



# City of Pensacola

## CITY COUNCIL

### Agenda Conference Minutes

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February 6, 2017

3:30 P.M.

Hagler/Mason Conference Room

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#### **ROLL CALL**

Members Present: Brian Spencer, Gerald Wingate, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu, Sherri Myers (left 4:25)

Members Absent: Andy Terhaar

#### **PRESENTATION ITEMS**

1. [16-00336](#) PRESENTATION BY QUINT STUDER REGARDING PRE-K LEARNING

**Recommendation:** That City Council allow a presentation by Quint Studer discussing Pre-K Learning and that this presentation be scheduled for the Regular City Council Meeting on February 9, 2017.

Some discussion took place among Council.

**Placed on agenda.**

#### **REVIEW OF CONSENT AGENDA ITEMS**

2. [16-00300](#) AWARD OF CONTRACT - RFQ NO. 16-039 - FERRY LANDING CONSTRUCTION ENGINEERING INSPECTION (CEI) SERVICES

**Recommendation:** That City Council award a contract for RFQ No. 16-039 Ferry Landing Construction Engineering Inspection (CEI) Services for the Pensacola Bay Ferry Project to Mott Macdonald Engineering. Further, that Council authorize the Mayor to execute all contracts and related documents and take all related actions necessary to complete the CEI requirements of the ferry project.

Council Member Cannada-Wynn asked questions with Port Economic Development Manager Merritt responding accordingly.

**Placed on consent agenda.**

**REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)**3. [17-00023 UNDERGROUND UTILITY EASEMENT FOR THE BILL GREGORY PARK REGIONAL STORMWATER TREATMENT FACILITY PROJECT](#)

**Recommendation:** That City Council approve granting a permanent underground utility easement to the Emerald Coast Utility Authority (ECUA) on the Bill Gregory Park property located at 120 North W Street.

**Placed on consent agenda.**

4. [17-00052 PENSACOLA ENERGY - AWARD OF BID #17-011, NATURAL GAS PIPELINE CONSTRUCTION WEST PENSACOLA LOW PRESSURE AREA UPGRADES](#)

**Recommendation:** That City Council award Bid #17-011 Natural Gas Pipeline Construction to R.A.W. Construction, LLC., the lowest and most responsible bidder in the amount of \$1,986,875 for seven (7) natural gas infrastructure replacement projects, \$169,200 for the miscellaneous work option as outlined in the bid specifications plus a 10% contingency of \$215,608 for a total amount of \$2,371,683 for a period of one year. Further, that Council authorize the Mayor to execute a contract and take all actions necessary to complete the project.

**Placed on consent agenda.**

**REVIEW OF REGULAR AGENDA ITEMS**

Before moving forward with the agenda, Council President Spencer suggested if there is consensus Council may move any item without a hearing, an ordinance or resolution from the regular agenda to the consent agenda. Discussion took place with Council Vice President Wingate expressing his concerns. City Attorney Bowling also provided clarification with reference to Council's Rules and Procedures.

5. [16-00329 APPOINTMENT - PLANNING BOARD](#)

**Recommendation:** That City Council appoint an individual who is a resident of the city or owner of property in the city, to the Planning Board to fill the unexpired term of Taylor "Chips" Kirschenfeld, expiring July 14, 2017.

**Council Member Johnson requested this item be placed immediately following Leroy Boyd Forum and prior to the presentation by Mr. Studer.** Council President Spencer made follow-up remarks.

*No Member of Council expressed objection to moving up in the agenda as requested by Council Member Johnson.*

**Placed on regular agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

6. [17-00059](#) QUASI-JUDICIAL HEARING: REVIEW OF ARCHITECTURAL REVIEW BOARD DECISION - 165 E. INTENDENCIA STREET, PALAFOX HISTORIC BUSINESS DISTRICT, C-2, SIGNAGE

**Recommendation:** That City Council conduct a Quasi-Judicial hearing to review Architectural Review Board decisions of November 17, 2016 regarding 165 E. Intendencia Street (YMCA), Palafox Historic Business District, C-2, Signage.

**Placed on regular agenda.**

7. [16-00362](#) PUBLIC HEARING -- AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-2-10 - HISTORIC & PRESERVATION LAND USE DISTRICT, (A)(4) PROCEDURE FOR REVIEW

**Recommendation:** That City Council conduct the second of two Public Hearings on February 9, 2017, proposing an amendment to the Land Development Code, Section 12-2-10 - Historic & Preservation Land Use District, (A)(4) Procedure for Review, by adding subsection (f) allowing for Conceptual review and approval.

**Placed on regular agenda.**

8. [05-17](#) PROPOSED ORDINANCE NO. 05-17 - AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-2-10 - HISTORIC & PRESERVATION LAND USE DISTRICT, (A)(4) PROCEDURE FOR REVIEW

**Recommendation:** That City Council approve proposed Ordinance No. 05-17 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-10 (A) (4) (f) OF THE CODE OF THE CITY OF PENSACOLA; AMENDING THE LAND DEVELOPMENT CODE, HISTORIC & PRESERVATION LAND USE DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

**Placed on regular agenda.**

9. [16-00315](#) PUBLIC HEARING: PROPOSED AMENDMENT TO SECTION 12-2-8 (B) (1) OF THE LAND DEVELOPMENT CODE - ADDITION OF MEDICAL MARIJUANA DISPENSARY

**Recommendation:** That City Council conduct the second of two public hearings on February 9, 2017 to consider an amendment to the Land Development Code, Section 12-2-8 (B)(1), Commercial land use district, to add "Medical Marijuana Dispensary" under the uses permitted section.

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

Council Member Wingate referenced first hearing (on Item 9) where he expressed a desire to further amend the Land Development Code to include Medical Marijuana Dispensary as a permitted use in R-NC Zoning District.

**Placed on regular agenda.**

10. [06-17](#) PROPOSED ORDINANCE NO. 06-17 - PROPOSED AMENDMENT TO SECTION 12-2-8 (B) (1) OF THE LAND DEVELOPMENT CODE - ADDITION OF MEDICAL MARIJUANA DISPENSARY

**Recommendation:** That City Council approve Proposed Ordinance No. 06-17 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-8 (B) (1) OF THE CODE OF THE CITY OF PENSACOLA; AMENDING THE LAND DEVELOPMENT CODE, ADDITION OF MEDICAL MARIJUANA DISPENSARY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

**Placed on regular agenda.**

11. [16-00357](#) Public Hearing - Proposed Amendment to the Land Development Code- Section 12-14-1 Definitions- Building Height.

**Recommendation:** That City Council conduct a public hearing on February 9, 2017 to consider a proposed amendment to Section 12-14-1 of the City's Land Development Code pertaining to the definition of "Building Height".

**Placed on regular agenda.**

12. [07-17](#) Proposed Ordinance No. 07-17 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-14-1 DEFINITIONS - BUILDING HEIGHT

**Recommendation:** That City Council adopt Proposed Ordinance No. 07-17 on first reading.

AN ORDINANCE AMENDING SECTION 12-14-1 DEFINITIONS OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Council Member Myers made comments questioning the Executive Branch authority to sponsor legislation for proposing ordinances and resolutions. City Attorney Bowling responded indicating she would be happy to meet with her and further discuss and provide an opinion based on the Charter.

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

Council Members asked questions related to the proposed amendment (related to Item 12) with Senior Planner Deese responding accordingly.

**Placed on regular agenda.**

13. [17-00061 ORDINANCE AMENDING SECTION 10-4-16 OF THE CITY CODE - GAS - INSTALLATION OF SERVICES](#)

**Recommendation:** That City Council adopt an ordinance amending Section 10-4-16 of the City Code pertaining to Gas - Installation of Services.

Council Member Myers referenced email correspondence from City Administrator Olson and asked him to elaborate.

City Administrator Olson read his email into the record (on file with background materials) recommending no action on this item be taken until Pensacola Energy has conducted a full business review, and that for the time being the gas piping program has been suspended.

**Council Member Myers, based on the correspondence and City Administrator Olson's comments, withdrew this item (and the following proposed ordinance).**

**Withdrawn.**

14. [04-17 PROPOSED ORDINANCE 04-17 - AMENDMENT TO SECTION 10-4-16 OF THE CITY CODE - GAS - INSTALLATION OF SERVICES](#)

**Recommendation:** That City Council approve Proposed Ordinance 04-17 on first reading.

**Withdrawn.**

15. [17-00095 RESOLUTION OF COUNCIL'S EXPRESSION OF CONFIDENCE IN POLICE CHIEF DAVID ALEXANDER, III](#)

**Recommendation:** That City Council adopt a resolution expressing the Council's confidence in Police Chief David Alexander, III.

Council Member Myers explaining intent.

**Placed on regular agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

16. 17-11 RESOLUTION 17-11 - CITY COUNCIL'S EXPRESSION OF CONFIDENCE IN POLICE CHIEF DAVID ALEXANDER, III

**Recommendation:** That City Council Adopt Resolution No. 17-11.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA EXPRESSING THE COUNCIL'S CONTINUED CONFIDENCE IN POLICE CHIEF DAVID ALEXANDER, III.

**Placed on regular agenda.**

17. [17-00086 TREE REPLACEMENT AND REFORESTATION ALONG THE 12TH AVE TREE CANOPY](#)

**Recommendation:** That City Council authorize the use of \$10,000 from the Tree Trust Fund for the replacement and reforestation of trees along the 12th Ave Tree Canopy with specific planting locations to be determined by the Environmental Advisory Board in conjunction with the Parks and Recreation Department as well as the arborist used by the city and authorize the Mayor to take the necessary action(s) to facilitate this authorization.

Council Member Myers explaining intent.

Council Member Johnson made comments.

**Placed on regular agenda.**

Meeting went into Recess at 4:26 P.M. in order to accommodate a meeting of the Community Redevelopment Agency Board beginning at 4:30 P.M. with a phone conference.

Meeting reconvened at 6:04 P.M. (following the CRA Board Meeting).

18. [17-12 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-12 - TREE REPLACEMENT AND REFORESTATION ALONG THE 12TH AVENUE TREE CANOPY](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-12.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.

**Placed on regular agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

19. [17-00019 AMENDMENT TO CITY POLICY FOR DISPOSITION OF CITY OWNED REAL PROPERTY](#)

**Recommendation:** That City Council amend the policy for the Disposition of City Owned Real Property to include disbursement directly to the City Housing Division for use in the Lot Purchase Program and to adopt Lot Purchase Program guidelines.

Council Member Wingate explaining intent.

**Placed on regular agenda.**

20. [17-13 RESOLUTION NO. 17-13 AMENDING CITY POLICY FOR THE DISPOSITION OF CITY OWNED REAL PROPERTY](#)

**Recommendation:** That City Council adopt Resolution No. 17-13.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA AMENDING CITY COUNCIL POLICY 4.29 – DISPOSITION OF CITY OWNED REAL PROPERTY TO INCLUDE DISBURSEMENT DIRECTLY TO THE HOUSING DIVISION FOR USE IN THE LOT PURCHASE PROGRAM AND TO ADOPT LOT PURCHASE PROGRAM GUIDELINES.

**Placed on regular agenda.**

21. [17-09 Supplemental Budget Resolution No. 17-09 - Emergency Watershed Protection Program Measures - TA](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-09.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.

**Placed on regular agenda.**

22. [17-00099 INVOCATION POLICY](#)

**Recommendation:** That City Council adopt a resolution establishing an Invocation Policy.

Council Member Johnson requested adequate police presence during this item on Thursday evening.

**Placed on regular agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**23. [17-14 RESOLUTION NO. 17-14 - INVOCATION POLICY](#)

**Recommendation:** That City Council adopt Resolution No. 17-14.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, REGARDING A CERIMONIAL, OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE AT COUNCIL MEETINGS PRIOR TO OFFICIAL POLICYMAKING AND LEGISLATIVE FUNCTIONS; ADOPTING A POLICY OF NON-EXCLUSION AND SELECTION OF VOLUNTEER INVOCATION SPEAKERS AND A DIVERSITY OF VIEWPOINTS AND NON-EXCLUSION OF THOSE IN ATTENDANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Brief discussion took place among Council with Council President Spencer fielding comments and questions.

**Placed on regular agenda.**

24. [17-00018 AWARD OF CONTRACT - BID #17-010 EMERGENCY WATERSHED PROTECTION PROGRAM BAYWOODS GULLY WEST - PHASE II PROJECT](#)

**Recommendation:** That City Council award a contract for construction of Emergency Watershed Protection Program Baywoods Gully West Phase II Project to BKW, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$967,125.89, plus additive alternate #1 of \$13,464.50, plus a 10% contingency of \$98,059.04 for a total amount of \$1,078,649.43.

**Placed on regular agenda.**

## 25. 03-17 PROPOSED ORDINANCE NO. 03-17 - AMENDMENT TO SECTION 3-1-13, COUNCIL RESERVE (GENERAL FUND) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA

**Recommendation:** That City Council approve Proposed Ordinance No. 03-17 on first reading.

AN ORDINANCE AMENDING SECTION 3-1-13 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE COUNCIL RESERVE POLICY (GENERAL FUND); SEVERABILITY CLAUSE; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

**Placed on regular agenda.**



**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

26. [17-00105](#) REQUEST FOR LEGAL OPINION - RECONSTRUCTION OF NONCONFORMING STRUCTURES AT 1812 AND 1814 E. LAKEVIEW

**Recommendation:** That City Council request a legal opinion from the City Attorney, regarding reconstruction of nonconforming structures at 1812 and 1814 E. Lakeview Avenue.

Council President Spencer explaining intent.

**Placed on regular agenda.**

27. [17-00049](#) FY 2017 STREET REHABILITATION - INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY

**Recommendation:** That City Council authorize the Mayor to take all necessary action to execute an Interlocal Agreement with Escambia County to facilitate the re-paving of certain streets on the border of the City/County Limits.

**Placed on regular agenda.**

28. [17-00056](#) INTERLOCAL AGREEMENT - PENSACOLA-ESCAMBIA COUNTY PROMOTION AND DEVELOPMENT COMMISSION

**Recommendation:** That City Council approve and authorize the Mayor to execute the Interlocal Agreement between the City and Escambia County related to the funding of the Pensacola-Escambia County Promotion and Development Commission (PEDC) for FY 2017.

**Placed on regular agenda.**

29. [17-10](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-10 - REPLACEMENT OF DAMAGED VEHICLES - SANITATION SERVICES

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-10.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.

**Placed on regular agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

30. 01-17 PROPOSED ORDINANCE NO. 01-17 - AMENDMENT TO SECTION 3 OF ORDINANCE NO. 23-15, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION (EDATE) TO REAL PROPERTY AT 101 E. ROMANA STREET AND TANGIBLE PROPERTY FOR DAILY CONVO, LLC.

**Recommendation:** That City Council adopt Proposed Ordinance No. 01-17 on second reading.

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ORDINANCE AMENDING ORDINANCE NO. 23-15, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION FOR CERTAIN IMPROVEMENTS TO REAL PROPERTY LOCATED AT 101 EAST ROMANA STREET AND TANGIBLE PROPERTY FOR DAILY CONVO, LLC; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Council Member Cannada-Wynn inquired to the amendment with Robert Emmanuel, representing Daily Convo, LLC, responding accordingly.

**Placed on regular agenda.**

**FOR DISCUSSION**

None.

**INFORMATIONAL ITEMS**

None.

**CONSIDERATION OF ANY ADD-ON ITEMS**

31. [17-15 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-15 - LOST IV FIRE APPARATUS PURCHASE](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-15.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.

Council Member Cannada-Wynn asked questions with City Administrator Olson responding accordingly.

**A motion was made by Council Member Cannada-Wynn and seconded by Council Member Johnson to add this item to the regular agenda.**

**CONSIDERATION OF ANY ADD-ON ITEMS (CONT'D.)**

**The motion (to add Item 31) carried by the following vote (with Council Member Myers no longer in attendance):**

|        |  |
|--------|--|
| Yes: 5 | Brian Spencer, Gerald Wingate, Jewel Cannada-Wynn, Larry Johnson,<br>P.C. Wu |
| No: 0  | None   |

- 32. [17-00112 RESOLUTION IN SUPPORT OF ESCAMBIA COUNTY'S EFFORTS TO ENSURE TRIUMPH GULF COAST FUNDS COME TO THE EIGHT DISPROPORTIONATELY AFFECTED COUNTIES IN NORTHWEST FLORIDA](#)

**Recommendation:** That City Council adopt a resolution supporting Escambia County's efforts to ensure Triumph Gulf Coast funds come to the eight disproportionately affected counties in Northwest Florida.

**A motion was made by Council Member Cannada-Wynn and seconded by Council Member Wingate to add this item to the regular agenda.**

**The motion carried by the following vote (with Council Member Myers no longer in attendance):**

|        |  |
|--------|--|
| Yes: 5 | Brian Spencer, Gerald Wingate, Jewel Cannada-Wynn, Larry Johnson,<br>P.C. Wu |
| No: 0  | None   |

- 33. [17-16 RESOLUTION IN SUPPORT OF ESCAMBIA COUNTY'S EFFORTS TO ENSURE TRIUMPH GULF COAST FUNDS COME TO THE EIGHT DISPROPORTIONATELY AFFECTED COUNTIES IN NORTHWEST FLORIDA](#)

**Recommendation:** That City Council adopt Resolution No. 17-16.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, IN SUPPORT OF ESCAMBIA COUNTY FLORIDA'S EFFORTS TO ENSURE TRIUMPH GULF COAST FUNDS COME TO THE EIGHT DISPROPORTIONATELY AFFECTED COUNTIES IN NORTHWEST FLORIDA.

**A motion was made by Council Member Cannada-Wynn and seconded by Council Member Wingate to add this item to the regular agenda.**

**The motion carried by the following vote (with Council Member Myers no longer in attendance):**

|        |  |
|--------|--|
| Yes: 5 | Brian Spencer, Gerald Wingate, Jewel Cannada-Wynn, Larry Johnson,<br>P.C. Wu |
| No: 0  | None   |

**READING OF ITEMS FOR COUNCIL AGENDA**

As presented above.

Council Member Johnson clarifying he would like Appointment - Planning Board item placed prior to the Presentation by Quint Studer Regarding Pre-K Learning.

*No objections.*

**COMMUNICATIONS****CITY ADMINISTRATOR'S COMMUNICATION**

City Administrator Olson provided a verbal update on various initiatives and projects.

**34. [17-00115 PRESENTATION BY DERRIK OWENS, PUBLIC WORKS DIRECTOR](#)**

Council President Spencer asked that this presentation be postponed until the next agenda conference (on 3/6/17).

**36. [17-00090 MONTHLY CRIME REPORT - POLICE CHIEF, DAVID ALEXANDER III](#)**

January 2017 report was presented (on file with agenda materials). Police Chief Alexander responded accordingly to questions of Council Members.

**35. [17-00085 MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.](#)**

January 2017 report was presented (on file with agenda materials). Chief Financial Officer Barker responded accordingly to questions of Council Members.

**CITY ATTORNEY'S COMMUNICATION**

None.

**CITY COUNCIL COMMUNICATION**

None

**ADJOURNMENT**

6:51 P.M.