

**GULF BREEZE CITY COUNCIL  
REGULAR MEETING**

NOVEMBER 5, 2012  
MONDAY, 6:30 P.M.  
COUNCIL CHAMBERS

**REMINDER: THERE WILL BE A WORKSHOP AT 5:00 P.M. REGARDING  
STORAGE OF BOATS, TRAILERS AND RV'S ON FRONT YARDS**

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of October 15, 2012 (Regular Meeting)  
Approval of Minutes of October 15, 2012 (Community Redevelopment Agency)
4. Resolution No. 22-12: Adoption of FY 2013 Tourist Development Council Budget  
Resolution No. 23-12: (To be considered during the CRA meeting)  
Resolution No. 24-12: Approving Issuance of \$25,500,000 Capital Trust Agency Bonds,  
Belfort Village  
Resolution No. 25-12: Approving Issuance of \$37,000,000 Capital Trust Agency Bonds,  
Affordable Housing Facilities  
Resolution No. 26-12: Adopting the Osprey as the City Bird
5. **CONSENT AGENDA ITEMS:\***
  - A. Discussion and Action Regarding Special Event Request - Chick-Fil-A for Wednesday  
Oct. 31, 2012 12:01 a.m. thru 7:00 a.m. and 10:00 p.m. to 6:00 a.m. Thursday, Nov 1<sup>st</sup>
  - B. Discussion and Action Regarding Purchase of 2 Ford F250 Super Cab CNG trucks; and  
2 Ford Fusion Bi-Fuel CNG Vehicles
  - C. Discussion and Action Regarding Nextel Lease
  - D. Discussion and Action Regarding Duty Holsters for Police Department
  - E. Discussion and Action Regarding SSRUS Board Recommendations
    - I. Interim Tap Fee Policy
    - II. Waterford Sound Phase I Reimbursement
    - III. Waterford Sound Phase II Payment Policy
    - IV. Manhole Repairs - 6 Manholes

- F. Discussion and Action Regarding Appointment of Mayor Zimmern to Florida League of Cities Legislative Committee

**\*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 Notice of Appeal for a Beverage Certificate of Compliance for the Naillounge, 214 Gulf Breeze Parkway
6. New Business
7. Open Forum
8. Adjournment

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

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

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

The 1,210<sup>th</sup> regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida was held at the Gulf Breeze City Hall on Monday, October 15, 2012, at 6:30 p.m.

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

**APPROVAL OF MINUTES:**

Councilman Schluter moved for approval of the minutes for the regular meeting held on Monday, October 1, 2012. Councilman Henderson seconded. The vote for approval was 5 - 0.

Councilman Landfair moved for approval of the minutes for the special Community Redevelopment Agency meeting held on Monday, October 1, 2012. Councilman Cleveland seconded. The vote for approval was 5 - 0.

**PRESENTATIONS: BEAUTIFICATION AWARDS**

Ms. Shirley Brougham, a Beautification Committee member, attended the meeting to present the awards. The following residents received a Beautification award: DISTRICT 1: Malcom Rawson, 1311 Soundview Trail; DISTRICT 2: Tom and Lynn Fisher, 101 Northcliff Drive; DISTRICT 3: Louis and Kay Makowski, 809 Poinciana Drive; DISTRICT 4: Stan and Katharine Searcy, 228 Northcliff Drive; DISTRICT 5: John and Mary Taylor, 121 Bear Drive.

**PUBLIC HEARING: RESOLUTION NO. 19-12: INCREASING WATER AND SEWER RATES FOR CITY CUSTOMERS**

The Resolution was read by title only by the City Clerk. The City Manager explained the reason for the increase and the Mayor opened the Public Hearing. There were no comments and the Public Hearing was closed.

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

**PUBLIC HEARING: RESOLUTION NO. 20-12: INCREASING SEWER RATES FOR SOUTH SANTA ROSA UTILITY SYSTEM CUSTOMERS**

The Resolution was read by title only by the City Clerk. The City Manager explained why the increase was needed and the Mayor opened the Public Hearing. There were no comments and the Public Hearing was closed.

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

**PUBLIC HEARING: RESOLUTION NO. 21-12: INCREASING STORM WATER  
SOUTH SANTA ROSA UTILITY SYSTEM CUSTOMERS**

The Resolution was read by title only by the City Clerk. The City Manager explained why the increase was needed and the Mayor opened the Public Hearing. There were no comments and the Public Hearing was closed.

Councilman Landfair moved for approval of the Resolution. Councilman Cleveland seconded. The vote for approval was 5 - 0.

**CONSENT AGENDA ITEMS:**

**RECOMMENDATION:**

**That the City Council approve the following Consent Agenda Items:  
B, D, E, F, G, and H: (Item A was removed - no Council action required and  
Item C was moved for further discussion and action.)**

**B. SUBJECT: DISCUSSION AND ACTION REGARDING PURCHASE OF  
REPLACEMENT EQUIPMENT**

Reference: Parks and Recreation Director memo dated October 5, 2012

**RECOMMENDATION**

**That the City Council direct staff to seek competitive pricing for the following  
replacement equipment: (1) 52" mower; (1) 72" mower; (1) Athletic Field Groomer;  
and (2) Utility vehicles, 4 wheel, non-licensed.**

**D. SUBJECT: DISCUSSION AND ACTION REGARDING DECLARATION OF  
SURPLUS EQUIPMENT (1998 DODGE TRUCK AND 72" ZERO  
TURN MOWER)**

Reference: City Manager memo dated October 4, 2012

**RECOMMENDATION:**

**That the City Council declare a 1998 Dodge Truck as surplus and to be sold on**

**egovdeals and declare a 72" Zero Turn Mower as surplus and donate to the Florida Department of Corrections.**

**E. SUBJECT: DISCUSSION AND ACTION REGARDING RENEWAL OF INMATE WORK CREW CONTRACT**

Reference: City Manager memo dated October 4, 2012

**RECOMMENDATION:**

**That the City Council approve the new contract for inmate crews with the Florida Department of Corrections for the next year at \$58,004 and authorize the Mayor to sign the contract.**

**F. SUBJECT: DISCUSSION AND ACTION REGARDING NAVARRE STREET TRAFFIC CALMING STUDY**

Reference: Assistant Public Services Director memo dated October 5, 2012

**RECOMMENDATION:**

**That the City Council authorize staff to advertise and conduct a public meeting to gather citizen input for traffic calming on Navarre on Thursday, November 15, 2012 at 6:00 p.m..**

**G. SUBJECT: DISCUSSION AND ACTION REGARDING THIRD PARTY REVIEWER - ENERGY SAVINGS PROGRAM**

Reference: Assistant Public Services Director memo dated October 4, 2012

**RECOMMENDATION:**

**That the City Council authorize the Donahue & Associates to assist the City with the energy savings program.**

**H. SUBJECT: DISCUSSION AND ACTION REGARDING APPROVAL TO COMMENCE PAYROLL OUTSOURCING PROCESS**

Reference: Finance Director memo dated September 27, 2012

**RECOMMENDATION:**

**That the City Council approve the engagement of Paychex to provide payroll services.**

- I. SUBJECT: DISCUSSION AND ACTION REGARDING SUGGESTED SERVICE REQUIREMENTS FOR SOLID WASTE FRANCHISE BID**

Reference: Finance Director memo dated October 4, 2012

**RECOMMENDATION:**

**That the City Council endorse the described basis of service with the suggested recommended adjustments and additive alternatives as the basis for soliciting bids for a new solid waste franchise contract.**

- J. SUBJECT: DISCUSSION AND ACTION REGARDING BOATS, TRAILERS, RECREATIONAL VEHICLES**

Reference: City Manager memo dated October 5, 2012

**RECOMMENDATION:**

**That the City Council schedule a workshop to be held on Monday, November 5, 2012 at 5:00 p.m., to discuss the issues of storing vehicles in front yards and that the Executive Session normally held on Wednesday, October 31, 2012, at 6:30 p.m., be held on Tuesday, October 30, 2012 at 6:30 p.m.**

- K. SUBJECT: DISCUSSION AND ACTION REGARDING AWARD OF SCBA REPLACEMENT CYLINDER BID**

Reference: Fire Chief memo dated October 10, 2012

**RECOMMENDATION:**

**That the City Council award the purchase of the SCBA replacement cylinders from Fisher Safety in the amount of 21,680.00.**

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

**ACTION AGENDA ITEMS:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING FOR FILLING MID TERM VACANCIES ON CITY COUNCIL**

Reference: City Manager memo dated September 20, 2012

**RECOMMENDATION:**

**That the City Council adopt a policy for filling mid term vacancies on City Council.**

Councilman Schluter moved for approval. Councilman Landfair seconded. The vote for approval was 4 - 1, with Councilman Henderson voting no.

**C. SUBJECT: DISCUSSION AND ACTION REGARDING TENNIS PRACTICE WALL**

Reference: Parks and Recreation Director memo dated October 4, 2012

**RECOMMENDATION:**

**That the City Council direct Hewes and Company to proceed with construction of the Tennis Practice Wall, altered by (1) eliminating the fencing and using shrubbery as necessary; (2) eliminating the concrete surface and replace with asphalt and ribbon curve and (3) eliminating the professional court finish, striping and utilize in house labor to paint and stripe at a cost of \$27,113.00.**

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

**ADJOURNMENT:**

The Mayor adjourned the meeting at 6:53 p.m.

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CITY CLERK

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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, October 15, 2012, at 6:345p.m.

Upon call of the roll for the Community Redevelopment Agency the following members were present: Councilmen Bob Cleveland, 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 of the Community Redevelopment Agency to consider the following items:

- A. **SUBJECT: DISCUSSION AND ACTION REGARDING MAINTENANCE OF MEDIANS & RIGHT-OF-WAY ON HWY 98, ANDREW JACKSON TO DANIEL DRIVE**

Reference: assistant City Manager memo dated October 4, 2012

**RECOMMENDATION:**

**That the City Council meet as the Community Redevelopment Board on Monday, October 15, 2012, and terminate the maintenance contract with DesignScapes, direct staff to take legal action if necessary for warranty deficiencies that remain (staff will continue and try to negotiate a solution); that the City Council accept staff recommendation to use Randy Hepworth on a month to month maintenance schedule for Highway 98 from Andrew Jackson to Daniel Drive for \$2,087.50 per month. Direct staff to write a Request for Proposal for landscaping services; advertise the RFP and evaluate bidders and make a recommendation for a new annual contract to the Council.**

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

**ADJOURNMENT:**

The Mayor adjourned the meeting at 6:51 p.m.

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CITY CLERK

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MAYOR

**RESOLUTION NO.22-12**  
**A RESOLUTION OF THE CITY OF GULF BREEZE APPROVING A PLAN FOR**  
**GULF BREEZE TOURIST DEVELOPMENT EXPENDITURES FOR FISCAL YEAR**  
**2013**

**WHEREAS**, Santa Rosa County has established a Tourist Development Council (TDC) in accordance with Florida Statute 125.0014; and

**WHEREAS**, the TDC is charged with the responsibility of developing a "Tourist Development Plan" for Santa Rosa County; and

**WHEREAS**, the TDC for Santa Rosa County has determined that the City Council of the City of Gulf Breeze can best allocate funds for Tourist Development for the City of Gulf Breeze as tourists travel through the community while headed elsewhere; and

**WHEREAS**, the City Council of the City of Gulf Breeze has determined that it should develop a tourist development plan for expenditures of TDC funds generated within its local community in conjunction with local hotel and citizen interests; and

**WHEREAS**, the City Council hereby approved a plan for expenditure for Fiscal Year 2013 and desires the TDC to continue to provide funds for this plan via the existing interlocal agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City Of Gulf Breeze, Florida, in Regular Session as follows:

The City Council hereby approves the attached plan for expenditures to be made with TDC funds for Fiscal Year 2013 for the City of Gulf Breeze. The Santa Rosa County Tourist Development is hereby requested to provide funding for this plan from those tourist development funds generated within the City limits of the City of Gulf Breeze.

**PASSED AND ADOPTED** by the City Council of the City of Gulf Breeze, Santa Rosa County, Florida on the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

CITY OF GULF BREEZE

BY: \_\_\_\_\_  
Mayor Beverly H. Zimmern

ATTESTED

BY: \_\_\_\_\_  
City Clerk, M. Rhodes

CITY OF GULF BREEZE  
TOURIST DEVELOPMENT PLAN  
OCTOBER 2012 THROUGH SEPTEMBER 2013

**GOAL:** To further tourism in the Gulf Breeze area by promoting the special Family and "small town" atmosphere, the cultural arts and the history of the community.

**REVENUE:**

TDC Funds Collected Within the Gulf Breeze City Limits	\$25,000
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<b>EXPENDITURES:</b>	Annual Arts Festival	\$ 5,000
	Chamber Support	\$ 6,000
	Miscellaneous Tourist Dewvelopment	<u>\$14,000</u>
		\$25,000

## RESOLUTION 24-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, APPROVING A PLAN OF FINANCE FOR THE COSTS OF THE ACQUISITION AND CONSTRUCTION OF A SENIOR LIVING FACILITY TO BE LOCATED IN THE STATE OF FLORIDA; APPROVING THE ISSUANCE OF NOT TO EXCEED \$25,500,000 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. 33 (including Amendments No. 14-A, 23-A, and 24-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 September 27, 2012, take official action by adopting its preliminary resolution (the "Agency Resolution") indicating its intent to authorize the financing or refinancing of the hereinafter described Senior Living Facility, 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 the acquisition, construction, development, furnishing and equipping of the senior living facility described on Schedule I attached hereto, namely Belfort Village to be located in Jacksonville, Florida within Duval County, Florida (the "Senior Living Facility"), including independent, assisted and memory care rental housing for the elderly; and

**WHEREAS**, the City has been advised that the Agency desires to issue an aggregate principal amount not exceeding \$25,500,000 of the Bonds to finance the Senior Living Facility on behalf of Belfort Village, LLC, a Florida limited liability company, whose principal place of business is 17 La Vista Drive, Ponte Vedra Beach, Florida 32082 (the "Company"), or one or more its affiliates, to fund a program herein described (the "Plan of Finance"); and

**WHEREAS**, Section 147(f) of the Code, requires public approval of certain revenue bonds by an applicable elected representative or governmental unit on behalf of which such bonds are to be issued, following a public hearing; and

**WHEREAS**, as required pursuant to Section 147(f) of the Code notice of such public hearing was given in the form required by the Code by publication at least fourteen (14) days prior to such public hearing in the *Pensacola News Journal* on October 22, 2012, the Bonds and the Plan of Finance have been submitted to a public hearing held on behalf of the City Council on November 5, 2012; 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 October 22, 2012. The City Council hereby approves the report of the public hearing conducted by the City Manager, a copy of which is attached as Exhibit "A" hereto. Such Notice and other means and methods utilized by the City to give notice of purpose, time and date of the public hearing provided reasonable notice sufficient to inform residents of the City of the proposed Bonds.

**SECTION 2. BONDS AND PLAN OF FINANCE APPROVED.**

For purposes of the Act, the City hereby approves the Plan of Finance described herein, and the Bonds in the aggregate principal amount not to exceed \$25,500,000. The Agency and its officers, employees, agents and attorneys are hereby authorized from time to time to take all action, to execute and deliver such authorizations, approvals, certificates and documents, and to enter into, on behalf of the Agency, such interlocal agreements, interest rate swap or hedge transactions, investment agreements, repurchase agreements, bond credit or insurance

agreements, reimbursement agreements, and other agreements, approvals or instruments deemed necessary or convenient to effect, implement, maintain and continue the Plan of Finance, the financing or refinancing of the Senior Living 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. 34 TO THE ENABLING AGREEMENT RATIFIED.**

Pursuant to the Enabling Agreement, there is hereby approved the execution and delivery of an amendment to 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 not to exceed \$25,500,000 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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**GULF BREEZE, FLORIDA  
CITY COUNCIL**

(SEAL)

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

**ATTEST:**

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

**REPORT OF HEARING OFFICER  
(BELFORT VILLAGE, LLC –  
BELFORT VILLAGE)**

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 November 5, 2012, 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 not exceeding \$25,500,000 revenue bonds (the "Bonds") on behalf of Belfort Village, LLC, a Florida limited liability company whose principal place of business is 17 La Vista Drive, Ponte Vedra Beach, Florida 32082, or one or more its affiliates (as applicable, the "Borrower"). The proceeds of the Bonds will be loaned to Borrower for financing or refinancing the costs of the acquisition, construction, development, furnishing and equipping of an approximately 138 - unit senior living facility, comprised of 63 independent living units, approximately 53 assisted living units and approximately 22 memory care assisted living units for the elderly, and related and appurtenant facilities, to be known as Belfort Village and to be located on 5.524 acres at the northeast corner of the intersection of Belfort Road and Herring Road, Jacksonville, Florida 32216 (the "Senior Living Facility").

The public hearing was duly advertised in the *Pensacola News Journal*, on October 22, 2012, a newspaper of general circulation in the jurisdiction of the City. 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 Senior Living Facility. Information about the proposed Bonds, the location of the Senior Living 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 communications had been received.

No interested parties were in attendance at the public hearing.

The undersigned then concluded the hearing. A written transcript of the hearing is attached hereto as Exhibit "C."

Respectfully submitted,

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

**EXHIBIT "A" TO REPORT OF HEARING OFFICER  
(BELFORT VILLAGE)**

The Senior Living Facility consists of the acquisition, construction, development, furnishing and equipping a 138 - unit senior living facility, comprised of 63 independent living units, 53 assisted living units and 22 memory care assisted living units for the elderly, and related and appurtenant facilities, to be known as Belfort Village, to be located on 5.524 acres at the northeast corner of the intersection of Belfort Road and Herring Road, Jacksonville, Florida 32216, within Duval County, Florida.

**EXHIBIT "B" TO REPORT OF HEARING OFFICER  
(BELFORT VILLAGE)**

**PROOF OF PUBLICATION**

**[FOLLOWS]**

**EXHIBIT "C" TO REPORT OF HEARING OFFICER  
(BELFORT VILLAGE)**

**TRANSCRIPT OF PUBLIC HEARING**

**[FOLLOWS]**

## **SCHEDULE I**

### **THE PROJECT**

The Senior Living Facility consists of the acquisition, construction, development, furnishing and equipping a 138 - unit senior living facility, comprised of 63 independent living units, 53 assisted living units and 22 memory care assisted living units for the elderly, and related and appurtenant facilities, to be known as Belfort Village, to be located on 5.524 acres at the northeast corner of the intersection of Belfort Road and Herring Road, Jacksonville, Florida 32216.

## AMENDMENT NO. 34 TO INTERLOCAL AGREEMENT

This **AMENDMENT NO. 34 TO INTERLOCAL AGREEMENT** (this "Amendment No. 34") is made and entered into as of the 1st day of \_\_\_\_\_, 2012, 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. 33 (including Amendments No. 14-A, 23-A, and 24 - 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**, Belfort Village, LLC, a Florida limited liability company (the "Company") and whose principal place of business is 17 La Vista Drive, Ponte Vedra Beach, Florida 32082, or one or more of its affiliates (as applicable, the "Borrower"), has represented that the Borrower, acting for itself or through its affiliates, plans to own and operate senior living facilities for the elderly; and

**WHEREAS**, on September 27, 2012, the Agency approved a request by the Borrower that the Agency issue its revenue bonds in a principal amount not to exceed \$25,500,000 (the "Bonds") in one or more series and loan the net proceeds thereof to the Borrower, for the purpose, among other things, of financing or refinancing the acquisition, construction, development, furnishing and equipping of the senior living facility described on Schedule 1 attached hereto, namely Belfort Village to be located in Jacksonville, Florida, within Duval County, Florida (the "Senior Living Facility"), including independent, assisted and memory care rental housing for the elderly; 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, 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. 34 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 from time to time and loan the proceeds to the Borrower in order to provide financing and refinancing for the Senior Living Facility; provided that at no time shall the aggregate principal amount of Bonds outstanding exceed the maximum principal amount set forth herein.

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

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

This Amendment No. 34 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 Senior Living 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 not to exceed \$25,500,000. Each installment or issue of such Bonds shall be designated by series, in such manner as the Agency shall determine, so as to separately identify each such installment or issue. The Agency and its officers, employees, agents and attorneys are hereby authorized to enter into, on behalf of the Agency, from time to time, interlocal agreements, cash management agreements, interest rate swap or hedge transactions, investment agreements, repurchase agreements, bond credit or insurance agreements, escrow agreements, reimbursement agreements, security documents and other agreements, approvals or instruments deemed necessary or convenient to effect or implement the financing and refinancing of the Senior Living 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, or other sources relating to the purpose for which they are issued, all in the indentures for the Bonds. The Bonds shall not constitute a pledge of the faith and credit or taxing power of or constitute an obligation of Century or of Gulf Breeze.

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

Upon the issuance of each series or installment of Bonds, Century shall be paid by either the

Agency or Gulf Breeze, solely from amounts received from the Borrower the sum specified on Schedule 2 attached hereto.

#### **SECTION 4. ENABLING AGREEMENT CONTINUED.**

The Enabling Agreement, as amended hereby, is hereby ratified, confirmed and approved and shall otherwise continue in full force and effect. Nothing in this Amendment No. 34 shall be deemed to adversely affect the authorizations in the Enabling Agreement as it existed prior to the effective date of this Amendment No. 34, 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 the Senior Living Facility, or for any liability any way growing out of or resulting from the Enabling Agreement, as amended, this Amendment No. 34, the financing agreements and/or bond indentures executed in connection with the Bonds or the Bonds, including, without limitation, all costs and expenses of Century, including reasonable attorney's fees, incurred in the performance of any activities of Century in connection with the foregoing or the enforcement of any agreement of the Agency herein contained. Any such obligation of Gulf Breeze or the Agency shall be payable solely from the amounts available to them for such purposes under the Bond financing or any other plan of finance heretofore or hereafter undertaken by the Agency, and shall not constitute a general obligation or a pledge of the faith and credit of Gulf Breeze or the Agency, or an obligation to pay the same from any sources other than such amounts available to them for such purposes under the Bond financing.

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

If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provisions of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed severable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other provisions hereto.

#### **SECTION 7. COUNTERPARTS.**

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

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

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 34 to Enabling Agreement to be executed by their duly authorized officers as of the date first above written.

**CITY OF GULF BREEZE, FLORIDA**

[SEAL]

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

**ATTEST:**

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

**TOWN OF CENTURY, FLORIDA**

[SEAL]

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

**ATTEST:**

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

**RESOLUTION 25-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, APPROVING A PLAN OF FINANCE FOR THE COSTS OF THE ACQUISITION OF CERTAIN MULTIFAMILY RENTAL HOUSING FACILITIES LOCATED IN THE STATE OF FLORIDA; APPROVING THE ISSUANCE OF NOT TO EXCEED \$37,000,000 CAPITAL TRUST AGENCY REVENUE BONDS FOR THE PURPOSE OF FINANCING A LOAN PROGRAM TO ASSIST IN FINANCING SUCH FACILITIES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City 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. 34 (including Amendments No. 14-A, 23-A, and 24-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 September 27, 2012, take official action by adopting its preliminary resolution (the "Agency Resolution") indicating its intent to authorize the financing or refinancing of the hereinafter described Affordable Housing Facilities, and the issuance from time to time of revenue bonds (the "Bonds") by the Agency for a loan program for the purpose, among other things, of acquiring and improving existing affordable multifamily rental housing facilities for eligible persons and families, as further described on attached Schedule I, each within the City of Jacksonville, Florida (collectively, the "Affordable Housing Facilities"); and

**WHEREAS**, the City has been advised that the Agency desires to issue an aggregate principal amount not exceeding \$37,000,000 of the Bonds to finance the Affordable Housing Facilities on behalf of GMF – Preservation of Affordability Corp., a Tennessee nonprofit corporation qualified to do business in Florida, an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") and whose principal place of business is 65 Germantown Court, Suite 409, Cordova, Tennessee 38018, or its affiliate or subordinate nonprofit corporation (as applicable, the "Company"), or a limited liability

company of which the Company is the managing member or a limited partnership of which the Company is the general partner, to fund a program herein described (the "Plan of Finance"); and

**WHEREAS**, Section 147(f) of the Code, requires public approval of certain revenue bonds by an applicable elected representative or governmental unit on behalf of which such bonds are to be issued, following a public hearing; and

**WHEREAS**, as required pursuant to Section 147(f) of the Code notice of such public hearing was given in the form required by the Code by publication more than fourteen (14) days prior to such public hearing in the *Pensacola News Journal* on October 22, 2012, the Bonds and the Plan of Finance have been submitted to a public hearing held on behalf of the City Council on November 5, 2012; 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 October 22, 2012. The City Council hereby approves the report of the public hearing conducted by the City Manager, a copy of which is attached as Exhibit "A" hereto. Such Notice and other means and methods utilized by the City to give notice of purpose, time and date of the public hearing provided reasonable notice sufficient to inform residents of the City of the proposed Bonds.

**SECTION 2. BONDS AND PLAN OF FINANCE APPROVED.**

For purposes of the Act, the City hereby approves the Plan of Finance described herein, and the Bonds in the aggregate principal amount not to exceed \$37,000,000. The Agency and its officers, employees, agents and attorneys are hereby authorized from time to time to take all

action, to execute and deliver such authorizations, approvals, certificates and documents, and to enter into, on behalf of the Agency, such interlocal agreements, interest rate swap or hedge transactions, investment agreements, repurchase agreements, bond credit or insurance agreements, reimbursement agreements, and other agreements or instruments deemed necessary or convenient to effect, implement, maintain and continue the Plan of Finance, the financing or refinancing of the Affordable Housing Facilities 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. 35 TO THE ENABLING AGREEMENT RATIFIED.**

Pursuant to the Enabling Agreement, there is hereby approved the execution and delivery of an amendment to 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 not to exceed \$37,000,000 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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**GULF BREEZE, FLORIDA  
CITY COUNCIL**

(SEAL)

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

**ATTEST:**

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

## **SCHEDULE I**

### **THE PROJECTS**

The acquiring, upgrading, reconditioning, improving and beautification of existing low income multifamily rental housing facilities known as (i) Eureka Garden Apartments I located at 1214 Labelle Street, Jacksonville, Florida 32205, (ii) Eureka Garden Apartments II located at 1214 Labelle Street, Jacksonville, Florida 32205, (iii) Market Street Apartments located at 1205 Market Street, Jacksonville, Florida 32209, (iv) Moncrief Village Apartments located at 1650 Moncrief Village North, Jacksonville, Florida 32209, (v) Southside Apartments located at 2414 Westmont Street, Jacksonville, Florida 32207, (vi) Springfield Apartments located at 1407 Jefferson Street, Jacksonville, Florida 32209, and (vii) Washington Heights Apartments located at 4229 Moncrief Road, Jacksonville, Florida 32209, each within the City of Jacksonville, Florida.

## AMENDMENT NO. 35 TO INTERLOCAL AGREEMENT

This **AMENDMENT NO. 35 TO INTERLOCAL AGREEMENT** (this "Amendment No. 35") is made and entered into as of the 1st day of \_\_\_\_\_, 2012, 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. 34 (including Amendments No. 14-A, 23-A, and 24 - 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**, GMF – Preservation of Affordability Corp., a Tennessee nonprofit corporation qualified to do business in Florida, an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") and whose principal place of business is 65 Germantown Court, Suite 409, Cordova, Tennessee 38018, or its affiliate or subordinate nonprofit corporation (as applicable, the "Company"), or a limited liability company of which the Company is a managing member or a limited partnership of which the Company is a general partner (as applicable, the "Borrower"), is engaged in, among other things of acquiring, developing, rehabilitating, owning, and operating multifamily rental housing facilities for persons of low income throughout the United States; and

**WHEREAS**, on September 27, 2012, the Agency approved a request by the Borrower that the Agency issue its revenue bonds in a principal amount not to exceed \$37,000,000 (the "Bonds") in one or more series and loan the net proceeds thereof to the Borrower, for the purpose, among other things, of financing and refinancing existing affordable multifamily rental housing facilities for the eligible persons and families, as further described on attached Schedule 1, each within the City of Jacksonville, Florida (collectively, the "Affordable Housing Facilities"); and

**WHEREAS**, the Agency will issue its Bonds on a case-by-case basis after review by the Agency, to provide financing and refinancing from time to time for individual projects or groups of projects, or eligible financing programs, based upon the credit pledged therefor from one or more of the projects, the Borrower, the Company, a credit enhancement facility, if any, or from the revenues of any such programs; and

**WHEREAS**, Section 7 of the Enabling Agreement requires that as a condition precedent to the Agency issuing the Bonds, the Agency must obtain the prior written approval, evidenced by resolution, from the governing bodies of Century and Gulf Breeze approving such issuance and approving an amendment to the Enabling Agreement specifically authorizing such issuance. Such approval evidenced by appropriate resolutions has been obtained authorizing the execution and delivery of this Amendment No. 35 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 from time to time and loan the proceeds to the Borrower in order to provide financing and refinancing for the Affordable Housing Facilities; provided that at no time shall the aggregate principal amount of Bonds outstanding exceed the maximum principal amount set forth herein.

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

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

This Amendment No. 35 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 Affordable Housing Facilities.

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

The Parties do hereby approve and authorize the Bonds, and the issuance of Bonds from time to time, in one or more series, in an aggregate principal amount not to exceed \$37,000,000. Each installment or issue of such Bonds shall be designated by series, in such manner as the Agency shall determine, so as to separately identify each such installment or issue. The Agency and its officers, employees, agents and attorneys are hereby authorized to enter into, on behalf of the Agency, from time to time, interlocal agreements, cash management agreements, interest rate swap or hedge transactions, investment agreements, repurchase agreements, bond credit or insurance agreements, escrow agreements, reimbursement agreements, security documents and other agreements or instruments deemed necessary or convenient to effect or implement the financing and refinancing of the Project through the issuance of the Bonds, and the purposes and programs for which the Bonds are to be issued and to conform the purposes stated in the Articles of Incorporation of the Agency to authorizations herein contained. No obligation of the Agency under any such agreement or instrument shall constitute an obligation of Century or of Gulf Breeze. The Bonds shall be limited and special obligations of the Agency, payable from the revenues or receipts of the programs or projects, payments by the Borrower, or other sources relating to the purpose for which they are issued, all in the indentures for the Bonds. The Bonds shall not constitute a pledge of the faith and credit or taxing power of or constitute an obligation of Century or of Gulf Breeze.

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

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

**SECTION 4. ENABLING AGREEMENT CONTINUED.**

The Enabling Agreement, as amended hereby, is hereby ratified, confirmed and approved and shall otherwise continue in full force and effect. Nothing in this Amendment No. 35 shall be deemed to adversely affect the authorizations in the Enabling Agreement as it existed prior to the effective date of this Amendment No. 35, 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 the Affordable Housing Facilities, or for any liability any way growing out of or resulting from the Enabling Agreement, as amended, this Amendment No. 35, the financing agreements and/or bond indentures executed in connection with the Bonds or the Bonds, including, without limitation, all costs and expenses of Century, including reasonable attorney's fees, incurred in the performance of any activities of Century in connection with the foregoing or the enforcement of any agreement of the Agency herein contained. Any such obligation of Gulf Breeze or the Agency shall be payable solely from the amounts available to them for such purposes under the Bond financing or any other plan of finance heretofore or hereafter undertaken by the Agency, and shall not constitute a general obligation or a pledge of the faith and credit of Gulf Breeze or the Agency, or an obligation to pay the same from any sources other than such amounts available to them for such purposes under the Bond financing.

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

If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provisions of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed severable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other provisions hereto.

**SECTION 7. COUNTERPARTS.**

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

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

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

**IN WITNESS WHEREOF**, the Parties have caused this Amendment No. 35 to Enabling Agreement to be executed by their duly authorized officers as of the date first above written.

**CITY OF GULF BREEZE, FLORIDA**

[SEAL]

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

**ATTEST:**

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

**TOWN OF CENTURY, FLORIDA**

[SEAL]

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

**ATTEST:**

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

## **SCHEDULE 1**

### **THE PROJECTS**

The acquiring, upgrading, reconditioning, improving and beautification of existing low income multifamily rental housing facilities known as (i) Eureka Garden Apartments I located at 1214 Labelle Street, Jacksonville, Florida 32205, (ii) Eureka Garden Apartments II located at 1214 Labelle Street, Jacksonville, Florida 32205, (iii) Market Street Apartments located at 1205 Market Street, Jacksonville, Florida 32209, (iv) Moncrief Village Apartments located at 1650 Moncrief Village North, Jacksonville, Florida 32209, (v) Southside Apartments located at 2414 Westmont Street, Jacksonville, Florida 32207, (vi) Springfield Apartments located at 1407 Jefferson Street, Jacksonville, Florida 32209, and (vii) Washington Heights Apartments located at 4229 Moncrief Road, Jacksonville, Florida 32209, each within the City of Jacksonville, Florida.

**RESOLUTION 26-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA DECLARING THE OSPREY (AKA FISH HAWK) AS THE OFFICIAL CITY BIRD OF GULF BREEZE.**

**WHEREAS**, the City of Gulf Breeze supports our local birding community; and,

**WHEREAS**, the Osprey, one of North America's largest birds, is a magnificent fish-eating hawk with a white-crested head, yellow eyes, a white underside and a dark brown back; and,

**WHEREAS**, the Osprey can be found on every continent except Antarctica and are the most widely distributed raptors in the world; and,

**WHEREAS**, Ospreys live along coastlines, lakes, and rivers, where they hunt for their food; and,

**WHEREAS**, Ospreys are dedicated to family and build beautiful, sturdy homes near the water to raise their young; Osprey mate for life and return to the same home year after year; and,

**WHEREAS**, the Osprey is the perfect avian representative for Gulf Breeze;

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

The City of Gulf Breeze does hereby declare the Osprey as the Official City Bird.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, SANTA ROSA COUNTY, FLORIDA** on this 5<sup>th</sup> day of November, 2012.

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

ATTEST:

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

**EXECUTIVE COMMITTEE REPORT**

**OCTOBER 31, 2012**

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

Councilman Absent: Joseph Henderson

**ACTION AGENDA ITEMS:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING DESIGNATION OF OSPREY AS CITY BIRD**

Reference: City Manager memo dated October 25, 3012

**RECOMMENDATION:**

**That the City Council direct staff to prepare a Resolution for adoption on November 5, 2012 designating the Osprey as the City Bird.**

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**B. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST - CHICK-FIL-A FOR WEDNESDAY, OCTOBER 31, 2012 12:01 A.M. THRU 7:00 A.M. AND 10:00 P.M. TO 6:00 A.M. THURSDAY, NOVEMBER 1, 2012**

Reference: Deputy Police Chief memo dated October 16, 2012

**RECOMMENDATION:**

**That the City Council approve the special event request from Chick-Fil-A for Wednesday, October 31, 2012, 12:01 a.m. thru 7:00 a.m. and 10:00 p.m. to 6:00 a.m. Thursday, November 1, 2012.**

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**C. SUBJECT: DISCUSSION AND ACTION REGARDING DANIEL DRIVE STREET SIGNS AT HIGHWAY 98**

Reference: Assistant Public Services Director memo dated October 22, 2012

**RECOMMENDATION**

**That the City Council meet as the CRA Board of Directors on November 5, 2012, and approve the Ingram Signalization to install Daniel Drive street signs on the High way 98 mast arms at a cost of \$1,800.**

---

**D. SUBJECT: DISCUSSION AND ACTION REGARDING NOTICE OF APPEAL FOR A BEVERAGE CERTIFICATE OF COMPLIANCE FOR THE NAILLOUNGE, 217 GULF BREEZE PARKWAY**

Reference: Director of Community Services

**RECOMMENDATION:**

**That the City Council determine on November 5, 2012 that the staff acted in accordance with the City's code relative to the Nailounge's request for the Beverage Certificate of Compliance denied on October 12, 2012.**

---

**E. SUBJECT: DISCUSSION AND ACTION REGARDING 2 FORD SUPER CAB CNG TRUCKS; AND 2 FORD FUSION BI-FUEL CNG VEHICLES**

Reference: Public Services Director memo dated October 23, 2012

**RECOMMENDATION:**

**That the City Council authorize the purchase of (2) Ford F250 Super Cab CNG trucks (State of Florida contract #071-000-12-1) for \$76,338 and (2) Ford Fusion Bi-Fuel CNG (City of Pensacola Bid #12-019) for \$53,380 from Hub City Ford. The total cost for vehicles is \$129,718.**

---

**F. SUBJECT: DISCUSSION AND ACTION REGARDING ADOPTION OF RESOLUTION 22-12, FOR FY 2013 TOURIST DEVELOPMENT COUNCIL (TDC) BUDGET**

Reference: Assistant City Manager memo dated October 23, 2012

**RECOMMENDATION:**

**That the City Council adopt Resolution 22-12 approving the FY 2013 Tourist Development Council budget.**

---

**G. SUBJECT: DISCUSSION AND ACTION REGARDING ADOPTION OF RESOLUTION 23-12, FOR FY 2013 COMMUNITY REDEVELOPMENT AGENCY (CRA) BUDGET**

Reference: Assistant City Manager memo dated October 24, 2012

**RECOMMENDATION:**

**That the City Council meet as the CRA Board of Directors on November 5, 2012, and adopt Resolution No. 23-12 approving the FY 2013 Community Redevelopment Agency budget.**

---

**H. SUBJECT: DISCUSSION AND ACTION REGARDING NEXTEL LEASE**

Reference: Community Services Director

**RECOMMENDATION:**

**That the City Council authorize the termination of the Nextel lease at the Fairpoint tank, accept the composite concrete shelter along with the associated equipment (ice bridge, wave guides, coax cables and etc.) and request that Nextel pay the City \$25,000 in lieu of the remaining lease payment (approximately \$100,800).**

---

**I. SUBJECT: DISCUSSION AND ACTION REGARDING DUTY HOLSTERS**

Reference: Police Chief memo dated October 23, 2012

**RECOMMENDATION:**

**That the City Council approve the purchase for new duty belt gun holsters for the total cost of \$2,040.00 to be funded from the Red Light Camera Project.**

---

**J. SUBJECT: DISCUSSION AND ACTION REGARDING SOUTH SANTA ROSA BOARD RECOMMENDATIONS OF OCTOBER 8, 2012**

Reference: Assistant Public Services Director memo of October 12, 2012

**I. INTERIM TAP FEE POLICY**

**RECOMMENDATION:**

**SSRUS Board recommends that the City Council approve the following interim tap fee payment policy for residential subdivisions for a period of one (1) year: allowing developers to pay 50% of the tap fee for the entire subdivision and the remaining 50% of tap fees to be paid by builders as they pull permits for individual lots.**

II. WATERFORD SOUND PHASE I REIMBURSEMENT

**RECOMMENDATION:**

**SSRUS Board recommend to City Council the authorization of payment to Waterford Sound, LLC of \$35,100 in tap fee reimbursement from the Restricted Tap Fees.**

III. WATERFORD SOUND PHASE II PAYMENT POLICY

**RECOMMENDATION:**

**SSRUS Board recommends to City Council the special impact fee payment for Waterford Sound Subdivision Phase II.**

IV. MANHOLE REPAIR

**RECOMMENDATION:**

**SSRUS Board recommends to City Council award the project to install liners in six (6) manholes to Gulf Coast Underground for \$10,670.00.**

- 
- K. **SUBJECT: DISCUSSION AND ACTION REGARDING (1) RESOLUTION APPROVING THE ISSUANCE OF \$25,500,000 CAPITAL TRUST AGENCY BONDS, BELFORT VILLAGE AND RESOLUTION APPROVING THE ISSUANCE OF \$37,000,000 CAPITAL TRUST AGENCY BONDS, AFFORDABLE HOUSING FACILITIES, JACKSONVILLE, FLORIDA**

Reference: City Manager memo dated October 25, 2012

**RECOMMENDATION FOR BELFORT VILLAGE PLAN**

**That the City Council place on the agenda for November 5, 2012, adoption of a Resolution approving the Belfort Village Plan of finance for an amount not to exceed \$25,500,000**

**RECOMMENDATION FOR AFFORDABLE HOUSING FACILITIES,  
JACKSONVILLE, FLORIDA:**

**That the City Council place on the agenda for November 5, 2012, adoption of a Resolution approving the GMF-Jacksonville plan of finance for an amount not to exceed \$37,000,000.**

---

**L. SUBJECT: DISCUSSION AND ACTION REGARDING WORKSHOP -  
STORAGE OF BOATS, TRAILERS, RV'S ON FRONT YARDS**

Reference: City Manager memo dated October 25, 2012

**RECOMMENDATION:**

**That the City Council hold a workshop on Monday, November 5, 2012 at 5:00 p.m. Relative to storage of vehicles in front yards.**

---

**M. SUBJECT: DISCUSSION AND ACTION REGARDING APPOINTMENT OF  
MAYOR ZIMMERN TO FLORIDA LEAGUE OF CITIES  
LEGISLATIVE COMMITTEE**

Reference: City Manager memo dated October 25, 2012

**RECOMMENDATION:**

**That the City Council endorse the appointment of Mayor Beverly Zimmern to the Florida League of Cities 2012 Legislative Committee.**

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**N. INFORMATION ITEMS**

**COMMUNITY REDEVELOPMENT AGENCY  
BOARD OF DIRECTORS**

NOVEMBER 5, 2012  
MONDAY, 6:30 PM  
COUNCIL CHAMBERS

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

- A. Discussion and Action Regarding Daniel Drive Street Signs at Highway 98
- B. Discussion and Action Regarding Resolution 23-12, Adopting Community Redevelopment Agency Budget for FY 2013

**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:** October 22, 2012

**RE:** Daniel Drive Street Signs at Highway 98

A resident has brought to our attention that intersection of Daniel Drive and Highway 98 has not signs to indicate Daniel Drive as the cross street. Attached are pictures to show what was installed at Fairpoint/Northcliff intersection with Highway 98.

The attachment of signs for this set of mast arms is unique. Because of the bend in Highway 98 and the angle of the Daniel Drive intersection, the mast arms are not perpendicular to the road way. In order to make the signs perpendicular, a special bracket to adjust the angle is required.

**RECOMMENDATION:** City Council approve the Ingram Signalization to install the Daniel Drive street signs on the Highway 98 mast arms at a cost of \$1,800.



## Fwd: quote

Thomas Lambert <tlambert@gulfbreezefl.gov>  
 To: Thomas Lambert <tlambert@ci.gulf-breeze.fl.us>

Mon, Oct 22, 2012

----- Forwarded message -----

From: Russell White <russell7170@gmail.com>  
 Date: Tue, Aug 21, 2012 at 5:00 PM  
 Subject: Re: quote  
 To: Harrold Hatcher <hhatcher@gulfbreezefl.gov>

Harrold ,  
 It will cost \$1800 for the signs and installation  
 at Daniel Dr.  
 This price includes 4- 18 x 60 inch signs ,  
 4- mast arm brackets with double sided  
 hangers. Also includes a quality installation !  
 If you have any questions please let  
 me know !  
 Russell

Sent from my iPhone

On Aug 21, 2012, at 10:27 AM, Harrold Hatcher &lt;hhatcher@gulfbreezefl.gov&gt; wrote:

10-4

On Tue, Aug 21, 2012 at 9:26 AM, Russell White <russell7170@gmail.com> wrote:  
 All four say Daniel dr

Sent from my iPhone

On Aug 21, 2012, at 9:18 AM, Harrold Hatcher &lt;hhatcher@gulfbreezefl.gov&gt; wrote:

What I got from Joel is 18" X60"

On Tue, Aug 21, 2012 at 9:14 AM, Russell White <russell7170@gmail.com> wrote:  
 No it's fine I'll quote it for ya ! I need the  
 Sign size again please ! I remember 60 inch  
 but that's all !

Sent from my iPhone

On Aug 21, 2012, at 9:08 AM, Harrold Hatcher &lt;hhatcher@gulfbreezefl.gov&gt; wrote:

We can if you prefer us to. Let me know.

On Tue, Aug 21, 2012 at 8:50 AM, Russell White <russell7170@gmail.com> wrote:  
 Yes sir, I'll have it to u today! Tony found  
 the bracket and is pricing it this am ! Y'all are getting the  
 signs from Gulf Coast correct?  
 Russell

Sent from my iPhone

On Aug 21, 2012, at 7:41 AM, Harrold Hatcher &lt;hhatcher@gulfbreezefl.gov&gt; wrote:

Russell, Any luck? If not, could you use 2 single sided brackets? Thanks,  
 Harrold

On Tue, Aug 14, 2012 at 10:46 AM, Harrold Hatcher <hhatcher@gulfbreezefl.gov> wrote:  
 Hey Russell,

Just checking to see if you have developed a quote for the Daniel Drive sign project?

Harrold

--

**Harrold G. Hatcher, CPII, CGP**  
 City of Gulf Breeze  
 Public Services Compliance Officer  
 hhatcher@gulfbreezefl.gov  
 1070 Shoreline Drive  
 Gulf Breeze, FL. 32561  
 tel: 850-934-5136  
 fax: 850-934-5114  
 mobile: 850-232-9701



**RESOLUTION NO. 23-12**

**A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD  
APPROVING A PLAN FOR GULF BREEZE COMMUNITY REDEVELOPMENT  
AGENCY EXPENDITURES FOR FISCAL YEAR 2013.**

The Community Redevelopment Agency Board does hereby approve the following plan for expenditures to be made with CRA funds for Fiscal Year 2013.

Community Redevelopment Agency Budget  
October, 2012 through September, 2013

**REVENUE:**

County Contribution	\$ 573,363
Gulf Breeze City Contribution	<u>\$ 178,726</u>
Total Revenue	\$ 752,089

**EXPENDITURES:**

Professional Services (\$190,350)	\$ 300,000
Flower Bed Maintenance & Median Mowing (\$75,000)	
Legal Services (\$8,000)	
Annual Christmas Lighting (\$19,000)	
Street Sweeping (\$7,650)	
Street lighting	\$ 47,300
Utilities	\$ 35,000
Memberships & Ads	\$ 7,100
Miscellaneous (\$5,000)	
FRA & State Memberships (\$2,100)	
Capital Improvements	\$ 168,952
Cost Allocation Transfers	\$ 193,737
Police Services ( \$150,136)	
Median Maintenance supplement (\$10,668)	
CRA Administration Fee (\$ 23,707)	
<b>Total Expense</b>	<b>\$ 752,089</b>

PASSED AND ADOPTED by the Community Redevelopment Board of the City of Gulf Breeze, Santa Rosa County, Florida, on the \_\_\_\_\_ day of, \_\_\_\_\_ 2012.

Community Redevelopment Board

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

ATTEST:

\_\_\_\_\_  
City Clerk