of August 20, 2013

- (1) Richard Henley and Susan Davis – 70 N. Park Ave, Easton, CT  
Request to construct a retaining wall at 738 Peake's Point
- (2) Clark and Cynthia Pollitt, 210 Pine Tree, Gulf Breeze  
Request to install a seawall and construct a dock and boathouse

**RECOMMENDATION:**

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

Councilman Schluter made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was 5 – 0.

**C. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT APPLICATION FROM GULF BREEZE AREA CHAMBER OF COMMERCE**

Reference: Deputy Chief of Police memo dated August 15, 2013

**THAT THE CITY COUNCIL APPROVE THE GULF BREEZE CHAMBER OF COMMERCE EXPO REQUEST.**

Councilwoman Fitch made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was 5 – 0.

**D. SUBJECT: DISCUSSION AND ACTION REGARDING SOUTH SANTA ROSA UTILITY SYSTEM BOARD RECOMMENDATIONS.**

Reference: Assistant Director of Public Services memo dated August 19, 2103

**1. Rate Study Policies**

**RECOMMENDATION:**

**THAT THE CITY COUNCIL ADOPT POLICIES A THROUGH H FOR THE SOUTH SANTA ROSA UTILITY SYSTEM AS SHOWN IN THE MEMO DATED AUGUST 8, 2013, FROM ASSISTANT DIRECTOR OF PUBLIC SERVICES.**

**2. Consumptive Use Permit**

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE ADDITIONAL FEE OF \$5,000 FOR BASKERVILLE-DONOVAN, INC., FOR SERVICES RELATED TO CONSUMPTIVE USE PERMITTING OF THE GOLF COURSE WELLS, INCLUDING AN ADDITIONAL WELL AND COMBINING THE UTILITY AND GOLF COURSE PERMITS.**

**3. Clay Circle Developer Request****RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE THE UTILITY TO REIMBURSE THE DEVELOPER FOR THE DESIGN AND SURVEYING COSTS NOT TO EXCEED \$14,500 FOR THE BERGREN ROAD FORCEMAIN.**

**4. Inserta Valve Demo****RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE INSTALLATION OF AN INSERTA VALVE FOR \$15,500 BY BROWN CONSTRUCTION OF NORTHWEST FLORIDA, INC.**

Councilman Henderson made a motion to approve the staff's recommendations. The motion was seconded by Councilman Schluter. The vote for approval was 5 – 0.

**E. SUBJECT: DISCUSSION AND ACTION REGARDING OFFER FOR 801 GULF BREEZE PARKWAY.**

Reference: Assistant Director of Public Services memo dated August 20, 2013.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE OFFER FOR THE PROPERTY AT 801 GULF BREEZE PARKWAY AND THAT THE CITY COUNCIL MEET AS THE BOARD OF DIRECTORS OF THE COMMUNITY REDEVELOPMENT AGENCY ON WEDNESDAY, SEPTEMBER 4, 2013, TO APPROVE THE PORTION OF THE FUNDS FOR THE CRA DISTRICT.**

Councilman Schluter made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was 5 – 0.

**F. SUBJECT: DISCUSSION AND ACTION REGARDING HARRIS-INMAN DOCK REQUEST.**

Reference: Assistant Director of Public Services memo dated August 20, 2013.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE THE CONSTRUCTION OF THE DOCK IN ACCORDANCE WITH THE SUBMITTAL ATTACHED TO THE MEMO AND UPON RECEIPT BY THE CITY OF COPIES OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ARMY CORPS OF ENGINEERS PERMIT ISSUED TO MR. HARRIS-INMAN.**

Councilwoman Henderson made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was 5 – 0.

**G. SUBJECT: DISCUSSION AND ACTION REGARDING TEMPORARY LEASE OF PROPERTY ON BERGREN ROAD.**

Reference: City Manager memo dated August 22, 2013

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE TEMPORARY LEASE AGREEMENT WITH SANTA ROSA COUNTY FOR TEMPORARY USE OF THE CITY'S BERGREN ROAD PROPERTY AS A HURRICANE DEBRIS STORAGE SITE.**

Councilman Henderson made a motion that the lease be approved pending approval of the lease by the City Attorney. The motion was seconded by Councilman Landfair. The vote for approval was 5 – 0.

**H. SUBJECT: DISCUSSION AND ACTION REGARDING CANCELANATION OF AWARD OF BID TO EARTHLINK**

Reference: City Manager memo dated August 23, 2013

**RECOMMENDATION:**

**THAT THE CITY COUNCIL FORMALLY CANCEL THE AWARD OF BID TO EARTHLINK FOR TELECOMMUNICATION SERVICES.**

Councilman Schluter made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was 5 – 0.

**I. SUBJECT: DISCUSSION AND ACTION REGARDING RESOLUTION NO. 16-13 APPROVING A PLAN OF FINANCE FOR ROBERT SHARP TOWERS II PROJECT.**

Reference: City Manager memo dated August 23, 2013

**RECOMMENDATION:**

**THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 16-13 APPROVING A PLAN OF FINANCE FOR ROBERT SHARP TOWERS II**

Councilman Schluter made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was 5 – 0.

**J. SUBJECT: DISCUSSION AND ACTION REGARDING APPROVAL OF MUNICIPAL COSTS FOR RED LIGHT CAMERA HEARINGS**

Reference: City Manager memo dated August 21, 2013

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE A MUNICIPAL COST OF \$250 FOR VIOLATORS ADJUDICATED GUILTY AFTER HEARING OF RED LIGHT CAMERA VIOLATIONS.**

Councilman Schluter made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilman Henderson. The vote for approval was 5 – 0.

**K. SUBJECT: DISCUSSION AND ACTION REGARDING RENEWAL OF CITY EMPLOYEE HEALTH INSURANCE PLAN**

Reference: City Manager memo dated August 23, 2013

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE BLUE CROSS BLUE SHIELD PLAN 60 AS THE HEALTH PLAN FOR CITY EMPLOYEES WITH BUNDLED SUPPLEMENTARY INSURANCE.**

Councilman Schluter made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was 5 – 0.

**L. SUBJECT: DISCUSSION AND ACTION REGARDING ADOPTION OF RESOLUTION NO. 13-13, ESTABLISHING A TENTATIVE MILLAGE RATE OF 2.10 MILLS AND RESOLUTION NO. 14-13, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2014**

Reference: Assistant City Manager memo dated August 23, 2013

**RECOMMENDATION:**

**THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 13-13 SETTING THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2014 AND ADOPT RESOLUTION NO. 14-13 CONTAINING THE TENTATIVE BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014.**

Councilman Schluter made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilman Henderson. The vote for approval was 5 – 0.

**M. SUBJECT: DISCUSSION AND ACTION REGARDING GULF COAST SUSTAINABLE LIVING CENTER**

Reference: Assistant Director of Public Services memo dated August 20, 2013

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE MEMORANDUM OF UNDERSTANDING, PENDING CITY ATTORNEY AND STAFF COMMENTS.**

Councilman Landfair made a motion to place the staff's recommendation on the September 4, 2013, Regular meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was 5 – 0.

**NEW BUSINESS:**

- A. City Manager recommended holding a Public Hearing regarding the budget and millage rates before the Regular Meeting on September 17, 2013, at 6:30 p.m.

**PUBLIC FORUM:**

- A. Peter Harris-Inman, 3583 Laguna Court, spoke regarding his request for approval by the City for installation of a dock.
- B. Chad Rich, Rodney Rich & Company – Mr. Rich explained the health insurance renewal process and answered questions from Council regarding the new plan.

**ADJOURNMENT: 6:52 P.M.**

**ORDINANCE NO. 05-13**

**AN ORDINANCE OF THE CITY OF GULF BREEZE ADOPTING SECTION 18-78 OF THE CODE OF ORDINANCES OF THE CITY OF GULF BREEZE PROVIDING FOR REGULATION OF PARKING IN RESIDENTIAL DISTRICTS; ESTABLISHING GENERAL REGULATIONS APPLICABLE TO PARKING OF ALL VEHICLES IN RESIDENTIALLY ZONED DISTRICTS; ESTABLISHING ADDITIONAL REGULATIONS APPLICABLE TO COMMERCIAL VEHICLES AND RECREATIONAL VEHICLES IN RESIDENTIALLY ZONED DISTRICTS; PROVIDING FOR SPECIAL EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council recognizes the importance of preserving the integrity and aesthetic quality of the residential areas of Gulf Breeze.

WHEREAS, through a series of public meetings and workshops the City Council has found that Citizens are strongly in favor of additional measures relating to parking of vehicles, including recreational and commercial vehicles, in residential areas in efforts in enhance and maintain the aesthetic appeal of the community.

WHEREAS, the City Council desires to adopt additional parking regulations contemplated herein in efforts to preserve and enhance the aesthetic quality and community standards of the residential areas of Gulf Breeze.

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

SECTION 1. Section 18-78 of the Code of Ordinances of the City of Gulf Breeze, Florida, is hereby created to read as follows:

**Section 18-78. Parking of Vehicles in Residential Districts.**

(a) *Definitions.* As used in this Section, the following words, terms, and phrases shall have the following meanings and be subject to the following requirements:

*Commercial Vehicle* shall have the same meaning as set forth in Section 18-75 (a).

*Driveway* means the improved area (i) between a public street and private property intended to provide ingress and/or egress of vehicular traffic from the public street to a definite area of private property, and (ii) on private property intended to provide off-street parking and ingress and egress of vehicles. The boundaries of a driveway must be clearly delineated by using materials

commonly used for construction of driveways or by clearly outlining the driveway by means including, but not limited to, landscape features such as gravel, shells, or border features. Not more than forty percent of the front yard may be so delineated as a driveway; provided however, a delineated driveway may in all instances be of sufficient size so as to accommodate parking of at least one recreational vehicle and three passenger vehicles (i.e., vehicles that are not recreational vehicles or commercial vehicles) notwithstanding that the size of such driveway may exceed forty percent of the front yard. The delineated driveway must be designed and constructed such that it can support the weight of the vehicle that will be regularly parked upon it. There shall be no more than one contiguous driveway in the front yard; provided, however, for corner lots, there may be a second driveway in the side yard of the corner lot provided that the combined area of both driveways does not exceed forty percent of the combined areas of the front yard and side yard.

*Front yard* shall mean the area about a residential dwelling unit that is bordered by the street in the right-of-way that abuts the front of the lot on which the dwelling unit is located, the side boundary lines of the lot on which the dwelling unit is located, and the plane of the longest front facade of the dwelling unit that is parallel or nearly parallel to the front lot line of the property on which the dwelling unit is located.

*Lot* means a parcel of land contained within property lines of a specific area. A *corner lot* means a lot located at the intersection of two rights-of-ways and abutting such rights-of-ways on two adjacent sides of the lot.

*Park* or *parking* means the standing or storage of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaging in loading or unloading of merchandise or passengers.

*Rear yard* shall be the area of a residential lot that does not include the front yard and, for a corner lot, the side yard.

*Recreational vehicles* shall mean boats (including all watercraft that are designed to float including personal watercraft, kayaks, canoes, rowboats, paddle boards, wind surf boards, sailboats, catamarans, etc.), boat trailers, travel trailers, camping trailers, truck campers, motor homes, private motor coaches, utility trailers, flatbed trailers, all terrain vehicles, any vehicle designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle, van conversions, park trailers, fifth-wheel trailers, and other similar type vehicles.

*Right-of-way* means land dedicated, deeded, used, to be used or may be used for a street or other purposes by the public, and shall include all of the land lying between any right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved.

*Sidewalk* means a path or area on public or private property where pedestrians walk or stand, generally parallel to the street.

*Side yard* applies only to corner lots and shall mean the area about a residential dwelling unit that is bordered by the street in the right-of-way which abuts the side of the lot on which the dwelling unit is located, the plane of the rear boundary line of the lot on which the dwelling unit is located, the plane that is parallel to such side street that is adjacent to that point of the structure of the dwelling unit that is nearest the side street, and the front yard.

*Street* means the paved surface of any public road in a right-of-way.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn including passenger vehicles, recreational vehicles, and commercial vehicles.

(b) *General Parking Regulations Applicable to All Vehicles in Residential Districts.* In addition to other regulations set forth elsewhere in this Code, the following regulations apply to all vehicles in residentially zoned districts in the City:

(1) No vehicle shall be parked in the front yard unless the vehicle is parked on a driveway. For corner lots, no vehicle shall be parked in the front yard or side yard unless the vehicle is parked within a driveway.

(2) No vehicle shall be used for living, sleeping, or housekeeping purposes when parked on a residential lot or at any location not approved for such use. The foregoing notwithstanding, the City Council may authorize recreational vehicles to be used for living, sleeping, or housekeeping purposes after a declared natural disaster, and such authorization must be enacted by resolution of the City Council and must contain a date by which the authorization shall expire unless specifically extended by subsequent resolution. In addition, bona fide house guests of a person residing at a residential dwelling unit may temporarily reside in a recreational vehicle on the lot no more than twice in a six month period with each instance being of a duration of no more than 14 days.

(3) All vehicles permitted by this Section to be parked in the front yard (or side yard with respect to corner lots) must be maintained (i) in a condition such that the vehicle is immediately operable and can be immediately moved offsite in the manner in which such vehicle is intended to be operated (e.g. by its own power if the vehicle is motorized; drawn or towed if the vehicle is not motorized, etc.), and (ii) in a neat, clean and presentable manner with wheels and tires properly mounted, and the area beneath and about the vehicle must be kept in a neat, clean, and presentable condition with no accumulation of undergrowth, weeds, or trash.

(4) Except as specifically authorized by City Council resolution contemplated in subparagraph (2), above, no vehicle shall have temporary or permanent sewer connection.

(5) No vehicle shall be parked on a vacant lot in a residentially zoned district, including lots upon which construction is occurring; provided, however, (i) a recreational vehicle may be located on a construction site to be used as an office, work, or security trailer provided that a

permit for such use has been issued by the Department of Community Services and that the recreational vehicle is not used for living, sleeping, or housekeeping purposes; and (ii) commercial vehicles may be temporarily parked on such lots where construction is actively occurring and for which a current and valid building permit for such construction has been issued by the City and is properly displayed on the premises (unless the construction is of the nature that a building permit is not required, in which event there shall be no requirement to obtain and display such a building permit).

(6) No vehicle may block or in any manner obstruct a sidewalk. Any vehicle permitted by this Section to be parked on a street must be parked such that the vehicle is substantially parallel to the edge or curb of the street and shall not be parked in a manner which blocks or creates a hazard for other vehicles.

(c) *Additional Regulations Applicable to Parking of Commercial Vehicles and Recreational Vehicles in Residential Districts.* In addition to other regulations set forth elsewhere in this Code, including those regulations set forth above in this Section 18-78, the following regulations shall also apply to commercial vehicles and residential vehicles in residentially zoned districts in the City:

(1) Any commercial vehicle or residential vehicle permitted by this Section to be parked in the front yard (or side yard for a corner lot) must be owned, rented, or leased by a person residing on the same lot at which such vehicle is parked; provided, however, this restriction shall not apply to recreational vehicles owned, rented, or leased by bona fide house guests of such resident temporarily residing in the recreational vehicle as contemplated in subparagraph (b)(2), above.

(2) No commercial vehicle or recreational vehicle shall be parked on a street. Commercial vehicles and recreational vehicles may be parked in the right-of-way, but not on a street, only for purposes of active loading and unloading and for no more than six hours in any 24 hour period; provided, however, no commercial vehicle or recreational vehicle may be parked in a right-of-way for any period of time between the hours of 7:00 p.m. and the following 7:00 a.m.

(3) There shall be no more than two commercial vehicles or recreational vehicles parked in the front yard (and side yard, if a corner lot). Additional commercial vehicles and recreational vehicles may be parked on a residential lot if such vehicle is parked in an enclosed garage or in the rear yard.

(4) No recreational vehicle may be used for the storage of goods, materials, or equipment other than those items considered to be part of the recreational vehicle essential for its immediate use.

(5) All recreational vehicles permitted by this Section to be parked in the front yard (or side yard, if a corner lot) shall be parked more or less perpendicular to the right-of-way.

(d) *Special Exceptions.* The City Manager or designee may grant a special exception from the provisions of this Section 18-78 upon written application and a finding that (i) literal interpretation of the provisions of this Section would work in unnecessary and undue hardship on the applicant, (ii) granting of the special exception will not cause a condition or circumstance which creates a nuisance for neighbors of the applicant or the general public, and (iii) special conditions or circumstances exist which are peculiar to applicant's land which are not the result of actions of the applicant. Any special exception granted shall be the minimum exception needed to avoid the unnecessary and undue hardship contemplated in the preceding sentence. Before considering an application, the City Manager or designee shall make reasonable efforts to contact and obtain input from owners of property adjacent to applicant's lot. The decision of the City Manager or designee may be appealed to the City Council. The procedure for appeal shall be the same as for a level one development variance request.

**SECTION 2. Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid, or void, such holding shall not in any manner affect the validity of the remaining portions of this Ordinance.

**SECTION 3. Conflict.** The provisions of this Ordinance shall be deemed to control and supercede over any ordinance or portion thereof in conflict with the terms hereof.

**SECTION 4. Effective Date.** This Ordinance shall become effective upon its adoption by the City Council.

PASSED ON FIRST READING ON THE 19<sup>th</sup> DAY OF AUGUST, 2013.

PUBLISHED ON THE 15<sup>TH</sup> DAY OF AUGUST, 2013.

PASSED ON SECOND READING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY OF GULF BREEZE, FLORIDA

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

ATTESTED TO BY:

\_\_\_\_\_  
Leslie Guyer, City Clerk

**RESOLUTION NO. 16-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, APPROVING A PLAN OF FINANCE FOR THE COSTS OF THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, RENOVATION AND EQUIPPING OF AN EXISTING LOW-INCOME MULTIFAMILY RENTAL HOUSING FACILITY LOCATED IN THE STATE OF FLORIDA; APPROVING THE ISSUANCE OF APPROXIMATELY \$10,000,000 CAPITAL TRUST AGENCY REVENUE BONDS FOR THE PURPOSE OF FINANCING A LOAN PROGRAM TO ASSIST IN FINANCING SUCH FACILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council (the "City Council") 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. 38 (including Amendments No. 14-A, 23-A, 24-A and 37-A) (collectively, the "Enabling Agreement"), approving the creation of the Capital Trust Agency (the "Agency"), a separate legal and administrative 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 June 27, 2013, 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, constructing, improving, renovating and equipping an existing low-income multifamily rental housing facility, as further described on the attached Schedule I, namely, the Robert Sharp Towers II located at 115 N.W. 202<sup>nd</sup> Terrace, Miami Gardens, Florida 33169, Miami-Dade County, Florida (the "Facility"); and

WHEREAS, the City has been advised that the Agency desires to issue an approximately \$10,000,000 aggregate principal amount of Bonds (the exact amount to be determined by the appropriate official of the Agency, as being the amount required to fund the financing herein authorized), to finance the Facility on behalf of EHD OC Robert Sharp Towers II LP, a Florida limited partnership, or one or more of the subsidiary corporations, limited liability companies or limited partnerships of Elderly Housing, Development and Operations Corporation,

whose principal place of business is 1580 Sawgrass Corporate Parkway, Suite 210, Ft. Lauderdale, Florida 33323 (as applicable, the "Borrower") to fund a program herein described (the "Plan of Finance"); and

**WHEREAS**, Section 147(f) of the Internal Revenue Code of 1986, as amended (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, (i) notice of such public hearing was given in the form required by the Code by publication at least fourteen (14) days prior to such public hearing in the *Pensacola News Journal* on August 21, 2013 and (ii) the Bonds and the Plan of Finance have been submitted to such public hearing held on behalf of the City Council of the City of Gulf Breeze, Florida (the "City Council") on September 4, 2013; 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 August 21, 2013. 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 issuance of the Bonds described in the Notice. 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, approvals or instruments deemed necessary or convenient to effect, implement, maintain and continue the Plan of Finance, the financing or refinancing of the Facility through the issuance from time to time of the Bonds and the purposes for which the Bonds are to be issued. No obligation of the Agency under any such agreement shall constitute an obligation of the City except to the extent the same may be expressly approved by the City. The Bonds shall be limited and special obligations of the Agency, and shall not constitute a pledge of the faith and credit or taxing power of or constitute an obligation of the City.

## **SECTION 3. AMENDMENT NO. 39 TO THE ENABLING AGREEMENT RATIFIED.**

Pursuant to the Enabling Agreement, there is hereby approved the execution and delivery of an amendment to the Enabling Agreement (the "Amendment") to effect the approvals set forth in Section 1 and Section 2 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 approximately \$10,000,000 aggregate 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 4<sup>th</sup> day of September, 2013.

**GULF BREEZE, FLORIDA  
CITY COUNCIL**

(SEAL)

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

**ATTEST:**

By: \_\_\_\_\_  
Leslie A. Guyer, City Clerk

**EXHIBIT "A"**  
**REPORT OF CITY MANAGER**

**[Follows]**

**REPORT OF HEARING OFFICER  
(EHDOC ROBERT SHARP TOWERS II LP)**

This instrument shall constitute the official report of the undersigned designated official of the City of Gulf Breeze, Florida (the "City"), a municipal corporation of the State of Florida, with respect to a public hearing scheduled and held by the City on September 4, 2013, for and on behalf of the Capital Trust Agency (the "Agency"), a separate legal and administrative agency created and existing under Chapter 163, Part I, and Chapter 617, Florida Statutes, and established and empowered by the provisions of Chapter 159, Part II, Florida Statutes, Chapter 163, Part I, et seq., Chapter 166, Part II, Florida Statutes, Chapter 617, Florida Statutes and other applicable provisions of law, in connection with the proposed issuance of the Agency's approximately \$10,000,000 revenue bonds (the "Bonds") on behalf of EHDOC Robert Sharp Towers II LP, a Florida limited partnership and whose principal place of business is 1580 Sawgrass Corporate Parkway, Suite 210, Ft. Lauderdale, Florida 33323, or one or more subsidiary corporations, limited liability companies or limited partnerships of Elderly Housing, Development and Operations Corporation (as applicable, the "Borrower"). The proceeds of the Bonds will be loaned to the Borrower for financing or refinancing the cost of acquiring, constructing, improving, renovating and equipping by the Borrower of an existing 110-unit, low-income multifamily rental housing facility known as Robert Sharp Towers II (the "Facility") located at 115 N.W. 202<sup>nd</sup> Terrace, Miami Gardens, Florida 33169, Miami-Dade County, Florida, as more fully described on the attached Exhibit "A" (the "Facility").

The public hearing was duly advertised in the *Pensacola News Journal*, a newspaper of general circulation in the jurisdiction of the City, on August 21, 2013. The proof of publication was presented to me at such hearing, and a copy is attached hereto as Exhibit "B" (the "Notice").

The hearing commenced at the time and location stated in the Notice. At such hearing, interested individuals were afforded reasonable opportunity to express their views, both orally and in writing, on all matters pertaining to the plan of finance and the financing of the Facility. Information about the proposed Bonds, the location of the Facility, and the proposed use of the proceeds were presented. When the information had been presented, opportunity was given for members of the public in attendance to give their input. It was noted that no written communication was received.

No interested party was in attendance at the public hearing. Minutes of the Council Meeting, including the public hearing, will be kept on file with the City Clerk as referenced in Exhibit "C" hereto. The undersigned then concluded the hearing.

Respectfully submitted,

By: \_\_\_\_\_  
Edwin Eddy, City Manager  
City of Gulf Breeze, Florida

Published Daily-Pensacola, Escambia County, FL

**PROOF OF PUBLICATION**

State of Florida

County of Escambia:

Before the undersigned authority personally appeared Anna Hammes who, on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

**City of Gulf Breeze, Florida**

Was published in said newspaper in the issue(s) of:

**August 21, 2013**

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **21st Day of August, 2013**, by Anna Hammes, who is personally known to me.

Anna Hammes Affiant

Carol S. Corbin Notary Public

**CAROL S. CORBIN**  
 NOTARY PUBLIC - STATE OF FLORIDA  
 COMMISSION #EE847370  
 MY COMMISSION EXPIRES OCT. 29, 2016

**CITY OF GULF BREEZE, FLORIDA**  
**NOTICE OF PUBLIC HEARING**

For the purpose of Section 147(f) of the Internal Revenue Code of 1986, as amended, notice is hereby given that the City of Gulf Breeze, Florida (the "City") will hold a public hearing at 10:00 a.m. on September 4, 2013, in the City Council Chambers located at 1070 Shoreline Drive, Gulf Breeze, Florida 32561. The purpose of the public hearing is to consider a plan of finance for the purpose, among other things, of providing funds to be loaned by the Capital Trust Agency (the "Agency") to EHDCC Robert Sharp Towers I LP, a Florida limited partnership, or one or more subsidiary corporations, limited liability companies or limited partnerships of Elderly Housing, Development and Operations Corporation (as applicable, the "Borrower"), for financing or refinancing the cost of acquiring, constructing, improving, renovating and equipping by the Borrower, of an existing 110-unit, low-income multi-family rental housing facility (known as Robert Sharp Towers I (the "Facility") located at 115 N.W. 202nd Terrace, Miami Gardens, Florida 33166, Miami-Dade County, Florida (the "County").

The plan of finance contemplates that the Agency will issue, in respect to such Facility, not exceeding \$10,000,000 in aggregate principal amount of its revenue bonds (the "Bonds"), in one or more installments or series, and loan the proceeds of such Bonds to the Borrower to provide funds for the Facility. The Facility will be owned by the Borrower. The initial manager of the Facility will be Elderly Housing, Development and Operations Corporation (the "Manager").

The City will not issue, and will not be obligated on, the Bonds.

The contemplated financing will allow the Facility to continue to comply with all applicable tenant eligibility requirements and will not change the nature or character of the Facility.

The Bonds, when issued, will be special limited obligations payable solely out of the revenues, income and receipts pledged to the payment thereof and derived from financing agreements with the Borrower, and the Agency will not be obligated to pay the principal of, premium, if any, or interest on the Bonds except from the payments of the Borrower. The Bonds will not constitute (i) a debt, liability or obligation of the Agency, the City, the County, the Manager, the State, or any political subdivision, public agency or municipality thereof, (ii) a pledge of the full faith and credit of the Agency, the City, the County, the State, or any political subdivision, public agency or municipality thereof, or (iii) a pledge of the taxing power of the City, the County, the State, or any political subdivision or municipality thereof. The Agency has no taxing power.

At the time and place fixed for said public hearing all who appear will be given an opportunity to express their views for or against the proposal to approve said Bonds and the plan of finance. Prior to said public hearing, written comments may be delivered to the City Manager of the City of Gulf Breeze, Florida, at 1070 Shoreline Drive, Gulf Breeze, Florida 32561. All persons are advised that, if they decide to appeal any decision made by the City with respect to any matter considered at the meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. All interested persons are called to present their comments at the time and place set forth above.

Following the hearing, a report concerning this public hearing will be submitted to the applicable elected representative responsible for approving the issuance of the Bonds.

In accordance with the Americans with Disabilities Act, persons in need of a special accommodation to participate in the proceedings shall contact the telephone operator at City Hall, 1070 Shoreline Drive, Gulf Breeze, Florida 32561, 850-934-5715, at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

Legal No 1806653 TT August 21, 2013

**EXHIBIT "B"**

**AMENDMENT NO. 39  
OF THE ENABLING AGREEMENT**

**[Follows]**

## EXHIBIT "B"

### AMENDMENT NO. 39 TO INTERLOCAL AGREEMENT

This **AMENDMENT NO. 39 TO INTERLOCAL AGREEMENT** (this "Amendment No. 39") is made and entered into as of the \_\_\_\_ day of August, 2013, 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. 38 (including Amendments No. 14-A, 23-A, 24-A and 37-A) (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**, EHDOC Robert Sharp Towers II LP, a Florida limited partnership, or one or more subsidiary corporations, limited liability companies or limited partnerships of Elderly Housing, Development and Operations Corporation (as applicable, the "Borrower"), is engaged in, among other things, acquiring, constructing, developing, improving, furnishing, equipping, owning, and operating multifamily rental housing facilities for low income seniors; and

**WHEREAS**, on June 27, 2013, the Agency approved a request by the Borrower that the Agency issue its revenue bonds in a principal amount of approximately \$10,000,000 (the exact amount to be determined by the appropriate official of the Agency, as being the amount required to fund the financing herein authorized), in one or more series from time to time (collectively, the "Bonds") and loan the net proceeds thereof to the Borrower, for the purpose, among other things, of financing and refinancing the acquisition, construction, improvement, renovation and equipping of an existing 110-unit, low-income multifamily rental housing facility known as Robert Sharp Towers II (the "Facility") described on the attached Schedule "I," located in the State of Florida; 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 Sponsor, 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. 39 to the Enabling Agreement with respect to the financing herein described; and

**WHEREAS**, the Parties desire to amend the Enabling Agreement to permit and authorize the Agency to issue the Bonds herein described and loan the proceeds to the Borrower in order to provide financing and refinancing for the Facility;

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

**SECTION 1. ENABLING AGREEMENT AMENDED FOR SERIES 2013 PROJECT.**

This Amendment No. 39 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 Facility.

**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 determined by an appropriate official of the Agency to be sufficient to enable the financing of the Facility. 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, approvals or instruments deemed necessary or convenient to effect or implement the financing and refinancing of the Facility 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, the Sponsor, 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 "II" attached hereto.

**SECTION 4. ENABLING AGREEMENT CONTINUED.**

The Enabling Agreement, as amended hereby, is hereby ratified, confirmed and approved and shall

otherwise continue in full force and effect. Nothing in this Amendment No. 39 shall be deemed to adversely affect the authorizations in the Enabling Agreement as it existed prior to the effective date of this Amendment No. 39, 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. 39, the financing agreements and/or bond indentures executed in connection with 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.

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 39 to the 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: \_\_\_\_\_  
Leslie A. Guyer  
City Clerk

**TOWN OF CENTURY, FLORIDA**

[SEAL]

By: \_\_\_\_\_  
Freddie W. McCall, Sr., Mayor

**ATTEST:**

By: \_\_\_\_\_  
Leslie Gonzalez, Town Clerk

## **SCHEDULE "I"**

The project herein described consist of the acquisition, construction, improvement, renovation and equipping of an existing 110-unit, low-income multifamily rental housing facility known as Robert Sharp Towers II, located at 115 N.W. 202<sup>nd</sup> Terrace, Miami Gardens, Florida 33169, Miami-Dade County, Florida.

**SCHEDULE "II"**  
**PAYMENT TO TOWN OF CENTURY**

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

**COMMUNITY REDEVELOPMENT AGENCY  
BOARD OF DIRECTORS**

SEPTEMBER 4, 2013  
WEDNESDAY, 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 Offer for 801 Gulf Breeze Parkway

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

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



# City of Gulf Breeze

## MEMORANDUM

**TO:** Edwin A. Eddy, City Manager  
**FROM:** Thomas E. Lambert, Assistant Director of Public Services   
**DATE:** August 20, 2013  
**RE:** Offer for 801 Gulf Breeze Parkway

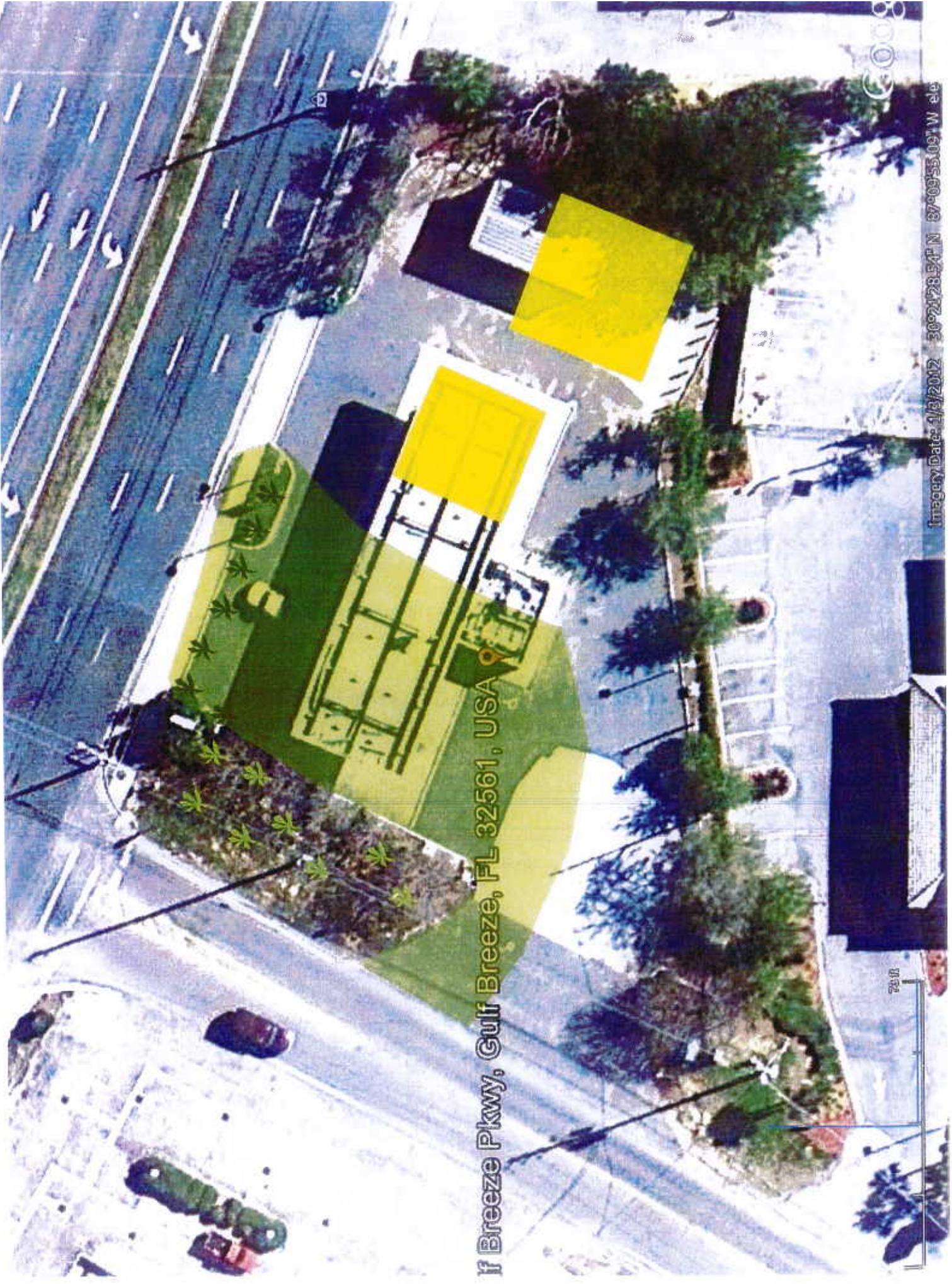
The City Council authorized staff to obtain two appraisals for the property at 801 Gulf Breeze Parkway. The two appraisals were received by staff, with one being at \$510,000 and the other at \$495,000. Staff proposes to offer \$502,500 for the property, with the funding provided as follows:

CRA	\$201,250.00
Natural Gas	\$201,250.00
Donation to City	\$100,000.00

The property will be used for the CNG station, as well as an aesthetic enhancement to the Highway 98 corridor. A very rudimentary sketch is attached of one possibility for the site. The CNG station does not require the entire site for the installation.

The offer will be contingent upon receiving documentation that the underground storage tanks were removed properly and any contamination issues addressed.

**RECOMMENDATION:** The City Council approve the offer for the property at 801 Gulf Breeze Parkway and that the City Council meet as the Board of Directors of the Community Redevelopment Agency on Tuesday, September 4<sup>th</sup>, 2013 to approve the portion of the funds from the CRA District.



17 Breeze Pkwy, Gulf Breeze, FL 32561, USA

Image Date: 1/3/2012 30°21'28.54" N 87°09'55.09" W ele



25 ft