

# GULF BREEZE CITY COUNCIL REGULAR MEETING AGENDA

JULY 7, 2014  
MONDAY, 6:30 P.M.  
COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION AND PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES FROM JUNE 16, 2014, REGULAR MEETING  
APPROVAL OF MINUTES FROM JUNE 16, 2014, COMMUNITY REDEVELOPMENT  
AGENCY
4. **RESOLUTION NO. 12-14:** APPROVING A PLAN OF FINANCE AND ISSUANCE OF  
UP TO \$35,000,000 IN CAPITAL TRUST AGENCY  
BONDS FOR A SENIOR LIVING FACILITY ON BEHALF  
OF ELIZABETH H. FAULK FOUNDATION.  
  
**RESOLUTION NO. 13-14:** ADOPTING A NAME CHANGE FOR THE SEGMENT OF  
ROAD BETWEEN BEACH DRIVE AND SHORELINE  
DRIVE, KNOWN AS MCLANE ROAD, TO BEACH  
ROAD.
5. **CONSENT AGENDA ITEMS:\***
  - A. Discussion and Action Regarding Presentation of Draft Comprehensive Plan Amendments
  - B. Discussion and Action Regarding South Santa Rosa Utility Board Recommendations: (1)  
Ground Storage Tank Control Valve Replacement and (3) Request from Cornell Drive  
Builder
  - C. Discussion and Action Regarding Plantation Hill Storm Water Modification
  - D. Discussion and Action Regarding Storm Drain Cleaning and Inspection
  - E. Discussion and Action Regarding Innerarity Island Conversion
  - F. Discussion and Action Regarding Cargo Trailer Purchase
  - G. Discussion and Action Regarding Meter Recycling
  - H. Discussion and Action Regarding Purchase of Data Backup, Recovery, and Off-Site (Cloud)  
Replication

- I. Discussion and Action Regarding Scheduling of Follow-up Workshop – Tiger Point Clubhouse and Pro Shop Renovation

**\*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.**

6. **Action Items:**

- A. Discussion and Action Regarding Repairs to Tennis Court
- B. Discussion and Action Regarding South Santa Rosa Utility Board Recommendations: (2) Request from Santa Rosa Park Developer

7. **New Items:**

8. **Open Forum:**

9. **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 ensure 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 1,250<sup>th</sup> Regular Meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Monday, June 16, 2014, at 6:30 p.m.

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

**APPROVAL OF MINUTES:**

Councilwoman Fitch moved for approval of the minutes for the Regular Meeting held on June 2, 2014. Mayor Pro Tem Schluter seconded. The vote for approval was unanimous.

Councilman Henderson moved for approval of the minutes for the CRA Meeting held on May 19, 2014. Councilman Henderson seconded. The vote for approval was unanimous.

**RESOLUTION NO 11-14:** AUTHORIZING THE MAYOR TO ENTER INTO A HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Councilwoman Fitch moved for approval of Resolution No. 11-14. Councilman Landfair seconded. The vote for approval was unanimous.

**CONSENT AGENDA ITEMS:**

That the City Council approve the following Consent Agenda Items: A through C:

**A. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW BOARD RECOMMENDATION.**

Gulf Investments and Sales LLC  
32818 Quiet Water Lane  
Gulf Breeze, FL 32563

Installation of new vinyl sheet pile seawall at 314 North Sunset Blvd.

**RECOMMENDATION:**

THAT THE CITY COUNCIL APPROVE THE DEVELOPMENT REVIEW BOARD RECOMMENDATION

**B. SUBJECT: DISCUSSION AND ACTION REGARDING KUBOTA TRADE-IN.**

Reference: Director of Parks and Recreation memo dated June 6, 2014

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

---

**RECOMMENDATION:**

THAT THE CITY COUNCIL APPROVE THE FOLLOWING:

1. Transfer of one (1) Kubota RTV400 from the Parks and Recreation Department to the Public Services Department.
2. The Transfer of \$7,000 for the Trade-In Value of the Kubota RTV400 to Parks and Recreation Department from the Public Services Department.
3. Approve the Additional \$6,346.76 Necessary for the Purchase of one (1) Kubota RTV 400 CI for the Parks and Recreation Department.

**C. SUBJECT: DISCUSSION AND ACTION REGARDING SENSUS AMI AGREEMENT.**

Reference: Assistant Director of Public Services memo dated June 6, 2014.

**RECOMMENDATION:**

THAT THE CITY COUNCIL AT ITS JUNE 2 2014, REGULAR MEETING MAKE RETROACTIVE TO MAY 28, 2014, AN EXTENSION OF THE DECLARATION OF EMERGENCY FOR AN ADDITIONAL FOURTEEN DAYS.

Councilman Landfair moved for approval of Consent Agenda Items A through C. Councilman Henderson seconded. The vote for approval was unanimous.

**ACTION AGENDA ITEMS:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING STORM WATER TASK FORCE SHORT TERM AND IMMEDIATE ACTION.**

Reference: Assistant City Manager memo dated June 6, 2014.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL REVIEW THE RECOMMENDATION MADE BY THE STORM WATER TASK FORCE FOR THE SHORT TERM AND IMMEDIATE CORRECTIVE STEPS FOR THE STORM WATER SYSTEM. THAT THE CITY COUNCIL DIRECT STAFF TO PROVIDE COMMENT, ENGAGE ENGINEERING EXPERTISE, DEVELOP COST ESTIMATES, AND ESTABLISH TIMELINES BASED ON THE TASK FORCE'S RECOMMENDATIONS.**

Councilman Henderson moved for approval of staff's recommendation. Councilman Landfair seconded. The vote for approval was unanimous.

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

---

**B. SUBJECT: DISCUSSION AND ACTION REGARDING ACTIVATION OF STANDBY CONTRACT FOR FEMA ADMINISTRATION ASSISTANCE.**

Reference: Director of Finance memo dated May 28, 2014

Mayor Pro Tem Schluter moved for approval of Staff's recommendation. Councilman Landfair seconded. The vote for approval was unanimous.

**C. SUBJECT: DISCUSSION AND ACTION REGARDING APPROVAL OF SPECIAL EVENT APPLICATION FROM GULF COAST GROUP.**

Reference: Deputy Chief of Police memo dated May 28, 2014.

**RECOMMENDATION:**

THAT THE CITY COUNCIL APPROVE THE SPECIAL EVENT APPLICATION FOR GULF COAST EVENT GROUP 5K RUN ON OCTOBER 12, 2014.

Councilman Henderson moved for approval of staff's recommendation with the stipulation that part of the event proceeds be donated to the Gulf Breeze Rotary Club. Councilwoman Fitch seconded. The vote for approval was unanimous.

**D. SUBJECT: DISCUSSION AND ACTION REGARDING VERIZON CELL LEASE AMENDMENT.**

Reference: Assistant Director of Public Services memo dated June 6, 2014.

**RECOMMENDATION:**

THAT THE CITY COUNCIL APPROVE THE ATTACHED AMENDMENT WITH VERIZON FOR THE CELL TOWER COMMUNICATIONS LEASE PENDING THE CITY ATTORNEY'S COMMENTS AND REVISIONS.

No formal action is needed.

**E. SUBJECT: DISCUSSION AND ACTION REGARDING UTILITY WAIVER FOR SOUTH SANTA ROSA UTILITY CUSTOMERS.**

Reference: City Manager verbal report June 11, 2014.

**RECOMMENDATION:**

THAT THE CITY COUNCIL EXTEND THE UTILITY WAIVER TO THOSE UTILITY CUSTOMERS LIVING OUTSIDE OF THE CITY LIMITS.

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

---

Mayor Pro Tem Schluter moved for approval of staff's recommendation. Councilwoman Fitch seconded. The vote for approval was unanimous.

**NEW ITEMS:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING BIKE/PEDESTRIAN PATH ON THE NEW BAY BRIDGE.**

Reference: City Manager verbal report

**RECOMMENDATION:**

THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SEND A LETTER TO THE FLORIDA DEPARTMENT OF TRANSPORTATION ADVISING THE CITY'S PREFERENCE OF A BIKE/PEDESTRIAN PATH BE ADDED ON BOTH SIDES OF THE NEW BAY BRIDGE.

Councilwoman Fitch moved for approval of staff's recommendation. Mayor Pro Tem Schluter seconded. The vote for approval was unanimous.

**INFORMATION ITEMS:**

1. Budget workshops will be held on Saturday, July 19, 2014 and July 26, 2014.
2. The new completion date for the Hwy 98 road repair project by FDOT will be July 1, 2014.
3. The next Storm Water Task Force Committee meeting will be Thursday, June 26<sup>th</sup> at 6:00 p.m. at the Gulf Breeze Community Center.

**OPEN FORUM:** None

Mayor Zimmern suspended the Regular meeting at 6:40 p.m. for the Council to meet as the Community Redevelopment Agency Board. The Regular meeting was reconvened at 6:42 p.m.

**ADJOURNMENT:** Mayor Zimmern adjourned the meeting at 6:43 p.m.

---

Leslie A. Guyer, City Clerk

---

Beverly H. Zimmern, Mayor

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

---

A meeting of the Board of Directors for the Community Redevelopment Agency, Gulf Breeze, Florida, was convened at the Community Center on Monday, June 16, 2014, at 6:40 p.m.

The following members were present: Councilman Joseph Henderson, Mayor Pro Tem Schluter, Councilwoman Fitch, Councilman Landfair and Mayor Zimmern.

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

**ACTION AGENDA ITEM:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING MASTER PLANNING INVOICE FROM VHB MILLER SELLEN IN THE AMOUNT OF \$11,266.90.**

Reference: Assistant City Manager memo dated June 4, 2014

**RECOMMENDATION:**

THAT THE CITY COUNCIL MEET AS THE BOARD OF DIRECTORS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) ON MONDAY, JUNE 16<sup>TH</sup> AND APPROVE THE PAYMENT OF INVOICE NO. 181717 FOR \$12,266.90 TO VHB MILLER SELLEN.

Mayor Pro Tem Schluter moved for approval of staff's recommendation. Councilman Landfair seconded. The vote for approval was unanimous.

**PUBLIC FORUM:** None

**ADJOURNMENT:** Mayor Zimmern adjourned the meeting at 6:42 p.m.

---

Leslie A. Guyer, City Clerk

---

Beverly H. Zimmern, Mayor

Councilmembers Present: Joseph Henderson, Cherry Fitch, David G. Landfair and Mayor Pro Tem Beverly Zimmern. Mayor Beverly Zimmern was not in attendance.

**ACTION AGENDA ITEMS:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING DRAFT COMPREHENSIVE PLAN AMENDMENTS.**

Reference: City Manager memo dated June 27, 2014

Curtis Ostrodka with VHB made a presentation to and answered questions from the City Council regarding amendments to the City's Comprehensive Plan. Steve Quinnell, 1100 Shoreline Drive, #119, spoke and asked questions regarding the Master Plan.

Councilman Landfair made a motion to meet as the Local Planning Agency and City Council to hold transmittal hearings on August 4, 2014. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous. *Council asked VHB staff to provide estimated projections for increased population and traffic flow due to the addition of the mixed-use development (MXD) land use category.*

**B. SUBJECT: DISCUSSION AND ACTION REGARDING REQUEST FOR STREET NAME CHANGE.**

Reference: Director of Community Services memo dated June 13, 2014

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE REQUEST TO RE-DESIGNATE THE SMALL SECTION OF MCLANE ROAD THAT RUNS FROM BEACH DRIVE TO SHORELINE DRIVE TO BEACH DRIVE.**

Councilwoman Fitch made a motion to place staff's recommendation on the July 7, 2014, Regular Council meeting agenda. The motion was seconded by Councilman Henderson. The vote for approval was unanimous.

**C. SUBJECT: DISCUSSION AND ACTION REGARDING REPAIRS TO TENNIS COURT.**

Reference: Director of Parks & Recreation memo dated June 25, 2014

Jason Rebol with Rebol-Battle & Associates discussed the project and answered questions from the City Council and interested residents in attendance. Ron Pulley, Director of Parks & Recreation answered questions from residents. The following residents spoke with regards to the tennis court repairs: Michelle Van Camp, 97 Shoreline Drive; Liz Champlin, 4821 Soundside Drive; Vonda Oats, 520 James River Road; and Virginia Lunday, 421 Williamsburg Drive.

**RECOMMENDATION:**

THAT THE CITY COUNCIL DIRECT STAFF TO PROCEED WITH THE EVALUATION AND BID PROCESS NECESSARY TO REPAIR THE TEN TENNIS COURTS AT SHORELINE PARK, AND THAT COUNCIL AUTHORIZE A CONTRACT WITH REBOL – BATTLE & ASSOCIATES, IN THE AMOUNT OF \$7,450.00, TO COMPLETE THE EVALUATION PROCESS, PREPARE CONSTRUCTION DOCUMENTS, BID PACKAGE INCLUDING DESIGN DRAWINGS AND SPECIFICATIONS, AND PROVIDE CONSTRUCTION ADMINISTRATION FOR THIS PROJECT.

Councilwoman Fitch made a motion to place staff's recommendations on the July 7, 2014, Regular Council meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous. *Council has asked that staff have a timeline for the project available for Monday's Regular meeting and provide a copy of the ground penetrating radar report..*

D. **DISCUSSION AND ACTION REGARDING RESOLUTION 12-14, APPROVING A PLAN OF FINANCE AND ISSUANCE OF UP TO \$35,000,000 IN CAPITAL TRUST AGENCY BONDS FOR A SENIOR LIVING FACILITY ON BEHALF OF ELIZABETH H. FAULK FOUNDATION.**

Reference: City Manager memo dated June 27, 2014

**RECOMMENDATION:**

THAT THE CITY COUNCIL ADOPT RESOLUTION 12-14 APPROVING A PLAN OF FINANCE FOR THE FAULK FOUNDATION FOR DEVELOPMENT OF A SENIOR LIVING FACILITY IN PALM BEACH COUNTY NEAR THE CITY OF BOCA RATON.

Councilman Henderson made a motion to place staff's recommendation on the July 7, 2014, Regular Council meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

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

Reference: Assistant Director of Public Services memo dated June 26, 2014

(1) GROUND STORAGE TANK CONTROL VALVE REPLACEMENT

**RECOMMENDATION:**

SOUTH SANTA ROSA UTILITY SYSTEM BOARD RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE THE PURCHASE OF A NEW 12" CONTROL VALVE, STRAINER AND CHECK VALVE FROM HD SUPPLY WATERWORKS FOR \$18,561.83 WITH A TOTAL COST OF MATERIALS AND INSTALLATION NOT TO EXCEED \$29,000.

- (2) REQUEST FROM SANTA ROSA PARK DEVELOPER

**RECOMMENDATION:**

**SOUTH SANTA ROSA UTILITY SYSTEM BOARD RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE EXEMPTION OF THE DEVELOPMENT OF BROWN CIRCLE FROM THE REQUIREMENT TO INSTALL SEWER.**

- (3) REQUEST FROM CORNELL DRIVE BUILDER

**RECOMMENDATION:**

**SOUTH SANTA ROSA UTILITY SYSTEM BOARD RECOMMENDS TO THE CITY COUNCIL THAT THE LOW PRESSURE SEWER SERVICES IN THE CORNELL DRIVE MSBU BE INSTALLED BY THE CITY AS D.R. HORTON APPLIES FOR SERVICE AND PAYS THE IMPACT FEE FOR EACH OF ITS 25 LOTS.**

Councilman Landfair made a motion to place staff's recommendation the July 7, 2014, Regular Council meeting agenda. The motion was seconded by Councilman Henderson. The vote for approval was unanimous. *Items 1 and 3 will be placed on the Consent Agenda and Item 2 will be on the Action Agenda.*

**F. SUBJECT: DISCUSSION AND ACTION REGARDING PLANTATION HILL STORM WATER MODIFICATION.**

Reference: Director of Public Services memo dated June 19, 2014

**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE REIMBURSEMENT OF \$4,269.00 TO THE PLANTATION HILL HOMEOWNER'S ASSOCIATION FOR THE INSTALLATION OF A STORM WATER EQUALIZATION PIPE.**

Councilman Landfair made a motion to place staff's recommendation on the July 7, 2014, Regular Council meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous.

**G. SUBJECT: DISCUSSION AND ACTION REGARDING STORM WATER DRAIN CLEANING AND INSPECTION.**

Reference: Assistant Director of Public Services memo dated June 27, 2014

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE VACVISION ENVIRONMENTAL TO COMPLETE THE INSPECTION OF THE CITY'S STORMWATER SYSTEM, WITH A TOTAL PRICE NOT TO EXCEED \$100,000 WITHOUT ADDITIONAL APPROVAL.**

Councilman Henderson made a motion to place staff's recommendation on the July 7, 2014, Regular Council meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous.

**H. SUBJECT: DISCUSSION AND ACTION REGARDING INNERARITY ISLAND CONVERSION.**

Reference: Assistant Director of Public Services memo dated June 27, 2014

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE PAYMENT OF THE CUSTOM SOFTWARE IMPORT FOR BS&A FOR \$4,500 WITH ESCAMBIA COUNTY CONTRIBUTING \$1,500 TO THE COST.**

Councilman Landfair made a motion to place staff's recommendation on the July 7, 2014, Regular Council meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous.

**I. SUBJECT: DISCUSSION AND ACTION REGARDING CARGO TRAILER PURCHASE.**

Reference: Assistant Director of Public Services memo dated June 27, 2014

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE PURCHASE OF A CARGO TRAILER FOR \$3,825.00 FROM COASTAL DEALER SERVICES.**

Councilman Henderson made a motion to place staff's recommendation on the July 7, 2014, Regular Council meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous. *Mayor Pro Tem Schluter asked that Staff determine if the load weight capacity is sufficient for the City's needs. Director of Public Services has assured that the weight capacity is appropriate for the City's needs.*

**J. SUBJECT: DISCUSSION AND ACTION REGARDING METER RECYCLING.**

Reference: Assistant Director of Public Services memo dated June 27, 2014

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE SALE OF THE SURPLUS SCRAP METERS TO UNITED INDUSTRIES FOR THE FEE SCHEDULE SHOWN IN THE ATTACHED EMAIL.**

Councilman Henderson made a motion to place staff's recommendation on the July 7, 2014, Regular Council meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

**K. SUBJECT: DISCUSSION AND ACTION REGARDING DATA BACKUP, RECOVERY, AND OFF-SITE (CLOUD) REPLICATION.**

Reference: Manager of Information Technology memo dated June 27, 2014

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE PURCHASE OF DATTO SIRIS 2-SB1000 AND 1 YEAR LICENSING RECURRING COSTS FOR \$6,818.75.**

Councilwoman Fitch made a motion to place staff's recommendation on the July 7, 2014, Regular Council meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

**L. SUBJECT: DISCUSSION AND ACTION REGARDING PAYMENT OF INVOICE TO VHB IN THE AMOUNT OF \$12,742.33.**

Reference: Assistant City Manager memo dated June 27, 2014

**RECOMMENDATION:**

**THAT THE CITY COUNCIL MEET AS THE BOARD OF DIRECTORS OF THE COMMUNITY REDEVELOPMENT AGENCY ON MONDAY JULY 7, 2014, AND APPROVE PAYMENT OF INVOICE NO. 183028 FOR \$12,742.33 TO VHB.**

Councilwoman Fitch made a motion to place staff's recommendation on the July 7, 2014, Community Redevelopment Agency meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

**M. SUBJECT: DISCUSSION AND ACTION REGARDING SCHEDULING OF FOLLOW-UP WORKSHOP – TIGER POINT CLUBHOUSE AND PRO SHOP RENOVATION.**

Reference: Director of Parks & Recreation memo dated June 25, 2014

**RECOMMENDATION:**

**THAT THE CITY COUNCIL SELECT MONDAY, JULY 7<sup>TH</sup>, OR MONDAY, JULY 21<sup>ST</sup>, OR AN ALTERNATE DATE FOR THE SECOND WORKSHOP ON THE PROPOSED TIGER POINT CLUBHOUSE AND PRO SHOP RENOVATION.**

Councilman Henderson made a motion to place staff's recommendation on the July 7, 2014, Regular Council meeting agenda and schedule the second workshop for Monday, July 21, 2014, at 5:00 p.m. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous.

**N. INFORMATION ITEMS: None**

**O. PUBLIC FORUM: None**

**P. ADJOURNMENT: Mayor Pro Tem Schluter adjourned the meeting at 8:15 P.M**

## **RESOLUTION 12-14**

**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, DEVELOPMENT, IMPROVEMENT, INSTALLATION AND EQUIPPING OF A SENIOR LIVING FACILITY LOCATED IN THE STATE OF FLORIDA; APPROVING THE ISSUANCE OF APPROXIMATELY \$35,000,000 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 Amendments No. 1 through No. 54 (collectively, the "Enabling Agreement"), approving the creation of the Capital Trust Agency (the "Agency"), a legal entity and a public agency of the State of Florida, organized and existing under the provisions of Chapter 163, Part I, and Chapter 159, Part II, Florida Statutes, Ordinance No. 05-97 of the City, as amended, and its Articles of Incorporation, as amended and other applicable provisions of law (collectively, the "Act"), to enable public, private and not-for-profit organizations to obtain public assistance in financing or refinancing certain beneficial projects or programs that benefit, enhance and/or serve a public purpose; and

**WHEREAS**, pursuant to the Act and in accordance with the provisions of the Original Resolution, the Agency did on February 20, 2014, take official action by adopting its preliminary resolution (the "Agency Resolution") indicating its intent to authorize the financing 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, developing, improving, installing and equipping of a memory care housing facility to be located in Boca Raton, Florida (the "Senior Living Facility"), as described in the attached Schedule "I"; and

**WHEREAS**, the City has been advised that the Agency desires to issue the Bonds in an aggregate principal amount of approximately \$35,000,000 (the exact amount to be determined by the appropriate official of the Agency, as being the amount required to fund the financing herein authorized), to finance the Senior Living Facility on behalf of Elizabeth H. Faulk Foundation, Inc., a Florida not for profit corporation, or one or more of its affiliates, as described in the attached Schedule "I," whose principal place of business 22455 Boca Rio Road, Boca Raton, Florida 33433 (as applicable, the "Borrower") to fund a program herein described (the "Plan of Finance") such Senior Living Facility to be managed initially by MJM Associates, LLC, a New York limited liability company; and

**WHEREAS**, the proposed Senior Living Facility is appropriate to the needs and circumstances of the community in which it will be located and will serve a public purpose by (i) providing gainful employment and making a significant contribution to the economic growth of the local community, (ii) promoting commerce within the State of Florida, (iii) providing safe, decent and accessible memory care housing facilities for the elderly, and (iv) advancing the economic prosperity and the general welfare of the State of Florida and its people; and

**WHEREAS**, in order to advance and further the public purposes set forth in the Act, it is necessary and in the public interest to facilitate the financing of the Senior Living Facility and to facilitate and encourage the planning and development of such Senior Living Facility without regard to the boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable; and

**WHEREAS**, the public purposes to be achieved by such Senior Living Facility and the financing or refinancing thereof in compliance with the criteria and requirements of Chapter 159, Part II, Florida Statutes, as amended, implement the governmental purposes under the Florida Constitution of providing for the health, safety, and welfare of the people of the State of Florida; 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**, (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 *Gulf Breeze News* on June 5, 2014 and (ii) the Bonds and the Plan of Finance have been submitted to such public hearing held on behalf of the City Council on June 19, 2014; 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 on June 5, 2014 in the *Gulf Breeze News*, a newspaper of general circulation in the jurisdiction of the City. 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, all interlocal 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 Facilities through the issuance from time to time of the Bonds and the purposes for which the Bonds are to be issued, including, without limitation, Amendment No. 55 to the Interlocal Agreement dated as of its date (the "Amendment") and Resolution No. 01-14 adopted by the Agency on February 20, 2014. 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. 55 TO THE ENABLING AGREEMENT RATIFIED.**

Pursuant to the Enabling Agreement, there is hereby approved the execution and delivery of 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 which includes (i) the issuance by the Agency of approximately \$35,000,000 aggregate principal amount of revenue bonds, for all purposes of the Enabling Agreement, as amended, and for all purposes of the Original Resolution and (ii) the issuance by the Agency of tax exempt bonds in an amount not exceeding \$35,000,000 for all purposes under Section 147(f) of the Code.

**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 7<sup>th</sup> day of July, 2014.

**GULF BREEZE, FLORIDA  
CITY COUNCIL**

[SEAL]

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

**ATTEST:**

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

**REPORT OF HEARING OFFICER  
(FAULK SENIOR SERVICES, LLC)**

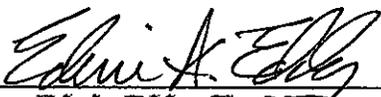
This instrument shall constitute the official report of the undersigned designated official of the City of Gulf Breeze, Florida (the "City"), a municipal corporation of the State of Florida, with respect to a public hearing scheduled and held by the City on June 19, 2014, for and on behalf of the Capital Trust Agency (the "Agency"), a legal entity and public 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 \$35,000,000 revenue bonds (the "Bonds") on behalf of Faulk Senior Services, LLC, a Florida limited liability company, or one or more of its affiliates (as applicable, the "Borrower"), and whose principal place of business is 22455 Boca Rio Road, Boca Raton, Florida 33433. The proceeds of the Bonds will be loaned to the Borrower for financing the acquisition, construction, development, furnishing and equipping of an approximately 96-unit 116 bed senior living facility comprised of memory care units for the elderly intended to be known as "Faulk Senior Residence," to be located on approximately 6.22 acres on the western side of the ten acre campus known as the Faulk Center for Counseling located at 22455 Boca Rio Road, Boca Raton, Palm Beach County (the "County"), Florida 33433 (the "Senior Living Facility"), as more fully described in Exhibit "A" hereto.

The public hearing was duly advertised in the *Gulf Breeze News*, a newspaper of general circulation in the jurisdiction of the City, on June 5, 2014. 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 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

**EXHIBIT "A" TO  
REPORT OF HEARING OFFICER  
(FAULK SENIOR SERVICES, LLC)**

The Senior Living Facility consists of the acquisition, construction, development, furnishing and equipping of an approximately 96-unit 116 bed senior living facility comprised of memory care units for the elderly intended to be known as "Faulk Senior Residence," to be located on approximately 6.22 acres on the western side of the ten acre campus known as the Faulk Center for Counseling located at 22455 Boca Rio Road, Boca Raton, Palm Beach County, Florida 33433, and expected to be owned by the Borrower and managed initially by MJM Associates, LLC, a New York limited liability company.

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

Before the undersigned authority personally appeared Doris Pelham who is personally known to me and who on oath says that she is Office Manager of the Gulf Breeze News, a weekly newspaper published at Gulf Breeze in Santa Rosa County, Florida; that the attached copy of advertisement, being a:

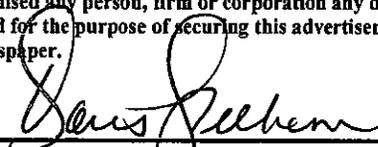
**NOTICE OF PUBLIC HEARING  
CITY OF GULF BREEZE, FLORIDA**

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

Received from Capital Trust Agency/McGuire Woods and was published in said newspaper in the issue of:

**JUNE 5, 2014**

Affiant further says that the said Gulf Breeze News published in Gulf Breeze in said Santa Rosa County, Florida, and that said newspaper has heretofore been continuously published in said county each week and has been entered as second class mail matter at the post office in Gulf Breeze, in said Santa Rosa County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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.



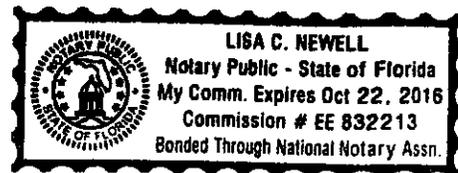
**Office Manager Doris Pelham**

Sworn to an subscribed before me this  
5<sup>th</sup> Day of June, A.D. 2014



**Name Lisa C. Newell Notary Public**

**My Commission Expires: 10-22-2016**



For the purpose of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), notice is hereby given that the City of Gulf Breeze, Florida (the "City") will hold a public hearing at 10:00 a.m. on Thursday, June 19, 2014, 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 to provide funds to be loaned by the Capital Trust Agency (the "Agency") to Faulk Senior Services, LLC, a Florida limited liability company or one or more of its affiliates (as applicable, the "Borrower"), in order to finance the cost of the acquisition, construction, development, furnishing and equipping of an approximately 96-unit, 117-bed senior living facility comprised of memory care units for the elderly, intended to be located on approximately 6.22 acres on the western side of the ten-acre campus known as the Faulk Center for Counseling located at 22455 Boca Rio Road, Boca Raton, Palm Beach County (the "County"), Florida 33433 (the "Senior Living Facility").

The plan of finance contemplates that the Agency will issue not exceeding \$35,000,000 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 Senior Living Facility. The Senior Living Facility will be owned by the Borrower. The initial manager of the Senior Living Facility will be MJM Associates, LLC, a New York limited liability company.

The purpose of the public hearing is to comply with the provisions of Section 147(f) of the Code. The City and the County will neither issue nor be obligated on the Bonds.

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 or 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 State of Florida (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 within the meaning of any constitutional or statutory provision. 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, 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 this 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 invited 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 and Section 286.26, Florida Statutes, as amended, persons in need of a special accommodation to participate in the proceedings shall contact the telephone operator of City Hall, 1070 Shoreline Drive, Gulf Breeze, Florida 32561, 850-934-5115, at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

**EXHIBIT "C" TO  
REPORT OF HEARING OFFICER  
(FAULK SENIOR SERVICES, LLC)**

**MINUTES OF COUNCIL MEETING INCLUDING  
PUBLIC HEARING ON FILE WITH CITY CLERK**

**EXHIBIT "B"**

**FORM OF AMENDMENT NO. 55 TO INTERLOCAL AGREEMENT**

This **AMENDMENT NO. 55 TO INTERLOCAL AGREEMENT** (this "Amendment No. 55") is made and entered into as of the 7<sup>th</sup> day of July, 2014, 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. 54 (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**, Elizabeth H. Faulk Foundation, Inc., a Florida not for profit corporation, or one or more of its affiliates (as applicable, the "Borrower"), has represented to the Agency that, acting for itself or through its affiliates, it plans to develop, own, and operate a senior living facility in Boca Raton, Palm Beach County, Florida; and

**WHEREAS**, on February 20, 2014, the Agency approved a request by the Borrower that the Agency issue its revenue bonds in a principal amount of approximately \$35,000,000 (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 the acquisition, construction, installation and equipping of an approximately 96-unit 116 bed senior living facility comprised of memory care units for the elderly to be to be known as "Faulk Senior Residence" to be located on approximately 6.22 acres on the western side of the ten acre campus known as the Faulk Center for Counseling located at 22455 Boca Rio Road, Boca Raton, Florida 33433 (the "State"), within the jurisdiction of Palm Beach County, Florida; to provide a memory care housing facility for the elderly (the "Senior Living Facility"), as described in the attached Schedule "I"; 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 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. 55 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 for the Senior Living Facility;

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

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

This Amendment No. 55 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 such Bonds from time to time, in one or more series, in an aggregate principal amount of approximately \$35,000,000 (the exact amount to be determined by an appropriate official of the Agency to be sufficient to enable the financing or refinancing of the Senior Living 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 or 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 to the purposes stated in the Articles of Incorporation of the Agency to the authorizations herein contained. No obligation of the Agency under any such agreement or instrument shall constitute an obligation of Century or Gulf Breeze. The Bonds shall be limited and special obligations of the Agency, payable from the revenues or receipts of such programs or projects, payments made by the Borrower, a 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. 55 shall be deemed to adversely affect the authorizations in the Enabling Agreement as it existed prior to the effective date of this Amendment No. 55, 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, defend and hold harmless Century 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. 55, 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 the law. This Amendment may be amended only by written instrument signed by authorized representatives of Century and 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. 55 to the Interlocal 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 Guyer  
City Clerk

**TOWN OF CENTURY, FLORIDA**

[SEAL]

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

Freddie W. McCall, Sr., Mayor

**ATTEST:**

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

Leslie Gonzalez, Town Clerk

## **SCHEDULE "I" TO AMENDMENT NO. 55 TO INTERLOCAL AGREEMENT**

The Senior Living Facility consists of the acquisition, construction, development, furnishing and equipping of an approximately 96-unit 116 bed senior living facility comprised of memory care units for the elderly intended to be known as "Faulk Senior Residence," to be located on approximately 6.22 acres on the western side of the ten acre campus known as the Faulk Center for Counseling located at 22455 Boca Rio Road, Boca Raton, Palm Beach County, Florida 33433, and expected to be owned by the Borrower and managed initially by MJM Associates, LLC, a New York limited liability company.

**SCHEDULE "II" TO AMENDMENT NO. 55 TO INTERLOCAL AGREEMENT  
PAYMENT TO TOWN OF CENTURY**

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

## **SCHEDULE "T"**

The Senior Living Facility consists of the acquisition, construction, development, furnishing and equipping of an approximately 96-unit 116 bed senior living facility comprised of memory care units for the elderly intended to be known as "Faulk Senior Residence," to be located on approximately 6.22 acres on the western side of the ten acre campus known as the Faulk Center for Counseling located at 22455 Boca Rio Road, Boca Raton, Palm Beach County, Florida 33433, and expected to be owned by the Borrower and managed initially by MJM Associates, LLC, a New York limited liability company.

**RESOLUTION 13-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, TO OFFICIALLY CHANGE THE NAME OF MCLANE ROAD, BETWEEN BEACH DRIVE AND SHORELINE DRIVE, TO BEACH DRIVE.**

**WHEREAS**, the City of Gulf Breeze, Florida, has the responsibility to protect and enhance the health, safety and welfare of its residents; and,

**WHEREAS**, a petition was brought forth from the residents of Beach Drive requesting McLane Road, between Shoreline Drive and Beach Drive, be designated the name of Beach Drive; and,

**WHEREAS**, changing the name of the small segment of road would have minimal impacts.

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

That the segment of McLane Road between Shoreline Drive and Beach Drive is hereby designated the name of Beach Drive.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, SANTA ROSA COUNTY, FLORIDA**, on this 7<sup>th</sup> day of July, 2014.

CITY OF GULF BREEZE, FLORIDA

ATTEST:

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

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



# City of Gulf Breeze

DEPARTMENT OF PARKS AND RECREATION

To: Edwin A. Eddy, City Manager  
From: Ron Pulley, Director of Parks & Recreation  
Subject: Tennis Court Flood Repairs  
Date: June 25, 2014

The April flood completely covered the ten tennis courts at Shoreline Park for a period of 7 days. When the waters receded, we immediately discovered significant buckling and cracking on six of the ten courts. Since that time, depressions have deepened and cracks have widened. Latent problems will likely continue.

Rebol – Battle and Associates, were the engineers of record for the tennis court renovations and additions that occurred in 2012. For this reason, we asked them to evaluate the damage. Their report is attached. In summary, their preliminary evaluations indicate a significant, yet undetermined, amount of subsurface erosion. Because of the buckling and cracking that has already appeared, they recommend complete removal of the asphalt surface, accompanied by geotechnical evaluation of the base material damage. Once the base material damage has been corrected, new asphalt and court paint would be installed. Rebol – Battle estimates the cost of this project to be \$196,750.00

Rebol – Battle proposes to complete the evaluation process, prepare construction documents, bid package including design drawings and specifications, and provide construction administration for the repair project, for a fee of \$7,450.00.

The tennis community is understandably anxious to get back out on these courts. As previously noted, some courts appear more damaged than others. Current conditions may worsen and additional problems may show at any time. The safest course of action is to leave the courts closed.

## Recommendation

**That Council direct staff to proceed with the evaluation and bid process necessary to repair the ten tennis courts at Shoreline Park, and that Council authorize a contract with Rebol – Battle & Associates, in the amount of \$7,450.00, to complete the evaluation process, prepare construction documents, bid package including design drawings and specifications, and provide construction administration for this project.**



# REBOL-BATTLE & ASSOCIATES

Civil Engineers and Surveyors

June 26, 2014

Ron Pulley  
Director of Parks and Recreation  
City of Gulf Breeze  
1070 Shoreline Drive  
Gulf Breeze, Florida 32561

RE: Preliminary Evaluation and Professional Services Proposal  
**Gulf Breeze Recreation Center Tennis Courts**  
RBA Project No. 2014.131

Dear Mr. Pulley:

Rebol-Battle & Associates (RBA) thanks you for the opportunity to submit this proposal to provide professional engineering services for the above referenced project. Our services will include preparing complete construction documents, bid package including design drawings and specifications, and construction administration to repair the existing tennis courts damaged by the recent flooding.

Our preliminary investigation of the courts revealed moderate cracking and buckling due to hydrostatic pressure buildup. We feel the large surface area of the courts didn't allow the hydrostatic pressure to escape under the courts. The pressure build up in turn buckled and cracked the courts. We do not feel that trying to salvage the asphalt would be cost effective due to the amount of specialty crack repair products and leveling coatings that would be required to get the courts back if possible in acceptable conditions. It is our opinion that the asphalt should be removed and replaced while salvaging the nets, post, and fencing.

We have attached a proposal from NOVA Engineering. They are a geotechnical engineering firm we intend to use to investigate the extent of the "base" material damage under the asphalt. They will specifically be investigating the areas which buckled or sank as a result of the flooding. It is our initial opinion due to the type of base used on the new courts (i.e. aggregate base), that the majority of the base and subgrade are in good and salvageable condition and could be re-used. NOVA's investigation will try to confirm this. If the base is in good condition, it will only need to be spot repaired as needed then re-leveled and compacted once the asphalt is removed. Once the base is re-worked the new asphalt and court paint could be installed.

We estimate the cost associated with repairing the courts as follows:

- Mobilization, Removal of Misc. Fence of Access and Net Removal: \$7,500
- Asphalt Demolition: 7,250 SY @ \$3.00/SY = \$21,750
- Re-work and Spot Repair Existing Base Material: 7,250 SY @ \$2.00/SY = \$14,500
- Petro-Mat (for Base-Repair as Needed): 1,750 SY @ \$3.00 = \$5,250
- New 1.5" Type SP-9.5 Asphalt Installation: 7,250 SY @ \$12.00/SY = \$87,000
- Re-installation of Fence and Nets: 10 Courts @ \$1,000 per Court = \$10,000
- Court Paint and Striping (per McLean Tennis): 7,250 SY @ \$7.00 = \$50,750

<b>Total Estimated Construction Cost:</b>	<b>\$196,750.00</b>
---	---------------------

The following proposed fees are based upon our understanding of the anticipated scope of work:

Task 1 - Geotechnical Services (Provided by NOVA) .....	\$1,950.00
Task 2 -- Civil Design Services (Plans and Spec's).....	\$4,500.00
Task 3 -- Bidding/Construction Administration Services.....	<u>\$1,000.00</u>

<b>Total Fee (Civil Engineering and Geotechnical):</b>	<b>\$7,450.00</b>
--	-------------------

If this proposal is acceptable, please sign one copy and return it to us for our files. As we know the importance of this project, we will begin work immediately upon receiving your approval.

Sincerely,  
**REBOL•BATTLE & ASSOCIATES, LLC**



Paul A. Battle, PE

Proposal Accepted by:

\_\_\_\_\_

Mr. Ron Pulley

\_\_\_\_\_

Date



# City of Gulf Breeze

## MEMORANDUM

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

**FROM:** Thomas E. Lambert, Assistant Director of Public Services

**DATE:** June 26, 2014

**RE:** SSRUS Board Recommendations

A handwritten signature in blue ink, appearing to be "T. Lambert", is written over the "FROM:" line.

The following recommendations were recommended by the SSRUS Board at their June 9, 2014 meeting.

### Ground Storage Tank Control Valve Replacement

The original control valve for the SSRUS ground storage tank is over 17 years old and has been rebuilt two times. The useful life is over, and staff would like to install a different style valve that will be more compatible with the higher pressure and flow from the FRUS supply.

The Board added to the recommendation an additional \$10,000 allowance for a contractor to install the valve if staff decides the task is beyond our capabilities. The quotes for installation will be brought directly to City Council if needed.

**RECOMMENDATION: SOUTH SANTA ROSA UTILITY SYSTEM BOARD RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE THE PURCHASE OF A NEW 12" CONTROL VALVE, STRAINER AND CHECK VALVE FROM HD SUPPLY WATERWORKS FOR \$18,561.83 WITH A TOTAL COST OF MATERIALS AND INSTALLATION NOT TO EXCEED \$29,000.**

### Request from Santa Rosa Park Developer

The developer of Brown Circle in the area of Santa Rosa Park asked for an exemption from the requirement to install sewer. The staff recommended this based on the expense of installing sewer, the added maintenance of a lift station that only serves 21 lots, and

the fact that the roadway has already been installed. The roadway being installed made this development more akin to a retrofit than a new sewer system.

**RECOMMENDATION: SOUTH SANTA ROSA UTILITY SYSTEM BOARD RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE EXEMPTION OF THE DEVELOPMENT OF BROWN CIRCLE FROM THE REQUIREMENT TO INSTALL SEWER.**

**Request from Cornell Drive Builder**

.The Cornell Drive area is an unimproved platted subdivision that is not required to install sewer. However, a majority of the property owners wished to have low pressure sewer, so water, sewer and roadways were installed under an MSBU. To cut cost and make the MSBU acceptable to all owners, the water and sewer services were not installed, with the understanding that the builder will be responsible.

The builder of the lots, D.R. Horton, has asked that the utility have the water and sewer services install as they build. Staff recommends that the sewer services be installed by the utility once impact fees are paid for a lot. Since sewer was not required in this area, it seems a reasonable compensation for getting new homes on sewer. The water services, however, as required of every home, and the utility has never made special accommodations or payments for water service installation.

**RECOMMENDATION: SOUTH SANTA ROSA UTILITY SYSTEM BOARD RECOMMENDS TO THE CITY COUNCIL THAT THE LOW PRESSURE SEWER SERVICES IN THE CORNELL DRIVE MSBU BE INSTALLED BY THE CITY AS D.R. HORTON APPLIES FOR SERVICE AND PAYS THE IMPACT FEE FOR EACH OF ITS 25 LOTS.**



# City of Gulf Breeze

TO: Edwin A. Eddy, City Manager  
FROM: Thomas E. Lambert, Assistant Director of Public Services  
DATE: June 6, 2014  
RE: Request by Santa Rosa Park Developer

A handwritten signature in blue ink, appearing to be "T. Lambert", is written over the "FROM:" line of the memo.

The developer of another parcel in the Santa Rosa Park area has made a request for an exemption from the sewer requirement in the Santa Rosa County Land Development Code. The request made by the developer's attorney, John S. Bordelon, is attached.

In the recent past, the Board has sought to make projects more affordable by paying for the forcemain from the development to the connection point of the sewer system. In the other cases this was prudent because many other parcels could be served in the future by the infrastructure installed. In this case, the majority of the forcemain would pass property that is held in conservation or already has sewer service. Approximately 30 homes on septic tank could take advantage of the new forcemain, but the utility has been reluctant to force existing homes to convert. This forcemain could serve the development proposed by Mr. Roland Brown as well, but because of the wetlands between them, each development will require its own lift station. If the forcemain was installed by the Utility, it could serve approximately 40 lots in the two subdivisions.

We conducted a survey of this entire area and found that only 18 of the 197 property owners are very interested in sewer, with an additional 16 who would consider it based on cost. This led staff to recommend against a septic to sewer conversion project in the area.

As far as utility operations are concerned, the installation of a lift station that only serves 20 homes is not an ideal situation. The Utility would be adding more cost than the income generated. If the Utility paid for the forcemain, it would cost \$229,000 and the utility would only be guaranteed \$109,200 in tap fees. At most, the forcemain could generate \$280,000 in tap fees without adding significant additional infrastructure. If Mr. Brown were to bear the entire cost, each lot would have \$30,200 in sewer cost alone, as compared to the \$15,000 cost we normally see on retrofits.

Based on these factors, the economic investment in the sewer forcemain does not seem reasonable. However, the Board has the authority to set its position based on other factors that are not necessarily economic.



ANGEL

BURCHART

EEK

BAYSHORE RD

BAYSHORE RD

BAYSHORE RD

HOLIDAY DR

LAMB DR

RESERVATION RD

CATHLEEN DR

OSCEOLA DR

BROWNS CIR

RESERVATION RD

NAT SEASHORE TR

Cliff Areas

# BORDELON LAW FIRM

Established 1974

John S. Bordelon  
Master of Laws  
Also admitted in Louisiana

2721 Gulf Breeze Parkway  
Gulf Breeze, FL 32563  
850.934.1000

May 28, 2014

VIA EMAIL [tlambert@gulfbreezefl.gov](mailto:tlambert@gulfbreezefl.gov)  
& REGULAR U.S. MAIL

Board of Directors  
South Santa Rosa Utility System Board  
Attn: Thomas E. Lambert  
Assistant Director of Public Services  
1070 Shoreline Drive  
Gulf Breeze, FL 32563

Re: My Client: Mrs. Martha Brown and Gary Brown  
Matter: Application for Waiver of Sanitary Sewer System for 21 lots to be  
platted along Brown's Circle

Dear Directors:

I have the pleasure of continuing to represent the family of the late Mr. Jerry Brown, who was the original developer of the un-platted parcels along the private access road to his home named Brown's Circle. The Browns have lived along the Bay at the end of Reservation Road for over 44 years now. About 10 years ago, Mr. Brown began the process of parceling out these home sites and in 2005 when the first home was built there for a doctor at Andrews Institute by Jerry Brown's son and local homebuilder, Gary Brown. At that time the county allowed this sub-platting and because the location is high and very 'perkable' septic tank systems were very appropriate and approved by the State Department of Health.

Unfortunately, as all of us who have been involved in the subdivision, home building or utility businesses know so well, the collapse of the home building industry during the Great Recession was particularly severe in South Santa Rosa County. Other than selling one other home site on Brown Circle, prior to his death Mr. Brown had to discontinue his efforts to sell lots as it was financially unfeasible for anyone to build any spec homes and 'custom home' lot sales were non-existent for most of the last 10 years.

Mr. Brown died before the industry finally began showing some signs of life again. Now his son Gary is heading up the family's renewed effort to complete his father's vision of providing for his mom by completing the platting of the 21 remaining home sites along Brown Circle.

Finally, as indicated by the enclosed estimate of \$500,365.00 of cost that would have to be incurred by the Browns if they are not granted a waiver by the SSRUS, the family could never complete the platting of the remaining 21 lots along Brown's Circle.

Thank you for your consideration. Gary Brown and I will attend your June 9, 2014 board meeting to respond to any additional questions you may have.

Sincerely,  
BORDELON LAW FIRM P.L.



John S. Bordelon

JSB/smb  
Cc: client  
Enclosure as noted

Brown's Landing  
 Sewer Connection to SSRU at Hwy 98 and Bayshore Rd  
 4/29/2014

Sewer					
Item	Description	Unit	Quantity	Unit Price	Total Price
1	8" PVC Sewer Line 0'-6'	L.F.	700	\$20.00	\$14,000.00
2	8" PVC Sewer Line 8'-10'	L.F.	700	\$22.00	\$15,400.00
3	Manholes 0'-6'	EA.	3	\$3,500.00	\$10,500.00
4	Manholes 6'-8'	EA.	3	\$4,500.00	\$13,500.00
5	Lift Station	EA.	1	\$125,000.00	\$125,000.00
6	6" Force Main	LF	6,300	\$10.00	\$63,000.00
7	Jack and Bores	LF	230	\$150.00	\$34,500.00
8	R/W Repair	LS	1	\$22,000.00	\$22,000.00
9	R/W Permits	LS	1	\$3,000.00	\$3,000.00
10	Wetland Crossing Permit with Engineering	LS	1	\$40,000.00	\$40,000.00
11	Driveway/Mailboxes Repair	LS	1	\$32,000.00	\$32,000.00
12	Road Overlay	SY	1,900	\$13.00	\$24,700.00
13	Curb Repair	LS	1	\$10,000.00	\$10,000.00
14	Sewer Lateral Connection	EA.	35	\$500.00	\$17,500.00
15	Leakage Test of Main	LS	1	\$5,000.00	\$5,000.00
16	Defection Test of Main	LS	1	\$5,000.00	\$5,000.00
				15% Contingency	\$65,265.00
				<b>TOTAL</b>	<b>\$500,365.00</b>

\* Gravity Sewer in project would be located not in the existing road, but would have to be alongside the road encumbering lots with front easement.