



City of Pensacola

City Council

Agenda - Final

Thursday, October 14, 2021, 5:30 PM

Council Chambers, 1st Floor

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

The meeting can be watched via live stream at cityofpensacola.com/video. Citizens may submit an online form at <https://www.cityofpensacola.com/ccinput> BEGINNING AT 3:00 P.M.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

Council Member Sherri Myers

FIRST LEROY BOYD FORUM

AWARDS

APPROVAL OF MINUTES

1. [21-00902](#) APPROVAL OF MINUTES: REGULAR MEETING DATED SEPTEMBER 23, 2021

Attachments: [Draft: Regular Meeting Dated 9/23/21](#)

APPROVAL OF AGENDA

CONSENT AGENDA

2. [21-00687](#) 2020 HOME INVESTMENT PARTNERSHIPS PROGRAM INTERLOCAL AGREEMENT
- Recommendation:** That City Council approve the 2020 HOME Investment Partnerships Program (HOME) interlocal agreement with Escambia County providing for the City of Pensacola's participation in the HOME program. Further, that City Council authorize the Mayor to take all actions necessary to execute all documents relating to the program's administration.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Interlocal Agreement for HOME Investment Partnerships Program \(2\)](#)
3. [21-00819](#) 2021 HOME INVESTMENT PARTNERSHIPS PROGRAM INTERLOCAL AGREEMENT
- Recommendation:** That City Council approve the 2021 HOME Investment Partnerships Program (HOME) interlocal agreement with Escambia County providing for the City of Pensacola's participation in the HOME program. Further, that City Council authorize the Mayor to take all actions necessary to execute all documents relating to the program's administration.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Interlocal Agreement for HOME Investment Partnerships Program \(2\)](#)
4. [21-00751](#) AWARD OF BID #21-037 CROSS STREET, DR MARTIN LUTHER KING JR DRIVE TO 9TH AVENUE DRAINAGE IMPROVEMENTS PROJECT
- Recommendation:** That City Council award Bid #21-037 Cross Street, Martin Luther King Jr Drive to 9th Avenue Drainage Improvements Project to Site and Utility LLC, of Pensacola Florida, the lowest and most responsible bidder with a base bid of \$143,470.00 plus additive alternate #1, in the amount of \$52,135.00 plus additive alternate #2, in the amount of \$0.00 plus a 10% contingency in the amount of \$19,560.50 for a total amount of \$215,165.50. Further, that City Council authorize the Mayor to execute the contract and take all action necessary to complete the project.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Bid Tabulation, Bid No. 21-037](#)
[Final Vendor Reference List, Bid No. 21-037](#)
[Map-Cross Street,Dr. Martin Luther King Jr Drive to 9th Avenue Drainage](#)

5. [21-00841](#) APPOINTMENT - PENSACOLA-ESCAMBIA DEVELOPMENT COMMISSION
- Recommendation:** That City Council appoint Dr. Lusharon Wiley to the Pensacola-Escambia Development Commission to fill an unexpired term ending June 30, 2023.
- Sponsors:** Jared Moore
- Attachments:** [Nomination Form - Dr Lusharon Wiley](#)
[Application of Interest - Dr. Lusharon Wiley](#)
[Resume - Dr Lusharon Wiley Biosketch](#)
[Ballot](#)
6. [21-00845](#) APPOINTMENT - PARKS AND RECREATION BOARD
- Recommendation:** That City Council appoint Mike O'Donovan to fill an unexpired term ending March 31, 2022.
- Sponsors:** Jared Moore
- Attachments:** [Member List](#)
[Nomination Forms - Mike O'Donovan](#)
[Application of Interest - Mike O'Donovan](#)
[Ballot](#)

REGULAR AGENDA

7. [21-00844](#) APPOINTMENT - ARCHITECTURAL REVIEW BOARD
- Recommendation:** That City Council appoint a property or business owner within the Palafox Historic Business District to a two year term, expiring September 30, 2023.
- Sponsors:** Jared Moore
- Attachments:** [Member List](#)
[Nomination Form - John McCorvey](#)
[Application of Interest - John McCorvey](#)
[Bio - John McCorvey](#)
[Nomination Form - Brian Spencer](#)
[Application of Interest - Brian Spencer](#)
[Ballot](#)

8. [21-00809](#) PUBLIC HEARING: PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - REPEAL OF SECTION 12-3-65 - PARKING FOR CERTAIN USES PROHIBITED
- Recommendation:** That City Council conduct a public hearing on October 14, 2021 to consider the repeal of Section 12-3-65 of the Land Development Code - Parking for Certain Uses Prohibited.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Proposed Ordinance No. 40-21](#)
[Planning Board Minutes September 14 2021 - DRAFT](#)
9. [40-21](#) PROPOSED ORDINANCE NO. 40-21 - AMENDMENT TO THE LAND DEVELOPMENT CODE - REPEAL OF SECTION 12-3-65 - PARKING FOR CERTAIN USES PROHIBITED
- Recommendation:** That City Council approve Proposed Ordinance No. 40-21 on first reading.
- AN ORDINANCE REPEALING SECTION 12-3-65 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Proposed Ordinance No. 40-21](#)
[Planning Board Minutes September 14 2021 - DRAFT](#)
10. [21-00811](#) PUBLIC HEARING: PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - TABLE 12-3.9 - REGULATIONS FOR THE NORTH HILL PRESERVATION ZONING DISTRICT
- Recommendation:** That City Council conduct a public hearing on October 14, 2021 to consider a proposed amendment to Table 12-3.9 of the Land Development Code, pertaining to North Hill Preservation multiple-family zoning district - PR-2.
- Attachments:** [Proposed Ordinance No. 41-21](#)
[Planning Board Minutes September 14 2021 - DRAFT](#)

11. [41-21](#) PROPOSED ORDINANCE NO. 41-21 - AMENDMENT TO THE LAND DEVELOPMENT CODE - TABLE 12-3.9 - REGULATIONS FOR THE NORTH HILL PRESERVATION DISTRICTS - PR-2 MINIMUM LOT SIZE REQUIREMENTS
- Recommendation:** That City Council approve Proposed Ordinance No. 41-21 on first reading:
- AN ORDINANCE AMENDING TABLE 12-3.9 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, REGULATIONS FOR THE NORTH HILL PRESERVATION ZONING DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Proposed Ordinance No 41-21](#)
[Planning Board Minutes September 14 2021 - DRAFT](#)
12. [21-00813](#) PUBLIC HEARING: REQUEST FOR FUTURE LAND USE MAP AND ZONING MAP AMENDMENT - 1717 NORTH PALAFOX STREET
- Recommendation:** That City Council conduct a Public Hearing on October 14, 2020, to consider the request to amend the Future Land Use Map and Zoning Map for property located at 1717 North Palafox Street.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Planning Board Rezoning Application](#)
[Planning Board Minutes September 14 2021 - DRAFT](#)
[Zoning Map September 2021](#)
[Proposed Ordinance No. 43-21](#)
[Future Land Use Map](#)
[Proposed Ordinance No. 42-21](#)

13. [43-21](#) PROPOSED ORDINANCE NO. 43-21 - REQUEST FOR FUTURE LAND USE MAP AMENDMENT - 1717 NORTH PALAFOX STREET

Recommendation: That City Council approve Proposed Ordinance No. 43-21 on first reading:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 43-21](#)
[Future Land Use Map](#)
[Planning Board Rezoning Application](#)
[Planning Board Minutes September 14 2021 - DRAFT](#)

14. [42-21](#) PROPOSED ORDINANCE NO. 42-21 - REQUEST FOR ZONING MAP AMENDMENT - 1717 NORTH PALAFOX STREET

Recommendation: That City Council approve Proposed Ordinance No. 42-21 on first reading:

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 42-21](#)
[Planning Board Rezoning Application](#)
[Planning Board Minutes September 14 2021 - DRAFT](#)

15. [21-00837](#) MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PENSACOLA AND CARSON LOVELL COMPANY REGARDING THE PERFORMANCE OF DUE DILIGENCE ON LOTS 4 AND 5 AT THE COMMUNITY MARITIME PARK

Recommendation: Staff recommends that City Council reject this Memorandum of Understanding, due to the fact that the City will not receive any income based on what is proposed and the City is potentially at risk to reimburse Carson Lovell their due diligence cost.

Attachments: [Memorandum of Understanding between the City of Pensacola and Carson Lovell Company](#)
[TALKING POINTS HAND OUT Presented by Greg Darden, Director](#)

16. [21-00834](#) LEASE OF REAL PROPERTY FOR REDEVELOPMENT - UPLAND AND SUBMERGED LAND IN BAYLEN SLIP SOUTH OF HARBOURVIEW ON THE BAY BUILDING

Recommendation: That City Council authorize the Mayor to negotiate and execute a lease with Gulf Marine Construction Inc. for the redevelopment of upland and submerged real property (portion of Parcel Ref. No. 000S009100001034) located in the Baylen Slip inland waterway directly south of the Harbourview on the Bay building at 25 West Cedar Street.

Sponsors: Grover C. Robinson, IV

Attachments: [Submittal - Gulf Marine Construction lease offer](#)
[Council Action - Legal Notice for Disposition Approved - July 15, 2021](#)
[Map - Baylen Slips Lease Area - revised 072121](#)

17. [2021-88](#) RESOLUTION NO. 2021-88 FOR GRANT APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS RELIEF (CDBG-CV) PROGRAM

Recommendation: That City Council adopt Resolution No. 2021-88.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA; SUPPORTING APPLICATION TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FLORIDA ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS RELIEF FUNDING (CDBG-CV); AUTHORIZING THE MAYOR OF THE CITY OF PENSACOLA TO TAKE ALL ACTIONS NECESSARY TO EXECUTE ALL DOCUMENTS RELATING TO THE GRANT APPLICATION; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Resolution No. 2021-88](#)

18. [2021-85](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-85 - REALLOCATION OF LOST IV PROJECTS

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2020-85.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Supplemental Budget Resolution No. 2021-85](#)
[Supplemental Budget Explanation No. 2021-85](#)
[Revised LOST IV Project List](#)

19. [2021-86](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-86 - AMENDING THE FISCAL YEAR 2021 BUDGET
- Recommendation:* That City Council adopt Supplemental Budget Resolution No. 2021-86.
- A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.
- Sponsors:* Grover C. Robinson, IV
- Attachments:* [Supplemental Budget Resolution No. 2021-86](#)
[Supplemental Budget Explanation No. 2021-86](#)
20. [2021-87](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-87 - APPROPRIATION OF FUNDING FOR THE PURCHASE OF KUBOTA U35-4 MINI-EXCAVATOR AND DUMP TRAILER
- Recommendation:* That City Council adopt Supplemental Budget Resolution No. 2021-87
- A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.
- Sponsors:* Grover C. Robinson, IV
- Attachments:* [Supplemental Budget Resolution No. 2021-87](#)
[Supplemental Budget Explanation No. 2021-87](#)
21. [21-00891](#) LETTER OF SUPPORT FOR FLORIDA WEST ECONOMIC DEVELOPMENT ALLIANCE IN SUPPORT OF BUILD BACK BETTER PHASE 1 PROPOSAL
- Recommendation:* That City Council authorize the Council President to prepare and sign a letter of support on behalf of the City Council, supporting Florida West's Build Back Better Phase 1 proposal.
- Sponsors:* Jared Moore

COUNCIL EXECUTIVE'S REPORT

MAYOR'S COMMUNICATION

COUNCIL COMMUNICATIONS

CIVIC ANNOUNCEMENTS

SECOND LEROY BOYD FORUM

ADJOURNMENT

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he 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.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00902

City Council

10/14/2021

SUBJECT:

APPROVAL OF MINUTES: REGULAR MEETING DATED SEPTEMBER 23, 2021



City of Pensacola

CITY COUNCIL

Regular Meeting Minutes

September 23, 2021

5:30 P.M.

Council Chambers

Council President Moore called the meeting to order at 5:33 P.M.

ROLL CALL

Council Members Present: Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones (arrived 7:25; attended via Microsoft Teams), Sherri Myers, Delarian Wiggins (attended via Microsoft Teams)

Council Members Absent: None

Also Present: Mayor Grover C. Robinson, IV (arrived 5:52)

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

The meeting can also be watched live stream at: [cityofpensacola.com/428/Live-Meeting-Video](https://www.cityofpensacola.com/428/Live-Meeting-Video).

To provide input:

- Leroy Boyd Forum, for items not on the agenda: citizens may submit an online form here <https://www.cityofpensacola.com/ccinput> **beginning at 3:00 P.M. until 5:30 P.M. only** to indicate they wish to speak during LeRoy Boyd Forum **and include a phone number. Staff will call the person** at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone.
- Agenda Items, for specific items on the agenda: citizens may submit an online form here <https://www.cityofpensacola.com/ccinput> **beginning at 3:00 P.M. until that agenda item has been voted upon** to indicate they wish to speak to a specific item on the agenda **and include a phone number. Staff will call the person** at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone. **Any form received after an agenda item has been voted upon will not be considered.**

INVOCATION

Moment of Silence

PLEDGE OF ALLEGIANCE

Council President Jared Moore

FIRST LEROY BOYD FORUM

The following individuals addressed Council (via phone held up to a mic) regarding adverse environmental and health impacts related to the use of two-stroke gasoline powered leaf blowers urging the passage of restrictive municipal regulations:

Eve Herron

David Anderson

Phyllis Bardin

Rosemary Bishop

Sarah Randolph

Michael Kimberl: Addressed his concerns regarding the proposed recommendation to the City from the Homeless Reduction Task Force of Northwest Florida.

This concluded the first segment of LeRoy Boyd Forum.

AWARDS

Recognition of John Jerrals as *Council Member Emeritus*.

APPROVAL OF MINUTES

1. [21-00820](#) APPROVAL OF MINUTES: REGULAR MEETING DATED SEPTEMBER 9, 2021 AND SPECIAL MEETING DATED SEPTEMBER 15, 2021

A motion to approve was made by Council Member Hill and seconded by Council Member Broughton.

The motion carried by the following vote (with Council Member Jones not yet in attendance):

Yes: 6	Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri Myers, Delarian Wiggins
No: 0	None

APPROVAL OF AGENDA

Council President Moore **referenced hardcopies of five (5) add-on items.** Mayor Robinson explained the intent of the four (4) items which he is sponsoring.

Add-on items were presented as follows:

21-00805 FLORIDA STATE FRATERNAL ORDER OF POLICE, INC. (FOP)
POLICE SERGEANTS TENTATIVE COLLECTIVE BARGAINING AGREEMENT

A motion to add-on was made by Council Member Brahier and seconded by Council Member Hill.

The motion carried by the following vote (with Council Member Jones not yet in attendance):

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri
Myers, Delarian Wiggins

No: 0 None

21-00821 FLORIDA STATE FRATERNAL ORDER OF POLICE, INC. (FOP)
POLICE LIEUTENANTS TENTATIVE COLLECTIVE BARGAINING AGREEMENT

A motion to add-on was made by Council Member Hill and seconded by Council Member Brahier.

The motion carried by the following vote (with Council Member Jones not yet in attendance):

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri
Myers, Delarian Wiggins

No: 0 None

21-00822 MAYORAL APPOINTMENT TO THE DOWNTOWN IMPROVEMENT
BOARD (DIB)

A motion to add-on was made by Council Member Hill and seconded by Council Member Brahier.

The motion carried by the following vote (with Council Member Jones not yet in attendance):

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri
Myers, Delarian Wiggins

No: 0 None

APPROVAL OF AGENDA (CONT'D.)

21-00825 REFERRAL TO ENVIRONMENTAL ADVISORY BOARD - ENVIRONMENTAL IMPACT OF THE USE OF TWO-STROKE GAS LEAF BLOWERS ON GREENHOUSE GAS EMISSIONS

A motion to add-on was made by Council Member Hill and seconded by Council Member Brahier.

Some discussion took place regarding the intent of this item with Council Member Myers (sponsor) responding accordingly to questions from Council Member Hill.

Upon conclusion of discussion the vote was called.

The motion carried by the following vote (with Council Member Jones not yet in attendance):

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri Myers, Delarian Wiggins
No: 0 None

21-00828 MEMORANDUM OF AGREEMENT FOR AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) COLLECTIVE BARGAINING AGREEMENT

A motion to add-on was made by Council Member Brahier and seconded by Council Member Hill.

The motion carried by the following vote (with Council Member Jones not yet in attendance):

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri Myers, Delarian Wiggins
No: 0 None

Based on discussion, all add-on items will be taken up for consideration under the regular agenda with Item 21-00822 being placed at the top of the regular agenda and the others at the bottom.

APPROVAL OF AGENDA (CONT'D.)

A motion to approve the agenda as amended was made by Council Member Brahier and seconded by Council Member Hill.

The motion carried by the following vote (with Council Member Jones not yet in attendance):

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri Myers, Delarian Wiggins
No: 0 None

CONSENT AGENDA

2. [21-00730](#) AWARD OF CONTRACT - BID #21-035 PENSACOLA INTERNATIONAL AIRPORT ECONOMY LOT 3 PARKING LOT

Recommendation: That City Council award the contract for Invitation to Bid #21-035 for the Pensacola International Airport Economy Lot 3 Parking Lot to Chavers Construction, Inc., the lowest and best responsive bid in the amount of \$1,865,738.30 plus a 10% contingency in the amount of \$186,573.83 for a total amount of \$2,052,312.13. Further, that City Council authorize the Mayor to take all actions necessary to execute the contract.

3. [21-00763](#) AWARD OF CONTRACT TO HYDRA ENGINEERING & CONSTRUCTION, LLC FOR INVITATION TO BID (ITB) #21-032 SANDERS BEACH HURRICANE SALLY RESTORATION

Recommendation: That City Council award a contract to Hydra Engineering & Construction, LLC for ITB 21-032 Sanders Beach Hurricane Sally Restoration for \$463,392.19 plus a 20% contingency of \$92,678.44 for a total amount of \$556,070.63. Further, that City Council authorize the Mayor to take all actions necessary to execute all contracts, related documents and to complete the project.

4. [21-00764](#) APPOINTMENT - EASTSIDE REDEVELOPMENT BOARD

Recommendation: That City Council appoint Zachary Lane a homeowner within the Eastside Redevelopment Neighborhood TIF District area to the Eastside Redevelopment Board to fill an unexpired term ending April 30, 2022.

CONSENT AGENDA (CONT'D.)5. [21-00765](#) APPOINTMENTS - ARCHITECTURAL REVIEW BOARD

Recommendation: That City Council reappoint Lou Mitchell Courtney a Planning Board Member or resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District and George R. Mead, II a resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District, to the Architectural Review Board for a term of two (2) years, expiring September 30, 2023.

A motion to approve consent agenda items 2, 3, 4, and 5 was made by Council Member Brahier and seconded by Council Member Hill.

The motion carried by the following vote (with Council Member Jones not yet in attendance):

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri Myers, Delarian Wiggins
No: 0 None

REGULAR AGENDA

[21-00822](#) **ADD-ON** MAYORAL APPOINTMENT TO THE DOWNTOWN IMPROVEMENT BOARD (DIB)

Recommendation: That City Council affirm the Mayor's appointment of Claire Campbell to the Downtown Improvement Board (DIB) for a term of three (3) years expiring June 30, 2024.

A motion to approve was made by Council Member Brahier and seconded by Council Member Hill.

The motion carried by the following vote (with Council Member Jones not yet in attendance):

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri Myers, Delarian Wiggins
No: 0 None

REGULAR AGENDA (CONT'D.)

6. [2021-73 RESOLUTION NO. 2021-73 - PROVIDING FOR A MORATORIUM ON THE EVICTION OF HOMELESS INDIVIDUALS WITHIN THE CITY OF PENSACOLA](#)

Recommendation: That City Council adopt Resolution No. 2021-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA DECLARING A MORATORIUM ON THE EVICTION OF HOMELESS INDIVIDUALS ENCAMPED UNDER THE I-110 OVERPASS AND WITHIN THE HOLLICE T. WILLIAMS PARK IN THE CITY OF PENSACOLA; PROVIDING FOR AN EFFECTIVE DATE

A motion to adopt was made by Council Member Hill and seconded by Council Member Myers.

The following individuals addressed Council:

Daniel Lindemann (via phone held up to mic)	Amanda Greathouse
Connie Bookman	Sarah Brummet
Laura Kennedy	Mark Horn
Matthew Carr	Mikaellah Davis Makepeace
Michael Kimberl	Travis Cummins
Kevin Wilson	

Council Members asked questions of speakers throughout public input. Mayor Robinson also responded to comments.

Following public input, discussion ensued among Council. Mayor Robinson also responded accordingly to comments and questions. Based on discussion, **Council Member Brahier offered a friendly amendment adding language in Section 2, second paragraph to read: "Therefore, with the City's full commitment to transition to vetted Council solutions towards reducing homelessness, a moratorium of 90 days is enacted to prohibit such evictions".**

No objections.

Upon conclusion of discussion, the vote was called.

The motion (with friendly amendment) carried by the following vote:

Yes: 7	Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0	None

REGULAR AGENDA (CONT'D.)

7. [21-00795](#) LEASE RENEWAL - SUBMERGED LAND ADJACENT TO FORMER SCUBA SHACK PROPERTY

Recommendation: That City Council approve the Amendment to Lease Agreement for the lease of submerged real property (portion of Parcel Ref. No. 000S009100001034) located in inland waterway Baylen Slip adjacent to 711 South Palafox Street (former Scuba Shack property) with JME of NWF, LLC through April 30, 2047.

A motion to approve was made by Council Member Jones and seconded by Council Member Moore.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0 None

8. [21-00727](#) PORT OF PENSACOLA - FLORIDA SEAPORT TRANSPORTATION ECONOMIC DEVELOPMENT (FSTED) GRANT 449499-2-84-01 FOR COVID RELIEF FOR SEAPORTS

Recommendation: That City Council accept and authorize the Mayor to execute State of Florida, Florida Seaport Transportation Economic Development (FSTED) Grant # 449499-2-84-01 in the amount of \$806,772 comprised of \$806,772 in FSTED funds and \$0 in local match. Further, that City Council authorize the Mayor to take all actions necessary to accept, execute and administer the grant. Finally, that City Council adopt a supplemental budget resolution appropriating the grant funds.

A motion to approve was made by Council Member Brahier and seconded by Council Member Hill.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0 None

REGULAR AGENDA (CONT'D.)

9. [2021-82 SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-82 - PORT OF PENSACOLA - FLORIDA SEAPORT TRANSPORTATION ECONOMIC DEVELOPMENT \(FSTED\) GRANT #449499-2-84-01 SEAPORT COVID RELIEF GRANT FOR SEAPORTS](#)

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2021-82.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Brahier and seconded by Council Member Hill.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0 None

10. [2021-63 SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-63 - APPROPRIATING FUNDING FOR THE STREET RECONSTRUCTION PROJECT FOR SOUTH "S" STREET AND SOUTH "P" STREET](#)

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2021-63.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Brahier and seconded by Council Member Moore.

Discussion ensued among Council with Interim Public Works & Facilities Director Forte responding accordingly to questions.

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0 None

REGULAR AGENDA (CONT'D.)

11. [2021-81](#) RESOLUTION NO. 2021-81 AUTHORIZING THE COMMUNITY REDEVELOPMENT AGENCY TO APPLY FOR AND ACCEPT A FDOT BEAUTIFICATION GRANT FOR CONSTRUCTING LANDSCAPE IMPROVEMENTS WITHIN THE GARDEN STREET CORRIDOR

Recommendation: That City Council adopt Resolution No. 2021-81:

A RESOLUTION OF THE CITY OF PENSACOLA COUNCIL AUTHORIZING THE COMMUNITY REDEVELOPMENT AGENCY TO APPLY FOR AND ACCEPT A FDOT BEAUTIFICATION GRANT AND ENTER INTO A BEAUTIFICATION GRANT AGREEMENT AND A LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE.

A motion to adopt was made by Council Member Brahier and seconded by Council Member Broughton.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
 No: 0 None

12. [35-21](#) PROPOSED ORDINANCE NO. 35-21 - AMENDMENT TO THE LAND DEVELOPMENT CODE - RESIDENTIAL DENSITY TRANSFERS

Recommendation: That City Council adopt Proposed Ordinance No. 35-21 on second reading.

AN ORDINANCE AMENDING SECTION 12-3-109 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, ESTABLISHING A PROCESS FOR THE APPROVAL OF RESIDENTIAL DENSITY TRANSFERS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. ([Ordinance No. 20-21](#))

A motion to adopt was made by Council Member Wiggins and seconded by Council Member Jones.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
 No: 0 None

REGULAR AGENDA (CONT'D.)

13. [37-21](#) PROPOSED ORDINANCE NO. 37-21 - FUTURE LAND USE MAP AMENDMENT - RECENTLY ANNEXED PROPERTY - AMR PENSACOLA, INC

Recommendation: That City Council adopt Proposed Ordinance No. 37-21 on second reading:

AN ORDINANCE AMENDING THE FUTURE LAND USE CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE. ([Ordinance No. 21-21](#))

A motion to adopt was made by Council Member Hill and seconded by Council Member Brahier.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0 None

14. [36-21](#) PROPOSED ORDINANCE NO. 36-21 - ZONING MAP AMENDMENT - RECENTLY ANNEXED PROPERTY - AMR PENSACOLA, INC

Recommendation: That City Council adopt Proposed Ordinance No. 36-21 on second reading:

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE. ([Ordinance No. 22-21](#))

A motion to adopt was made by Council Member Hill and seconded by Council Member Brahier.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0 None

REGULAR AGENDA (CONT'D.)

21-00805 **ADD-ON** FLORIDA STATE FRATERNAL ORDER OF POLICE, INC. (FOP) POLICE SERGEANTS TENTATIVE COLLECTIVE BARGAINING AGREEMENT

Recommendation: That City Council ratify the Tentative Collective Bargaining Agreement between the City of Pensacola and the Florida State Fraternal Order of Police, Inc. (FOP) Police Sergeants Unit.

A motion to approve was made by Council Member Brahier and seconded by Council Member Hill.

Mayor Robinson made comments and Labor Relations & Organizational Development Officer Powell explained the details regarding this item as well as following (add-on) Items 21-00821 and 21-00828 related to employee collective bargaining agreements. They responded accordingly to questions from Council Members.

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0 None

21-00821 **ADD-ON** FLORIDA STATE FRATERNAL ORDER OF POLICE, INC. (FOP) POLICE LIEUTENANTS TENTATIVE COLLECTIVE BARGAINING AGREEMENT

Recommendation: That City Council ratify the Tentative Collective Bargaining Agreement between the City of Pensacola and the Florida State Fraternal Order of Police, Inc. (FOP) Police Lieutenants Unit.

A motion to approve was made by Council Member Hill and seconded by Council Member Brahier.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0 None

REGULAR AGENDA (CONT'D.)**21-00828 ADD-ON MEMORANDUM OF AGREEMENT FOR AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) COLLECTIVE BARGAINING AGREEMENT**

Recommendation: That City Council approve the Memorandum of Agreement between the City of Pensacola and the American Federation of State, County and Municipal Employees (AFSCME).

A motion to approve was made by Council Member Brahier and seconded by Council Member Hill.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0 None

21-00825 ADD-ON REFERRAL TO ENVIRONMENTAL ADVISORY BOARD - ENVIRONMENTAL IMPACT OF THE USE OF TWO-STROKE GAS LEAF BLOWERS ON GREENHOUSE GAS EMISSIONS

Recommendation: That City Council refer to the Environmental Advisory Board for review and recommendation - Analyzing the impact of lawn management practices of city property and the use of two-stroke gas leaf blowers on greenhouse gas emissions in the city and suggestions for lowering any emissions associated with two-stroke blowers.

A motion to approve was made by Council Member Myers and seconded by Council Member Hill.

Discussion took place. **Council Member Hill suggested a friendly amendment that the EAB complete its review and return any recommendations to Council by the end of 2 EAB meetings.**

No objections.

Upon conclusion of discussion, the vote was called.

The motion (with friendly amendment) carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins
No: 0 None

COUNCIL EXECUTIVE'S REPORT

None

MAYOR'S COMMUNICATION

None

COUNCIL COMMUNICATIONS

None

CIVIC ANNOUNCEMENTS

None

SECOND LEROY BOYD FORUM

Michael Kimberl: Addressed Council Members first thanking them for their due diligence in deliberating the business of the City. He also referenced public advocates who addressed the Council in years past such as LeRoy Boyd, Gary Sansing, and Dorothy Dubuisson. Finally, he made remarks regarding the City of Pensacola's history regarding homelessness and anti-camping ordinances as to how we got to where we are today in addressing such issues and referenced a court case involving the City of Ocala.

Mayor Robinson referenced the retirement of City Administrator Wilkins as of October 1st and his years as a public employee with Escambia County as well as the City of Pensacola. He advised he will stay on until the end of 2021 to help with the transition of leadership. Council Member Myers made follow-up remarks.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 8:42 P.M.

Adopted: _____

Approved: _____
Jared Moore, President of City Council

Attest:

Ericka L. Burnett, City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00687

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

2020 HOME INVESTMENT PARTNERSHIPS PROGRAM INTERLOCAL AGREEMENT

RECOMMENDATION:

That City Council approve the 2020 HOME Investment Partnerships Program (HOME) interlocal agreement with Escambia County providing for the City of Pensacola's participation in the HOME program. Further, that City Council authorize the Mayor to take all actions necessary to execute all documents relating to the program's administration.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Cranston-Gonzalez National Affordable Housing Act of 1990 authorized contiguous local jurisdictions to enter a consortium for purposes of receiving funds and administering activities allowed under the HOME Investment Partnerships Program's regulations. The City of Pensacola and Escambia County entered into the HOME Consortium Agreement on June 22, 1999, which was extended by mutual agreement in June 2020, to assist with the rehabilitation of distressed housing within the city. HOME funds are used to support the Substantial Housing Rehabilitation/Reconstruction program. This program allows for major renovation or reconstruction of a severely substandard home.

The City of Pensacola is responsible for assuring compliance with all regulatory, statutory, and administrative requirements associated with HOME activities undertaken in the City. Escambia County, as the fiscal agent, provides limited administrative authority for the program's implementation and maintains final approval authority with regard to the expenditure of HOME activity and administrative funds. Both jurisdictions cooperatively develop program policies, procedures, and actions required to implement the program.

PRIOR ACTION:

None

FUNDING:

Budget: \$157,600

Actual: \$159,620

FINANCIAL IMPACT:

The difference in the budgeted and actual funding levels is due to the U.S. Department of Housing and Urban Development awarding additional funding to the program. The additional funding will be allocated through the budget process.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Choose an item.

[Click here to enter a date.](#)

STAFF CONTACT:

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator - Community Development

Marcie Whitaker - Housing Director

ATTACHMENTS:

- 1) Interlocal Agreement for HOME Investment Partnerships Program (2020 Escambia Consortium HOME Grant M-20-DC-12-0225)

PRESENTATION: No

**INTERLOCAL AGREEMENT
FOR HOME INVESTMENT PARTNERSHIPS PROGRAM
(2020 Escambia Consortium HOME Grant M-20-DC-12-0225)**

THIS AGREEMENT is made and entered into by and between the **COUNTY OF ESCAMBIA**, a political subdivision of the State of Florida ("**ESCAMBIA COUNTY**"), with an administrative address of 221 Palafox Place, Suite 420, Pensacola, Florida 32502 and the **CITY OF PENSACOLA**, a municipal corporation created and existing under the laws of the State of Florida ("**CITY OF PENSACOLA**"), with an administrative address of 222 West Main Street, Pensacola, Florida 32502, for the purpose of receiving and administering activities in accordance with Title 24, Subtitle A, Part 92, Code of Federal Regulations, regulating funding provided through the federal HOME Investment Partnerships Program (hereinafter referred to as the "HOME Program" or the "Program") and the terms under which the City of Pensacola shall provide HOME Program eligible services and assistance to eligible families residing within the City of Pensacola.

WITNESSETH:

WHEREAS, Escambia County and the City of Pensacola have legal authority to perform general governmental services within their respective jurisdictions; and

WHEREAS, both jurisdictions are authorized by §163.01, Florida Statutes, to enter into interlocal agreements and, thereby, cooperatively utilize their powers and resources in the most efficient manner possible; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990 authorizes geographically contiguous local jurisdictions to form a consortium for purposes of receiving funds and administering activities in accordance with the HOME Investment Partnerships Program Regulations found at 24 C.F.R. Part 92 (CFDA # 14.239); and

WHEREAS, after executing the Escambia HOME Consortium Agreement on June 22, 1999, as extended by mutual agreement in June 2020, Escambia County and the City of Pensacola have determined that the provision of **Substantial Housing Rehabilitation/Reconstruction** assistance authorized by 24 C.F.R. §§92.205, 92.250, 92.251, and 92.252 is a high priority need in the City of Pensacola; and

WHEREAS, Escambia County desires to provide necessary limited administrative authority related to the delivery of HOME Program financed activities to the City of Pensacola, where the Pensacola Housing Division shall administer the City of Pensacola's participation in the HOME Program.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and of the mutual benefits and for other good and valuable consideration, Escambia County and the City of Pensacola agree as follows:

SECTION 1. Purpose of the Agreement.

This Agreement provides the Mayor of the City of Pensacola the authority and concurrent responsibility required to implement Substantial Housing Rehabilitation/Reconstruction activities in the City of Pensacola ("HOME Activities"), as provided for in the **2020 Escambia Consortium HOME Program Description** approved by the U.S. Department of Housing and Urban Development ("HUD"); and attached hereto as **EXHIBIT I** of this agreement and incorporated herein by reference. The City of Pensacola shall have direct responsibility for ensuring full and complete compliance with all regulatory, statutory, and administrative requirements associated with the HOME Activities undertaken in the City of Pensacola according to provisions articulated in the National Affordable Housing Act of 1990 (Public Law 101-625), as amended, the HOME Program regulations (24 C.F.R. Part 92), and all HOME Activities related administrative directives as amended and published under authorization of HUD.

SECTION 2. Coordination.

The City of Pensacola agrees to cooperate fully with Escambia County and the Neighborhood Enterprise Division ("NED") of the Escambia County Neighborhood & Human Services Department in all actions related to the HOME Program and related HOME Activities. With regard to HOME Program fiscal matters, the City of Pensacola and its Housing Division, in cooperation with NED, shall provide detailed cost documentation and other information pertaining to the payment of HOME Activities assistance on behalf of eligible clients to the Office of the Clerk of the Circuit Court/Finance Division as required to fully establish the eligibility and validity of Program-funded expenditures.

SECTION 3. HOME Program Policies, Procedures and Requirements.

The City of Pensacola, the Pensacola Housing Division, Escambia County, and NED shall cooperate in the development of the policies, procedures and actions required to implement the HOME Activities in the City of Pensacola, and both parties agree that Escambia County shall have the final local approval authority as designated in the HOME Consortium Agreement currently in effect between the two jurisdictions with regard to the expenditure of HOME Program activity and administrative funds. The City of Pensacola shall ensure that the HOME Activities provided through the HOME Program funding referenced herein are administered in accordance with the governing regulations found at 24 C.F.R. Part 92, which have been provided to the City as evidenced by the acknowledgement included in **EXHIBIT II** of this Agreement and incorporated herein by reference and the Consortium HOME Program Policies and Procedures Manual. The City of Pensacola and Escambia County and their designated agents agree to cooperate and communicate fully with each other during the term of this Agreement to ensure the provision of HOME Activities for qualified lower income families, including the execution of any documents necessary to carry out the purposes of this Agreement.

Escambia County and the City of Pensacola shall adhere to all applicable federal, state, and county rules, regulations, and policies for the full duration of this Agreement. All parties shall fully conform to the provisions and requirements of the HOME Investment Partnerships Program Regulations. In the event of conflict between the governing regulations, the stricter interpretation shall govern. The City of Pensacola shall fully comply with the uniform administrative, fiscal, and project requirements stipulated in the above cited laws and regulations, and in such laws and regulations as may be referenced therein, to the extent applicable. Specific compliance with applicable provisions of Subpart H and Subpart K of 24 C.F.R. Part 92 shall be required at all times with respect to HOME Program funded aspects of the development. The County assumes Environmental Review obligations under 24 C.F.R. §92.352.

Escambia County and the City of Pensacola agree that all actions related to this Agreement shall be undertaken in accordance with applicable provisions of federal laws and regulations *with regard to HOME Program assisted units*. Such federal requirements include, but are not limited to: Equal Employment Opportunity laws, fair and equal access to housing, provisions prohibiting discrimination, "Section 3" program compliance, MBE/WBE utilization goals, affirmative marketing measures, Davis-Bacon Act labor standards provisions (for individual projects exceeding eleven HOME Program-assisted units), Contract Work Hours and Safety Standards Act, lead-based paint inspection and treatment requirements, conflict of interest provisions, anti-nepotism provisions, displacement and relocation assistance requirements, prohibition against the use of federally debarred or suspended contractors or sub-contractors, and flood insurance provisions. In executing this Agreement, the City of Pensacola certifies that it shall take all actions required to fully comply with said provisions of law. Federal Davis-Bacon Act prevailing wage rates and all related payroll reporting and compliance requirements shall not apply to this Agreement as each housing unit will be processed as a single unit.

SECTION 4. Funding.

a) City of Pensacola HOME Activities:

The maximum **2020** HOME Program funding available to provide assistance to documented eligible,

low/moderate income clients through HOME Activities in the City of Pensacola shall be **\$138,455.00**. Said funds are allocated between approved and eligible HOME Activities denoted as follows:

Substantial Rehabilitation/Reconstruction of Homeowner Occupied Substandard Housing	\$138,455.00
--	--------------

Total **\$138,455.00**

EXHIBITS I and II further detail the requirements associated with the project categories cited above, and regulations referenced therein shall at all times govern the expenditure of funds referenced in this Agreement. HOME Activities funds shall be utilized within these designated categories unless the funds are reallocated by formal amendment as mutually approved by Escambia County and the City of Pensacola.

b) City of Pensacola HOME Activities Payment Processing:

Escambia County, through coordination with NED, shall issue HOME Program related payments from the Escambia Consortium HOME Trust Fund (Fund 147) for Pensacola HOME Activities as based upon clear and proper documentation of individual HOME Program client eligibility and of all costs to be paid or reimbursed by Escambia County in support of Pensacola HOME Activities and HOME Program client eligibility. Payments shall either be made directly to the approved vendor by Escambia County or to the City of Pensacola to reimburse costs that are advanced by the City of Pensacola, as based upon voucher and supporting documentation provided to the Clerk of the Circuit Court/Finance Division. The City of Pensacola Housing Division shall be programmatically and fiscally responsible for the accuracy, completeness and proper documentation of Pensacola HOME Activities, the eligibility of clients assisted in the City of Pensacola, and all related payments; and further, the City of Pensacola shall be responsible for the repayment of any disallowed costs related to the Pensacola HOME Activities.

c) City of Pensacola HOME Program Local Match Requirement:

HUD HOME Program regulations require local cash matching in a minimum amount equal to twenty-five percent (25%) of the HOME Program allocation, excluding administrative funds. Based upon the Pensacola HOME Activities funding cited in Section 4(a) above, the City of Pensacola shall provide a minimum local match of **\$34,613.75** in non-federal funds. The City of Pensacola's local match may be provided through the Escambia/Pensacola State Housing Initiatives Partnership (SHIP) Program as fiscally administered by Escambia County. Said matching funds shall be expended by the City of Pensacola to provide Substantial Housing Rehabilitation/Reconstruction for eligible units completed by the City of Pensacola under the terms and conditions of this Agreement and/or affordable housing for families with incomes at or below 80% of the Pensacola MSA median income adjusted for family size as defined by HUD. Local matching funds shall be expended during the term of this Agreement. Documentation of the expenditure of the required local matching funds shall be maintained by Escambia County through consultation with the City of Pensacola. In the event matching funds are not fully expended prior to the completion or termination of this Agreement, said remaining funds shall be expended in support of affordable housing activities within the City of Pensacola, Florida.

d) HOME Administrative Payments:

In addition to HOME Activities funds, the City of Pensacola shall be entitled to payment for HOME Program related administrative services in an amount not to exceed **\$21,165.00**, payable solely from funds currently available under the **2020 Escambia Consortium HOME Grant M-20-DC-12-0225**. Of these administrative funds, \$5000 of this funding will be directly allocated toward the HUD required Analysis of Impediments to Fair Housing Choice study. Funds not utilized for the Fair Housing Choice study will be remitted to the City of Pensacola for HOME Program administrative services. Administrative services funds shall be paid by Escambia County through the Clerk of the Circuit Court/Finance Division to the City of Pensacola in twelve (12) equal monthly installments beginning with the month following the effective date of

this Agreement. The City of Pensacola shall be responsible for ensuring documentation of proper expenditures of such administrative funds.

e) HOME Funding Limitations:

All funding addressed in this Agreement is available solely from the **2020 Escambia Consortium HOME Grant M-20-DC-12-0225** as provided by HUD. Escambia County shall have the right to immediately terminate this Agreement and immediately cease all payments related thereto in the event of termination or cancellation of said funding by HUD. Upon such occurrence, Escambia County and the City of Pensacola shall have no responsibility whatsoever for any payments beyond the costs directly paid or reimbursed by HUD. The Clerk of the Circuit Court/Finance Division shall retain fiscal control concerning the allowability of all payments for HOME Activities and related HOME Program administrative expenditures under this Agreement and shall disburse payments in accordance with the terms and conditions of this Agreement.

f) Program Income:

Any HOME Program Income received by the City of Pensacola will be returned to Escambia County not less than annually. Escambia County will remit the funds to Fund 147 and the HUD Integrated Disbursement and Information System (IDIS). Program Income funds will be utilized and disbursed on the next available eligible City of Pensacola project.

SECTION 5. Administrative Authority.

Upon written authorization of the County Administrator, the City of Pensacola or the Pensacola Housing Division may be authorized to prepare and execute documents and requests required to enter (set-up) and revise City of Pensacola projects in the HUD Integrated Disbursement and Information System (IDIS). However, neither the City of Pensacola nor the Pensacola Housing Division shall be authorized to draw down HOME Program funds from the Escambia Consortium Letter of Credit. Draw down of HOME Program funding from the Escambia Consortium Letter of Credit shall be undertaken solely by personnel authorized by Escambia County to perform such functions.

SECTION 6. Program Records.

The City of Pensacola assumes responsibility for maintaining all records and documentation related to the City of Pensacola HOME Activities associated with this Agreement. Further, such records and necessary HOME Activities information shall be readily available to Escambia County, its representatives or designated agent(s), the U.S. Department of HUD or its authorized representatives, or other duly authorized parties requiring access to such records. The City of Pensacola shall ensure that such records are maintained in accordance with the governing federal regulations; and shall keep all related records in a readily accessible location for a minimum of six (6) years, unless such records are the subject of litigation or audit, in which case they shall be maintained pending the completion of such action. The City of Pensacola shall cooperate with Escambia County to ensure the availability of all records related to this Agreement as may be required for audit, monitoring or reporting purposes.

SECTION 7. Liability.

Subject to any claim of sovereign immunity, each party to this Agreement shall be fully liable for the acts and omissions of its respective employees and agents in the performance of this Agreement to the extent permitted by law. The City of Pensacola shall be directly responsible, legally and fiscally, for all matters related to the HOME Activities assistance provided hereunder including but not limited to compliance with HOME Program Regulations; client intake and eligibility documentation; legal matters involving HOME Activities contracts; forms; certifications; specifications; bidding processes; and other actions in connection with proper implementation of HOME Activities according to **EXHIBITS I and II** hereto.

SECTION 8. Notices.

All notices to be made hereunder shall be in writing and shall be served either personally or by deposit with the U.S. Postal Service, certified mail, return receipt requested or by deposit with Federal Express or other nationally recognized overnight courier service, postage pre-paid and addressed to the following

Meredith Reeves, Division Manager
Neighborhood Enterprise Division
221 Palafox Place, Suite 200
Pensacola, Florida 32502
Phone: (850) 595-0022
E-mail: mareeves@myescambia.com

Mayor
City of Pensacola
Pensacola City Hall
P.O. Box 12910
Pensacola, Florida 32521
Phone: (850) 435-1626

City of Pensacola
Housing Division Administrator
420 W. Chase Street
Pensacola, FL 32501
Phone: (850) 858-0350

All notices shall be deemed served when received, except that any notice mailed or deposited in the manner provided in this section shall be deemed served on the postmark date or courier deposit (pickup) date.

SECTION 9. Effective Date, Term, and Termination.

a) This Agreement shall become effective, after being properly executed by the parties, when filed in the Office of the Clerk of the Circuit Court of Escambia County, Florida. Escambia County shall be responsible for such filing.

b) The term of this Agreement shall begin on **August 1, 2021**, and this Agreement shall continue for a term of one (1) year from said date or until all of the subject **2020** HOME Program funds are fully expended and Grant **#M-20-DC-12-0225** is officially closed in the event HUD funds cease to be made available to support the HOME Activities cited in this Agreement as provided in Section 4(e) above.

c) Pursuant to 24 C.F.R. §92.500(d)(1)(B) and CPD Notice 18-10, the City of Pensacola shall endeavor to expend its **2020** HOME funds by **September 30, 2025**. If the City of Pensacola cannot expend its HOME funds by this date, Escambia County reserves the right to re-program funds per the Citizen Participation Plan to other HOME Activities within the Escambia Consortium in order to avoid recapture of funds by HUD.

SECTION 10. Nepotism

The City of Pensacola and Escambia County agree to abide by the provisions of Section 112.3135, Florida Statutes, hereby incorporated by reference, pertaining to nepotism in its performance, under this Agreement.

SECTION 11. Civil Rights and Anti-Discrimination

a) The City of Pensacola agrees to abide by the spirit and intent of the Civil Rights Act of 1964, as amended, and the Civil Rights Act of 1968, as amended, in that its operation under this contract is free of discrimination against their employees, persons, or groups of persons on the basis of race, color, religion, sex, national origin, pregnancy, age, disability, or familial status, as applicable. Both of the said Civil Rights Acts are incorporated by reference herein.

b) All services associated with this project shall be made available to the public in a non-discriminatory manner. Services and access thereto shall be available without regard to race, sex, color, familial status, disability, religion, or national origin. The City of Pensacola accepts sole responsibility for ensuring such non-discriminatory access to the services provided hereunder by its elected officials and officers, employees, agents, and representatives.

c) The City of Pensacola will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, pregnancy, age or disability. Such action shall include but not be limited to the following: employment; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The City of Pensacola agrees to post in a conspicuous place notices setting forth the provision of this Equal Employment Opportunity clause.

SECTION 12. Understanding of Terms.

a) This Agreement is executed in Escambia County, Florida; and shall be construed under the laws of the State of Florida. The parties agree that any action relating to this Agreement shall be instituted and prosecuted in the courts of the Escambia County, Florida, and each party waives the right to change of venue. Further, it is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Florida, both as to interpretation and performance.

b) It is understood and agreed by the parties that if any part, term, or provision of this Agreement is held by the courts to be illegal or in conflict with governing law, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

c) Each individual executing this Agreement on behalf of a corporate or governmental party represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said party, in accordance with a duly adopted action of the governing board of said party in accordance with applicable law, and that this Agreement is binding upon said party in accordance with its terms.

SECTION 13. Public Records.

The parties acknowledge that this Agreement and any related financial records, audits, reports, plans correspondence, and other documents may be subject to disclosure to members of the public pursuant to Chapter 119, Florida Statutes. The parties shall maintain all such public records and, upon request, provide a copy of the requested records or allow the records to be inspected within a reasonable time. The parties shall also ensure that any public records that are exempt or exempt and confidential from disclosure are not disclosed except as authorized by law. Upon the expiration or termination of the Agreement, the parties agree to maintain all public records for a minimum period of five (5) fiscal years in accordance with the applicable records retention schedules established by the Florida Department of State. In the event the City of Pensacola fails to abide by the provisions of Chapter 119, Florida Statutes, Escambia County may, without prejudice to any other right or remedy and after giving seven days written notice, during which period the City of Pensacola still fails to allow access to such documents, terminate the Agreement.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the duly authorized representatives of the parties have made and executed this Agreement on the respective dates under each signature.

ATTEST: Pam Childers
Clerk of the Circuit Court

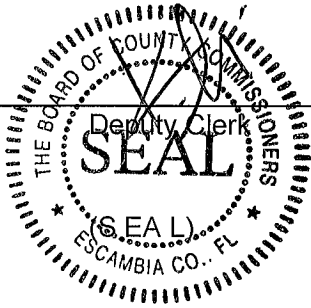
ESCAMBIA COUNTY, a political subdivision
of the State of Florida, BY AND THROUGH
ITS BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

By: *Robert Bender*
Robert Bender, Chairman

BCC Approved: August 19, 2021

Date: 8/20/2021

BY: _____



CITY OF PENSACOLA, a Municipal
corporation chartered in the State of Florida

ATTEST:

By: _____
Grover C. Robinson, IV, Mayor

Ericka L. Burnett, City Clerk

(SEAL)

Date: _____

APPROVED AS TO CONTENT:

LEGAL IN FORM AND VALID AS
DRAWN:

Marcie Whitaker, Housing Administrator

City Attorney

Approved as to form and legal sufficiency.

By/Title: *Kristin D. Hual, SACA*

Date: 08-02-2021

EXHIBIT I

2020 ESCAMBIA CONSORTIUM HOME PROGRAM DESCRIPTION

ESCAMBIA CONSORTIUM
2020-2021 HOME INVESTMENT PARTNERSHIPS ACT (HOME)
PROPOSED BUDGET AND ACTIVITIES
FOR MEMBER JURISDICTIONS

ESCAMBIA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$344,734**

Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 3 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (unincorporated Escambia County)

HOMEBUYER ASSISTANCE **\$150,000**

Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 12 families. (Escambia County)

CITY OF PENSACOLA:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$138,455**

Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1-2 severely substandard homeowner occupied housing units. (City of Pensacola)

SANTA ROSA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$100,000**

Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (Santa Rosa County)

HOMEBUYER ASSISTANCE **\$148,690**

Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 13 families. (Santa Rosa County)

JOINT HOME ACTIVITIES (CONSORTIUM-WIDE):

HOUSING DEVELOPMENT (CHDO SET-ASIDE) **\$176,376**

Provide low interest and/or deferred loan assistance to designated Community Housing Development Organizations (CHDO's) for development of affordable single family units for homeownership or affordable rental units either through new construction or acquisition and rehab of substandard units.

ADMINISTRATION/MANAGEMENT (JOINT) **\$117,583**

Provides for oversight, management, monitoring and coordination of financial and general administration of the HOME Program in all participating jurisdictions.

2020 HOME Funds Available to the Consortium **\$ 1,175,838**
 (HUD Required 25% Local match provided through SHIP funds and carry forward match balance)

TOTAL 2020 HOME PROPOSED BUDGET **\$1,175,838**

EXHIBIT II

HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS (24 C.F.R. PART 92)

THIS EXHIBIT CONTAINS PERTINENT EXCERPTS FROM THE HOME INVESTMENT PARTNERSHIPS ACT FINAL RULE AS PUBLISHED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THIS EXHIBIT IS FOR REFERENCE ONLY. THEREFORE, THE ENTIRETY OF THE HOME RULE AT 24 C.F.R. PART 92; ALL AMENDMENTS TO THE RULE; AND ANY SUBSEQUENT AMENDMENTS TO THE RULE MUST BE CONSULTED TO DETERMINE PROGRAM COMPLIANCE AND PROCEDURAL REQUIREMENTS. A COMPLETE COPY OF THE TEXT OF 24 C.F.R. PART 92 HAS BEEN PROVIDED TO THE PARTY(IES) WITH RESPONSIBILITY FOR MANAGEMENT AND IMPLEMENTATION OF THIS CONTRACT AS EVIDENCED BY THE ACKNOWLEDGEMENT CONTAINED IN THIS EXHIBIT.

CERTIFICATION REGARDING DRUG-FREE REQUIREMENTS

The **CITY OF PENSACOLA, FLORIDA** will provide a drug-free workplace as follows.

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibitions.
- b) Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Providing each employee that is engaged in the performance of the grant with a copy of the statement required by paragraph (a).
- d) As a condition of employment under the grant, requiring employees to:
 - (1) Abide by the terms of the statement (referenced in paragraph a)); and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
- (e) Notifying HUD within 10 days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted;
 - (1) taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.
- (g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

PLACE OF PERFORMANCE FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Agency: **CITY OF PENSACOLA, FLORIDA** Date: 8/1/21
Grant Program Name: HOME INVESTMENT PARTNERSHIPS ACT PROGRAM
Grant Number: M-20-DC-12-0225

CITY OF PENSACOLA, FLORIDA shall insert in the space provided below the site(s) expected to be used for the performance of work under the grant covered by the certification:

ADDRESS: City of Pensacola
Pensacola Housing Division
420 West Chase Street
Pensacola, Florida 32502

Total estimated number of employees expected to be engaged in the performance of the grant at the site(s) noted above: Five (5)

SIGNED: _____
Grover C. Robinson, IV, Mayor
City of Pensacola

ANTI-LOBBYING
CERTIFICATION FOR CONTRACTS, GRANTS, LOANS
AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form To Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____

Certifying Official

Grover C. Robinson, IV, Mayor
City of Pensacola

Date: _____

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature: _____

Name: Grover C. Robinson, IV

Title: Mayor

HOME Investment Partnerships Act

(Project Name)

M-20-DC-12-0225

(Project Number)

Firm/Agency: City of Pensacola, Florida

Street Address: City of Pensacola Housing Division
420 West Chase Street
Pensacola, Florida 32502

FR 24.510 & 24 CFR, Part 24, Appendix A

**CERTIFICATION OF RECEIPT
HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS
(24 C.F.R. PART 92)**

I/We hereby certify and affirm that Escambia County has provided the City of Pensacola with a complete copy of the current U. S. HUD HOME Program Regulations (24 C.F.R. Part 92), copies of any amendments to the governing regulations, and related federal laws as may be applicable to the activities to be provided through this Agreement. I/We have reviewed the regulations and understand the requirements which govern the HUD HOME Program financed activities under this Agreement. I/We also understand that clarification of any uncertainties regarding the regulations or requirements related thereto should be resolved by contacting the Contract Manager denoted in this Agreement. If the Contract Manager cannot resolve the question, the issue will be submitted to the U. S. Department of Housing and Urban Development (HUD) for review and resolution.

Additionally, I/We have access to a complete copy of the HUD HOME Training Compliance Manual and have reviewed the document to ensure compliance in the implementation of activities provided through this Agreement.

This certification is provided in lieu of including the entire text of 24 C.F.R. Part 92 in this Exhibit. I/We understand that additional copies of the entire text will be promptly provided upon written request directed to the County's designated Contract Manager.

CITY OF PENSACOLA

By: _____
Grover C. Robinson, IV, Mayor

Date: _____

(homecert.wpd)



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00819

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

2021 HOME INVESTMENT PARTNERSHIPS PROGRAM INTERLOCAL AGREEMENT

RECOMMENDATION:

That City Council approve the 2021 HOME Investment Partnerships Program (HOME) interlocal agreement with Escambia County providing for the City of Pensacola's participation in the HOME program. Further, that City Council authorize the Mayor to take all actions necessary to execute all documents relating to the program's administration.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Cranston-Gonzalez National Affordable Housing Act of 1990 authorized contiguous local jurisdictions to enter a consortium for purposes of receiving funds and administering activities allowed under the HOME Investment Partnerships Program's regulations. The City of Pensacola and Escambia County entered into the HOME Consortium Agreement on June 22, 1999, which was extended by mutual agreement in June 2020, to assist with the rehabilitation of distressed housing within the city. HOME funds are used to support the Substantial Housing Rehabilitation/Reconstruction program. This program allows for major renovation or reconstruction of a severely substandard home.

The City of Pensacola is responsible for assuring compliance with all regulatory, statutory, and administrative requirements associated with HOME activities undertaken in the City. Escambia County, as the fiscal agent, provides limited administrative authority for the program's implementation and maintains final approval authority with regard to the expenditure of HOME activity and administrative funds. Both jurisdictions cooperatively develop program policies, procedures, and actions required to implement the program.

PRIOR ACTION:

N/A

FUNDING:

Budget: \$162,500

Actual: \$164,893

FINANCIAL IMPACT:

The difference in the budgeted and actual funding levels is due to the U.S. Department of Housing and Urban Development allocating additional funding to the program. The additional funding will be allocated through the budget process.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Choose an item.

[Click here to enter a date.](#)

STAFF CONTACT:

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator - Community Development

Marcie Whitaker, Housing Director

ATTACHMENTS:

- 1) Interlocal Agreement for HOME Investment Partnerships Program (2021 Escambia County Consortium HOME Grant M-21-DC-12-0225)

PRESENTATION: No

**INTERLOCAL AGREEMENT
FOR HOME INVESTMENT PARTNERSHIPS PROGRAM
(2021 Escambia Consortium HOME Grant M-21-DC-12-0225)**

THIS AGREEMENT is made and entered into by and between the **COUNTY OF ESCAMBIA**, a political subdivision of the State of Florida ("**ESCAMBIA COUNTY**"), with an administrative address of 221 Palafox Place, Suite 420, Pensacola, Florida 32502 and the **CITY OF PENSACOLA**, a municipal corporation created and existing under the laws of the State of Florida ("**CITY OF PENSACOLA**"), with an administrative address of 222 West Main Street, Pensacola, Florida 32502, for the purpose of receiving and administering activities in accordance with Title 24, Subtitle A, Part 92, Code of Federal Regulations, regulating funding provided through the federal HOME Investment Partnerships Program (hereinafter referred to as the "HOME Program" or the "Program") and the terms under which the City of Pensacola shall provide HOME Program eligible services and assistance to eligible families residing within the City of Pensacola.

WITNESSETH:

WHEREAS, Escambia County and the City of Pensacola have legal authority to perform general governmental services within their respective jurisdictions; and

WHEREAS, both jurisdictions are authorized by §163.01, Florida Statutes, to enter into interlocal agreements and, thereby, cooperatively utilize their powers and resources in the most efficient manner possible; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990 authorizes geographically contiguous local jurisdictions to form a consortium for purposes of receiving funds and administering activities in accordance with the HOME Investment Partnerships Program Regulations found at 24 C.F.R. Part 92 (CFDA # 14.239); and

WHEREAS, after executing the Escambia HOME Consortium Agreement on June 22, 1999, as extended by mutual agreement in June 2020, Escambia County and the City of Pensacola have determined that the provision of **Substantial Housing Rehabilitation/Reconstruction** assistance authorized by 24 C.F.R. §§92.205, 92.250, 92.251, and 92.252 is a high priority need in the City of Pensacola; and

WHEREAS, Escambia County desires to provide necessary limited administrative authority related to the delivery of HOME Program financed activities to the City of Pensacola, where the Pensacola Housing Division shall administer the City of Pensacola's participation in the HOME Program.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and of the mutual benefits and for other good and valuable consideration, Escambia County and the City of Pensacola agree as follows:

SECTION 1. Purpose of the Agreement.

This Agreement provides the Mayor of the City of Pensacola the authority and concurrent responsibility required to implement Substantial Housing Rehabilitation/Reconstruction activities in the City of Pensacola ("HOME Activities"), as provided for in the **2021 Escambia Consortium HOME Program Description** approved by the U.S. Department of Housing and Urban Development ("HUD"); and attached hereto as **EXHIBIT I** of this agreement and incorporated herein by reference. The City of Pensacola shall have direct responsibility for ensuring full and complete compliance with all regulatory, statutory, and administrative requirements associated with the HOME Activities undertaken in the City of Pensacola according to provisions articulated in the National Affordable Housing Act of 1990 (Public Law 101-625), as amended, the HOME Program regulations (24 C.F.R. Part 92), and all HOME Activities related administrative directives as amended and published under authorization of HUD.

SECTION 2. Coordination.

The City of Pensacola agrees to cooperate fully with Escambia County and the Neighborhood Enterprise Division ("NED") of the Escambia County Neighborhood & Human Services Department in all actions related to the HOME Program and related HOME Activities. With regard to HOME Program fiscal matters, the City of Pensacola and its Housing Division, in cooperation with NED, shall provide detailed cost documentation and other information pertaining to the payment of HOME Activities assistance on behalf of eligible clients to the Office of the Clerk of the Circuit Court/Finance Division as required to fully establish the eligibility and validity of Program-funded expenditures.

SECTION 3. HOME Program Policies, Procedures and Requirements.

The City of Pensacola, the Pensacola Housing Division, Escambia County, and NED shall cooperate in the development of the policies, procedures and actions required to implement the HOME Activities in the City of Pensacola, and both parties agree that Escambia County shall have the final local approval authority as designated in the HOME Consortium Agreement currently in effect between the two jurisdictions with regard to the expenditure of HOME Program activity and administrative funds. The City of Pensacola shall ensure that the HOME Activities provided through the HOME Program funding referenced herein are administered in accordance with the governing regulations found at 24 C.F.R. Part 92, which have been provided to the City as evidenced by the acknowledgement included in **EXHIBIT II** of this Agreement and incorporated herein by reference and the Consortium HOME Program Policies and Procedures Manual. The City of Pensacola and Escambia County and their designated agents agree to cooperate and communicate fully with each other during the term of this Agreement to ensure the provision of HOME Activities for qualified lower income families, including the execution of any documents necessary to carry out the purposes of this Agreement.

Escambia County and the City of Pensacola shall adhere to all applicable federal, state, and county rules, regulations, and policies for the full duration of this Agreement. All parties shall fully conform to the provisions and requirements of the HOME Investment Partnerships Program Regulations. In the event of conflict between the governing regulations, the stricter interpretation shall govern. The City of Pensacola shall fully comply with the uniform administrative, fiscal, and project requirements stipulated in the above cited laws and regulations, and in such laws and regulations as may be referenced therein, to the extent applicable. Specific compliance with applicable provisions of Subpart H and Subpart K of 24 C.F.R. Part 92 shall be required at all times with respect to HOME Program funded aspects of the development. The County assumes Environmental Review obligations under 24 C.F.R. §92.352.

Escambia County and the City of Pensacola agree that all actions related to this Agreement shall be undertaken in accordance with applicable provisions of federal laws and regulations *with regard to HOME Program assisted units*. Such federal requirements include, but are not limited to: Equal Employment Opportunity laws, fair and equal access to housing, provisions prohibiting discrimination, "Section 3" program compliance, MBE/WBE utilization goals, affirmative marketing measures, Davis-Bacon Act labor standards provisions (for individual projects exceeding eleven HOME Program-assisted units), Contract Work Hours and Safety Standards Act, lead-based paint inspection and treatment requirements, conflict of interest provisions, anti-nepotism provisions, displacement and relocation assistance requirements, prohibition against the use of federally debarred or suspended contractors or sub-contractors, and flood insurance provisions. In executing this Agreement, the City of Pensacola certifies that it shall take all actions required to fully comply with said provisions of law. Federal Davis-Bacon Act prevailing wage rates and all related payroll reporting and compliance requirements shall not apply to this Agreement as each housing unit will be processed as a single unit.

SECTION 4. Funding.

a) City of Pensacola HOME Activities:

The maximum **2021** HOME Program funding available to provide assistance to documented eligible,

low/moderate income clients through HOME Activities in the City of Pensacola shall be \$145,493.00. Said funds are allocated between approved and eligible HOME Activities denoted as follows:

Substantial Rehabilitation/Reconstruction of Homeowner Occupied Substandard Housing	\$145,493.00
Total	<u>\$145,493.00</u>

EXHIBITS I and II further detail the requirements associated with the project categories cited above, and regulations referenced therein shall at all times govern the expenditure of funds referenced in this Agreement. HOME Activities funds shall be utilized within these designated categories unless the funds are reallocated by formal amendment as mutually approved by Escambia County and the City of Pensacola.

b) City of Pensacola HOME Activities Payment Processing:

Escambia County, through coordination with NED, shall issue HOME Program related payments from the Escambia Consortium HOME Trust Fund (Fund 147) for Pensacola HOME Activities as based upon clear and proper documentation of individual HOME Program client eligibility and of all costs to be paid or reimbursed by Escambia County in support of Pensacola HOME Activities and HOME Program client eligibility. Payments shall either be made directly to the approved vendor by Escambia County or to the City of Pensacola to reimburse costs that are advanced by the City of Pensacola, as based upon voucher and supporting documentation provided to the Clerk of the Circuit Court/Finance Division. The City of Pensacola Housing Division shall be programmatically and fiscally responsible for the accuracy, completeness and proper documentation of Pensacola HOME Activities, the eligibility of clients assisted in the City of Pensacola, and all related payments; and further, the City of Pensacola shall be responsible for the repayment of any disallowed costs related to the Pensacola HOME Activities.

c) City of Pensacola HOME Program Local Match Requirement:

HUD HOME Program regulations require local cash matching in a minimum amount equal to twenty-five percent (25%) of the HOME Program allocation, excluding administrative funds. Based upon the Pensacola HOME Activities funding cited in Section 4(a) above, the City of Pensacola shall provide a minimum local match of \$36,373.25 in non-federal funds. The City of Pensacola's local match may be provided through the Escambia/Pensacola State Housing Initiatives Partnership (SHIP) Program as fiscally administered by Escambia County. Said matching funds shall be expended by the City of Pensacola to provide Substantial Housing Rehabilitation/Reconstruction for eligible units completed by the City of Pensacola under the terms and conditions of this Agreement and/or affordable housing for families with incomes at or below 80% of the Pensacola MSA median income adjusted for family size as defined by HUD. Local matching funds shall be expended during the term of this Agreement. Documentation of the expenditure of the required local matching funds shall be maintained by Escambia County through consultation with the City of Pensacola. In the event matching funds are not fully expended prior to the completion or termination of this Agreement, said remaining funds shall be expended in support of affordable housing activities within the City of Pensacola, Florida.

d) HOME Administrative Payments:

In addition to HOME Activities funds, the City of Pensacola shall be entitled to payment for HOME Program related administrative services in an amount not to exceed \$19,400.00, payable solely from funds currently available under the **2021 Escambia Consortium HOME Grant M-21-DC-12-0225**. Administrative services funds shall be paid by Escambia County through the Clerk of the Circuit Court/Finance Division to the City of Pensacola in twelve (12) equal monthly installments beginning with the month following the effective date of this Agreement. The City of Pensacola shall be responsible for ensuring documentation of proper expenditures of such administrative funds.

e) HOME Funding Limitations:

All funding addressed in this Agreement is available solely from the **2021 Escambia Consortium HOME Grant M-21-DC-12-0225** as provided by HUD. Escambia County shall have the right to immediately terminate this Agreement and immediately cease all payments related thereto in the event of termination or cancellation of said funding by HUD. Upon such occurrence, Escambia County and the City of Pensacola shall have no responsibility whatsoever for any payments beyond the costs directly paid or reimbursed by HUD. The Clerk of the Circuit Court/Finance Division shall retain fiscal control concerning the allowability of all payments for HOME Activities and related HOME Program administrative expenditures under this Agreement and shall disburse payments in accordance with the terms and conditions of this Agreement.

f) Program Income:

Any HOME Program Income received by the City of Pensacola will be returned to Escambia County not less than annually. Escambia County will remit the funds to Fund 147 and the HUD Integrated Disbursement and Information System (IDIS). Program Income funds will be utilized and disbursed on the next available eligible City of Pensacola project.

SECTION 5. Administrative Authority.

Upon written authorization of the County Administrator, the City of Pensacola or the Pensacola Housing Division may be authorized to prepare and execute documents and requests required to enter (set-up) and revise City of Pensacola projects in the HUD Integrated Disbursement and Information System (IDIS). However, neither the City of Pensacola nor the Pensacola Housing Division shall be authorized to draw down HOME Program funds from the Escambia Consortium Letter of Credit. Draw down of HOME Program funding from the Escambia Consortium Letter of Credit shall be undertaken solely by personnel authorized by Escambia County to perform such functions.

SECTION 6. Program Records.

The City of Pensacola assumes responsibility for maintaining all records and documentation related to the City of Pensacola HOME Activities associated with this Agreement. Further, such records and necessary HOME Activities information shall be readily available to Escambia County, its representatives or designated agent(s), the U.S. Department of HUD or its authorized representatives, or other duly authorized parties requiring access to such records. The City of Pensacola shall ensure that such records are maintained in accordance with the governing federal regulations; and shall keep all related records in a readily accessible location for a minimum of six (6) years, unless such records are the subject of litigation or audit, in which case they shall be maintained pending the completion of such action. The City of Pensacola shall cooperate with Escambia County to ensure the availability of all records related to this Agreement as may be required for audit, monitoring or reporting purposes.

SECTION 7. Liability.

Subject to any claim of sovereign immunity, each party to this Agreement shall be fully liable for the acts and omissions of its respective employees and agents in the performance of this Agreement to the extent permitted by law. The City of Pensacola shall be directly responsible, legally and fiscally, for all matters related to the HOME Activities assistance provided hereunder including but not limited to compliance with HOME Program Regulations; client intake and eligibility documentation; legal matters involving HOME Activities contracts; forms; certifications; specifications; bidding processes; and other actions in connection with proper implementation of HOME Activities according to **EXHIBITS I and II** hereto.

SECTION 8. Notices.

All notices to be made hereunder shall be in writing and shall be served either personally or by deposit with the U.S. Postal Service, certified mail, return receipt requested or by deposit with Federal Express or

other nationally recognized overnight courier service, postage pre-paid and addressed to the following

Meredith Reeves, Division Manager
Neighborhood Enterprise Division
221 Palafox Place, Suite 200
Pensacola, Florida 32502
Phone: (850) 595-0022
E-mail: mareeves@myescambia.com

Mayor
City of Pensacola
Pensacola City Hall
P.O. Box 12910
Pensacola, Florida 32521
Phone: (850) 435-1626

City of Pensacola
Housing Division Administrator
420 W. Chase Street
Pensacola, FL 32501
Phone: (850) 858-0350

All notices shall be deemed served when received, except that any notice mailed or deposited in the manner provided in this section shall be deemed served on the postmark date or courier deposit (pickup) date.

SECTION 9. Effective Date, Term, and Termination.

a) This Agreement shall become effective, after being properly executed by the parties, when filed in the Office of the Clerk of the Circuit Court of Escambia County, Florida. Escambia County shall be responsible for such filing.

b) The term of this Agreement shall begin on **October 1, 2021**, and this Agreement shall continue for a term of one (1) year from said date or until all of the subject **2021** HOME Program funds are fully expended and Grant **#M-21-DC-12-0225** is officially closed in the event HUD funds cease to be made available to support the HOME Activities cited in this Agreement as provided in Section 4(e) above.

c) Pursuant to 24 C.F.R. §92.500(d)(1)(B) and CPD Notice 18-10, the City of Pensacola shall endeavor to expend its **2021** HOME funds by **September 30, 2026**. If the City of Pensacola cannot expend its HOME funds by this date, Escambia County reserves the right to re-program funds per the Citizen Participation Plan to other HOME Activities within the Escambia Consortium in order to avoid recapture of funds by HUD.

SECTION 10. Nepotism

The City of Pensacola and Escambia County agree to abide by the provisions of Section 112.3135, Florida Statutes, hereby incorporated by reference, pertaining to nepotism in its performance, under this Agreement.

SECTION 11. Civil Rights and Anti-Discrimination

a) The City of Pensacola agrees to abide by the spirit and intent of the Civil Rights Act of 1964, as amended, and the Civil Rights Act of 1968, as amended, in that its operation under this contract is free of discrimination against their employees, persons, or groups of persons on the basis of race, color, religion,

sex, national origin, pregnancy, age, disability, or familial status, as applicable. Both of the said Civil Rights Acts are incorporated by reference herein.

b) All services associated with this project shall be made available to the public in a non-discriminatory manner. Services and access thereto shall be available without regard to race, sex, color, familial status, disability, religion, or national origin. The City of Pensacola accepts sole responsibility for ensuring such non-discriminatory access to the services provided hereunder by its elected officials and officers, employees, agents, and representatives.

c) The City of Pensacola will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, pregnancy, age or disability. Such action shall include but not be limited to the following: employment; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The City of Pensacola agrees to post in a conspicuous place notices setting forth the provision of this Equal Employment Opportunity clause.

SECTION 12. Understanding of Terms.

a) This Agreement is executed in Escambia County, Florida; and shall be construed under the laws of the State of Florida. The parties agree that any action relating to this Agreement shall be instituted and prosecuted in the courts of the Escambia County, Florida, and each party waives the right to change of venue. Further, it is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Florida, both as to interpretation and performance.

b) It is understood and agreed by the parties that if any part, term, or provision of this Agreement is held by the courts to be illegal or in conflict with governing law, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

c) Each individual executing this Agreement on behalf of a corporate or governmental party represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said party, in accordance with a duly adopted action of the governing board of said party in accordance with applicable law, and that this Agreement is binding upon said party in accordance with its terms.

SECTION 13. Public Records.

The parties acknowledge that this Agreement and any related financial records, audits, reports, plans correspondence, and other documents may be subject to disclosure to members of the public pursuant to Chapter 119, Florida Statutes. The parties shall maintain all such public records and, upon request, provide a copy of the requested records or allow the records to be inspected within a reasonable time. The parties shall also ensure that any public records that are exempt or exempt and confidential from disclosure are not disclosed except as authorized by law. Upon the expiration or termination of the Agreement, the parties agree to maintain all public records for a minimum period of five (5) fiscal years in accordance with the applicable records retention schedules established by the Florida Department of State. In the event the City of Pensacola fails to abide by the provisions of Chapter 119, Florida Statutes, Escambia County may, without prejudice to any other right or remedy and after giving seven days written notice, during which period the City of Pensacola still fails to allow access to such documents, terminate the Agreement.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the duly authorized representatives of the parties have made and executed this Agreement on the respective dates under each signature.

ATTEST: Pam Childers
Clerk of the Circuit Court

BY: *[Signature]*
Deputy Clerk


Approved as to form and legal sufficiency.

By/Title: *Kristin D. Hual, SACA*
Date: 08-12-2021

ATTEST:

Ericka L. Burnett, City Clerk

(SEAL)

APPROVED AS TO CONTENT:

Marcie Whitaker, Housing Administrator

ESCAMBIA COUNTY, a political subdivision
of the State of Florida, BY AND THROUGH
ITS BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

By: *[Signature]*
Robert Bender, Chairman

BCC Approved: September 2, 2021

Date: 9/7/2021

CITY OF PENSACOLA, a Municipal
corporation chartered in the State of Florida

By: _____
Grover C. Robinson, IV, Mayor

Date: _____

LEGAL IN FORM AND VALID AS
DRAWN:

City Attorney

EXHIBIT I

2021 ESCAMBIA CONSORTIUM HOME PROGRAM DESCRIPTION

ESCAMBIA CONSORTIUM
2021-2022 HOME INVESTMENT PARTNERSHIPS ACT (HOME)
PROPOSED BUDGET AND ACTIVITIES
FOR MEMBER JURISDICTIONS

ESCAMBIA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$379,270**

Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 3 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (unincorporated Escambia County)

HOMEBUYER ASSISTANCE **\$100,000**

Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 8 families. (Escambia County)

CITY OF PENSACOLA:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$145,493**

Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1-2 severely substandard homeowner occupied housing units. (City of Pensacola)

SANTA ROSA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$100,000**

Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (Santa Rosa County)

HOMEBUYER ASSISTANCE **\$131,077**

Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 13 families. (Santa Rosa County)

JOINT HOME ACTIVITIES (CONSORTIUM-WIDE):

HOUSING DEVELOPMENT (CHDO SET-ASIDE) **\$171,168**

Provide low interest and/or deferred loan assistance to designated Community Housing Development Organizations (CHDO's) for development of affordable single family units for homeownership or affordable rental units either through new construction or acquisition and rehab of substandard units.

ADMINISTRATION/MANAGEMENT (JOINT) **\$114,112**

Provides for oversight, management, monitoring and coordination of financial and general administration of the HOME Program in all participating jurisdictions.

2021 HOME Funds Available to the Consortium **\$ 1,141,120**
 (HUD Required 25% Local match provided through SHIP funds and carry forward match balance)

TOTAL 2021 HOME PROPOSED BUDGET **\$1,141,120**

EXHIBIT II

HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS (24 C.F.R. PART 92)

THIS EXHIBIT CONTAINS PERTINENT EXCERPTS FROM THE HOME INVESTMENT PARTNERSHIPS ACT FINAL RULE AS PUBLISHED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THIS EXHIBIT IS FOR REFERENCE ONLY. THEREFORE, THE ENTIRETY OF THE HOME RULE AT 24 C.F.R. PART 92; ALL AMENDMENTS TO THE RULE; AND ANY SUBSEQUENT AMENDMENTS TO THE RULE MUST BE CONSULTED TO DETERMINE PROGRAM COMPLIANCE AND PROCEDURAL REQUIREMENTS. A COMPLETE COPY OF THE TEXT OF 24 C.F.R. PART 92 HAS BEEN PROVIDED TO THE PARTY(IES) WITH RESPONSIBILITY FOR MANAGEMENT AND IMPLEMENTATION OF THIS CONTRACT AS EVIDENCED BY THE ACKNOWLEDGEMENT CONTAINED IN THIS EXHIBIT.

CERTIFICATION REGARDING DRUG-FREE REQUIREMENTS

The **CITY OF PENSACOLA, FLORIDA** will provide a drug-free workplace as follows.

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibitions.
- b) Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Providing each employee that is engaged in the performance of the grant with a copy of the statement required by paragraph (a).
- d) As a condition of employment under the grant, requiring employees to:
 - (1) Abide by the terms of the statement (referenced in paragraph a)); and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
- (e) Notifying HUD within 10 days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted;
 - (1) taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.
- (g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

PLACE OF PERFORMANCE FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Agency: **CITY OF PENSACOLA, FLORIDA** Date: 10/1/21
Grant Program Name: HOME INVESTMENT PARTNERSHIPS ACT PROGRAM
Grant Number: M-21-DC-12-0225

CITY OF PENSACOLA, FLORIDA shall insert in the space provided below the site(s) expected to be used for the performance of work under the grant covered by the certification:

ADDRESS: City of Pensacola
Pensacola Housing Division
420 West Chase Street
Pensacola, Florida 32502

Total estimated number of employees expected to be engaged in the performance of the grant at the site(s) noted above: Five (5)

SIGNED: _____
Grover C. Robinson, IV, Mayor
City of Pensacola

ANTI-LOBBYING
CERTIFICATION FOR CONTRACTS, GRANTS, LOANS
AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form To Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____

Certifying Official

Grover C. Robinson, IV, Mayor
City of Pensacola

Date: _____

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature: _____

Name: Grover C. Robinson, IV

Title: Mayor

HOME Investment Partnerships Act

(Project Name)

M-21-DC-12-0225

(Project Number)

Firm/Agency: City of Pensacola, Florida

Street Address: City of Pensacola Housing Division
420 West Chase Street
Pensacola, Florida 32502

FR 24.510 & 24 CFR, Part 24, Appendix A

**CERTIFICATION OF RECEIPT
HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS
(24 C.F.R. PART 92)**

I/We hereby certify and affirm that Escambia County has provided the City of Pensacola with a complete copy of the current U. S. HUD HOME Program Regulations (24 C.F.R. Part 92), copies of any amendments to the governing regulations, and related federal laws as may be applicable to the activities to be provided through this Agreement. I/We have reviewed the regulations and understand the requirements which govern the HUD HOME Program financed activities under this Agreement. I/We also understand that clarification of any uncertainties regarding the regulations or requirements related thereto should be resolved by contacting the Contract Manager denoted in this Agreement. If the Contract Manager cannot resolve the question, the issue will be submitted to the U. S. Department of Housing and Urban Development (HUD) for review and resolution.

Additionally, I/We have access to a complete copy of the HUD HOME Training Compliance Manual and have reviewed the document to ensure compliance in the implementation of activities provided through this Agreement.

This certification is provided in lieu of including the entire text of 24 C.F.R. Part 92 in this Exhibit. I/We understand that additional copies of the entire text will be promptly provided upon written request directed to the County's designated Contract Manager.

CITY OF PENSACOLA

By: _____
Grover C. Robinson, IV, Mayor

Date: _____

(homecert.wpd)



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00751

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

AWARD OF BID #21-037 CROSS STREET, DR MARTIN LUTHER KING JR DRIVE TO 9TH AVENUE DRAINAGE IMPROVEMENTS PROJECT

RECOMMENDATION:

That City Council award Bid #21-037 Cross Street, Martin Luther King Jr Drive to 9th Avenue Drainage Improvements Project to Site and Utility LLC, of Pensacola Florida, the lowest and most responsible bidder with a base bid of \$143,470.00 plus additive alternate #1, in the amount of \$52,135.00 plus additive alternate #2, in the amount of \$0.00 plus a 10% contingency in the amount of \$19,560.50 for a total amount of \$215,165.50. Further, that City Council authorize the Mayor to execute the contract and take all action necessary to complete the project.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The purpose of this project is to provide drainage improvements for Cross Street by installing 5 concrete valley gutters. The portion of Cross Street between MLK and 9th Avenue has standing water issues as a result of a high roadway crown which creates a damming situation. The same scenario exists on Heyward Drive just west of Dunfries Rd. The solution at this location is the installation of 2 concrete valley gutters. This project will mitigate the standing water issues and route water to the nearest positive outfall. The bid alternate portion of this project includes the enlarging of seven curb inlets to effectively move water off the road and into the subsurface piping.

PRIOR ACTION:

None

FUNDING:

Budget: \$ 252,200.00

Actual:	\$ 195,605.00	Construction Contract - Base Bid
	52,135.00	Construction Contract - Additive Alternate #1
	19,560.50	10% Contingency

21,583.15	Engineering Design/Permitting/Surveying (Completed)
10,000.00	Engineering Management/Inspection (Estimate)
<u>5,000.00</u>	Construction Testing/Misc. (Estimate)
<u>\$ 251,748.65</u>	TOTAL

FINANCIAL IMPACT:

The total budget for this project is \$252,200.00 and is funded within the Stormwater Capital Projects Fund. To date, \$21,583.15 has been expended for completed items related to Surveying Engineering Design, Studies, and Permitting, leaving a balance of \$230,616.85. The remaining budget balance is sufficient to cover the remaining items that have yet to be completed/expended.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Choose an item.

Click here to enter a date.

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator - Community Development
Brad Hinote, City Engineer

ATTACHMENTS:

- 1) Bid Tabulation, Bid No. 21-037
- 2) Final Vendor Reference List, Bid No. 21-037
- 3) Map-Cross Street Dr. Martin Luther King Jr Drive to 9th Avenue Drainage Improvements Project

PRESENTATION: No

TABULATION OF BIDS

BID NO: 21-037

TITLE: CROSS STREET, MLK TO 9TH AVENUE, DRAINAGE IMPROVEMENTS

SUBMITTALS DUE: September 12, 2021, 2:30 P.M. DEPARTMENT: Engineering	SITE & UTILITY, LLC Pensacola, FL	J. MILLER CONSTRUCTION, INC. Pensacola, FL
Base Bid	\$143,470.00	\$158,936.20
Additive Alternate 1	\$52,135.00	\$95,265.00
Additive Alternate 2	\$0.00	(\$25,264.00)
Base Bid Plus Alternate 1 and 2	\$195,605.00	\$228,937.20
Attended Prebid	Yes	Yes

Submittal Due Date: 09/15/21

Bid No.: 21-037

**FINAL VENDOR REFERENCE LIST
CROSS STREET, MLK TO 9TH AVENUE, DRAINAGE IMPROVEMENTS
ENGINEERING**

Vendor	Name	Address	City	St	Zip Code	SMWBE
004632	A E NEW JR INC	460 VAN PELT LANE	PENSACOLA	FL	32505	
067544	AFFORDABLE CONCRETE & CONSTRUCTION LLC	4089 E JOHNSON AVE	PENSACOLA	FL	32515	Y
077498	ALL PHASE CONSTRUCTION OF NW FL LLC	5340 BRIGHT MEADOW RD	MILTON	FL	32570	Y
071765	ATLAS BUILDERS GROUP	4366 AVALON BLVD	MILTON	FL	32583	
068571	B&W UTILITIES INC	1610 SUCCESS DRIVE	CANTONMENT	FL	32533	
081043	BCK SPECUALTIES INC	1709 ANTIBES CIR	GULF BREEZE	FL	32563	
069786	BEAR GENERAL CONTRACTORS LLC	2803 E CERVANTES ST STE C	PENSACOLA	FL	32503	
036997	BELLVIEW SITE CONTRACTORS INC	3300 GODWIN LANE	PENSACOLA	FL	32526	Y
070400	BIG SKY UNDERGROUND LLC	2172 W NINE MILE ROAD	PENSACOLA	FL	32534	
038068	BIGGS GREEN CONSTRUCTION SERVICES INC	PO BOX 1552	PENSACOLA	FL	32591	Y
053457	BIRKSHIRE JOHNSTONE LLC	507 E FAIRFIELD DR	PENSACOLA	FL	32503	Y
065013	BKW INC	8132 PITTMAN AVE	PENSACOLA	FL	32534	Y
070527	BLOWERS, BENJAMIN DBA INNOVIS USA LLC	5540 LEESWAY BLVD	PENSACOLA	FL	32504	
022856	BROWN CONSTRUCTN OF NW FL INC	10200 COVE AVE	PENSACOLA	FL	32534	Y
041503	BROWN, AMOS P JR DBA P BROWN BUILDERS LLC	4231 CHERRY LAUREL DRIVE	PENSACOLA	FL	32504	Y
042045	CHIVERS CONSTRUCTION INC	801 VIRECENT ROAD	CANTONMENT	FL	32533	Y
049653	CHRISTOPHER C BARGAINEER CONCRETE CONSTRUCTION INC	6550 BUD JOHNSON ROAD	PENSACOLA	FL	32505	Y
070475	CRUZ, SHAWN C DBA COASTAL PROPERTY PREPARATION LLC	5700 ALMAX COURT	PENSACOLA	FL	32506	
033554	D K E MARINE SERVICES	P O BOX 2395	PENSACOLA	FL	32513	Y
070603	D+B BUILDERS	670 MOLINO ROAD	MOLINO	FL	32577	
007055	DAVIS MARINE CONSTRUCTION INC	8160 ASHLAND AVENUE	PENSACOLA	FL	32534	Y
065871	ECSC LLC	8400 LITLE JOHN JUNCTION	NAVARRE	FL	32566	Y
072705	EVAN CHASE CONSTRUCTION INC	2991 SOUTH HIGHWAY 29	CANTONMENT	FL	32533	Y
032038	EVANS CONTRACTING INC	400 NEAL ROAD	CANTONMENT	FL	32533	
055177	FLORIDA CONCRETE CONCEPTS INC	4432 ALANTHUS STREET	MILTON	FL	32583	
074355	GANNETT MHC MEDIA INC DBA PENSACOLA NEWS JOURNAL	2 NORTH PALAFOX ST	PENSACOLA	FL	32502	
032792	GATOR BORING & TRENCHING INC	1800 BLACKBIRD LANE	PENSACOLA	FL	32534	Y
050495	GB GREEN CONSTRUCTION MGMT & CONSULTING INC	303 MAN'O'WAR CIRCLE	CANTONMENT	FL	32533	Y
053862	GFD CONSTRUCTION INC	8771 ASHLAND AVE	PENSACOLA	FL	32514	
058714	GREG ALLEN CONSTRUCTION INC	5006 PERSIMMON HOLLOW ROAD	MILTON	FL	32583	Y
000591	GULF ATLANTIC CONSTRUCTORS INC	650 WEST OAKFIELD RD	PENSACOLA	FL	32503	Y
044100	GULF BEACH CONSTRUCTION	1308 UPLAND CREST COURT	GULF BREEZE	FL	32563	Y
069565	GULF COAST INDUSTRIAL CONSTRUCTION LLC	12196 HWY 89	JAY	FL	32565	Y
074827	GULF COAST MINORITY CHAMBER OF COMMERCE INC	321 N DEVILLERS ST STE 104	PENSACOLA	FL	32501	
017352	GULF COAST TRAFFIC ENGINEERS	8203 KIPLING STREET	PENSACOLA	FL	32514	

Submittal Due Date: 09/15/21

Bid No.: 21-037

**FINAL VENDOR REFERENCE LIST
CROSS STREET, MLK TO 9TH AVENUE, DRAINAGE IMPROVEMENTS
ENGINEERING**

Vendor	Name	Address	City	St	Zip Code	SMWBE
036662	H H H CONSTRUCTION OF NWF INC	8190 BELLE PINES LANE	PENSACOLA	FL	32526	
070385	HANTO & CLARKE GENERAL CONTRACTORS LLC	1401 EAST BELMONT STREET	PENSACOLA	FL	32501	
080650	HARRIS INMAN CONSTRUCTN CO INC	3583 LAGUNA COURT	GULF BREEZE	FL	32563	
044713	HENRY HAIRE BUILDING & DEVELOPMENT INC	6341 HIGHWAY 90 STE B	MILTON	FL	32570	
022978	INGRAM SIGNALIZATION INC	4522 N DAVIS HWY	PENSACOLA	FL	32503	Y
049240	J MILLER CONSTRUCTION INC	8900 WARING RD	PENSACOLA	FL	32534	Y
034691	JOHNSON SEPTIC TANK	10050 SOUTH HWY 97-A	WALNUT HILL	FL	32568	Y
071564	JOSEPH BRIDGES DBA JOE'S LINE UP	222 EHRMANN ST	PENSACOLA	FL	32507	
043857	KBI CONSTRUCTION CO INC	9214 WARING RD	PENSACOLA	FL	32534	
055564	L & L BACKFLOW INC DBA L & L UTILITIES INC	115 MCLAUGHLIN ROAD	MILTON	FL	32570	
068161	LEA, DOUGLAS C DBA L&L CONSTRUCTION SERVICES LLC	9655 SOUTH TRACE ROAD	MILTON	FL	32583	Y
058332	LEIDNER BUILDERS INC	409 N PACE BLVD	PENSACOLA	FL	32505	Y
058801	M & H CONSTRUCTION SVCS INC	1161 W 9 1/2 MILE RD	PENSACOLA	FL	32534	Y
081795	MCCULLOUGH AND SON	1104 FRETZ STREET	PENSACOLA	FL	32534	
073522	MOORE BETTER CONTRACTORS, INC	1721 EAST CERVANTES STREET	PENSACOLA	FL	32501	Y
049107	MORGAN CONTRACTING INC	6575 HIGHWAY 189 NORTH	BAKER	FL	32531	
022368	MOTES, MIKE DBA MIKE MOTES CONSTRUCTION INC	4164 HUCKLEBERRY FINN ROAD	MILTON	FL	32583	
016210	NORD, STEVE DBA SEA HORSE GENERAL CONTRACTORS INC	4238 GULF BREEZE PKWY	GULF BREEZE	FL	32563	Y
001823	NWF CONTRACTORS INC	P O BOX 1718	FT WALTON BCH	FL	32549	
002720	PANHANDLE GRADING & PAVING INC	P O BOX 3717	PENSACOLA	FL	32516	
058953	PARSCO LLC	700 N DEVILLIERS STREET	PENSACOLA	FL	32501	Y
060344	PENSACOLA BAY AREA CHAMBER OF COMMERCE DBA GREATER PENSACOLA CHAMBER	117 W GARDEN ST	PENSACOLA	FL	32502	
055028	PERDIDO GRADING & PAVING	PO BOX 3333	PENSACOLA	FL	32516	Y
073174	PERRITT, CHRIS LLC	5340 BRIGHT MEADOWS ROAD	MILTON	FL	32570	Y
050307	QCFS MANAGEMENT GROUP INC	3326 NORTH W STREET	PENSACOLA	FL	32505	
021834	R & L PRODUCTS INC	9492 PENSACOLA BLVD	PENSACOLA	FL	32534	
018305	R D WARD CONSTRUCTION CO INC	15 EAST HERMAN STREET	PENSACOLA	FL	32505	
049671	RADFORD & NIX CONSTRUCTION LLC	7014 PINE FOREST ROAD	PENSACOLA	FL	32526	Y
001681	RANDALL, HENRY DBA RANDALL CONSTRUCTION	1045 S FAIRFIELD DRIVE	PENSACOLA	FL	32506	
031881	ROADS INC OF NWF	106 STONE BLVD	CANTONMENT	FL	32533	
017634	ROBERSON EXCAVATION INC	6013 SOUTHRIDGE ROAD	MILTON	FL	32570	Y
067564	ROBERSON UNDERGROUND UTILITY LLC	9790 ROBERSON WAY	MILTON	FL	32570	Y
042044	SALTER/3C'S CONSTRUCTION CO	4512 TRICE RD	MILTON	FL	32571	
065450	SITE AND UTILITY LLC	PO BOX 30136	PENSACOLA	FL	32503	Y
011457	SOUTHERN UTILITY CO INC	P O BOX 2055	PENSACOLA	FL	32513	Y

Submittal Due Date: 09/15/21

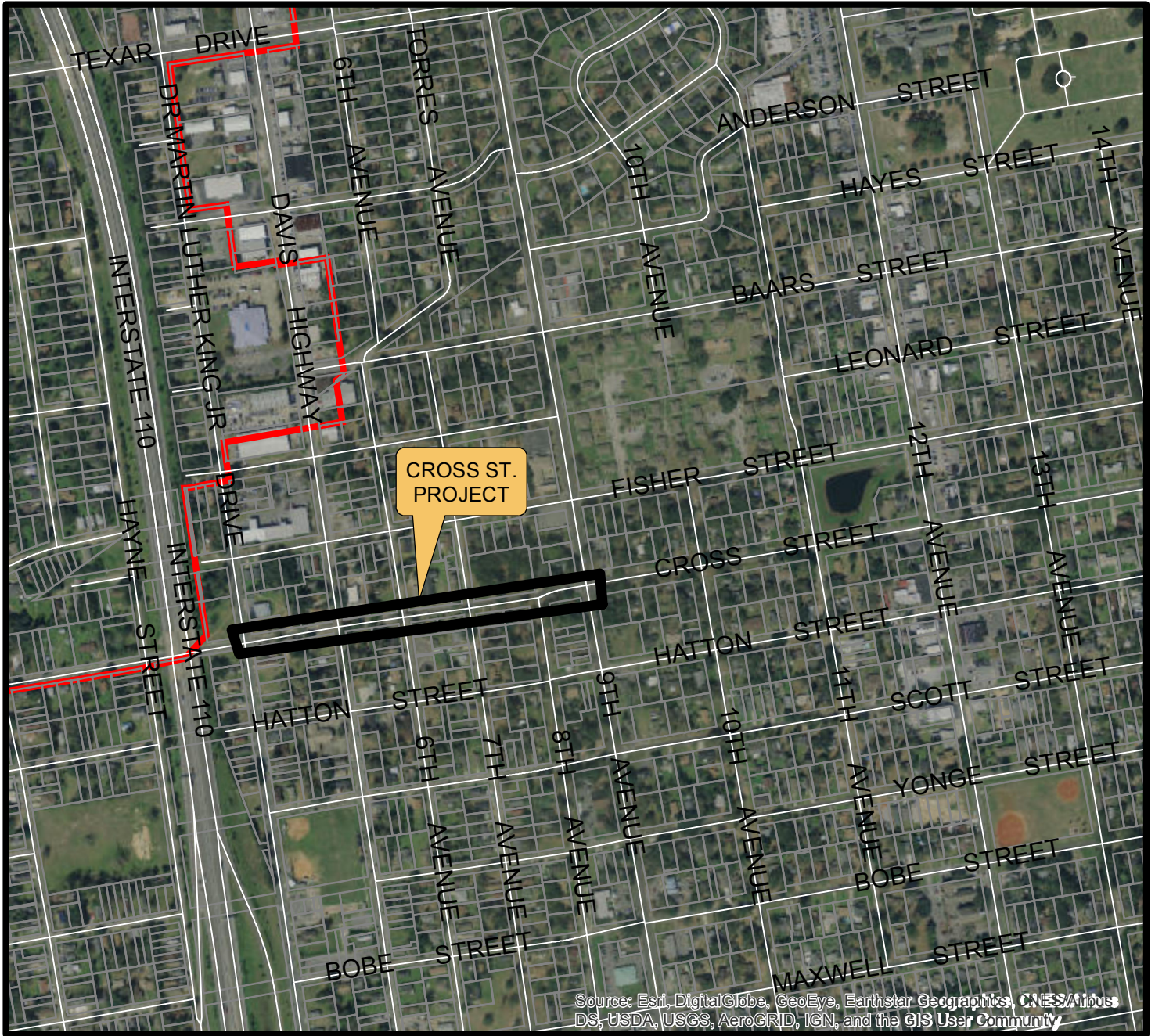
Bid No.: 21-037

**FINAL VENDOR REFERENCE LIST
CROSS STREET, MLK TO 9TH AVENUE, DRAINAGE IMPROVEMENTS
ENGINEERING**

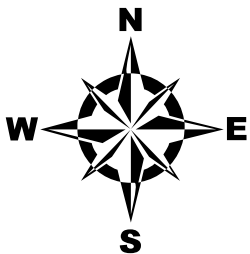
Vendor	Name	Address	City	St	Zip Code	SMWBE
045247	TEAM POWER SOLUTIONS	4033 WILLIS WAY	MILTON	FL	32583	
028060	THE GREEN SIMMONS COMPANY INC	3407 NORTH W STREET	PENSACOLA	FL	32505	Y
062939	THREE TRADE CONSULTANTS	5690 JEFF ATES RD	MILTON	FL	32583	Y
069066	UNDERGROUND SOLUTIONS LLC	3070 GODWIN LN	PENSACOLA	FL	32526	Y
002482	UTILITY SERVICE COMPANY INC	4326 GULF BREEZE PARKWAY	GULF BREEZE	FL	32563	
030317	W P R INC	4175 BRIARGLEN RD	MILTON	FL	32583	Y
030448	WARRINGTON UTILITY & EXCAVATING INC	8401 UNTREINER AVE	PENSACOLA	FL	32534	Y
021725	WHITESSELL-GREEN INC	P O BOX 2849	PENSACOLA	FL	32513	
069212	YERKES SOUTH INC	634 LAKEWOOD RD	PENSACOLA	FL	32507	Y

Vendors: 79

CROSS STREET MARTIN LUTHER KING JR. TO 9th AVENUE

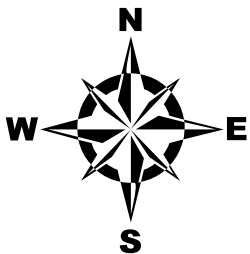


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**DEPARTMENT OF PUBLIC WORKS AND FACILITIES
ENGINEERING AND CONSTRUCTION SERVICES DIVISION**

HEYWARD DRIVE



**DEPARTMENT OF PUBLIC WORKS AND FACILITIES
ENGINEERING AND CONSTRUCTION SERVICES DIVISION**



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00841

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Jared Moore

SUBJECT:

APPOINTMENT - PENSACOLA-ESCAMBIA DEVELOPMENT COMMISSION

RECOMMENDATION:

That City Council appoint Dr. Lusharon Wiley to the Pensacola-Escambia Development Commission to fill an unexpired term ending June 30, 2023.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Pensacola-Escambia Development Commission is responsible for the promotion and development of industrial, tourist, and commercial attributes and facilities of the area, including the promotion of conventions, convention facilities and visitors to the area. The board is composed of nine members.

The following has been nominated:

<u>Nominee</u>	<u>Nominated by</u>
-----------------------	----------------------------

Dr. Lusharon Wiley	Hill
--------------------	------

PRIOR ACTION:

City Council makes appointments to this board annually.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Nomination Form - Dr. Lusharon Wiley
- 2) Application of Interest - Dr. Lusharon Wiley
- 3) Resume - Dr. Lusharon Wiley
- 4) Ballot

PRESENTATION: No

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Ann Hill, do nominate Lusharon Wiley, Ed.D.
(Nominee)

4255 Bonway DR ³²⁵⁰⁴ 850 748 7641
(Home Address) G.B 32561 (Phone)

113 Bay Bridge Dr -
(Business Address) (Phone)

lwiley@innisfreehotels.com City Resident: YES NO
(Email Address) Property Owner within the City: YES NO

for appointment by the City Council for the position of:

**AT LARGE MEMBER
PENSACOLA-ESCAMBIA DEVELOPMENT COMMISSION
(Unexpired term ending 6/30/2023)**

Provide a brief description of nominee's qualifications:

As a professional in the hospitality industry, Dr. Wiley would be representing the third largest employer sector in Escambia County. As a current board member of Visit Pensacola, she understands the importance of being seen as a city where innovation and creativity happens. Further, as a retiree from University of West Florida, she knows the impact of education and innovation on the community.

Ann Hill
City Council Member

I hereby certify that the above nomination was submitted to my office within the time limitations prescribed by the Rules and Procedures of Council.

Ericka L. Burnett, City Clerk

From: noreply@civicplus.com
Sent: Monday, September 20, 2021 10:56 AM
To: [Ericka Burnett](#); [Robyn Tice](#)
Subject: [EXTERNAL] Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT

Application for Boards, Authorities, and Commissions - City Council Appointment

This application will be utilized in considering you for appointment to a City Council board, authority, or commission. Pursuant to Florida Statutes, Chapter 119, all information provided on or with this form becomes a public record and is subject to disclosure, unless otherwise exempted by law.

Completed applications will be kept on file for a period of one (1) year from the date received in the Office of the City Clerk.

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(Section Break)

Personal Information

Name	Dr. Lusharon Wiley
Home Address	4255 Bonway Drive Pensacola, FL 32504
Business Address	113 Bay Bridge Drive Gulf Breeze, FL 32561
To which address do you prefer we send correspondence regarding this application?	Home
Preferred Contact Phone Number(s)	18507487641
Email Address	lwiley@innisfreehotels.com
Upload Resume (optional)	Lusharon Wiley Biosketch.pdf

(Section Break)

Details

Are you a City resident?	Yes
--------------------------	-----

If yes, which district?	1
If yes, how long have you been a City resident?	32 Years
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Pensacola Economic Development Commission
Please list the reasons for your interest in this position:	I believe it is vital to continue to ensure the economic viability of our community through extending our reach to bring more tourists to the area, pursuing more industrial partners, expanding our presence as a waterfront community and promoting our area for conventions and sports-related events. Equally as important is continued educational growth and innovation in cyber-technology and logistics. As a professional in the hospitality industry, I would be representing the third largest employer sector in Escambia County. As a current board member of Visit Pensacola I understand the importance of being seen as a city where innovation and creativity happens. Further, as a retiree from University of West Florida, I know the impact of education and innovation on the community. Pensacola is ready to move to the next-level city, I believe my experiences will serve the board well in helping to move the needle.
Do you currently serve on a board?	Yes
If yes, which board(s)?	Visit Pensacola
Do you currently hold a public office?	No
If so, what office?	<i>Field not completed.</i>
Would you be willing to resign your current office for the appointment you now seek?	N/A
(Section Break)	
Diversity <i>In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.</i>	
Gender	Female
Race	African-American

Physically Disabled No

(Section Break)

Acknowledgement of Terms I accept these terms.

Email not displaying correctly? [View it in your browser.](#)

Lusharon Wiley, Ed.D.
September 20, 2021
Bio Sketch

As Vice President of Corporate Culture at Innisfree Hotels, a Florida-based hotel management, marketing and development company, Dr. Lusharon Wiley is responsible for managing the company's culture practices and providing expertise and support in the areas of employee engagement and retention, diversity and inclusion, culture training and navigating difference.

Hailing from Valdosta, Georgia, Lusharon joined the Innisfree team as Director of Culture in 2017. She holds an undergraduate degree from Tuskegee University, a master's degree from the University of Illinois Chicago, and a doctorate from the University of West Florida in Diversity Studies. She is also a graduate of the Social Justice Training Institute, Kouzes and Posner's Leadership Challenge, the Donald Gehring Institute, and Leadership Pensacola.

Lusharon worked in both Academic Affairs and Student Affairs while at the University of West Florida. She founded and participated in multiple inclusion and diversity groups and committees during her long and successful career with the University of West Florida. She founded the Military Connections program in recognition of the service of veterans and their families, and the Inclusion Spotlight, a program highlighting the accomplishments of diverse people in the community. Lusharon was also the founder of the Argo Pantry, a program that focuses on making sure University of West Florida students always have access to food and personal care items.

Lusharon Wiley is committed to making a difference in her community where she serves as Chair of the WSRE-TV Foundation Board and is an Executive Board member of Visit Pensacola.

Education

Doctor of Education

University of West Florida
Specialization: Diversity Studies

May 2007
Pensacola, FL

Master of Arts in Political Science

University of Illinois at Chicago
Specialization: Program Evaluation and Design

December 1974
Chicago, IL

Bachelor of Science in Political Science

Tuskegee University
Specialization: Political Science & pre-law

May 1973
Tuskegee, AL

Publications & Articles

Wiley, L. (2021). *"I See You'": Lusharon Wiley Continues Diversity, Inclusion Efforts in Decades-Long Career.* Pensacola News Journal.

Wiley, L. (2020). *5 Steps We Must Take to Truly Create an Inclusive, Representative and Equitable Society.* Medium's Authority Magazine.

Wiley, L. (2018). *Feature article on my life's journey as a successful woman.* Out Front Magazine.

Wiley, L. (2018). *Difference, Diversity, and Sensitivity Among Ourselves and For Our Clients.* Florida Association of Aging Services Providers, Volume 62/January/February 2018

Wiley, L. (2018) *"Agent for Change"*. Bella Magazine, Pensacola News Journal.

Wiley, L. (2017). *Social Justice Advocate an Angel for Change.* Pensacola News Journal.

Wiley, L. (2015). *Can Mindfulness Align Us With Success?* Powerful Women of the Gulf Coast Magazine.

Wiley, L. (2010) StoryCorps interview with Civil Rights icon, Reverend H. K. Matthews. Archived in the Library of Congress.

Ford, D, Northrup, P. and Wiley, L. (2009) *New Directions for Student Services. Connections, Partnerships, Opportunities, and Programs to Enhance Success for Military Students.* Wiley Periodicals.

Wiley, L. et al. (2007) American Association of State Colleges and Universities *Hispanic Student Success in State Colleges and Universities: Creating Supportive Spaces on our Campuses*, Research team member that visited Chico State University, Hammang et.al.

Wiley, L. (2007). *An Agent for Change: The Story of Reverend H.K. Matthews* (doctoral dissertation). University of West Florida, Pensacola, FL.

Wiley, L. (1998). *When Black Folks Was Colored*. Anthology of selected writings. *Mama N'em*. African American Heritage Society of Pensacola.

Thought Leader/Planner/Implementer

Planned and implemented numerous programs and initiatives while employed at the University of West Florida including the following:

Military Connections – planned and implemented the first campus-wide events to recognize the contributions and sacrifices of military members and their families. This included starting the first Memorial Day and Veterans Day observance programs at the University of West Florida.

Common Ground Diversity and Peer Mentoring Group – developed the manual and started the program to facilitate discussions and trainings for students and staff on issues of diversity and inclusion.

Student Transition Conference (for professionals working with students with disabilities) – started a yearly conference for professionals from local high schools, social services agencies and colleges that served students with disabilities to minimize the problems associated with transitioning to institutions of higher education.

Inclusion Spotlight – began a bi-yearly event to focus on people in the community who were making a difference. This initiative underscores the value of knowing “the people in our neighborhood.”

Discussing the Un-Discussable – started this campus-wide initiative to create a space for discussing issues of difference and issues of social injustice.

Argo Pantry – founder and director of the Argo Pantry which is a resource for students enrolled at the University who are facing food insecurity.

Race and Reconciliation – founding member of this UWF-led community-wide social action initiative to discuss and explore racial tensions in Pensacola.

SPLC on Campus – responsible for the University of West Florida being designated as a Southern Poverty Law Center Campus by spearheading the efforts to bring social justice initiatives to campus. UWF is one of the few colleges and universities recognized by SPLC as a campus that supports and implements social justice initiatives.

Multicultural Competency – Lead contributor to the creation and development of a five-module curriculum on multicultural competency for the Division of Student Affairs at the University of West Florida for training student affairs employees on multicultural competency and inclusion. Responsible for coordinating and facilitating the training.

Volunteer Activities

Chair, WSRE-TV Foundation Board

Board member, Visit Pensacola

Founding Member, Equity Project Alliance

Member, United Way of West Florida Diversity, Equity and Inclusion Strategy Team

Member, Gulf Coast Minority Chamber of Commerce

Member, Gulf Coast Citizens Diplomacy Council

Member, Powerful Women of the Gulf Coast

Member, Zeta Phi Beta Sorority, Incorporated

Board Member, Greater Pensacola Tuskegee Alumni Club (GPTAC)

Ballot – Pensacola-Escambia Development Commission

October 14, 2021

Unexpired term ending June 30, 2023

Member

_____ Dr. Lusharon Wiley

Vote for One

Signed: _____
Council Member



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00845

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Jared Moore

SUBJECT:

APPOINTMENT - PARKS AND RECREATION BOARD

RECOMMENDATION:

That City Council appoint Mike O'Donovan to fill an unexpired term ending March 31, 2022.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Members of the parks and recreation board shall engage with the citizens of Pensacola and be liaisons to the public, participate in city events, attend neighborhood meetings, and encourage recreational activities across our park system. The parks and recreation board shall review developing plans and budgets and advise and make recommendations to the city council with timely reports, and shall advise the mayor on matters concerning the establishment, maintenance and operation of parks and recreational activities within the city. The board, based on informed review, shall also provide input to staff, council and mayor on master plan updates and improvements, and policy development for the use of recreational facilities.

The following has been nominated:

Nominee	Nominated by
Mike O'Donovan	Hill, Wiggins

PRIOR ACTION:

City Council makes appointments to this board annually.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Member List
- 2) Nomination Forms - Mike O'Donovan
- 3) Application of Interest - Mike O'Donovan
- 4) Ballot

PRESENTATION: No

Parks and Recreation Board

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
Borden, Renee		Council	0	2021	3/31/2023	4/8/2021	3	
Bruni, Antonio		Council	0	2021	3/31/2022	4/11/2019	3	
Del Gallo, David	Building Contractor	Council	0	2021	3/31/2022	4/11/2019	3	
Escobar-Ryan, Alejandra		Council	0	2021	3/31/2024	4/11/2019	3	
Garza, Gabriela		Council	0	2021	3/31/2022	4/11/2019	3	
Harrison, Leah		Council	0	2021	3/31/2023	4/11/2019	3	
Hicks, Rand		Council	2	2021	3/31/2024	3/12/2015	3	
Sword, Maranda	Business owner	Council	1	2021	3/31/2022	1/15/2015	3	
Wolf, Michael C.	Landscape Architect	Council	0	2021	3/31/2024	4/23/2020	3	

Term Length: THREE YEAR TERMS

- Ord 18-12 Increased the number of members to nine (9) to ensure equal representation
- Ord. 06-10 - Amended name of board, number of members, terms and appointing body .

COMPOSED OF NINE (9) MEMBERS APPOINTED BY CITY COUNCIL. NO RESIDENCY OR QUALIFICATION REQUIREMENTS.

The Parks and Recreation Board shall advise and make recommendations to the city Council and shall advise the mayor's office via the Director of Neighborhood Services on matters concerning the establishment, maintenance and operation of parks with in the city. The board shall provide input on master plan updates and improvements, and policy development for the use of recreational facilities

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Ann Hill, do nominate Michael O'Donovan
(Nominee)

1616 W Gregory St
(Home Address)

850-982-4690
(Phone)

(Business Address)

idood.com

(Phone)

fictive.monitor-0t@
(Email Address)

City Resident: YES NO

Property Owner within the City: YES NO

for appointment by the City Council for the position of:

**MEMBER
PARKS & RECREATION BOARD
(Unexpired term ending 03/31/2022)**

Provide a brief description of nominee's qualifications:

Mike O'Donovan is retired and would very much like to serve on The Parks + Rec Board.

Ann Hill

City Council Member

I hereby certify that the above nomination was submitted to my office within the time limitations prescribed by the Rules and Procedures of Council.



Ericka L. Burnett, City Clerk

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Delarian Wiggins, do nominate Michael O'Donovan
(Nominee)

1616 W Gregory St (Home Address) 850-982-4690 (Phone)

(Business Address) (Phone)

odonovan777@yahoo.com (Email Address) City Resident: YES NO
Property Owner within the City: YES NO

for appointment by the City Council for the position of:

**MEMBER
PARKS & RECREATION BOARD
(Unexpired term ending 03/31/2022)**

Provide a brief description of nominee's qualifications:

Delarian Wiggins
City Council Member

I hereby certify that the above nomination was submitted to my office within the time limitations prescribed by the Rules and Procedures of Council.



Ericka L. Burnett, City Clerk

From: noreply@civicplus.com
Sent: Thursday, September 30, 2021 3:48 PM
To: [Ericka Burnett](#); [Robyn Tice](#)
Subject: [EXTERNAL] Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT

Application for Boards, Authorities, and Commissions - City Council Appointment

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(Section Break)

Personal Information

Name mike odonovan

Home Address 1616 W Gregory st

Business Address *Field not completed.*

To which address do you prefer we send correspondence regarding this application? Home

Preferred Contact Phone Number(s) 850-982-4690

Email Address fictive.monitor_0t@icloud.com

Upload Resume (optional) *Field not completed.*

(Section Break)

Details

Are you a City resident? Yes

If yes, which district? 3

If yes, how long have you been a City resident? 21 years

Do you own property within the City limits? Yes

Are you a registered voter in the city? Yes

Board(s) of interest: Parks and recreation

Please list the reasons for your interest in this position: I am retired and want to get back to my community.

Do you currently serve on a board? No

If yes, which board(s)? *Field not completed.*

Do you currently hold a public office? No

If so, what office? *Field not completed.*

Would you be willing to resign your current office for the appointment you now seek? N/A

(Section Break)

Diversity

In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.

Gender Male

Race Caucasian

Physically Disabled No

(Section Break)

Acknowledgement of Terms I accept these terms.

Email not displaying correctly? [View it in your browser.](#)

Ballot – Parks and Recreation Board
October 14, 2021
Unexpired term ending March 31, 2022

Member

_____ Mike O'Donovan

Vote for One

Signed: _____
Council Member



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00844

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Jared Moore

SUBJECT:

APPOINTMENT - ARCHITECTURAL REVIEW BOARD

RECOMMENDATION:

That City Council appoint a property or business owner within the Palafox Historic Business District to a two year term, expiring September 30, 2023.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Architectural Review Board approves or disapproves plans for buildings to be erected, renovated, or razed which are located, or to be located within the historic districts, preservation districts and Governmental Center District.

The following have been nominated:

<u>Nominee</u>	<u>Nominated by</u>
John McCorvey	Hill
Brian Spencer	Myers

PRIOR ACTION:

City Council makes appointments to this board annually.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Member List
- 2) Nomination Form - John McCorvey
- 3) Application of Interest - John McCorvey
- 4) Bio - John McCorvey
- 5) Nomination Form - Brian Spencer
- 6) Application of Interest - Brian Spencer
- 7) Ballot

PRESENTATION: No

Architectural Review Board

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
			0	2021			0	
Courtney, Lou M.	Resident-Old East Hill	Council	0	2021	9/30/2023	8/12/2021	2	
Fogarty, Anna	Design/Rep UWFHT	Council	1	2021	9/30/2022	9/13/2018	2	
Mead, II, George R.	Resident-North Hill	Council	4	2021	9/30/2023	9/26/2013	2	
Ramos, Yuri L.	Architect	Council	0	2021	9/30/2022	9/10/2020	2	
Salter, Derek	Arch. Rep.UWFHT	Council	1	2021	9/30/2022	9/13/2018	2	
Spencer, Brian	Business Owner-PHBD	Council	0	2021	9/30/2021	9/10/2020	2	
Yee, Jordan M.	Architect	Council	0	2021	9/30/2022	9/10/2020	2	

Term Length: TWO YEAR TERMS

The Architectural Review Board approves or disapproves plans for buildings to be erected, renovated, or razed which are located, or to be located within the historic districts, preservation districts and Governmental Center District.

The Architectural Review Board is composed of seven (7) members appointed by City Council: two (2) nominated by the University of West Florida Historic Trust, each of whom shall be a resident of the City of Pensacola; one (1) member from the City Planning Board or resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District; two (2) registered architects, each of whom shall be a resident of the City of Pensacola; one (1) member who is a resident of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District; and one (1) member who is a property or business owner in the Palafox Historic Business District or the Governmental Center District.

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Ann Hill, do nominate John McCorvey
32503 (Nominee)
2881 N. 13th Ave 850 225 1085
(Home Address) 32502 (Phone)
121 S Palafox Ste B -
(Business Address) (Phone)
johnmc corvey@yahoo.com City Resident: YES NO
(Email Address) Property Owner within the City: YES NO

for appointment by the City Council for the position of:

**PROPERTY OR BUSINESS OWNER IN THE PALAFOX HISTORIC BUSINESS DISTRICT
ARCHITECTURAL REVIEW BOARD
(Two year term expiring 9/30/2023)**

Provide a brief description of nominee's qualifications:

John E. McCorvey, a native of Pensacola, graduated from UWF with B.S in Engineering Technology. He began working as a Consultant for the State of Florida as a road and bridge inspector. Throughout his cooperate career, John always had a passion/vision to open his own business and being his own boss. In 2018, he opened Casks & Flights Wine Tasting Room in downtown Pensacola and hasn't looked back. He would like very much to serve on the ARB board.

Ann Hill

City Council Member

I hereby certify that the above nomination was submitted to my office within the time limitations prescribed by the Rules and Procedures of Council.



Ericka L. Burnett, City Clerk

From: noreply@civicplus.com
Sent: Thursday, September 30, 2021 5:37 PM
To: [Ericka Burnett](#); [Robyn Tice](#)
Subject: [EXTERNAL] Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

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(Section Break)

Personal Information

Name John McCorvey

Home Address 2881 N. 13th Ave
Pensacola FL 32503

Business Address 121 S Palafox PL Ste B
Pensacola FL 32502

To which address do you prefer we send correspondence regarding this application? *Field not completed.*

Preferred Contact Phone Number(s) 8502251085

Email Address johnmccorvey@yahoo.com

Upload Resume (optional) [Johns Bio 2021.docx](#)

(Section Break)

Details

Are you a City resident? Yes

If yes, which district?	5
If yes, how long have you been a City resident?	Florida
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Architectural Review Board- Historic Business District
Please list the reasons for your interest in this position:	I am a business owner and want to be in the know about what changes need to be made and help improve and enhance Downtown's History
Do you currently serve on a board?	Yes
If yes, which board(s)?	Gallery Night Board
Do you currently hold a public office?	No
If so, what office?	<i>Field not completed.</i>
Would you be willing to resign your current office for the appointment you now seek?	N/A

(Section Break)

Diversity
In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.

Gender	Male
Race	African-American
Physically Disabled	No

(Section Break)

Acknowledgement of Terms	I accept these terms.
--------------------------	-----------------------

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John E. McCorvey

A native of Pensacola, Florida. He graduated from UWF with B.S in Engineering Technology. He began working as a Consultant for the State of Florida as a road and bridge inspector. Throughout his cooperate career, John always had a passion/vision to open his own business and being his own boss.

In 2018, he opened Casks & Flights Wine Tasting Room in downtown Pensacola and haven't looked back. Two and half years later he and his partner started the first Black owned real estate title agency (Pensacola Heritage Title) in Pensacola, Florida. With heart and mind set on helping people in his community, He and his partner started Pensacola Heritage Community Partnership (non-profit).

I sit on two non-profit boards in Pensacola. I have been an Committed YMCA member for twelve years and for the past 4 years I have been on the YMCA Advisory Board. Owning a business downtown has afforded me to meet and make friends with other local downtown business owners. In 2019, I joined the Gallery Night Board to help come up with ideas for events and support the Art of Gallery Night.

When I'm not busy with business, I'm working out in the gym and spending time with my kids and family.

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Sherri Myers, do nominate Brian Spencer
(Nominee)
44 Dunwoody 32503 850-712-2612
(Home Address) (Phone)

(Business Address) (Phone)

(Email Address) City Resident: YES NO
Property Owner within the City: YES NO

for appointment by the City Council for the position of:

**PROPERTY OR BUSINESS OWNER IN THE PALAFOX HISTORIC BUSINESS DISTRICT
ARCHITECTURAL REVIEW BOARD
(Two year term expiring 9/30/2023)**

Provide a brief description of nominee's qualifications:

Mr. Brian Spencer would like
to continue serving on the
A & B. Please see application,
attached.

Sherri Myers
City Council Member

I hereby certify that the above
nomination was submitted to my
office within the time limitations
prescribed by the Rules and
Procedures of Council.

Ericka L. Burnett
Ericka L. Burnett, City Clerk

From: noreply@civicplus.com
Sent: Thursday, September 30, 2021 3:09 PM
To: [Ericka Burnett](#); [Robyn Tice](#)
Subject: [EXTERNAL] Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

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(Section Break)

Personal Information

Name	Brian Spencer
Home Address	4040 Dunwoody Pensacola Florida 32503
Business Address	205 E Intendencia Pensacola Florida 32502
To which address do you prefer we send correspondence regarding this application?	Business
Preferred Contact Phone Number(s)	8507122612
Email Address	brian@smp-arch.com
Upload Resume (optional)	<i>Field not completed.</i>

(Section Break)

Details

Are you a City resident?	Yes
--------------------------	-----

If yes, which district?	4
If yes, how long have you been a City resident?	38 years
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Architectural Review Board
Please list the reasons for your interest in this position:	See previous application
Do you currently serve on a board?	Yes
If yes, which board(s)?	ARB
Do you currently hold a public office?	No
If so, what office?	<i>Field not completed.</i>
Would you be willing to resign your current office for the appointment you now seek?	N/A

(Section Break)

Diversity
In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.

Gender	Male
Race	Caucasian
Physically Disabled	No

(Section Break)

Acknowledgement of Terms	I accept these terms.
--------------------------	-----------------------

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Ballot – Architectural Review Board

October 14, 2021

Two year term expiring September 30, 2023

***Property or Business Owner in the Palafox Historic Business District
Architectural Review Board***

_____ John McCorvey

_____ Brian Spencer

Vote for One

Signed: _____
Council Member



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00809

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PUBLIC HEARING: PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - REPEAL OF SECTION 12-3-65 - PARKING FOR CERTAIN USES PROHIBITED

RECOMMENDATION:

That City Council conduct a public hearing on October 14, 2021 to consider the repeal of Section 12-3-65 of the Land Development Code - Parking for Certain Uses Prohibited.

HEARING REQUIRED: Public

SUMMARY:

On September 9, 2021 City Council referred to the Planning Board a proposed repeal of Section 12-3-65 - Parking for certain uses prohibited - of the Land Development Code. Currently within City code, there are two (2) duplicative sections; 11-2-24 and 12-3-65 - Parking for certain uses prohibited.

At the same meeting, City Council approved an ordinance on first reading that, upon adoption, will amend Section 11-2-24 of the City Code to add clarity to the language regulating "parking for certain uses". As the temporary parking of vehicles, and associated mobile activities is not related to zoning and is not the actual development of land, Chapter 11 "Traffic and Vehicles" is the more appropriate location for these requirements. In order to remove the duplicative language, and avoid creating conflict between the two Code sections, it is necessary to repeal Section 12-3-65.

On September 14, 2021 the Planning Board recommended approval of the amendment to the Land Development Code allowing for the repeal of Section 12-3-65 - Parking for certain uses prohibited - of the Land Development code, on a vote of 6 - 0.

PRIOR ACTION:

On September 9, 2021 - City Council referred to the Planning Board the proposed repeal of Section 12-3-65 - Parking for certain uses prohibited, for review and recommendation.

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: No

9/14/2021

STAFF CONTACT:

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator - Community Development

Sherry Morris, AICP, Planning Services Director

ATTACHMENTS:

- 1) Proposed Ordinance No. 40-21
- 2) Planning Board Minutes September 14, 2021 - DRAFT

PRESENTATION: No

PROPOSED
ORDINANCE NO. 40-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE REPEALING SECTION 12-3-65 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA: PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-3-65 of the Code of the City of Pensacola, Florida, is hereby repealed.

~~Sec. 12-3-65. Parking for certain uses prohibited.~~

~~No person shall park a vehicle upon any street, right-of-way, vacant lot or parking lot for the principal purpose of:~~

- ~~(1) — Displaying such vehicle for sale;~~
- ~~(2) — Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;~~
- ~~(3) — Displaying advertising;~~
- ~~(4) — Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or~~
- ~~(5) — Storage for more than 24 hours.~~

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



MINUTES OF THE PLANNING BOARD

September 14, 2021

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Sampson, Board Member Van Hoose, Board Member Villegas

MEMBERS ABSENT: Board Member Powell

STAFF PRESENT: Assistant Planning Director Cannon, Historic Preservation Planner Harding, City Clerk Burnett, Assistant City Attorney Lindsay, Senior Planner Statler, Capital Improvements Forte, Assistant City Attorney Moore, Engineering Specialist Mauldin, Building Construction & Facilities McGuire, Code Enforcement Richards, Help Desk Technician Russo

STAFF VIRTUAL: Planning Director Morris

OTHERS PRESENT: Buddy Page, Mary Pierce, Jo MacDonald, Carol Ann Marshall, Quint Higdon, Nancy Wolfe, Tori Rutland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from August 10, 2021.
- **New Business:**
- Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola
- Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street
- Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street
- Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs
- Amendment to the Land Development Code (LDC) – Table 12-3.9 - Regulations for the North Hill Preservation Zoning Districts - PR-2 Minimum Lot Size Requirements
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:05 pm with a quorum present. Board Member Sampson was sworn in by City Clerk Burnett. Chairperson Ritz then explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes - Board Member Larson made a motion to approve the August 10, 2021 minutes, seconded by Board Member Villegas, and it carried 6 to 0.

New Business -

2. Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola

Assistant Planning Director Cannon advised on September 9, 2021 City Council referred to the Planning Board the proposed repeal of Section 12-3-65 – Parking for Certain Uses Prohibited - of the Land Development Code (LDC). Currently, there are two duplicative sections in the Code, 11-2-24 and 12-3-65. At the same meeting, Council approved an ordinance on first reading which on adoption will amend Section 11-2-24 of the Code to add clarity to the language, regulating parking for certain uses. As the temporary parking of vehicles and associated mobile activities is not related to zoning and is not the actual development of land, Chapter 11 “Traffic and Vehicles” is the more appropriate location for these requirements. In order to remove the duplicative language, and avoid creating conflict between the two Code sections, it is necessary to repeal Section 12-3-65.

Chairperson Ritz confirmed this was strictly a removal of language with no text replacing it; Section 11 was intended to address the parking versus Section 12. He also clarified that the Board did not control Section 11, only Section 12, and Council would review the Board’s decision on removal of the language in Section 12. Assistant City Attorney Lindsay indicated it was determined by Council to keep the language in Section 11 and to ask Planning Board to remove the language from Section 12; the purpose of clarifying Section 11 was to interpret how it would be enforced. The State Legislature had determined the City was limited on how to enforce laws concerning food trucks, meaning that it could not say that no food truck could have any scope of operation whatsoever in the city. But we could have restrictions on where they could operate. However, before Section 11 could be modified, there would be two readings, and the second reading would not be on Council’s agenda until they received the recommendation from the Planning Board. Board Member Larson wanted to know the language of Section 11 before it was removed; the revised language was provided to the Board. Planning Director Morris explained Council was making sure there were not two Code sections which were duplicate and in conflict with each other. The new language would be in compliance with State Statutes and specify the area where food trucks would not be allowed to operate within the city.

Chairperson Ritz explained the Board could approve, modify, or deny as it deliberates. Planning Director Morris advised they were trying to be expedient in not impacting small businesses as they tried to continue to operate and navigate the Code requirements. She understood the Board was concerned with the modified language, but this Board did not have the authority to approve that language since it was outside of Section 12. (While the Board awaited the document with the modified language, it moved to the next item.)

The Board was provided additional materials which had been reviewed by Council. Board Member Villegas wanted to clarify that any amendment would specify usage of space for food trucks. Assistant City Attorney Moore stated they were trying to determine exclusion zones (a map was provided to indicate the exclusion zones). Board Member Grundhoefer asked if food trucks were allowed on every other street. Ms. Moore advised the language did not take away 11-2-24 (1) but it was similar to an ice cream truck. Board Member Larson asked about licensing for the ice cream truck versus food trucks, and Ms. Moore advised DBPR had the licensure, but she was not up to date on the ice cream truck designation. Last year, there was a change to the Florida State Statute where they pre-

empted to the State certain requirements regarding food trucks; they pre-empted to the State everything regarding permits, licensing, and any type of fee that any local government would charge for a food truck to operate within their jurisdiction; the City cannot require any additional permit license or fee, but the local government cannot completely prohibit food trucks from operating within our municipality. Restricting hours of operation or location was left up to the local government. Regarding unlicensed food truck operators, it is a second-degree misdemeanor to operate something where food is cooked, served, and sold. Board Member Larson wanted to make sure there was an enforceable action to someone selling burritos out of the trunk of their car. Ms. Moore then read the State Statute 509.102 for the definition of a mobile food truck which did not cover someone selling from their car; additional requirements and the second-degree misdemeanor was located in 509.251 (license fees) and 509.241 (licenses required and exceptions). Staff advised what prompted this amendment was a code enforcement issue brought to us for equipment as it stands now. Board Member Grundhoefer asked who determined where food trucks could operate. Ms. Moore advised the ordinances as they exist make it difficult to enforce and also make it difficult for any business to interpret what they can or cannot do or can or cannot be. There was no definition to determine a “duly established marketplace” and there was nothing in the original language to indicate “when so authorized” and “licensed under the ordinances of this municipality” was pre-empted by the laws passed last year. This criteria was drafted at the request of Council.

Assistant City Attorney Lindsay stated the Board was being asked to recommend an action, so if the Board voted yes this should be repealed, it would not be repealed on that action and would still be on the books; it would not create a vacuum because it would not be repealed except in the context of Chapter 11 being modified. The Board could suggest it had reservations about repealing 12-3-65 because of certain concerns and could ask Council to consider those concerns. Board Member Grundhoefer proposed eliminating 12-3-65 since it was a duplicate, but the Board should make a recommendation that food trucks not be allowed in residential districts but allowed in other districts and see what happens over the next 3 to 5 years.

Board Member Grundhoefer made a motion to delete Section 12-3-65 and accept the language proposed in 11-2-24 but to also include some language that would restrict food trucks in residential areas. Board Member Villegas stated she would say restriction in residential areas outside of certain operating hours since there are a lot of neighborhoods that welcome food trucks. She asked if the language was concerning merchandise or specifically addressing food trucks. Ms. Moore stated the amendment was written to address selling merchandise which included food and beverage. Chairperson Ritz agreed with removing the duplicate language. **The motion was seconded by Board Member Larson.** Board Member Villegas asked for clarification in inviting food trucks to set up at a neighborhood event in a city park, and staff advised those requests go through a special event process with Parks and Recreation. Planning Director Morris advised there was an entirely separate section of the Code which grants to the director of that department authority over city parks so anyone invited would be allowed to operate. Board Member Van Hoose agreed that food trucks should not be prohibited if some of the residents wanted them. **The motion then carried 6 to 0.**

(Proposed Ordinance 38-21 – Amending Section 11-2-24 attached to last page.)

3. Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street. The property is currently zoned R-1AAA Low-Density Residential Zoning District. The applicant is proposing to amend the zoning district to R-1A Medium-Density Residential Zoning District. Chairperson Ritz explained if approved, the item would proceed to Council. The Board was to evaluate if this change was an appropriate use for this property.

Mr. Page presented to the Board and stated the project currently contained eight lots but began as seven lots. Staff indicated that if the eighth lot was left in the current zoning, it would not be a transition since it would move from commercial to residential of a certain density and then residential further to the west with greater density. The owner purchased the additional lot to be an acceptable transition from R1-A and across the street to the west would be R-1AAA. The buyer indicated the style would be 1930-1940 Craftsman homes. Chairperson Ritz clarified the applicant was proposing this change, acting as a transitional zone from the commercial to lower density residential.

Ms. MacDonald, President of the North Hill Preservation Association, explained even though this address was not in the historical portion, it was still in North Hill and a matter of concern to the residents. They were concerned with the vacant lot at Baylen and Mallory zoned R-1AAA being rezoned as R-1A; doing so would mean a reduction in the minimum lot width at building setback from 75' to only 30' and the survey indicated five 30' lots fronting Baylen. Across the street on Baylen, there were only two homes in the same portion of the block; there were only four houses on the western side, and three on the eastern side. With the addition of the five homes, it would total eight in a single block. The 30' width encouraged the development of row houses and an increase to on-street parking. Having parking on both sides of the street would virtually block thru traffic on Baylen, and North Hill asked that the request be denied.

Ms. Pierce advised she walked dogs there twice daily and asked the Board to not allow that many houses in this area.

Ms. Wolfe asked that the Board consider if this type of development really belonged on that block. There were parking considerations, space problems, and North Hill was not downtown.

Ms. Rutland stated children and dogs were outside a lot and agreed that the number of houses being proposed would present a parking problem since parking was already tight along that block. She also hated to see row houses developed in that neighborhood.

Mr. Page explained each unit would have a garage with parking in front to accommodate two vehicles. He also stated the homes would be the Aragon style, and the transition from higher to lower density would fit in very well.

Chairperson Ritz explained the Board was not approving building style or even the number of houses but whether to approve the zoning change and if that was an appropriate designation. Board Member Van Hoose asked if there was a requirement to transition. Mr. Page pointed out that transitional zoning was considered good planning practices; transitional zoning steps down from commercial. Assistant Planning Director Cannon explained transitional zoning was not a requirement, but it was required to go before the Board to consider the overall reasoning. Board Member Villegas suggested the surrounding area didn't mirror the request. She agreed it was everyone's prerogative to park on the street, but it was congested which was a concern for the surrounding area. She thought it would be a good infill move if it was located on Palafox, but this did not allow for the surrounding area to be reflected in the development; it might be excessive

on the Baylen side, and density wise, low density residential made more sense. Board Member Grundhoefer thought transitional zoning was appropriate since there was medium density further south. Chairperson Ritz pointed out smaller lots on Cervantes and Palafox, but Board Member Villegas advised that was commercial and south of Cervantes was PR-2.

Board Member Grundhoefer made a motion to approve, seconded by Chairperson Ritz. With no further discussion, the motion failed 4 to 2 with Board Members Larson, Sampson, Van Hoose and Villegas dissenting.

4. Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street

C.R. Quint Higdon is requesting the use of non-residential parking in a residential zone for the property located at 518 Wynnehurst Street which is zoned R-1AAA. If the request is approved, the subject parcel would serve as an accessory use to the future medical office building at 4304 Davis Hwy which is zoned C-3. Staff presented the six criteria that accompany this particular section of the Code. It was noted that when you have different uses between zoning districts, a 10' buffer is required by the City Land Development Code between those two uses, so you would be required to have that buffer on the backside of that parking lot.

Mr. Higdon presented to the Board and asked for the parking for a new office. Board Member Grundhoefer questioned Mr. Fitzpatrick on the opportunity for a 10' vegetative buffer, and Mr. Fitzpatrick advised there would be no problem with the buffer. Board Member Grundhoefer asked about a deed restriction to always have a retention pond and not a parking lot, and staff advised that would be something the applicant would volunteer to do; the Board was determining the use as a parking lot in the residential zone. If the building was vacant for 180 days, the permission would go away. It was determined the applicants needed one parking spot for 200 sq. ft. which totaled 52 parking spaces. Chairperson Ritz explained this item would not proceed to Council.

Board Member Larson made a motion to approve, seconded by Board Member Sampson. Board Member Villegas asked for clarification if those spaces included one per employee. Staff advised the Code did not distinguish between employees and clientele but gave a perspective per square feet for use. **The motion carried 6 to 0. Board Member Grundhoefer wanted to add the 10' buffer to the motion. The Board voted again to approve 6 to 0.**

5. Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs

Plaza de Luna is located at 900 S. Palafox Street within the Waterfront Redevelopment District - WRD. This site experienced major damage from Hurricane Sally in September 2020. The damage to the park features included sidewalks, handrails, lighting, splash pad equipment and other minor features. The proposed improvements will replace the damaged features with the same or similar material. The City proposes to relocate the underground splash pad equipment to a new pump house building located adjacent to the DeLuna Café for better protection from future storms. The pump building will be approximately 11' X 17' and shall have similar brick as the adjacent café.

Chairperson Ritz pointed out the drawing did not portray the brick matching the DeLuna Café; it was a blank brick wall when the café had more brick detail and patterning, and he did not feel this was appropriate. He also pointed out this was taxpayer funded. Staff clarified this item would not proceed to Council.

Mr. McGuire, in charge of FEMA projects for the city, stated this was a pump building but understood what the Board was saying, but he asked that the Board indicate what they preferred, and they would build it. Chairperson Ritz explained it could return for an abbreviated review for expediency purposes. Board Member Grundhoefer explained there was a louver on the façade of the snack bar with a precast lintel which could be repeated on the west and south sides which were the most prominent; the herringbone pattern could be placed below and would tie it to the snack bar. Also, the snack bar roof sloped to the east, and this building could also slope to the east. He pointed out you do not see the roof form on the prominent side. The downspouts could be placed on either side of the door, and matching the height of the snack bar would tie it in better. Also, placing the building so that the fronts line up would make it look like part of the snack bar. Mr. McGuire pointed out it cost \$100,000 to repair the pumps each time it floods, so bringing the equipment out of the ground would save in expenses. Board Member Van Hoose asked if the building could be attached, and Mr. McGuire stated nice sod and a picnic table would go between the buildings. Board Member Grundhoefer suggested they pull it as close as possible to the other building. Mr. Morgan of Mott McDonald advised there was a shower on the snack bar wall which was part of the splash pad requirements, and they needed room for the walk-thru to other facilities. Board Member Grundhoefer asked that they make it look like one building. Chairperson Ritz explained Board Member Grundhoefer could perform the abbreviated review, return it to staff, and staff would forward it to Chairperson Ritz for review and then send it to the applicant.

Board Member Grundhoefer made a motion for approval with architectural modifications to the pump house which allow it to blend in with the snack shop, designating himself as the first line review for the abbreviated review process. Staff advised that Board Member Grundhoefer as a reviewer could have direct contact with the applicant. **Board Member Villegas seconded the motion.** For FEMA approval, Mr. McGuire advised the other elements would go back in the same footprint. **The motion then carried 6 to 0.**

6. Amendment to the Land Development Code (LDC) – Table 12-3.9 – Regulations for the North Hill Preservation Zoning Districts – PR-2 Minimum Lot Size Requirements

On June 8, 2021 and August 12, 2021 the Planning Board and City Council respectively suggested that City staff amend the PR-2, North Hill Preservation multiple-family zoning district, to better align with criteria designed for transitional zoning districts. Subsequently, the Mayor directed staff to initiate the process for approval of the requested amendment. Currently the PR-1AAA, single-family district, and PR-2, multiple-family district, contain similar building standards and the same minimum lot size requirements. At present the main differences between these zoning districts are the types of uses that are allowed by right and the minimum building setbacks for the front and side yards. In order to allow for the PR-2 district to function as a transitional zoning district between the North Hill single-family and commercial districts, the proposed amendment will allow for a smaller minimum lot width and lot area. Table 12-3.9 *Regulations for The North Hill Preservation Zoning Districts* (attached) contains the current applicable lot and building standards. The proposed amendment would be limited to Table 12-3.9 and does not include any changes to the types of allowed uses or to the required setbacks in the PR-2 zoning district. The following changes are proposed:

- Minimum Lot Area for Residential Uses: Currently - 9,000 SF

Proposed - 5,000 SF

- Minimum Lot Width at Building Setback Line: Currently - 75 feet
Proposed - 50 feet

Staff explained this was just for the North Hill Preservation District which has three zoning categories – PR-1AAA, PR-2, and PC-1. This action would decrease non-conformities with the lots. Historic Preservation Planner Harding stated the PR-2 (formerly R-2) was established when North Hill was established, possibly mid-70s.

Ms. MacDonald advised over a series of meetings with Mr. Beck and the neighborhood, they discussed alternatives and proposed a compromised solution to rezone the property to an amended version of PR-2 that would reduce the minimum lot area for residential uses from 9,000 sq. ft. to 5,000 sq. ft. and the lot width setback from 75' to 50'. They then polled the neighborhood to see if they could support the pursuit of this proposed change; the 104 respondents voted overwhelmingly in support of PR-2 with these proposed changes - 87% voting for with 12.5% voting against. She voiced this support at the Council meeting and repeated that support today. Although there might be residents against this proposed zoning amendment, she stated the majority of residents who cared enough to vote, voted for it.

Chairperson Ritz appreciated the numbers and percentages and that level of input from the citizens which helped the Board with its decision.

Ms. Marshall advised her home faced the P.K. Yonge property. She explained the neighbors felt any changes made to PR-2 should be decided on the value of the entire North Hill community. The consequences and impact should be evaluated and related to the existing PR-2 zones in the North Hill District. They offered 1) keeping PR-2 as it is since some of the neighbors object to the change relating to their property, and 2) designing special waivers with input from the immediate neighbors while achieving the owners' value of their interest when they sell their property. She pointed out their neighbor, Mr. Mead, had suggested there might be an interesting zone change for block 168. They felt the best suggestion was for an entirely special zone for block 168 which would include the needs of her new neighbor and people of North Hill.

Chairperson Ritz explained this item was at the request of Council, and this request whether accepted, rejected, or modified dealt with all of PR-2 and not one particular piece of property nor a specific development. This request would then proceed to Council.

Mr. Beck appreciated the staff, residents, and the North Hill Preservation Association. The discussion was generated through the consideration of a specific piece of property, and he was in full support of the transition zoning from the very loose PC-1 relating to single-family lots to PR-1AAA; he felt it was a nice compromise and allowed for a 50' lot as opposed to the very narrow 30' lots which would occur under PC-1.

Board Member Larson made a motion to approve the suggested change and felt Council did a good service for bringing it back to the Board after the Board wrestled with the decision after listening to North Hill; we needed a transition between some of the old to the new and this was a good option; it was seconded by Board Member Grundhoefer. Board Member Villegas wanted to understand why there could not be some sort of variation on the PR-2 to address this particular property considering almost half of the North Hill District is PR-2 - possibly a PR-2A. Chairperson Ritz advised this would be creating a zoning district which equates to half a block of property. Assistant City Attorney Lindsay explained contract zoning or spot zoning was not legal, so the decision should not be made on whether to do this based on use but made on zoning considerations broadly. Board Member Grundhoefer pointed out 87% support for this

was unusual, but if the North Hill Preservation Board supported it, it would be a good thing. **The motion then carried 6 to 0.**

Open Forum – None.

Discussion – None.

Adjournment – With no further business, the Board adjourned at 3:58 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 38-21

City Council

9/9/2021

ADD-ON LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Casey Jones

SUBJECT:

PROPOSED ORDINANCE NO. 38-21 - AMENDING SECTION 11-2-24 - PARKING FOR CERTAIN USES PROHIBITED OF THE CODE OF THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 38-21 on first reading:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

Within the City Code, two sections exist; Section 11-2-24 - Parking for certain uses prohibited and Section 12-3-65 - Parking for certain uses prohibited. These two sections are duplicative.

An amendment to Section 11-2-24 would provide guidance related to the current food truck issue by setting boundaries for their prohibited placement in certain areas.

The proposed amendment to Section 11-2-24 would do the following:

1. Adding the language pertaining to public or private as it pertains to vacant lot or parking lot
2. Removes the selling of merchandise language
3. Establishes boundaries for the parking of vehicles for the principal purpose of selling merchandise from such vehicle

PRIOR ACTION:

April 13, 2006 - City Council amended Section 11-2-24 of the City Code via Ordinance No. 11-06

February 9, 2006 - City Council amended Section 12-3-65 (at that time listed as Section 12-2-42) of the City Code via Ordinance No. 04-06

FUNDING:

File #: 38-21

City Council

9/9/2021

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) City Attorney's Office Opinion 20-01
- 2) Proposed Ordinance No. 38-21 - Amendment to Section 11-2-24
- 3) Map of proposed amendment to Section 11-2-24

PRESENTATION: No

PROPOSED
ORDINANCE NO. 38-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 11-2-24 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-24. Parking for certain uses prohibited.

(1) No person shall park a vehicle upon any street, right-of-way, public vacant lot or public parking lot for the principal purpose of:

1(a) Displaying such vehicle for sale;

2)(b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;

3(c) Displaying advertising;

~~(4) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or~~

5(d) Storage for more than 24 hours.

(2.) No person shall park a vehicle upon any street, right-of-way, public vacant lot, or in any public parking space that is located in the area between the eastern right-of-way line of Tarragona Street and western right-of-way line of Baylen Street and between the southern right -of- way line of Garden Street and the southern right -of -way line of Main Street for the principal purpose of selling merchandise, including food and beverage, from such vehicle with the exception of during the hours of Gallery Night and other special events or specified times as approved by the Mayor or Mayor's designee.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

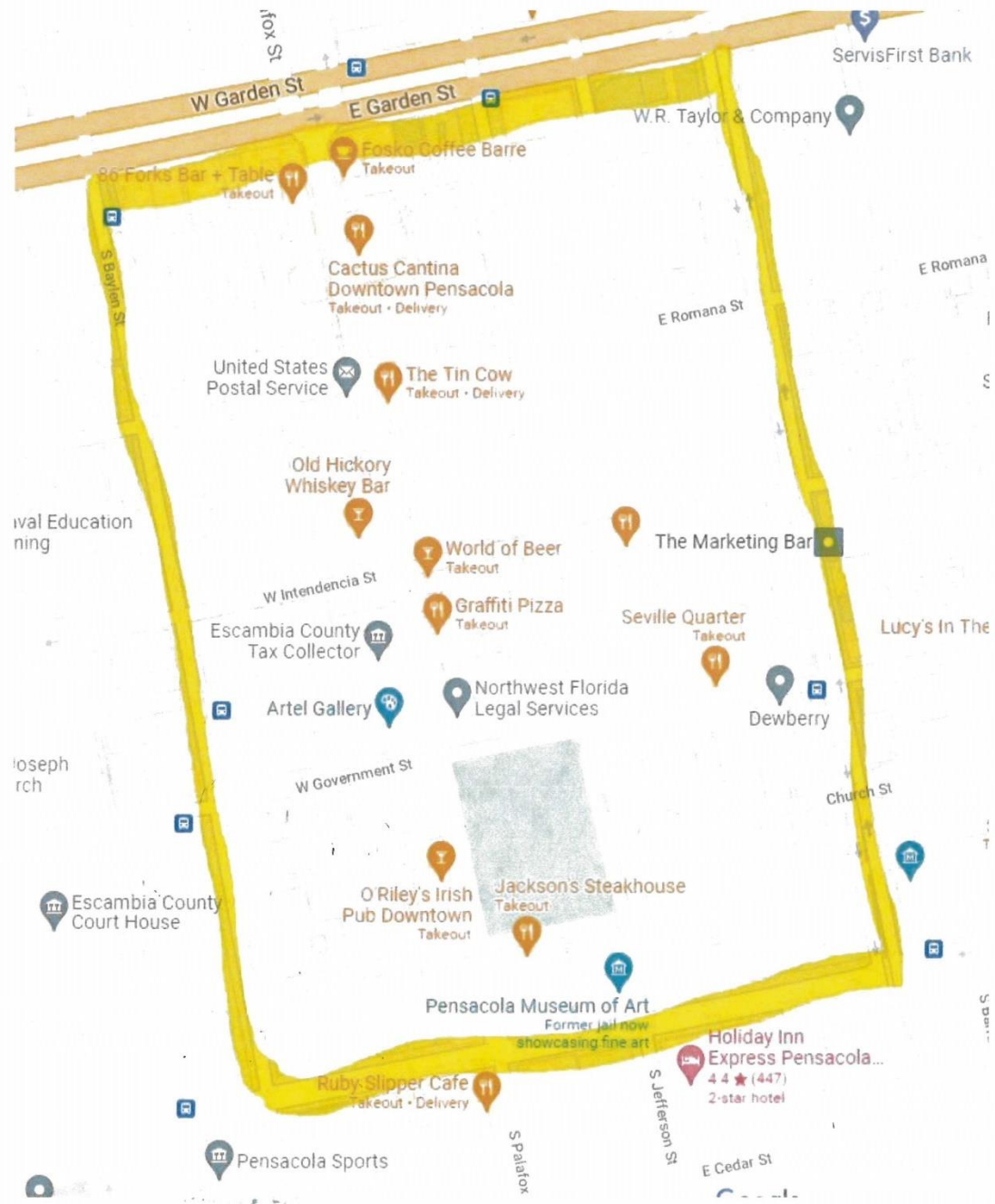
SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk





City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 40-21

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 40-21 - AMENDMENT TO THE LAND DEVELOPMENT CODE - REPEAL OF SECTION 12-3-65 - PARKING FOR CERTAIN USES PROHIBITED

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 40-21 on first reading.

AN ORDINANCE REPEALING SECTION 12-3-65 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA: PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: Public

SUMMARY:

On September 9, 2021 City Council referred to the Planning Board a proposed repeal of Section 12-3-65 - Parking for certain uses prohibited - of the Land Development Code. Currently within City code, there are two (2) duplicative sections; 11-2-24 and 12-3-65 - Parking for certain uses prohibited.

At the same meeting, City Council approved an ordinance on first reading that, upon adoption, will amend Section 11-2-24 of the City Code to add clarity to the language regulating "parking for certain uses". As the temporary parking of vehicles, and associated mobile activities is not related to zoning and is not the actual development of land, Chapter 11 "Traffic and Vehicles" is the more appropriate location for these requirements. In order to remove the duplicative language, and avoid creating conflict between the two Code sections, it is necessary to repeal Section 12-3-65.

On September 14, 2021 the Planning Board recommended approval of the amendment to the Land Development Code allowing for the repeal of Section 12-3-65 - Parking for certain uses prohibited - of the Land Development code at 6:0 vote.

PRIOR ACTION:

On September 9, 2021 - City Council referred to the Planning Board a proposed repeal of Section 12-3-65 - Parking for certain uses prohibited, for review and recommendation.

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: No

9/14/2021

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator - Community Development
Sherry Morris, AICP, Planning Services Director

ATTACHMENTS:

- 1) Proposed Ordinance No. 40-21
- 2) Planning Board Minutes September 14, 2021 - DRAFT

PRESENTATION: No

PROPOSED
ORDINANCE NO. 40-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE REPEALING SECTION 12-3-65 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA: PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-3-65 of the Code of the City of Pensacola, Florida, is hereby repealed.

~~Sec. 12-3-65. Parking for certain uses prohibited.~~

~~No person shall park a vehicle upon any street, right-of-way, vacant lot or parking lot for the principal purpose of:~~

- ~~(1) — Displaying such vehicle for sale;~~
- ~~(2) — Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;~~
- ~~(3) — Displaying advertising;~~
- ~~(4) — Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or~~
- ~~(5) — Storage for more than 24 hours.~~

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



MINUTES OF THE PLANNING BOARD

September 14, 2021

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Sampson, Board Member Van Hoose, Board Member Villegas

MEMBERS ABSENT: Board Member Powell

STAFF PRESENT: Assistant Planning Director Cannon, Historic Preservation Planner Harding, City Clerk Burnett, Assistant City Attorney Lindsay, Senior Planner Statler, Capital Improvements Forte, Assistant City Attorney Moore, Engineering Specialist Mauldin, Building Construction & Facilities McGuire, Code Enforcement Richards, Help Desk Technician Russo

STAFF VIRTUAL: Planning Director Morris

OTHERS PRESENT: Buddy Page, Mary Pierce, Jo MacDonald, Carol Ann Marshall, Quint Higdon, Nancy Wolfe, Tori Rutland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from August 10, 2021.
- **New Business:**
- Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola
- Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street
- Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street
- Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs
- Amendment to the Land Development Code (LDC) – Table 12-3.9 - Regulations for the North Hill Preservation Zoning Districts - PR-2 Minimum Lot Size Requirements
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:05 pm with a quorum present. Board Member Sampson was sworn in by City Clerk Burnett. Chairperson Ritz then explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes - Board Member Larson made a motion to approve the August 10, 2021 minutes, seconded by Board Member Villegas, and it carried 6 to 0.

New Business -

2. Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola

Assistant Planning Director Cannon advised on September 9, 2021 City Council referred to the Planning Board the proposed repeal of Section 12-3-65 – Parking for Certain Uses Prohibited - of the Land Development Code (LDC). Currently, there are two duplicative sections in the Code, 11-2-24 and 12-3-65. At the same meeting, Council approved an ordinance on first reading which on adoption will amend Section 11-2-24 of the Code to add clarity to the language, regulating parking for certain uses. As the temporary parking of vehicles and associated mobile activities is not related to zoning and is not the actual development of land, Chapter 11 “Traffic and Vehicles” is the more appropriate location for these requirements. In order to remove the duplicative language, and avoid creating conflict between the two Code sections, it is necessary to repeal Section 12-3-65.

Chairperson Ritz confirmed this was strictly a removal of language with no text replacing it; Section 11 was intended to address the parking versus Section 12. He also clarified that the Board did not control Section 11, only Section 12, and Council would review the Board’s decision on removal of the language in Section 12. Assistant City Attorney Lindsay indicated it was determined by Council to keep the language in Section 11 and to ask Planning Board to remove the language from Section 12; the purpose of clarifying Section 11 was to interpret how it would be enforced. The State Legislature had determined the City was limited on how to enforce laws concerning food trucks, meaning that it could not say that no food truck could have any scope of operation whatsoever in the city. But we could have restrictions on where they could operate. However, before Section 11 could be modified, there would be two readings, and the second reading would not be on Council’s agenda until they received the recommendation from the Planning Board. Board Member Larson wanted to know the language of Section 11 before it was removed; the revised language was provided to the Board. Planning Director Morris explained Council was making sure there were not two Code sections which were duplicate and in conflict with each other. The new language would be in compliance with State Statutes and specify the area where food trucks would not be allowed to operate within the city.

Chairperson Ritz explained the Board could approve, modify, or deny as it deliberates. Planning Director Morris advised they were trying to be expedient in not impacting small businesses as they tried to continue to operate and navigate the Code requirements. She understood the Board was concerned with the modified language, but this Board did not have the authority to approve that language since it was outside of Section 12. (While the Board awaited the document with the modified language, it moved to the next item.)

The Board was provided additional materials which had been reviewed by Council. Board Member Villegas wanted to clarify that any amendment would specify usage of space for food trucks. Assistant City Attorney Moore stated they were trying to determine exclusion zones (a map was provided to indicate the exclusion zones). Board Member Grundhoefer asked if food trucks were allowed on every other street. Ms. Moore advised the language did not take away 11-2-24 (1) but it was similar to an ice cream truck. Board Member Larson asked about licensing for the ice cream truck versus food trucks, and Ms. Moore advised DBPR had the licensure, but she was not up to date on the ice cream truck designation. Last year, there was a change to the Florida State Statute where they pre-

empted to the State certain requirements regarding food trucks; they pre-empted to the State everything regarding permits, licensing, and any type of fee that any local government would charge for a food truck to operate within their jurisdiction; the City cannot require any additional permit license or fee, but the local government cannot completely prohibit food trucks from operating within our municipality. Restricting hours of operation or location was left up to the local government. Regarding unlicensed food truck operators, it is a second-degree misdemeanor to operate something where food is cooked, served, and sold. Board Member Larson wanted to make sure there was an enforceable action to someone selling burritos out of the trunk of their car. Ms. Moore then read the State Statute 509.102 for the definition of a mobile food truck which did not cover someone selling from their car; additional requirements and the second-degree misdemeanor was located in 509.251 (license fees) and 509.241 (licenses required and exceptions). Staff advised what prompted this amendment was a code enforcement issue brought to us for equipment as it stands now. Board Member Grundhoefer asked who determined where food trucks could operate. Ms. Moore advised the ordinances as they exist make it difficult to enforce and also make it difficult for any business to interpret what they can or cannot do or can or cannot be. There was no definition to determine a “duly established marketplace” and there was nothing in the original language to indicate “when so authorized” and “licensed under the ordinances of this municipality” was pre-empted by the laws passed last year. This criteria was drafted at the request of Council.

Assistant City Attorney Lindsay stated the Board was being asked to recommend an action, so if the Board voted yes this should be repealed, it would not be repealed on that action and would still be on the books; it would not create a vacuum because it would not be repealed except in the context of Chapter 11 being modified. The Board could suggest it had reservations about repealing 12-3-65 because of certain concerns and could ask Council to consider those concerns. Board Member Grundhoefer proposed eliminating 12-3-65 since it was a duplicate, but the Board should make a recommendation that food trucks not be allowed in residential districts but allowed in other districts and see what happens over the next 3 to 5 years.

Board Member Grundhoefer made a motion to delete Section 12-3-65 and accept the language proposed in 11-2-24 but to also include some language that would restrict food trucks in residential areas. Board Member Villegas stated she would say restriction in residential areas outside of certain operating hours since there are a lot of neighborhoods that welcome food trucks. She asked if the language was concerning merchandise or specifically addressing food trucks. Ms. Moore stated the amendment was written to address selling merchandise which included food and beverage. Chairperson Ritz agreed with removing the duplicate language. **The motion was seconded by Board Member Larson.** Board Member Villegas asked for clarification in inviting food trucks to set up at a neighborhood event in a city park, and staff advised those requests go through a special event process with Parks and Recreation. Planning Director Morris advised there was an entirely separate section of the Code which grants to the director of that department authority over city parks so anyone invited would be allowed to operate. Board Member Van Hoose agreed that food trucks should not be prohibited if some of the residents wanted them. **The motion then carried 6 to 0.**

(Proposed Ordinance 38-21 – Amending Section 11-2-24 attached to last page.)

3. Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street. The property is currently zoned R-1AAA Low-Density Residential Zoning District. The applicant is proposing to amend the zoning district to R-1A Medium-Density Residential Zoning District. Chairperson Ritz explained if approved, the item would proceed to Council. The Board was to evaluate if this change was an appropriate use for this property.

Mr. Page presented to the Board and stated the project currently contained eight lots but began as seven lots. Staff indicated that if the eighth lot was left in the current zoning, it would not be a transition since it would move from commercial to residential of a certain density and then residential further to the west with greater density. The owner purchased the additional lot to be an acceptable transition from R1-A and across the street to the west would be R-1AAA. The buyer indicated the style would be 1930-1940 Craftsman homes. Chairperson Ritz clarified the applicant was proposing this change, acting as a transitional zone from the commercial to lower density residential.

Ms. MacDonald, President of the North Hill Preservation Association, explained even though this address was not in the historical portion, it was still in North Hill and a matter of concern to the residents. They were concerned with the vacant lot at Baylen and Mallory zoned R-1AAA being rezoned as R-1A; doing so would mean a reduction in the minimum lot width at building setback from 75' to only 30' and the survey indicated five 30' lots fronting Baylen. Across the street on Baylen, there were only two homes in the same portion of the block; there were only four houses on the western side, and three on the eastern side. With the addition of the five homes, it would total eight in a single block. The 30' width encouraged the development of row houses and an increase to on-street parking. Having parking on both sides of the street would virtually block thru traffic on Baylen, and North Hill asked that the request be denied.

Ms. Pierce advised she walked dogs there twice daily and asked the Board to not allow that many houses in this area.

Ms. Wolfe asked that the Board consider if this type of development really belonged on that block. There were parking considerations, space problems, and North Hill was not downtown.

Ms. Rutland stated children and dogs were outside a lot and agreed that the number of houses being proposed would present a parking problem since parking was already tight along that block. She also hated to see row houses developed in that neighborhood.

Mr. Page explained each unit would have a garage with parking in front to accommodate two vehicles. He also stated the homes would be the Aragon style, and the transition from higher to lower density would fit in very well.

Chairperson Ritz explained the Board was not approving building style or even the number of houses but whether to approve the zoning change and if that was an appropriate designation. Board Member Van Hoose asked if there was a requirement to transition. Mr. Page pointed out that transitional zoning was considered good planning practices; transitional zoning steps down from commercial. Assistant Planning Director Cannon explained transitional zoning was not a requirement, but it was required to go before the Board to consider the overall reasoning. Board Member Villegas suggested the surrounding area didn't mirror the request. She agreed it was everyone's prerogative to park on the street, but it was congested which was a concern for the surrounding area. She thought it would be a good infill move if it was located on Palafox, but this did not allow for the surrounding area to be reflected in the development; it might be excessive

on the Baylen side, and density wise, low density residential made more sense. Board Member Grundhoefer thought transitional zoning was appropriate since there was medium density further south. Chairperson Ritz pointed out smaller lots on Cervantes and Palafox, but Board Member Villegas advised that was commercial and south of Cervantes was PR-2.

Board Member Grundhoefer made a motion to approve, seconded by Chairperson Ritz. With no further discussion, the motion failed 4 to 2 with Board Members Larson, Sampson, Van Hoose and Villegas dissenting.

4. Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street

C.R. Quint Higdon is requesting the use of non-residential parking in a residential zone for the property located at 518 Wynnehurst Street which is zoned R-1AAA. If the request is approved, the subject parcel would serve as an accessory use to the future medical office building at 4304 Davis Hwy which is zoned C-3. Staff presented the six criteria that accompany this particular section of the Code. It was noted that when you have different uses between zoning districts, a 10' buffer is required by the City Land Development Code between those two uses, so you would be required to have that buffer on the backside of that parking lot.

Mr. Higdon presented to the Board and asked for the parking for a new office. Board Member Grundhoefer questioned Mr. Fitzpatrick on the opportunity for a 10' vegetative buffer, and Mr. Fitzpatrick advised there would be no problem with the buffer. Board Member Grundhoefer asked about a deed restriction to always have a retention pond and not a parking lot, and staff advised that would be something the applicant would volunteer to do; the Board was determining the use as a parking lot in the residential zone. If the building was vacant for 180 days, the permission would go away. It was determined the applicants needed one parking spot for 200 sq. ft. which totaled 52 parking spaces. Chairperson Ritz explained this item would not proceed to Council.

Board Member Larson made a motion to approve, seconded by Board Member Sampson. Board Member Villegas asked for clarification if those spaces included one per employee. Staff advised the Code did not distinguish between employees and clientele but gave a perspective per square feet for use. **The motion carried 6 to 0. Board Member Grundhoefer wanted to add the 10' buffer to the motion. The Board voted again to approve 6 to 0.**

5. Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs

Plaza de Luna is located at 900 S. Palafox Street within the Waterfront Redevelopment District - WRD. This site experienced major damage from Hurricane Sally in September 2020. The damage to the park features included sidewalks, handrails, lighting, splash pad equipment and other minor features. The proposed improvements will replace the damaged features with the same or similar material. The City proposes to relocate the underground splash pad equipment to a new pump house building located adjacent to the DeLuna Café for better protection from future storms. The pump building will be approximately 11' X 17' and shall have similar brick as the adjacent café.

Chairperson Ritz pointed out the drawing did not portray the brick matching the DeLuna Café; it was a blank brick wall when the café had more brick detail and patterning, and he did not feel this was appropriate. He also pointed out this was taxpayer funded. Staff clarified this item would not proceed to Council.

Mr. McGuire, in charge of FEMA projects for the city, stated this was a pump building but understood what the Board was saying, but he asked that the Board indicate what they preferred, and they would build it. Chairperson Ritz explained it could return for an abbreviated review for expediency purposes. Board Member Grundhoefer explained there was a louver on the façade of the snack bar with a precast lintel which could be repeated on the west and south sides which were the most prominent; the herringbone pattern could be placed below and would tie it to the snack bar. Also, the snack bar roof sloped to the east, and this building could also slope to the east. He pointed out you do not see the roof form on the prominent side. The downspouts could be placed on either side of the door, and matching the height of the snack bar would tie it in better. Also, placing the building so that the fronts line up would make it look like part of the snack bar. Mr. McGuire pointed out it cost \$100,000 to repair the pumps each time it floods, so bringing the equipment out of the ground would save in expenses. Board Member Van Hoose asked if the building could be attached, and Mr. McGuire stated nice sod and a picnic table would go between the buildings. Board Member Grundhoefer suggested they pull it as close as possible to the other building. Mr. Morgan of Mott McDonald advised there was a shower on the snack bar wall which was part of the splash pad requirements, and they needed room for the walk-thru to other facilities. Board Member Grundhoefer asked that they make it look like one building. Chairperson Ritz explained Board Member Grundhoefer could perform the abbreviated review, return it to staff, and staff would forward it to Chairperson Ritz for review and then send it to the applicant.

Board Member Grundhoefer made a motion for approval with architectural modifications to the pump house which allow it to blend in with the snack shop, designating himself as the first line review for the abbreviated review process. Staff advised that Board Member Grundhoefer as a reviewer could have direct contact with the applicant. **Board Member Villegas seconded the motion.** For FEMA approval, Mr. McGuire advised the other elements would go back in the same footprint. **The motion then carried 6 to 0.**

6. Amendment to the Land Development Code (LDC) – Table 12-3.9 – Regulations for the North Hill Preservation Zoning Districts – PR-2 Minimum Lot Size Requirements

On June 8, 2021 and August 12, 2021 the Planning Board and City Council respectively suggested that City staff amend the PR-2, North Hill Preservation multiple-family zoning district, to better align with criteria designed for transitional zoning districts. Subsequently, the Mayor directed staff to initiate the process for approval of the requested amendment. Currently the PR-1AAA, single-family district, and PR-2, multiple-family district, contain similar building standards and the same minimum lot size requirements. At present the main differences between these zoning districts are the types of uses that are allowed by right and the minimum building setbacks for the front and side yards. In order to allow for the PR-2 district to function as a transitional zoning district between the North Hill single-family and commercial districts, the proposed amendment will allow for a smaller minimum lot width and lot area. Table 12-3.9 *Regulations for The North Hill Preservation Zoning Districts* (attached) contains the current applicable lot and building standards.

The proposed amendment would be limited to Table 12-3.9 and does not include any changes to the types of allowed uses or to the required setbacks in the PR-2 zoning district. The following changes are proposed:

- Minimum Lot Area for Residential Uses: Currently - 9,000 SF

Proposed - 5,000 SF

- Minimum Lot Width at Building Setback Line: Currently - 75 feet
Proposed - 50 feet

Staff explained this was just for the North Hill Preservation District which has three zoning categories – PR-1AAA, PR-2, and PC-1. This action would decrease non-conformities with the lots. Historic Preservation Planner Harding stated the PR-2 (formerly R-2) was established when North Hill was established, possibly mid-70s.

Ms. MacDonald advised over a series of meetings with Mr. Beck and the neighborhood, they discussed alternatives and proposed a compromised solution to rezone the property to an amended version of PR-2 that would reduce the minimum lot area for residential uses from 9,000 sq. ft. to 5,000 sq. ft. and the lot width setback from 75' to 50'. They then polled the neighborhood to see if they could support the pursuit of this proposed change; the 104 respondents voted overwhelmingly in support of PR-2 with these proposed changes - 87% voting for with 12.5% voting against. She voiced this support at the Council meeting and repeated that support today. Although there might be residents against this proposed zoning amendment, she stated the majority of residents who cared enough to vote, voted for it.

Chairperson Ritz appreciated the numbers and percentages and that level of input from the citizens which helped the Board with its decision.

Ms. Marshall advised her home faced the P.K. Yonge property. She explained the neighbors felt any changes made to PR-2 should be decided on the value of the entire North Hill community. The consequences and impact should be evaluated and related to the existing PR-2 zones in the North Hill District. They offered 1) keeping PR-2 as it is since some of the neighbors object to the change relating to their property, and 2) designing special waivers with input from the immediate neighbors while achieving the owners' value of their interest when they sell their property. She pointed out their neighbor, Mr. Mead, had suggested there might be an interesting zone change for block 168. They felt the best suggestion was for an entirely special zone for block 168 which would include the needs of her new neighbor and people of North Hill.

Chairperson Ritz explained this item was at the request of Council, and this request whether accepted, rejected, or modified dealt with all of PR-2 and not one particular piece of property nor a specific development. This request would then proceed to Council.

Mr. Beck appreciated the staff, residents, and the North Hill Preservation Association. The discussion was generated through the consideration of a specific piece of property, and he was in full support of the transition zoning from the very loose PC-1 relating to single-family lots to PR-1AAA; he felt it was a nice compromise and allowed for a 50' lot as opposed to the very narrow 30' lots which would occur under PC-1.

Board Member Larson made a motion to approve the suggested change and felt Council did a good service for bringing it back to the Board after the Board wrestled with the decision after listening to North Hill; we needed a transition between some of the old to the new and this was a good option; it was seconded by Board Member Grundhoefer. Board Member Villegas wanted to understand why there could not be some sort of variation on the PR-2 to address this particular property considering almost half of the North Hill District is PR-2 - possibly a PR-2A. Chairperson Ritz advised this would be creating a zoning district which equates to half a block of property. Assistant City Attorney Lindsay explained contract zoning or spot zoning was not legal, so the decision should not be made on whether to do this based on use but made on zoning considerations broadly. Board Member Grundhoefer pointed out 87% support for this

was unusual, but if the North Hill Preservation Board supported it, it would be a good thing. **The motion then carried 6 to 0.**

Open Forum – None.

Discussion – None.

Adjournment – With no further business, the Board adjourned at 3:58 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 38-21

City Council

9/9/2021

ADD-ON LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Casey Jones

SUBJECT:

PROPOSED ORDINANCE NO. 38-21 - AMENDING SECTION 11-2-24 - PARKING FOR CERTAIN USES PROHIBITED OF THE CODE OF THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 38-21 on first reading:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

Within the City Code, two sections exist; Section 11-2-24 - Parking for certain uses prohibited and Section 12-3-65 - Parking for certain uses prohibited. These two sections are duplicative.

An amendment to Section 11-2-24 would provide guidance related to the current food truck issue by setting boundaries for their prohibited placement in certain areas.

The proposed amendment to Section 11-2-24 would do the following:

1. Adding the language pertaining to public or private as it pertains to vacant lot or parking lot
2. Removes the selling of merchandise language
3. Establishes boundaries for the parking of vehicles for the principal purpose of selling merchandise from such vehicle

PRIOR ACTION:

April 13, 2006 - City Council amended Section 11-2-24 of the City Code via Ordinance No. 11-06

February 9, 2006 - City Council amended Section 12-3-65 (at that time listed as Section 12-2-42) of the City Code via Ordinance No. 04-06

FUNDING:

File #: 38-21

City Council

9/9/2021

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) City Attorney's Office Opinion 20-01
- 2) Proposed Ordinance No. 38-21 - Amendment to Section 11-2-24
- 3) Map of proposed amendment to Section 11-2-24

PRESENTATION: No

PROPOSED
ORDINANCE NO. 38-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 11-2-24 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-24. Parking for certain uses prohibited.

(1) No person shall park a vehicle upon any street, right-of-way, public vacant lot or public parking lot for the principal purpose of:

1(a) Displaying such vehicle for sale;

2)(b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;

3(c) Displaying advertising;

~~(4) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or~~

5(d) Storage for more than 24 hours.

(2.) No person shall park a vehicle upon any street, right-of-way, public vacant lot, or in any public parking space that is located in the area between the eastern right-of-way line of Tarragona Street and western right-of-way line of Baylen Street and between the southern right -of- way line of Garden Street and the southern right -of -way line of Main Street for the principal purpose of selling merchandise, including food and beverage, from such vehicle with the exception of during the hours of Gallery Night and other special events or specified times as approved by the Mayor or Mayor's designee.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

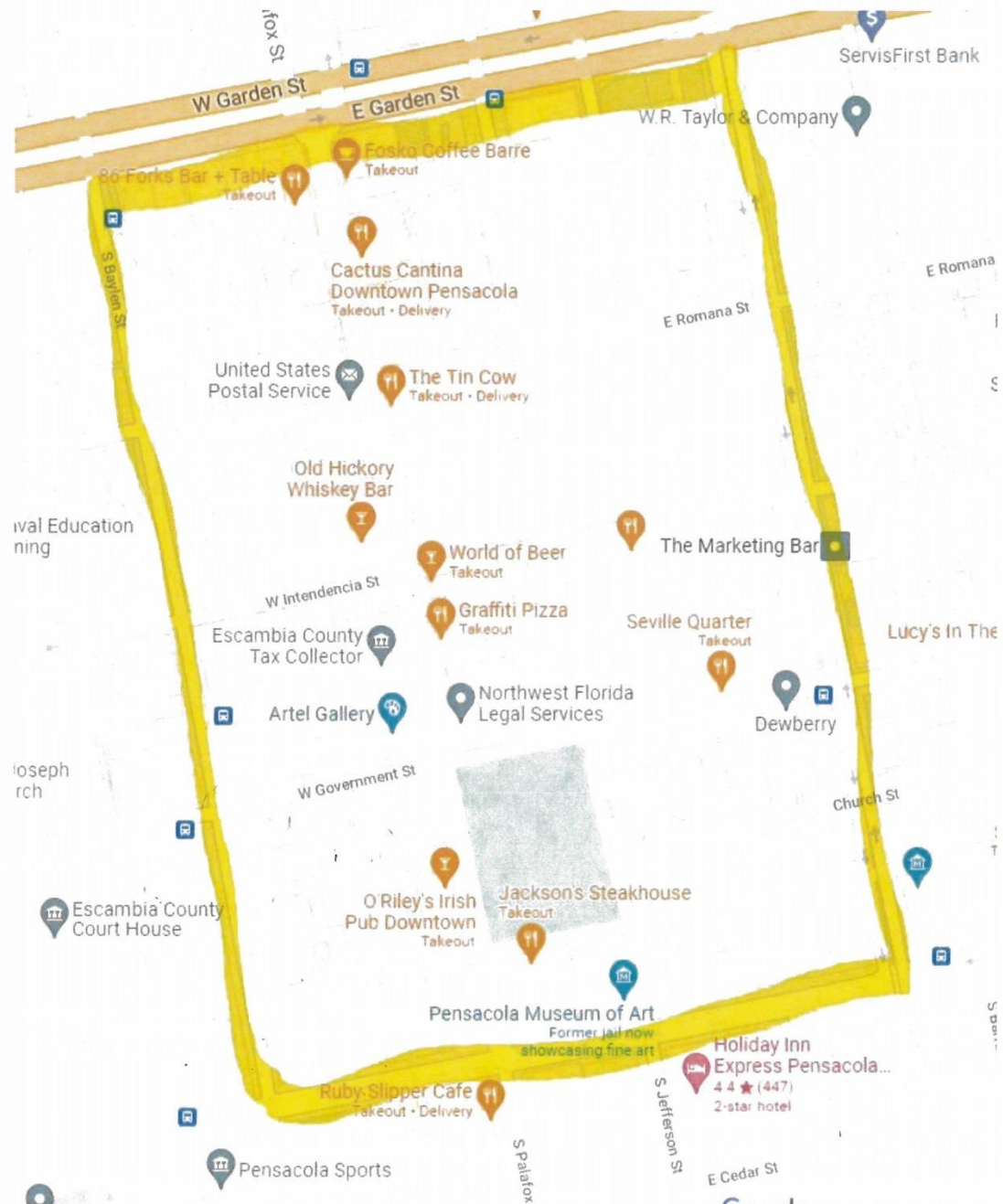
SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk





Memorandum

File #: 21-00811

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PUBLIC HEARING: PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - TABLE 12-3.9 - REGULATIONS FOR THE NORTH HILL PRESERVATION ZONING DISTRICT

RECOMMENDATION:

That City Council conduct a public hearing on October 14, 2021 to consider a proposed amendment to Table 12-3.9 of the Land Development Code, pertaining to North Hill Preservation multiple-family zoning district - PR-2.

HEARING REQUIRED: Public

SUMMARY:

On June 8, 2021 and August 12, 2021 the Planning Board and City Council respectively discussed the possibility of amending the PR-2, North Hill Preservation multiple-family zoning district to better align with criteria designed for transitional zoning districts. Subsequently the Mayor directed staff to initiate the process for approval of the amendment.

Currently the PR-1AAA, single family district, and PR-2, multiple-family district contain similar building standards, and the same minimum lot size requirements. At present the main differences between these zoning districts are the types of uses that are allowed by right and the minimum building setbacks for the front and side yards. In order to allow for the PR-2 district to function as a transitional zoning district between the North Hill single family and commercial districts, the proposed amendment will allow for a smaller minimum lot width and lot area. Table 12-3.9 *Regulations For The North Hill Preservation Zoning Districts* (attached) contains the current applicable lot and building standards.

The proposed amendment would be limited to Table 12-3.9 and do not include any changes to the types of allowed uses or to the required setbacks in the PR-2 zoning district.

The following changes are proposed:

- Minimum Lot Area for Residential Uses: Currently - 9,000 SF
 Proposed - 5,000 SF
- Minimum Lot Width at Building Setback Line: Currently - 75 feet
 Proposed - 50 feet

On September 14, 2021 the Planning Board voted 6 - 0 to recommend approval of the proposed amendment to the PR-2 zoning district.

PRIOR ACTION:

None.

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: No

[Click here to enter a date.](#)

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator - Community Development
Sherry Morris, AICP, Planning Services Director

ATTACHMENTS:

- 1) Proposed Ordinance No. 41-21
- 2) Planning Board Minutes September 14, 2021 - DRAFT

PRESENTATION: No

PROPOSED
ORDINANCE NO. 41-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING TABLE 12-3.9 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, REGULATIONS FOR THE NORTH HILL PRESERVATION ZONING DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Table 12-3.9 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

TABLE 12-3.9. REGULATIONS FOR THE NORTH HILL PRESERVATION ZONING DISTRICTS

Standards	PR-1AAA	PR-2	PC-1
Minimum Yard Requirement (Minimum Building Setbacks) Front Yard Side Yard Rear Yard>	*30 feet 9 feet 25 feet	*15 feet 7.5 feet 25 feet	None 5 feet (for dwellings or wood frame structures only) 15 feet
Minimum Lot Area for Residential Uses	9,000 s.f.	<u>5,000</u> 9,000 s.f. for single-family and 10,000 s.f. for multifamily	None
Minimum Lot Width at Street Row Line	50 feet	50 feet	None
Minimum Lot Width at Building Setback Line	75 feet	<u>50</u> 75 feet	None
Maximum Building Height (Except as Provided in Section 12-3-62)	35 feet	35 feet	45 feet
Minimum Floor Area	N/A	600 s.f. per dwelling unit for multifamily	None

*Front yard depths in the North Hill Preservation zoning district shall not be less than the average depths of the front yards located on the block, up to the minimum yard requirement; in case there are no other dwellings, the front yard depths shall be no less than the footages noted.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



MINUTES OF THE PLANNING BOARD

September 14, 2021

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Sampson, Board Member Van Hoose, Board Member Villegas

MEMBERS ABSENT: Board Member Powell

STAFF PRESENT: Assistant Planning Director Cannon, Historic Preservation Planner Harding, City Clerk Burnett, Assistant City Attorney Lindsay, Senior Planner Statler, Capital Improvements Forte, Assistant City Attorney Moore, Engineering Specialist Mauldin, Building Construction & Facilities McGuire, Code Enforcement Richards, Help Desk Technician Russo

STAFF VIRTUAL: Planning Director Morris

OTHERS PRESENT: Buddy Page, Mary Pierce, Jo MacDonald, Carol Ann Marshall, Quint Higdon, Nancy Wolfe, Tori Rutland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from August 10, 2021.
- **New Business:**
- Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola
- Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street
- Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street
- Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs
- Amendment to the Land Development Code (LDC) – Table 12-3.9 - Regulations for the North Hill Preservation Zoning Districts - PR-2 Minimum Lot Size Requirements
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:05 pm with a quorum present. Board Member Sampson was sworn in by City Clerk Burnett. Chairperson Ritz then explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes - Board Member Larson made a motion to approve the August 10, 2021 minutes, seconded by Board Member Villegas, and it carried 6 to 0.

New Business -

2. Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola

Assistant Planning Director Cannon advised on September 9, 2021 City Council referred to the Planning Board the proposed repeal of Section 12-3-65 – Parking for Certain Uses Prohibited - of the Land Development Code (LDC). Currently, there are two duplicative sections in the Code, 11-2-24 and 12-3-65. At the same meeting, Council approved an ordinance on first reading which on adoption will amend Section 11-2-24 of the Code to add clarity to the language, regulating parking for certain uses. As the temporary parking of vehicles and associated mobile activities is not related to zoning and is not the actual development of land, Chapter 11 “Traffic and Vehicles” is the more appropriate location for these requirements. In order to remove the duplicative language, and avoid creating conflict between the two Code sections, it is necessary to repeal Section 12-3-65.

Chairperson Ritz confirmed this was strictly a removal of language with no text replacing it; Section 11 was intended to address the parking versus Section 12. He also clarified that the Board did not control Section 11, only Section 12, and Council would review the Board’s decision on removal of the language in Section 12. Assistant City Attorney Lindsay indicated it was determined by Council to keep the language in Section 11 and to ask Planning Board to remove the language from Section 12; the purpose of clarifying Section 11 was to interpret how it would be enforced. The State Legislature had determined the City was limited on how to enforce laws concerning food trucks, meaning that it could not say that no food truck could have any scope of operation whatsoever in the city. But we could have restrictions on where they could operate. However, before Section 11 could be modified, there would be two readings, and the second reading would not be on Council’s agenda until they received the recommendation from the Planning Board. Board Member Larson wanted to know the language of Section 11 before it was removed; the revised language was provided to the Board. Planning Director Morris explained Council was making sure there were not two Code sections which were duplicate and in conflict with each other. The new language would be in compliance with State Statutes and specify the area where food trucks would not be allowed to operate within the city.

Chairperson Ritz explained the Board could approve, modify, or deny as it deliberates. Planning Director Morris advised they were trying to be expedient in not impacting small businesses as they tried to continue to operate and navigate the Code requirements. She understood the Board was concerned with the modified language, but this Board did not have the authority to approve that language since it was outside of Section 12. (While the Board awaited the document with the modified language, it moved to the next item.)

The Board was provided additional materials which had been reviewed by Council. Board Member Villegas wanted to clarify that any amendment would specify usage of space for food trucks. Assistant City Attorney Moore stated they were trying to determine exclusion zones (a map was provided to indicate the exclusion zones). Board Member Grundhoefer asked if food trucks were allowed on every other street. Ms. Moore advised the language did not take away 11-2-24 (1) but it was similar to an ice cream truck. Board Member Larson asked about licensing for the ice cream truck versus food trucks, and Ms. Moore advised DBPR had the licensure, but she was not up to date on the ice cream truck designation. Last year, there was a change to the Florida State Statute where they pre-

empted to the State certain requirements regarding food trucks; they pre-empted to the State everything regarding permits, licensing, and any type of fee that any local government would charge for a food truck to operate within their jurisdiction; the City cannot require any additional permit license or fee, but the local government cannot completely prohibit food trucks from operating within our municipality. Restricting hours of operation or location was left up to the local government. Regarding unlicensed food truck operators, it is a second-degree misdemeanor to operate something where food is cooked, served, and sold. Board Member Larson wanted to make sure there was an enforceable action to someone selling burritos out of the trunk of their car. Ms. Moore then read the State Statute 509.102 for the definition of a mobile food truck which did not cover someone selling from their car; additional requirements and the second-degree misdemeanor was located in 509.251 (license fees) and 509.241 (licenses required and exceptions). Staff advised what prompted this amendment was a code enforcement issue brought to us for equipment as it stands now. Board Member Grundhoefer asked who determined where food trucks could operate. Ms. Moore advised the ordinances as they exist make it difficult to enforce and also make it difficult for any business to interpret what they can or cannot do or can or cannot be. There was no definition to determine a “duly established marketplace” and there was nothing in the original language to indicate “when so authorized” and “licensed under the ordinances of this municipality” was pre-empted by the laws passed last year. This criteria was drafted at the request of Council.

Assistant City Attorney Lindsay stated the Board was being asked to recommend an action, so if the Board voted yes this should be repealed, it would not be repealed on that action and would still be on the books; it would not create a vacuum because it would not be repealed except in the context of Chapter 11 being modified. The Board could suggest it had reservations about repealing 12-3-65 because of certain concerns and could ask Council to consider those concerns. Board Member Grundhoefer proposed eliminating 12-3-65 since it was a duplicate, but the Board should make a recommendation that food trucks not be allowed in residential districts but allowed in other districts and see what happens over the next 3 to 5 years.

Board Member Grundhoefer made a motion to delete Section 12-3-65 and accept the language proposed in 11-2-24 but to also include some language that would restrict food trucks in residential areas. Board Member Villegas stated she would say restriction in residential areas outside of certain operating hours since there are a lot of neighborhoods that welcome food trucks. She asked if the language was concerning merchandise or specifically addressing food trucks. Ms. Moore stated the amendment was written to address selling merchandise which included food and beverage. Chairperson Ritz agreed with removing the duplicate language. **The motion was seconded by Board Member Larson.** Board Member Villegas asked for clarification in inviting food trucks to set up at a neighborhood event in a city park, and staff advised those requests go through a special event process with Parks and Recreation. Planning Director Morris advised there was an entirely separate section of the Code which grants to the director of that department authority over city parks so anyone invited would be allowed to operate. Board Member Van Hoose agreed that food trucks should not be prohibited if some of the residents wanted them. **The motion then carried 6 to 0.**

(Proposed Ordinance 38-21 – Amending Section 11-2-24 attached to last page.)

3. Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street. The property is currently zoned R-1AAA Low-Density Residential Zoning District. The applicant is proposing to amend the zoning district to R-1A Medium-Density Residential Zoning District. Chairperson Ritz explained if approved, the item would proceed to Council. The Board was to evaluate if this change was an appropriate use for this property.

Mr. Page presented to the Board and stated the project currently contained eight lots but began as seven lots. Staff indicated that if the eighth lot was left in the current zoning, it would not be a transition since it would move from commercial to residential of a certain density and then residential further to the west with greater density. The owner purchased the additional lot to be an acceptable transition from R1-A and across the street to the west would be R-1AAA. The buyer indicated the style would be 1930-1940 Craftsman homes. Chairperson Ritz clarified the applicant was proposing this change, acting as a transitional zone from the commercial to lower density residential.

Ms. MacDonald, President of the North Hill Preservation Association, explained even though this address was not in the historical portion, it was still in North Hill and a matter of concern to the residents. They were concerned with the vacant lot at Baylen and Mallory zoned R-1AAA being rezoned as R-1A; doing so would mean a reduction in the minimum lot width at building setback from 75' to only 30' and the survey indicated five 30' lots fronting Baylen. Across the street on Baylen, there were only two homes in the same portion of the block; there were only four houses on the western side, and three on the eastern side. With the addition of the five homes, it would total eight in a single block. The 30' width encouraged the development of row houses and an increase to on-street parking. Having parking on both sides of the street would virtually block thru traffic on Baylen, and North Hill asked that the request be denied.

Ms. Pierce advised she walked dogs there twice daily and asked the Board to not allow that many houses in this area.

Ms. Wolfe asked that the Board consider if this type of development really belonged on that block. There were parking considerations, space problems, and North Hill was not downtown.

Ms. Rutland stated children and dogs were outside a lot and agreed that the number of houses being proposed would present a parking problem since parking was already tight along that block. She also hated to see row houses developed in that neighborhood.

Mr. Page explained each unit would have a garage with parking in front to accommodate two vehicles. He also stated the homes would be the Aragon style, and the transition from higher to lower density would fit in very well.

Chairperson Ritz explained the Board was not approving building style or even the number of houses but whether to approve the zoning change and if that was an appropriate designation. Board Member Van Hoose asked if there was a requirement to transition. Mr. Page pointed out that transitional zoning was considered good planning practices; transitional zoning steps down from commercial. Assistant Planning Director Cannon explained transitional zoning was not a requirement, but it was required to go before the Board to consider the overall reasoning. Board Member Villegas suggested the surrounding area didn't mirror the request. She agreed it was everyone's prerogative to park on the street, but it was congested which was a concern for the surrounding area. She thought it would be a good infill move if it was located on Palafox, but this did not allow for the surrounding area to be reflected in the development; it might be excessive

on the Baylen side, and density wise, low density residential made more sense. Board Member Grundhoefer thought transitional zoning was appropriate since there was medium density further south. Chairperson Ritz pointed out smaller lots on Cervantes and Palafox, but Board Member Villegas advised that was commercial and south of Cervantes was PR-2.

Board Member Grundhoefer made a motion to approve, seconded by Chairperson Ritz. With no further discussion, the motion failed 4 to 2 with Board Members Larson, Sampson, Van Hoose and Villegas dissenting.

4. Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street

C.R. Quint Higdon is requesting the use of non-residential parking in a residential zone for the property located at 518 Wynnehurst Street which is zoned R-1AAA. If the request is approved, the subject parcel would serve as an accessory use to the future medical office building at 4304 Davis Hwy which is zoned C-3. Staff presented the six criteria that accompany this particular section of the Code. It was noted that when you have different uses between zoning districts, a 10' buffer is required by the City Land Development Code between those two uses, so you would be required to have that buffer on the backside of that parking lot.

Mr. Higdon presented to the Board and asked for the parking for a new office. Board Member Grundhoefer questioned Mr. Fitzpatrick on the opportunity for a 10' vegetative buffer, and Mr. Fitzpatrick advised there would be no problem with the buffer. Board Member Grundhoefer asked about a deed restriction to always have a retention pond and not a parking lot, and staff advised that would be something the applicant would volunteer to do; the Board was determining the use as a parking lot in the residential zone. If the building was vacant for 180 days, the permission would go away. It was determined the applicants needed one parking spot for 200 sq. ft. which totaled 52 parking spaces. Chairperson Ritz explained this item would not proceed to Council.

Board Member Larson made a motion to approve, seconded by Board Member Sampson. Board Member Villegas asked for clarification if those spaces included one per employee. Staff advised the Code did not distinguish between employees and clientele but gave a perspective per square feet for use. **The motion carried 6 to 0. Board Member Grundhoefer wanted to add the 10' buffer to the motion. The Board voted again to approve 6 to 0.**

5. Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs

Plaza de Luna is located at 900 S. Palafox Street within the Waterfront Redevelopment District - WRD. This site experienced major damage from Hurricane Sally in September 2020. The damage to the park features included sidewalks, handrails, lighting, splash pad equipment and other minor features. The proposed improvements will replace the damaged features with the same or similar material. The City proposes to relocate the underground splash pad equipment to a new pump house building located adjacent to the DeLuna Café for better protection from future storms. The pump building will be approximately 11' X 17' and shall have similar brick as the adjacent café.

Chairperson Ritz pointed out the drawing did not portray the brick matching the DeLuna Café; it was a blank brick wall when the café had more brick detail and patterning, and he did not feel this was appropriate. He also pointed out this was taxpayer funded. Staff clarified this item would not proceed to Council.

Mr. McGuire, in charge of FEMA projects for the city, stated this was a pump building but understood what the Board was saying, but he asked that the Board indicate what they preferred, and they would build it. Chairperson Ritz explained it could return for an abbreviated review for expediency purposes. Board Member Grundhoefer explained there was a louver on the façade of the snack bar with a precast lintel which could be repeated on the west and south sides which were the most prominent; the herringbone pattern could be placed below and would tie it to the snack bar. Also, the snack bar roof sloped to the east, and this building could also slope to the east. He pointed out you do not see the roof form on the prominent side. The downspouts could be placed on either side of the door, and matching the height of the snack bar would tie it in better. Also, placing the building so that the fronts line up would make it look like part of the snack bar. Mr. McGuire pointed out it cost \$100,000 to repair the pumps each time it floods, so bringing the equipment out of the ground would save in expenses. Board Member Van Hoose asked if the building could be attached, and Mr. McGuire stated nice sod and a picnic table would go between the buildings. Board Member Grundhoefer suggested they pull it as close as possible to the other building. Mr. Morgan of Mott McDonald advised there was a shower on the snack bar wall which was part of the splash pad requirements, and they needed room for the walk-thru to other facilities. Board Member Grundhoefer asked that they make it look like one building. Chairperson Ritz explained Board Member Grundhoefer could perform the abbreviated review, return it to staff, and staff would forward it to Chairperson Ritz for review and then send it to the applicant.

Board Member Grundhoefer made a motion for approval with architectural modifications to the pump house which allow it to blend in with the snack shop, designating himself as the first line review for the abbreviated review process. Staff advised that Board Member Grundhoefer as a reviewer could have direct contact with the applicant. **Board Member Villegas seconded the motion.** For FEMA approval, Mr. McGuire advised the other elements would go back in the same footprint. **The motion then carried 6 to 0.**

6. Amendment to the Land Development Code (LDC) – Table 12-3.9 – Regulations for the North Hill Preservation Zoning Districts – PR-2 Minimum Lot Size Requirements

On June 8, 2021 and August 12, 2021 the Planning Board and City Council respectively suggested that City staff amend the PR-2, North Hill Preservation multiple-family zoning district, to better align with criteria designed for transitional zoning districts. Subsequently, the Mayor directed staff to initiate the process for approval of the requested amendment. Currently the PR-1AAA, single-family district, and PR-2, multiple-family district, contain similar building standards and the same minimum lot size requirements. At present the main differences between these zoning districts are the types of uses that are allowed by right and the minimum building setbacks for the front and side yards. In order to allow for the PR-2 district to function as a transitional zoning district between the North Hill single-family and commercial districts, the proposed amendment will allow for a smaller minimum lot width and lot area. Table 12-3.9 *Regulations for The North Hill Preservation Zoning Districts* (attached) contains the current applicable lot and building standards.

The proposed amendment would be limited to Table 12-3.9 and does not include any changes to the types of allowed uses or to the required setbacks in the PR-2 zoning district. The following changes are proposed:

- Minimum Lot Area for Residential Uses: Currently - 9,000 SF

Proposed - 5,000 SF

- Minimum Lot Width at Building Setback Line: Currently - 75 feet
Proposed - 50 feet

Staff explained this was just for the North Hill Preservation District which has three zoning categories – PR-1AAA, PR-2, and PC-1. This action would decrease non-conformities with the lots. Historic Preservation Planner Harding stated the PR-2 (formerly R-2) was established when North Hill was established, possibly mid-70s.

Ms. MacDonald advised over a series of meetings with Mr. Beck and the neighborhood, they discussed alternatives and proposed a compromised solution to rezone the property to an amended version of PR-2 that would reduce the minimum lot area for residential uses from 9,000 sq. ft. to 5,000 sq. ft. and the lot width setback from 75' to 50'. They then polled the neighborhood to see if they could support the pursuit of this proposed change; the 104 respondents voted overwhelmingly in support of PR-2 with these proposed changes - 87% voting for with 12.5% voting against. She voiced this support at the Council meeting and repeated that support today. Although there might be residents against this proposed zoning amendment, she stated the majority of residents who cared enough to vote, voted for it.

Chairperson Ritz appreciated the numbers and percentages and that level of input from the citizens which helped the Board with its decision.

Ms. Marshall advised her home faced the P.K. Yonge property. She explained the neighbors felt any changes made to PR-2 should be decided on the value of the entire North Hill community. The consequences and impact should be evaluated and related to the existing PR-2 zones in the North Hill District. They offered 1) keeping PR-2 as it is since some of the neighbors object to the change relating to their property, and 2) designing special waivers with input from the immediate neighbors while achieving the owners' value of their interest when they sell their property. She pointed out their neighbor, Mr. Mead, had suggested there might be an interesting zone change for block 168. They felt the best suggestion was for an entirely special zone for block 168 which would include the needs of her new neighbor and people of North Hill.

Chairperson Ritz explained this item was at the request of Council, and this request whether accepted, rejected, or modified dealt with all of PR-2 and not one particular piece of property nor a specific development. This request would then proceed to Council.

Mr. Beck appreciated the staff, residents, and the North Hill Preservation Association. The discussion was generated through the consideration of a specific piece of property, and he was in full support of the transition zoning from the very loose PC-1 relating to single-family lots to PR-1AAA; he felt it was a nice compromise and allowed for a 50' lot as opposed to the very narrow 30' lots which would occur under PC-1.

Board Member Larson made a motion to approve the suggested change and felt Council did a good service for bringing it back to the Board after the Board wrestled with the decision after listening to North Hill; we needed a transition between some of the old to the new and this was a good option; it was seconded by Board Member Grundhoefer. Board Member Villegas wanted to understand why there could not be some sort of variation on the PR-2 to address this particular property considering almost half of the North Hill District is PR-2 - possibly a PR-2A. Chairperson Ritz advised this would be creating a zoning district which equates to half a block of property. Assistant City Attorney Lindsay explained contract zoning or spot zoning was not legal, so the decision should not be made on whether to do this based on use but made on zoning considerations broadly. Board Member Grundhoefer pointed out 87% support for this

was unusual, but if the North Hill Preservation Board supported it, it would be a good thing. **The motion then carried 6 to 0.**

Open Forum – None.

Discussion – None.

Adjournment – With no further business, the Board adjourned at 3:58 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 38-21

City Council

9/9/2021

ADD-ON LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Casey Jones

SUBJECT:

PROPOSED ORDINANCE NO. 38-21 - AMENDING SECTION 11-2-24 - PARKING FOR CERTAIN USES PROHIBITED OF THE CODE OF THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 38-21 on first reading:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

Within the City Code, two sections exist; Section 11-2-24 - Parking for certain uses prohibited and Section 12-3-65 - Parking for certain uses prohibited. These two sections are duplicative.

An amendment to Section 11-2-24 would provide guidance related to the current food truck issue by setting boundaries for their prohibited placement in certain areas.

The proposed amendment to Section 11-2-24 would do the following:

1. Adding the language pertaining to public or private as it pertains to vacant lot or parking lot
2. Removes the selling of merchandise language
3. Establishes boundaries for the parking of vehicles for the principal purpose of selling merchandise from such vehicle

PRIOR ACTION:

April 13, 2006 - City Council amended Section 11-2-24 of the City Code via Ordinance No. 11-06

February 9, 2006 - City Council amended Section 12-3-65 (at that time listed as Section 12-2-42) of the City Code via Ordinance No. 04-06

FUNDING:

File #: 38-21

City Council

9/9/2021

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) City Attorney's Office Opinion 20-01
- 2) Proposed Ordinance No. 38-21 - Amendment to Section 11-2-24
- 3) Map of proposed amendment to Section 11-2-24

PRESENTATION: No

PROPOSED
ORDINANCE NO. 38-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 11-2-24 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-24. Parking for certain uses prohibited.

(1) No person shall park a vehicle upon any street, right-of-way, public vacant lot or public parking lot for the principal purpose of:

1(a) Displaying such vehicle for sale;

2)(b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;

3(c) Displaying advertising;

~~(4) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or~~

5(d) Storage for more than 24 hours.

(2.) No person shall park a vehicle upon any street, right-of-way, public vacant lot, or in any public parking space that is located in the area between the eastern right-of-way line of Tarragona Street and western right-of-way line of Baylen Street and between the southern right-of-way line of Garden Street and the southern right-of-way line of Main Street for the principal purpose of selling merchandise, including food and beverage, from such vehicle with the exception of during the hours of Gallery Night and other special events or specified times as approved by the Mayor or Mayor's designee.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

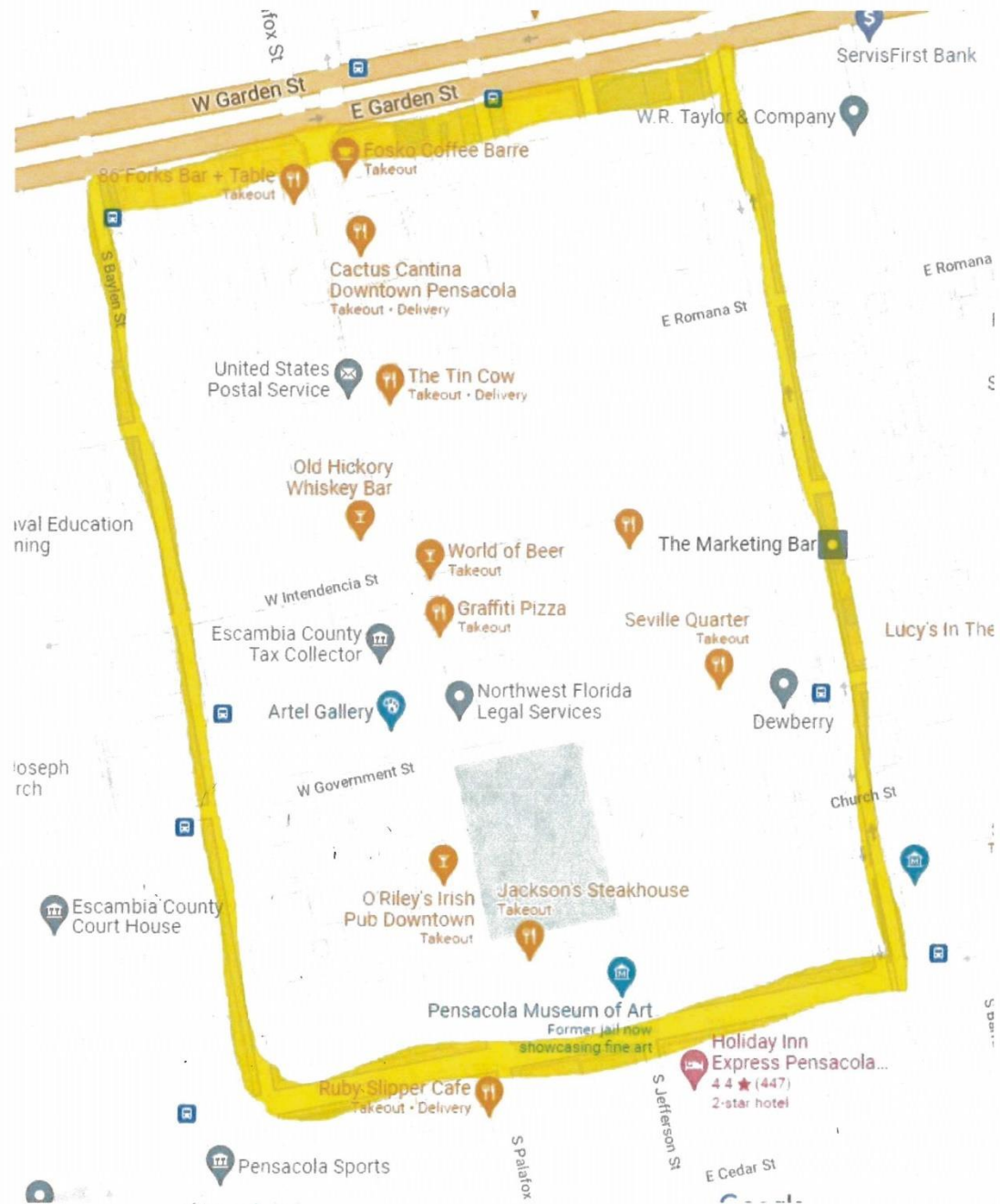
SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk





City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 41-21

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 41-21 - AMENDMENT TO THE LAND DEVELOPMENT CODE - TABLE 12-3.9 - REGULATIONS FOR THE NORTH HILL PRESERVATION DISTRICTS - PR-2 MINIMUM LOT SIZE REQUIREMENTS

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 41-21 on first reading:

AN ORDINANCE AMENDING TABLE 12-3.9 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, REGULATIONS FOR THE NORTH HILL PRESERVATION ZONING DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: Public

SUMMARY:

On June 8, 2021 and August 12, 2021 the Planning Board and City Council respectively discussed the possibility of amending the PR-2, North Hill Preservation multiple-family zoning district to better align with criteria designed for transitional zoning districts. Subsequently the Mayor directed staff to initiate the process for approval of the amendment.

Currently the PR-1AAA, single family district, and PR-2, multiple-family district contain similar building standards, and the same minimum lot size requirements. At present the main differences between these zoning districts are the types of uses that are allowed by right and the minimum building setbacks for the front and side yards. In order to allow for the PR-2 district to function as a transitional zoning district between the North Hill single family and commercial districts, the proposed amendment will allow for a smaller minimum lot width and lot area. Table 12-3.9 *Regulations For The North Hill Preservation Zoning Districts* (attached) contains the current applicable lot and building standards.

The proposed amendment would be limited to Table 12-3.9 and do not include any changes to the types of allowed uses or to the required setbacks in the PR-2 zoning district.

PROPOSED
ORDINANCE NO. 41-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING TABLE 12-3.9 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, REGULATIONS FOR THE NORTH HILL PRESERVATION ZONING DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Table 12-3.9 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

TABLE 12-3.9. REGULATIONS FOR THE NORTH HILL PRESERVATION ZONING DISTRICTS

Standards	PR-1AAA	PR-2	PC-1
Minimum Yard Requirement (Minimum Building Setbacks) Front Yard Side Yard Rear Yard>	*30 feet 9 feet 25 feet	*15 feet 7.5 feet 25 feet	None 5 feet (for dwellings or wood frame structures only) 15 feet
Minimum Lot Area for Residential Uses	9,000 s.f.	<u>5,000</u> 9,000 s.f. for single-family and 10,000 s.f. for multifamily	None
Minimum Lot Width at Street Row Line	50 feet	50 feet	None
Minimum Lot Width at Building Setback Line	75 feet	<u>50</u> 75 feet	None
Maximum Building Height (Except as Provided in Section 12-3-62)	35 feet	35 feet	45 feet
Minimum Floor Area	N/A	600 s.f. per dwelling unit for multifamily	None
*Front yard depths in the North Hill Preservation zoning district shall not be less than the average depths of the front yards located on the block, up to the minimum yard requirement; in case there are no other dwellings, the front yard depths shall be no less than the footages noted.			

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



MINUTES OF THE PLANNING BOARD

September 14, 2021

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Sampson, Board Member Van Hoose, Board Member Villegas

MEMBERS ABSENT: Board Member Powell

STAFF PRESENT: Assistant Planning Director Cannon, Historic Preservation Planner Harding, City Clerk Burnett, Assistant City Attorney Lindsay, Senior Planner Statler, Capital Improvements Forte, Assistant City Attorney Moore, Engineering Specialist Mauldin, Building Construction & Facilities McGuire, Code Enforcement Richards, Help Desk Technician Russo

STAFF VIRTUAL: Planning Director Morris

OTHERS PRESENT: Buddy Page, Mary Pierce, Jo MacDonald, Carol Ann Marshall, Quint Higdon, Nancy Wolfe, Tori Rutland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from August 10, 2021.
- **New Business:**
- Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola
- Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street
- Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street
- Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs
- Amendment to the Land Development Code (LDC) – Table 12-3.9 - Regulations for the North Hill Preservation Zoning Districts - PR-2 Minimum Lot Size Requirements
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:05 pm with a quorum present. Board Member Sampson was sworn in by City Clerk Burnett. Chairperson Ritz then explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes - Board Member Larson made a motion to approve the August 10, 2021 minutes, seconded by Board Member Villegas, and it carried 6 to 0.

New Business -

2. Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola

Assistant Planning Director Cannon advised on September 9, 2021 City Council referred to the Planning Board the proposed repeal of Section 12-3-65 – Parking for Certain Uses Prohibited - of the Land Development Code (LDC). Currently, there are two duplicative sections in the Code, 11-2-24 and 12-3-65. At the same meeting, Council approved an ordinance on first reading which on adoption will amend Section 11-2-24 of the Code to add clarity to the language, regulating parking for certain uses. As the temporary parking of vehicles and associated mobile activities is not related to zoning and is not the actual development of land, Chapter 11 “Traffic and Vehicles” is the more appropriate location for these requirements. In order to remove the duplicative language, and avoid creating conflict between the two Code sections, it is necessary to repeal Section 12-3-65.

Chairperson Ritz confirmed this was strictly a removal of language with no text replacing it; Section 11 was intended to address the parking versus Section 12. He also clarified that the Board did not control Section 11, only Section 12, and Council would review the Board’s decision on removal of the language in Section 12. Assistant City Attorney Lindsay indicated it was determined by Council to keep the language in Section 11 and to ask Planning Board to remove the language from Section 12; the purpose of clarifying Section 11 was to interpret how it would be enforced. The State Legislature had determined the City was limited on how to enforce laws concerning food trucks, meaning that it could not say that no food truck could have any scope of operation whatsoever in the city. But we could have restrictions on where they could operate. However, before Section 11 could be modified, there would be two readings, and the second reading would not be on Council’s agenda until they received the recommendation from the Planning Board. Board Member Larson wanted to know the language of Section 11 before it was removed; the revised language was provided to the Board. Planning Director Morris explained Council was making sure there were not two Code sections which were duplicate and in conflict with each other. The new language would be in compliance with State Statutes and specify the area where food trucks would not be allowed to operate within the city.

Chairperson Ritz explained the Board could approve, modify, or deny as it deliberates. Planning Director Morris advised they were trying to be expedient in not impacting small businesses as they tried to continue to operate and navigate the Code requirements. She understood the Board was concerned with the modified language, but this Board did not have the authority to approve that language since it was outside of Section 12. (While the Board awaited the document with the modified language, it moved to the next item.)

The Board was provided additional materials which had been reviewed by Council. Board Member Villegas wanted to clarify that any amendment would specify usage of space for food trucks. Assistant City Attorney Moore stated they were trying to determine exclusion zones (a map was provided to indicate the exclusion zones). Board Member Grundhoefer asked if food trucks were allowed on every other street. Ms. Moore advised the language did not take away 11-2-24 (1) but it was similar to an ice cream truck. Board Member Larson asked about licensing for the ice cream truck versus food trucks, and Ms. Moore advised DBPR had the licensure, but she was not up to date on the ice cream truck designation. Last year, there was a change to the Florida State Statute where they pre-

empted to the State certain requirements regarding food trucks; they pre-empted to the State everything regarding permits, licensing, and any type of fee that any local government would charge for a food truck to operate within their jurisdiction; the City cannot require any additional permit license or fee, but the local government cannot completely prohibit food trucks from operating within our municipality. Restricting hours of operation or location was left up to the local government. Regarding unlicensed food truck operators, it is a second-degree misdemeanor to operate something where food is cooked, served, and sold. Board Member Larson wanted to make sure there was an enforceable action to someone selling burritos out of the trunk of their car. Ms. Moore then read the State Statute 509.102 for the definition of a mobile food truck which did not cover someone selling from their car; additional requirements and the second-degree misdemeanor was located in 509.251 (license fees) and 509.241 (licenses required and exceptions). Staff advised what prompted this amendment was a code enforcement issue brought to us for equipment as it stands now. Board Member Grundhoefer asked who determined where food trucks could operate. Ms. Moore advised the ordinances as they exist make it difficult to enforce and also make it difficult for any business to interpret what they can or cannot do or can or cannot be. There was no definition to determine a “duly established marketplace” and there was nothing in the original language to indicate “when so authorized” and “licensed under the ordinances of this municipality” was pre-empted by the laws passed last year. This criteria was drafted at the request of Council.

Assistant City Attorney Lindsay stated the Board was being asked to recommend an action, so if the Board voted yes this should be repealed, it would not be repealed on that action and would still be on the books; it would not create a vacuum because it would not be repealed except in the context of Chapter 11 being modified. The Board could suggest it had reservations about repealing 12-3-65 because of certain concerns and could ask Council to consider those concerns. Board Member Grundhoefer proposed eliminating 12-3-65 since it was a duplicate, but the Board should make a recommendation that food trucks not be allowed in residential districts but allowed in other districts and see what happens over the next 3 to 5 years.

Board Member Grundhoefer made a motion to delete Section 12-3-65 and accept the language proposed in 11-2-24 but to also include some language that would restrict food trucks in residential areas. Board Member Villegas stated she would say restriction in residential areas outside of certain operating hours since there are a lot of neighborhoods that welcome food trucks. She asked if the language was concerning merchandise or specifically addressing food trucks. Ms. Moore stated the amendment was written to address selling merchandise which included food and beverage. Chairperson Ritz agreed with removing the duplicate language. **The motion was seconded by Board Member Larson.** Board Member Villegas asked for clarification in inviting food trucks to set up at a neighborhood event in a city park, and staff advised those requests go through a special event process with Parks and Recreation. Planning Director Morris advised there was an entirely separate section of the Code which grants to the director of that department authority over city parks so anyone invited would be allowed to operate. Board Member Van Hoose agreed that food trucks should not be prohibited if some of the residents wanted them. **The motion then carried 6 to 0.**

(Proposed Ordinance 38-21 – Amending Section 11-2-24 attached to last page.)

3. Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street. The property is currently zoned R-1AAA Low-Density Residential Zoning District. The applicant is proposing to amend the zoning district to R-1A Medium-Density Residential Zoning District. Chairperson Ritz explained if approved, the item would proceed to Council. The Board was to evaluate if this change was an appropriate use for this property.

Mr. Page presented to the Board and stated the project currently contained eight lots but began as seven lots. Staff indicated that if the eighth lot was left in the current zoning, it would not be a transition since it would move from commercial to residential of a certain density and then residential further to the west with greater density. The owner purchased the additional lot to be an acceptable transition from R1-A and across the street to the west would be R-1AAA. The buyer indicated the style would be 1930-1940 Craftsman homes. Chairperson Ritz clarified the applicant was proposing this change, acting as a transitional zone from the commercial to lower density residential.

Ms. MacDonald, President of the North Hill Preservation Association, explained even though this address was not in the historical portion, it was still in North Hill and a matter of concern to the residents. They were concerned with the vacant lot at Baylen and Mallory zoned R-1AAA being rezoned as R-1A; doing so would mean a reduction in the minimum lot width at building setback from 75' to only 30' and the survey indicated five 30' lots fronting Baylen. Across the street on Baylen, there were only two homes in the same portion of the block; there were only four houses on the western side, and three on the eastern side. With the addition of the five homes, it would total eight in a single block. The 30' width encouraged the development of row houses and an increase to on-street parking. Having parking on both sides of the street would virtually block thru traffic on Baylen, and North Hill asked that the request be denied.

Ms. Pierce advised she walked dogs there twice daily and asked the Board to not allow that many houses in this area.

Ms. Wolfe asked that the Board consider if this type of development really belonged on that block. There were parking considerations, space problems, and North Hill was not downtown.

Ms. Rutland stated children and dogs were outside a lot and agreed that the number of houses being proposed would present a parking problem since parking was already tight along that block. She also hated to see row houses developed in that neighborhood.

Mr. Page explained each unit would have a garage with parking in front to accommodate two vehicles. He also stated the homes would be the Aragon style, and the transition from higher to lower density would fit in very well.

Chairperson Ritz explained the Board was not approving building style or even the number of houses but whether to approve the zoning change and if that was an appropriate designation. Board Member Van Hoose asked if there was a requirement to transition. Mr. Page pointed out that transitional zoning was considered good planning practices; transitional zoning steps down from commercial. Assistant Planning Director Cannon explained transitional zoning was not a requirement, but it was required to go before the Board to consider the overall reasoning. Board Member Villegas suggested the surrounding area didn't mirror the request. She agreed it was everyone's prerogative to park on the street, but it was congested which was a concern for the surrounding area. She thought it would be a good infill move if it was located on Palafox, but this did not allow for the surrounding area to be reflected in the development; it might be excessive

on the Baylen side, and density wise, low density residential made more sense. Board Member Grundhoefer thought transitional zoning was appropriate since there was medium density further south. Chairperson Ritz pointed out smaller lots on Cervantes and Palafox, but Board Member Villegas advised that was commercial and south of Cervantes was PR-2.

Board Member Grundhoefer made a motion to approve, seconded by Chairperson Ritz. With no further discussion, the motion failed 4 to 2 with Board Members Larson, Sampson, Van Hoose and Villegas dissenting.

4. Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street

C.R. Quint Higdon is requesting the use of non-residential parking in a residential zone for the property located at 518 Wynnehurst Street which is zoned R-1AAA. If the request is approved, the subject parcel would serve as an accessory use to the future medical office building at 4304 Davis Hwy which is zoned C-3. Staff presented the six criteria that accompany this particular section of the Code. It was noted that when you have different uses between zoning districts, a 10' buffer is required by the City Land Development Code between those two uses, so you would be required to have that buffer on the backside of that parking lot.

Mr. Higdon presented to the Board and asked for the parking for a new office. Board Member Grundhoefer questioned Mr. Fitzpatrick on the opportunity for a 10' vegetative buffer, and Mr. Fitzpatrick advised there would be no problem with the buffer. Board Member Grundhoefer asked about a deed restriction to always have a retention pond and not a parking lot, and staff advised that would be something the applicant would volunteer to do; the Board was determining the use as a parking lot in the residential zone. If the building was vacant for 180 days, the permission would go away. It was determined the applicants needed one parking spot for 200 sq. ft. which totaled 52 parking spaces. Chairperson Ritz explained this item would not proceed to Council.

Board Member Larson made a motion to approve, seconded by Board Member Sampson. Board Member Villegas asked for clarification if those spaces included one per employee. Staff advised the Code did not distinguish between employees and clientele but gave a perspective per square feet for use. **The motion carried 6 to 0. Board Member Grundhoefer wanted to add the 10' buffer to the motion. The Board voted again to approve 6 to 0.**

5. Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs

Plaza de Luna is located at 900 S. Palafox Street within the Waterfront Redevelopment District - WRD. This site experienced major damage from Hurricane Sally in September 2020. The damage to the park features included sidewalks, handrails, lighting, splash pad equipment and other minor features. The proposed improvements will replace the damaged features with the same or similar material. The City proposes to relocate the underground splash pad equipment to a new pump house building located adjacent to the DeLuna Café for better protection from future storms. The pump building will be approximately 11' X 17' and shall have similar brick as the adjacent café.

Chairperson Ritz pointed out the drawing did not portray the brick matching the DeLuna Café; it was a blank brick wall when the café had more brick detail and patterning, and he did not feel this was appropriate. He also pointed out this was taxpayer funded. Staff clarified this item would not proceed to Council.

Mr. McGuire, in charge of FEMA projects for the city, stated this was a pump building but understood what the Board was saying, but he asked that the Board indicate what they preferred, and they would build it. Chairperson Ritz explained it could return for an abbreviated review for expediency purposes. Board Member Grundhoefer explained there was a louver on the façade of the snack bar with a precast lintel which could be repeated on the west and south sides which were the most prominent; the herringbone pattern could be placed below and would tie it to the snack bar. Also, the snack bar roof sloped to the east, and this building could also slope to the east. He pointed out you do not see the roof form on the prominent side. The downspouts could be placed on either side of the door, and matching the height of the snack bar would tie it in better. Also, placing the building so that the fronts line up would make it look like part of the snack bar. Mr. McGuire pointed out it cost \$100,000 to repair the pumps each time it floods, so bringing the equipment out of the ground would save in expenses. Board Member Van Hoose asked if the building could be attached, and Mr. McGuire stated nice sod and a picnic table would go between the buildings. Board Member Grundhoefer suggested they pull it as close as possible to the other building. Mr. Morgan of Mott McDonald advised there was a shower on the snack bar wall which was part of the splash pad requirements, and they needed room for the walk-thru to other facilities. Board Member Grundhoefer asked that they make it look like one building. Chairperson Ritz explained Board Member Grundhoefer could perform the abbreviated review, return it to staff, and staff would forward it to Chairperson Ritz for review and then send it to the applicant.

Board Member Grundhoefer made a motion for approval with architectural modifications to the pump house which allow it to blend in with the snack shop, designating himself as the first line review for the abbreviated review process. Staff advised that Board Member Grundhoefer as a reviewer could have direct contact with the applicant. **Board Member Villegas seconded the motion.** For FEMA approval, Mr. McGuire advised the other elements would go back in the same footprint. **The motion then carried 6 to 0.**

6. Amendment to the Land Development Code (LDC) – Table 12-3.9 – Regulations for the North Hill Preservation Zoning Districts – PR-2 Minimum Lot Size Requirements

On June 8, 2021 and August 12, 2021 the Planning Board and City Council respectively suggested that City staff amend the PR-2, North Hill Preservation multiple-family zoning district, to better align with criteria designed for transitional zoning districts. Subsequently, the Mayor directed staff to initiate the process for approval of the requested amendment. Currently the PR-1AAA, single-family district, and PR-2, multiple-family district, contain similar building standards and the same minimum lot size requirements. At present the main differences between these zoning districts are the types of uses that are allowed by right and the minimum building setbacks for the front and side yards. In order to allow for the PR-2 district to function as a transitional zoning district between the North Hill single-family and commercial districts, the proposed amendment will allow for a smaller minimum lot width and lot area. Table 12-3.9 *Regulations for The North Hill Preservation Zoning Districts* (attached) contains the current applicable lot and building standards. The proposed amendment would be limited to Table 12-3.9 and does not include any changes to the types of allowed uses or to the required setbacks in the PR-2 zoning district. The following changes are proposed:

- Minimum Lot Area for Residential Uses: Currently - 9,000 SF

Proposed - 5,000 SF

- Minimum Lot Width at Building Setback Line: Currently - 75 feet
Proposed - 50 feet

Staff explained this was just for the North Hill Preservation District which has three zoning categories – PR-1AAA, PR-2, and PC-1. This action would decrease non-conformities with the lots. Historic Preservation Planner Harding stated the PR-2 (formerly R-2) was established when North Hill was established, possibly mid-70s.

Ms. MacDonald advised over a series of meetings with Mr. Beck and the neighborhood, they discussed alternatives and proposed a compromised solution to rezone the property to an amended version of PR-2 that would reduce the minimum lot area for residential uses from 9,000 sq. ft. to 5,000 sq. ft. and the lot width setback from 75' to 50'. They then polled the neighborhood to see if they could support the pursuit of this proposed change; the 104 respondents voted overwhelmingly in support of PR-2 with these proposed changes - 87% voting for with 12.5% voting against. She voiced this support at the Council meeting and repeated that support today. Although there might be residents against this proposed zoning amendment, she stated the majority of residents who cared enough to vote, voted for it.

Chairperson Ritz appreciated the numbers and percentages and that level of input from the citizens which helped the Board with its decision.

Ms. Marshall advised her home faced the P.K. Yonge property. She explained the neighbors felt any changes made to PR-2 should be decided on the value of the entire North Hill community. The consequences and impact should be evaluated and related to the existing PR-2 zones in the North Hill District. They offered 1) keeping PR-2 as it is since some of the neighbors object to the change relating to their property, and 2) designing special waivers with input from the immediate neighbors while achieving the owners' value of their interest when they sell their property. She pointed out their neighbor, Mr. Mead, had suggested there might be an interesting zone change for block 168. They felt the best suggestion was for an entirely special zone for block 168 which would include the needs of her new neighbor and people of North Hill.

Chairperson Ritz explained this item was at the request of Council, and this request whether accepted, rejected, or modified dealt with all of PR-2 and not one particular piece of property nor a specific development. This request would then proceed to Council.

Mr. Beck appreciated the staff, residents, and the North Hill Preservation Association. The discussion was generated through the consideration of a specific piece of property, and he was in full support of the transition zoning from the very loose PC-1 relating to single-family lots to PR-1AAA; he felt it was a nice compromise and allowed for a 50' lot as opposed to the very narrow 30' lots which would occur under PC-1.

Board Member Larson made a motion to approve the suggested change and felt Council did a good service for bringing it back to the Board after the Board wrestled with the decision after listening to North Hill; we needed a transition between some of the old to the new and this was a good option; it was seconded by Board Member Grundhoefer. Board Member Villegas wanted to understand why there could not be some sort of variation on the PR-2 to address this particular property considering almost half of the North Hill District is PR-2 - possibly a PR-2A. Chairperson Ritz advised this would be creating a zoning district which equates to half a block of property. Assistant City Attorney Lindsay explained contract zoning or spot zoning was not legal, so the decision should not be made on whether to do this based on use but made on zoning considerations broadly. Board Member Grundhoefer pointed out 87% support for this

was unusual, but if the North Hill Preservation Board supported it, it would be a good thing. **The motion then carried 6 to 0.**

Open Forum – None.

Discussion – None.

Adjournment – With no further business, the Board adjourned at 3:58 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 38-21

City Council

9/9/2021

ADD-ON LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Casey Jones

SUBJECT:

PROPOSED ORDINANCE NO. 38-21 - AMENDING SECTION 11-2-24 - PARKING FOR CERTAIN USES PROHIBITED OF THE CODE OF THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 38-21 on first reading:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

Within the City Code, two sections exist; Section 11-2-24 - Parking for certain uses prohibited and Section 12-3-65 - Parking for certain uses prohibited. These two sections are duplicative.

An amendment to Section 11-2-24 would provide guidance related to the current food truck issue by setting boundaries for their prohibited placement in certain areas.

The proposed amendment to Section 11-2-24 would do the following:

1. Adding the language pertaining to public or private as it pertains to vacant lot or parking lot
2. Removes the selling of merchandise language
3. Establishes boundaries for the parking of vehicles for the principal purpose of selling merchandise from such vehicle

PRIOR ACTION:

April 13, 2006 - City Council amended Section 11-2-24 of the City Code via Ordinance No. 11-06

February 9, 2006 - City Council amended Section 12-3-65 (at that time listed as Section 12-2-42) of the City Code via Ordinance No. 04-06

FUNDING:

File #: 38-21

City Council

9/9/2021

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) City Attorney's Office Opinion 20-01
- 2) Proposed Ordinance No. 38-21 - Amendment to Section 11-2-24
- 3) Map of proposed amendment to Section 11-2-24

PRESENTATION: No

PROPOSED
ORDINANCE NO. 38-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 11-2-24 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-24. Parking for certain uses prohibited.

(1) No person shall park a vehicle upon any street, right-of-way, public vacant lot or public parking lot for the principal purpose of:

1(a) Displaying such vehicle for sale;

2)(b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;

3(c) Displaying advertising;

~~(4) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or~~

5(d) Storage for more than 24 hours.

(2.) No person shall park a vehicle upon any street, right-of-way, public vacant lot, or in any public parking space that is located in the area between the eastern right-of-way line of Tarragona Street and western right-of-way line of Baylen Street and between the southern right -of- way line of Garden Street and the southern right -of -way line of Main Street for the principal purpose of selling merchandise, including food and beverage, from such vehicle with the exception of during the hours of Gallery Night and other special events or specified times as approved by the Mayor or Mayor's designee.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

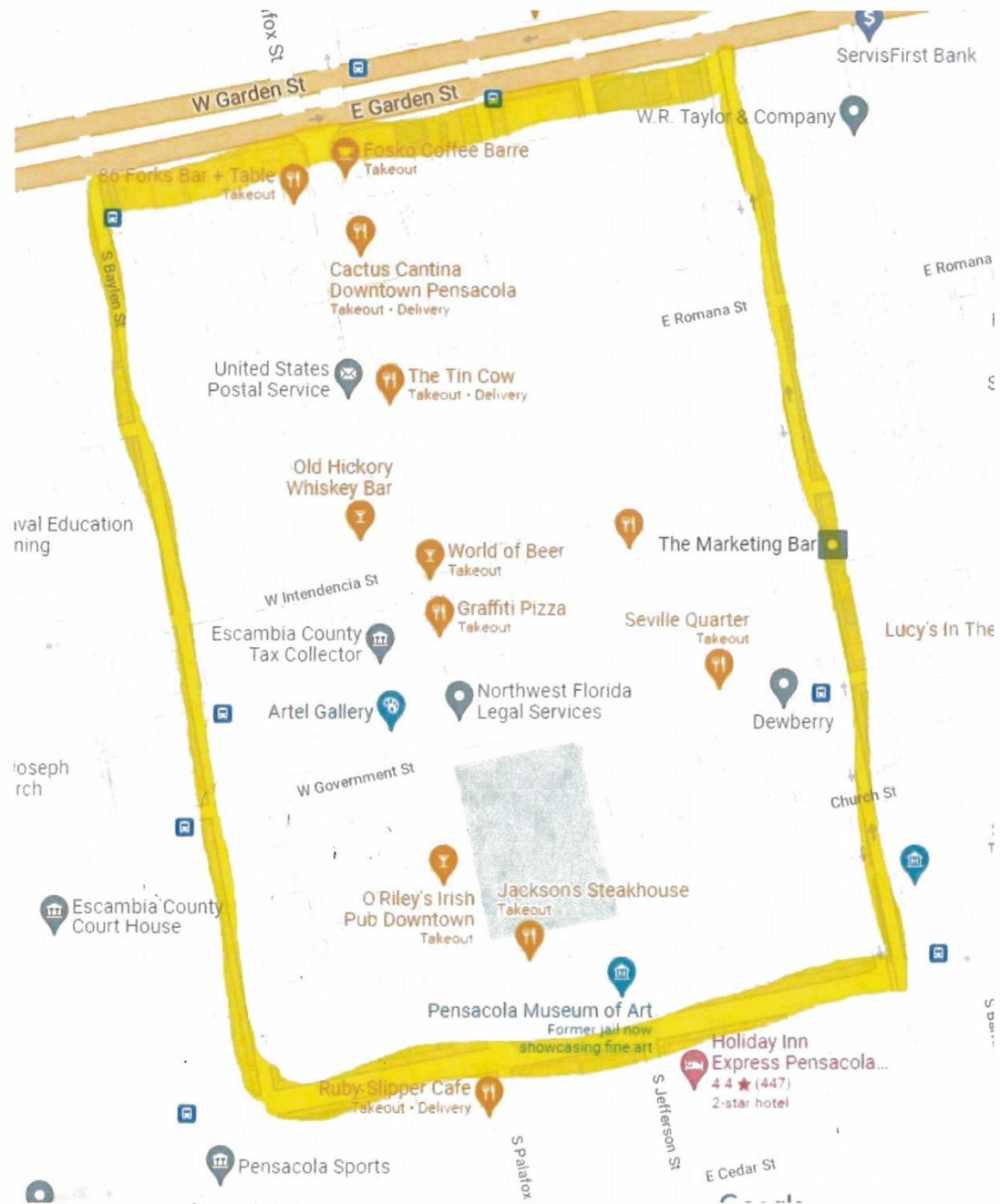
SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk





City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00813

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PUBLIC HEARING: REQUEST FOR FUTURE LAND USE MAP AND ZONING MAP AMENDMENT - 1717 NORTH PALAFOX STREET

RECOMMENDATION:

That City Council conduct a Public Hearing on October 14, 2020, to consider the request to amend the Future Land Use Map and Zoning Map for property located at 1717 North Palafox Street.

HEARING REQUIRED: Public

SUMMARY:

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street and identified by parcel number 000S009010001101. The property is currently zoned R-1AAA, Single-Family Residential Zoning District, and the Future Land Use is LDR - Low Density Residential. The applicant is proposing to amend the zoning district to R-1A, One and Two Family Residential Zoning District, and the Future Land Use to MDR - Medium Density Residential. The subject area totals 1.38 acres.

Per Section 12-3-3 - Low Density Residential Land Use Districts.

Purpose of district. The low-density residential land use district is established for the purpose of providing and preserving areas of single-family, low intensity development at a maximum density of 4.8 dwelling units per acre in areas deemed suitable because of compatibility with existing development and/or the environmental character of the areas. The nature of the use of property is basically the same in all three single-family zoning districts. Variation among the R-1AAAAA, R-1AAAA and R-1AAA districts is in requirements for lot area, lot width, and minimum yards.

Per Section 12-3-4 - Medium Density Residential Land Use Districts.

Purpose. Purpose of district. The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are located in older areas of the city, the zoning regulations are intended to promote infill development which is in

character with the density, intensity and scale of the existing neighborhoods.

On September 14, 2021, the Planning Board recommended denial of the request with a 4 - 2 vote with board members Kurt Larson and Paul Ritz dissenting.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

9/14/2020

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator - Community Development
Sherry Morris, AICP, Planning Services Director

ATTACHMENTS:

- 1) Planning Board Rezoning Application
- 2) Planning Board Minutes September 14 2021 - DRAFT
- 3) Zoning Map September 2021
- 4) Proposed Ordinance No. 43-21
- 5) Future Land Use Map
- 6) Proposed Ordinance No. 42-21

PRESENTATION: No



REZONING

Please check application type:

- | | | |
|--|---|---|
| <input type="checkbox"/> Conventional Rezoning
Application Fee: \$2,500.00
Rehearing/Rescheduling (Planning Board): \$250.00
Rehearing/Rescheduling (City Council): \$750.00 | <input type="checkbox"/> Comprehensive Plan / FLUM Amendment
(< 10 acres)
\$3,500.00
\$250.00
\$750.00 | <input type="checkbox"/> (≥ 10 acres)
\$3,500.00
\$250.00
\$1,000.00 |
|--|---|---|

Applicant Information:

Name: Olde City Developers, LLC Date: August 9, 2021

Address: 212 West Intendencia St, Pensacola, FL 32502

Phone: 850-438-9647 Fax: 850-433-5409 Email: cliberis@liberislaw.com

Property Information:

Owner Name: Donald R. & Linda B. Lindsey, Trustees Phone: 850 712-7000

Location/Address: Westerly portion of 1717 North Palafox St. See (survey)

Parcel ID: _____ - _____ - _____ - _____ - _____ - _____ Acres/Square Feet: _____

Zoning Classification: Existing R-1AAA Proposed R-1A

Future Land Use Classification: Existing LDR Proposed MDR

Reason Rezoning Requested: _____

Owner has city plat maps and deep for purchase that shows and describes the property as being made up of eight lots.

Owner wishes to construct eight single family homes, one on each lot.

- Required Attachments: (A) Full legal description of property (from deed or survey)
 (B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this _____ day of _____, 20____.

[Signature]
Applicant Signature

DocuSigned by: [Signature]
DocuSigned by: Linda B. Lindsey
Owner Signature... CB078C0176024AA...

Applicant Name (Print)

Donald R. Lindsey & Linda B. Lindsey
Owner Name (Print)

Sworn to and subscribed to before me this _____ day of _____, 20____

Name: _____ Commission Expires: _____

<u>FOR OFFICE USE ONLY</u>			
Council District: _____	Date Received: _____	Case Number: _____	
Date Postcards mailed: _____	Planning Board Date: _____	Recommendation: _____	
Committee Date: _____	Council Date: _____	Council Action: _____	
Second Reading: _____	Ordinance Number: _____		

PROJECT OVERVIEW

This application seeks to rezone and change the Future Land Use on seven (8) lots located at the northeast corner of Mallory and Baylen Streets. The eight lots were the combination of three separate purchases. The first purchase consisted of lot 1 thru 5 and lot 30 as depicted on survey job 20-12852-S-1 dated August 11, 2020. The second purchase consists of only lot 29 and identified as job 20-12851-S-1 also dated August 11, 2020 and the third purchase added lot 28 for a total of eight lots. The attached survey identifies all as lots 1,2,3,4,5,28,29, and 30 block 101. Taken together, the three purchases represent those areas that are comprised as lots 1,2,3,4,5,28,29 and 30 that make up the combined descriptions in the application request.

These 8 lots are currently zoned as R-AAA and the application requests a change to R-1A. Combined with the Future Land Use change from LDR to MDR creates a transitional zone effect comprised of the surrounding and existing R-1AAA zoned properties to the north, west and south of the site together with Low Density Future Land Use designated properties located west of the site.

**MERRILL
PARKER
SHAW, INC.
SURVEYING**

Phone: (850) 478-4923 • Fax: (850) 478-4924
4928 N. Davis Hwy. • Pensacola, FL 32503



DESCRIPTION:

LOTS 1-5 AND LOTS 28-30, ALL IN BLOCK 101, BELMONT TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

Merrill Parker Shaw, Inc.
Professional Surveying Services
4928 North Davis Highway Pensacola, FL 32503
Phone: (850) 478-4923 Fax: (850) 478-4924



MERRILL PARKER SHAW, INC.

4928 N. DAVIS HWY
PENSACOLA, FL 32503

PROFESSIONAL SURVEYING SERVICES

PH: (850) 478-4923
FAX: (850) 478-4924



PREPARED FOR: OLDE CITY REALTY
REQUESTED BY: KEVIN FOX

JOB NO.: 20-12852-S-3
DATE: AUGUST 11, 2020

PROPERTY ADDRESS: N/A

SCALE: 1" = 30'

DESCRIPTION:

LOTS 1-8 AND LOTS 28-30, ALL IN BLOCK 101, BELMONT TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1909.

SURVEYOR'S NOTES:

- 1.) THE NORTH ARROW AND BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF NORTH 09 DEGREES 58 MINUTES 08 SECONDS WEST ALONG THE EAST RIGHT OF WAY LINE OF DAYLEN STREET (50' R/W), THE CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA.
- 2.) SOURCE OF INFORMATION: THE DEEDS OF RECORD; THE RECORD MAP OF "THE CITY OF PENSACOLA" COPYRIGHTED BY THOMAS C. WATSON IN 1909; AND EXISTING FIELD MONUMENTATION.
- 3.) NO TITLE SEARCH WAS PERFORMED BY OR FURNISHED TO MERRILL PARKER SHAW, INC. FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, RIGHT-OF-WAYS, EASEMENTS, BUILDING SETBACKS, RESTRICTIVE COVENANTS, GOVERNMENTAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE SUBJECT PROPERTY.
- 4.) ONLY THE ABOVE GROUND VISIBLE ENCROACHMENTS AND IMPROVEMENTS WERE FIELD LOCATED AS SHOWN HEREON, UNLESS OTHERWISE NOTED. UNDERGROUND ENCROACHMENTS AND IMPROVEMENTS, IF ANY, WERE NOT FIELD LOCATED OR VERIFIED, UNLESS OTHERWISE NOTED.
- 5.) THE DIMENSIONS OF THE BUILDINGS (IF ANY) AS SHOWN HEREON ARE ALONG THE OUTSIDE FACE OF THE BUILDINGS AND DO NOT INCLUDE THE EAVES OVERHANG OR THE FOOTINGS OF THE FOUNDATIONS.
- 6.) THE SURVEY AS SHOWN HEREON DOES NOT DETERMINE OWNERSHIP.
- 7.) THE MEASUREMENTS MADE IN THE FIELD, INDICATED THUSLY (F), AS SHOWN HEREON WERE MADE IN ACCORDANCE WITH UNITED STATES STANDARDS.
- 8.) FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR ANY OTHER TRANSACTION. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER AND IS TO BE RETURNED UPON REQUEST.

CERTIFIED TO:

OLDE CITY DEVELOPERS, LLC
LIBERIS LAW FIRM, P.A.

THAT THE SURVEY SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA, ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 6J-17.051 AND 6J-17.052, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

'BOUNDARY SURVEY'

SHEET 2 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

COPYRIGHT © 2020 BY MERRILL PARKER SHAW, INC.
P.L.S. DO NOT DRAFTED, RED, TYPED, ESD, CHECKED, EXP.

DESCRIPTION: SEE ABOVE

SECTION N/A, TOWNSHIP N/A, RANGE N/A, ESCAMBIA COUNTY, STATE OF FLORIDA.
RECORDED N/A BOOK N/A, PAGE N/A *THE ENCROACHMENTS ARE AS SHOWN*
FIELD DATE: 8/6/20, 8/6/21, FIELD BOOK: 449, PG. 23

MERRILL PARKER SHAW, INC. CORPORATION NUMBER 7174

REVISIONS:

E. Wayne Parker DATE: 8/12/20
E. WAYNE PARKER PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 3683 STATE OF FLORIDA

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL LAND SURVEYOR



MERRILL PARKER SHAW, INC.

4928 N. DAVIS HWY. PROFESSIONAL SURVEYING SERVICES PH: (850) 478-4923
PENSACOLA, FL 32503 FAX: (850) 478-4924

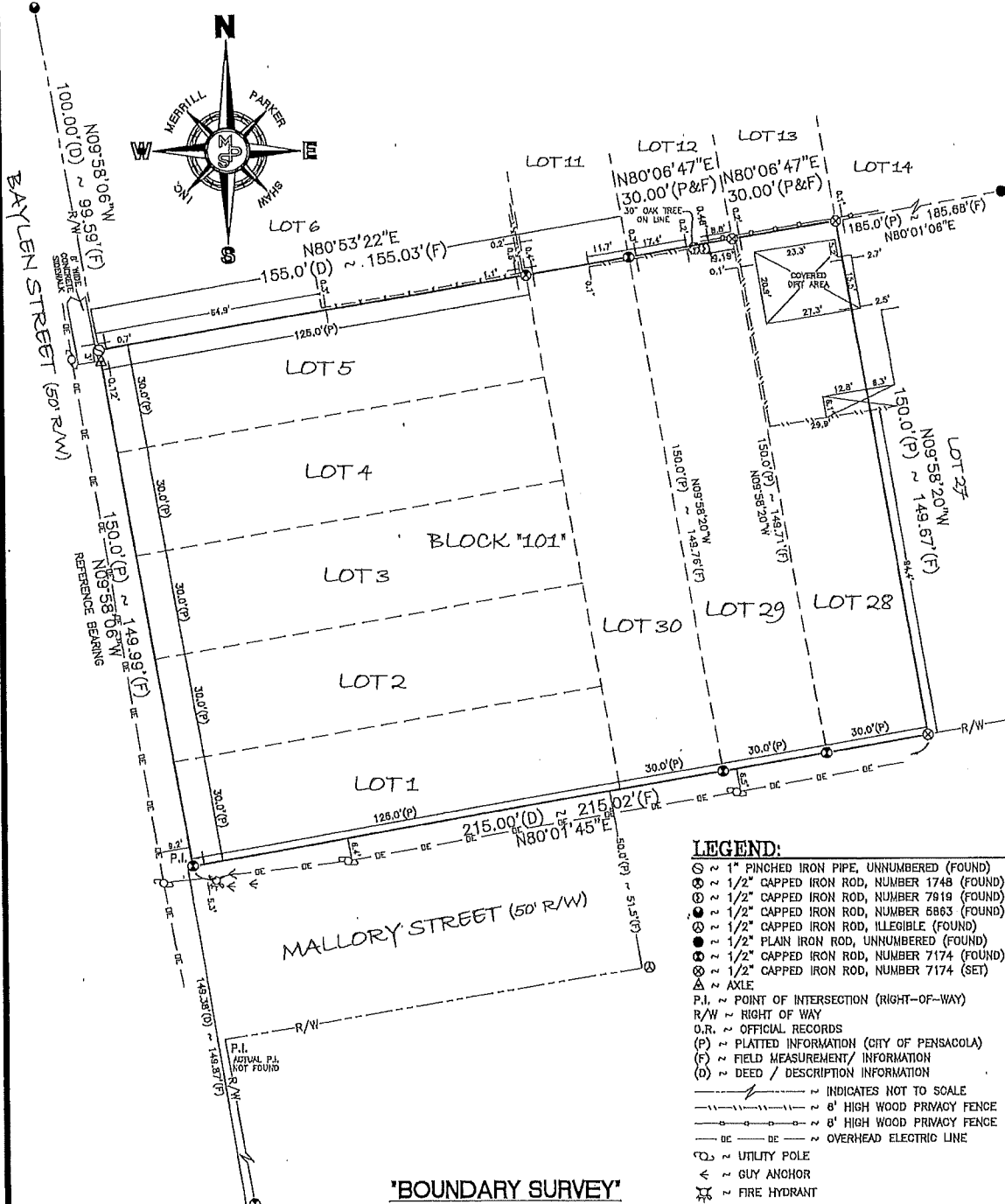


PREPARED FOR: OLDE CITY REALTY
REQUESTED BY: KEVIN FOX

JOB NO.: 20-12852-S-3
DATE: AUGUST 11, 2020

PROPERTY ADDRESS: N/A

SCALE: 1" = 30'



'BOUNDARY SURVEY'

SHEET 1 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

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P.L.S. DRAFTED, ROD TYPED, ROD CHECKED, EXP.

DESCRIPTION: SEE PAGE 2 OF 2

SECTION N/A, TOWNSHIP N/A, RANGE N/A, ESCAMBIA COUNTY, STATE OF FLORIDA.
RECORDED N/A BOOK N/A, PAGE N/A *THE ENCROACHMENTS ARE AS SHOWN*
FIELD DATE: 8/6/20, 8/6/21, FIELD BOOK: 449, PG. 23

MERRILL PARKER SHAW, INC. CORPORATION NUMBER 7174

E. Wayne Parker DATE: 8/12/20
E. WAYNE PARKER PROFESSIONAL LAND SURVEYOR

FLORIDA REGISTRATION NUMBER 3683 STATE OF FLORIDA

REVISIONS:

- 1 REVISE ADJACENT LOT NUMBERS 7/20/21
- 2 ADD LOT 29, BLOCK 101 7/29/21
- 3 ADD LOT 28, BLOCK 101 08/09/2021 (RDC)

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL LAND SURVEYOR

Vacant Land Contract



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1. **Sale and Purchase:** Donald R & Linda B Trustees ("Seller")
and Old City Developers LLC ("Buyer")
(the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property")
described as:

Address: Adjacent to 1737 N Palafox address not yet assigned
Legal Description: LTS 1, 2, 3, 4, 5 (dimensions of 150' FF on Baylen x 125' deep, 18750 sqft, 4,400,000)
Lots 30 (dimensions 30' FF x 150' Deep, 4500 sq ft, \$32,580)

SEC ___/TWP ___/___/ RNG ___ of ___ County, Florida. Real Property ID No.: ___
Including all improvements existing on the Property and the following additional property: ___

2. **Purchase Price:** (U.S. currency) \$ 4,400,000
All deposits will be made payable to "Escrow Agent" named below and held in escrow by:
Escrow Agent's Name: Liberis Law Firm PA
Escrow Agent's Contact Person: _____
Escrow Agent's Address: 212 W Intendencia St
Escrow Agent's Phone: (850) 438-9647
Escrow Agent's Email: closings@liberislaw.com

- (a) Initial deposit (\$0 if left blank) (Check if applicable)
 - accompanies offer
 - will be delivered to Escrow Agent within ___ days (3 days if left blank) after Effective Date \$
- (b) Additional deposit will be delivered to Escrow Agent (Check if applicable)
 - within 60 days (10 days if left blank) after Effective Date \$
 - within ___ days (3 days if left blank) after expiration of Feasibility Study Period \$
- (c) Total Financing (see Paragraph 6) (express as a dollar amount or percentage) \$
- (d) Other: \$
- (e) Balance to close (not including Buyer's closing costs, prepaid items, and prorations) to be paid at closing by wire transfer or other Collected funds \$
- (f) (Complete only if purchase price will be determined based on a per unit cost instead of a fixed price.) The unit used to determine the purchase price is lot acre square foot other (specify); _____ prorating areas of less than a full unit. The purchase price will be \$ _____ per unit based on a calculation of total area of the Property as certified to Seller and Buyer by a Florida licensed surveyor in accordance with Paragraph 8(c). The following rights of way and other areas will be excluded from the calculation: _____

3. **Time for Acceptance; Effective Date:** Unless this offer is signed by Seller and Buyer and an executed copy delivered to all parties on or before July 9, 2020 this offer will be withdrawn and Buyer's deposit, if any, will be returned. The time for acceptance of any counter-offer will be 3 days after the date the counter-offer is delivered. The "Effective Date" of this contract is the date on which the last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter-offer.

4. **Closing Date:** This transaction will close on see paragraph 23 ("Closing Date"), unless specifically extended by other provisions of this contract. The Closing Date will prevail over all other time periods including, but not limited to, Financing and Feasibility Study periods. However, if the Closing Date occurs on a Saturday, Sunday, or national legal holiday, it will extend to 5:00 p.m. (where the Property is located) of the next business day. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property insurance, Buyer may postpone closing for up to 5 days after the insurance underwriting suspension is lifted. If this transaction does not close for any reason, Buyer will immediately return all Seller provided documents and other items.

5. **Extension of Closing Date:** If Paragraph 6(b) is checked and Closing Funds from Buyer's lender(s) are not available on Closing Date due to Consumer Financial Protection Bureau Closing Disclosure delivery requirements

Buyer [Signature] and Seller [Signature] acknowledge receipt of a copy of this page, which is 1 of 8 pages.

Vacant Land Contract

1* 1. **Sale and Purchase:** Donald R. Linda B Trustees ("Seller")
 2* and Old City Developers LLC ("Buyer")

3 (the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property")
 4 described as:

5* Address: Adjacent to 1737 N Palafox address not yet assigned
 6* Legal Description: LTS 1,2,3,4,5 (dimensions of 150' FF on Baylen x 125' deep, 18750 sqft, [redacted])
 7 Lots 30 (dimensions 30' FF x 150' Deep, 4500 sq ft, \$32,580)

11* SEC ___/TWP ___/___/ RNG ___ of _____ County, Florida. Real Property ID No.: _____
 12* Including all improvements existing on the Property and the following additional property: _____

14* 2. **Purchase Price:** (U.S. currency) \$ [redacted]
 15 All deposits will be made payable to "Escrow Agent" named below and held in escrow by:
 16* Escrow Agent's Name: Liberis Law Firm PA
 17* Escrow Agent's Contact Person: _____
 18* Escrow Agent's Address: 212 W Intendencia St
 19* Escrow Agent's Phone: (850) 438-9647
 20* Escrow Agent's Email: closings@liberislaw.com

- 21 (a) Initial deposit (\$0 if left blank) (Check if applicable)
 22* accompanies offer
 23* will be delivered to Escrow Agent within _____ days (3 days if left blank)
 24* after Effective Date \$ [redacted]
 25 (b) Additional deposit will be delivered to Escrow Agent (Check if applicable)
 26* within 60 days (10 days if left blank) after Effective Date
 27* within _____ days (3 days if left blank) after expiration of Feasibility Study Period \$ [redacted]
 28* (c) Total Financing (see Paragraph 6) (express as a dollar amount or percentage) \$ _____
 29* (d) Other: _____ \$ _____
 30 (e) Balance to close (not including Buyer's closing costs, prepaid items, and prorations)
 31* to be paid at closing by wire transfer or other Collected funds \$ [redacted]
 32* (f) (Complete only if purchase price will be determined based on a per unit cost instead of a fixed price.) The
 33* unit used to determine the purchase price is lot acre square foot other (specify); _____
 34* prorating areas of less than a full unit. The purchase price will be \$ _____ per unit based on a
 35 calculation of total area of the Property as certified to Seller and Buyer by a Florida licensed surveyor in
 36 accordance with Paragraph 8(c). The following rights of way and other areas will be excluded from the
 37* calculation: _____

38 3. **Time for Acceptance; Effective Date:** Unless this offer is signed by Seller and Buyer and an executed copy
 39* delivered to all parties on or before July 9, 2020, this offer will be withdrawn and Buyer's deposit, if
 40 any, will be returned. The time for acceptance of any counter-offer will be 3 days after the date the counter-offer is
 41 delivered. The "Effective Date" of this contract is the date on which the last one of the Seller and Buyer has
 42 signed or initialed and delivered this offer or the final counter-offer.

43* 4. **Closing Date:** This transaction will close on see paragraph 23 ("Closing Date"), unless specifically
 44 extended by other provisions of this contract. The Closing Date will prevail over all other time periods including, but
 45 not limited to, Financing and Feasibility Study periods. However, if the Closing Date occurs on a Saturday,
 46 Sunday, or national legal holiday, it will extend to 5:00 p.m. (where the Property is located) of the next business
 47 day. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property
 48 insurance, Buyer may postpone closing for up to 5 days after the insurance underwriting suspension is lifted. If
 49 this transaction does not close for any reason, Buyer will immediately return all Seller provided documents and
 50 other items.

51 5. **Extension of Closing Date:** If Paragraph 6(b) is checked and Closing Funds from Buyer's lender(s) are not
 52 available on Closing Date due to Consumer Financial Protection Bureau Closing Disclosure delivery requirements

Buyer [Signature] and Seller [Signature] acknowledge receipt of a copy of this page, which is 1 of 8 pages.



MINUTES OF THE PLANNING BOARD

September 14, 2021

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Sampson, Board Member Van Hoose, Board Member Villegas

MEMBERS ABSENT: Board Member Powell

STAFF PRESENT: Assistant Planning Director Cannon, Historic Preservation Planner Harding, City Clerk Burnett, Assistant City Attorney Lindsay, Senior Planner Statler, Capital Improvements Forte, Assistant City Attorney Moore, Engineering Specialist Mauldin, Building Construction & Facilities McGuire, Code Enforcement Richards, Help Desk Technician Russo

STAFF VIRTUAL: Planning Director Morris

OTHERS PRESENT: Buddy Page, Mary Pierce, Jo MacDonald, Carol Ann Marshall, Quint Higdon, Nancy Wolfe, Tori Rutland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from August 10, 2021.
- **New Business:**
- Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola
- Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street
- Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street
- Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs
- Amendment to the Land Development Code (LDC) – Table 12-3.9 - Regulations for the North Hill Preservation Zoning Districts - PR-2 Minimum Lot Size Requirements
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:05 pm with a quorum present. Board Member Sampson was sworn in by City Clerk Burnett. Chairperson Ritz then explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes - Board Member Larson made a motion to approve the August 10, 2021 minutes, seconded by Board Member Villegas, and it carried 6 to 0.

New Business -

2. Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola

Assistant Planning Director Cannon advised on September 9, 2021 City Council referred to the Planning Board the proposed repeal of Section 12-3-65 – Parking for Certain Uses Prohibited - of the Land Development Code (LDC). Currently, there are two duplicative sections in the Code, 11-2-24 and 12-3-65. At the same meeting, Council approved an ordinance on first reading which on adoption will amend Section 11-2-24 of the Code to add clarity to the language, regulating parking for certain uses. As the temporary parking of vehicles and associated mobile activities is not related to zoning and is not the actual development of land, Chapter 11 “Traffic and Vehicles” is the more appropriate location for these requirements. In order to remove the duplicative language, and avoid creating conflict between the two Code sections, it is necessary to repeal Section 12-3-65.

Chairperson Ritz confirmed this was strictly a removal of language with no text replacing it; Section 11 was intended to address the parking versus Section 12. He also clarified that the Board did not control Section 11, only Section 12, and Council would review the Board’s decision on removal of the language in Section 12. Assistant City Attorney Lindsay indicated it was determined by Council to keep the language in Section 11 and to ask Planning Board to remove the language from Section 12; the purpose of clarifying Section 11 was to interpret how it would be enforced. The State Legislature had determined the City was limited on how to enforce laws concerning food trucks, meaning that it could not say that no food truck could have any scope of operation whatsoever in the city. But we could have restrictions on where they could operate. However, before Section 11 could be modified, there would be two readings, and the second reading would not be on Council’s agenda until they received the recommendation from the Planning Board. Board Member Larson wanted to know the language of Section 11 before it was removed; the revised language was provided to the Board. Planning Director Morris explained Council was making sure there were not two Code sections which were duplicate and in conflict with each other. The new language would be in compliance with State Statutes and specify the area where food trucks would not be allowed to operate within the city.

Chairperson Ritz explained the Board could approve, modify, or deny as it deliberates. Planning Director Morris advised they were trying to be expedient in not impacting small businesses as they tried to continue to operate and navigate the Code requirements. She understood the Board was concerned with the modified language, but this Board did not have the authority to approve that language since it was outside of Section 12. (While the Board awaited the document with the modified language, it moved to the next item.)

The Board was provided additional materials which had been reviewed by Council. Board Member Villegas wanted to clarify that any amendment would specify usage of space for food trucks. Assistant City Attorney Moore stated they were trying to determine exclusion zones (a map was provided to indicate the exclusion zones). Board Member Grundhoefer asked if food trucks were allowed on every other street. Ms. Moore advised the language did not take away 11-2-24 (1) but it was similar to an ice cream truck. Board Member Larson asked about licensing for the ice cream truck versus food trucks, and Ms. Moore advised DBPR had the licensure, but she was not up to date on the ice cream truck designation. Last year, there was a change to the Florida State Statute where they pre-

empted to the State certain requirements regarding food trucks; they pre-empted to the State everything regarding permits, licensing, and any type of fee that any local government would charge for a food truck to operate within their jurisdiction; the City cannot require any additional permit license or fee, but the local government cannot completely prohibit food trucks from operating within our municipality. Restricting hours of operation or location was left up to the local government. Regarding unlicensed food truck operators, it is a second-degree misdemeanor to operate something where food is cooked, served, and sold. Board Member Larson wanted to make sure there was an enforceable action to someone selling burritos out of the trunk of their car. Ms. Moore then read the State Statute 509.102 for the definition of a mobile food truck which did not cover someone selling from their car; additional requirements and the second-degree misdemeanor was located in 509.251 (license fees) and 509.241 (licenses required and exceptions). Staff advised what prompted this amendment was a code enforcement issue brought to us for equipment as it stands now. Board Member Grundhoefer asked who determined where food trucks could operate. Ms. Moore advised the ordinances as they exist make it difficult to enforce and also make it difficult for any business to interpret what they can or cannot do or can or cannot be. There was no definition to determine a “duly established marketplace” and there was nothing in the original language to indicate “when so authorized” and “licensed under the ordinances of this municipality” was pre-empted by the laws passed last year. This criteria was drafted at the request of Council.

Assistant City Attorney Lindsay stated the Board was being asked to recommend an action, so if the Board voted yes this should be repealed, it would not be repealed on that action and would still be on the books; it would not create a vacuum because it would not be repealed except in the context of Chapter 11 being modified. The Board could suggest it had reservations about repealing 12-3-65 because of certain concerns and could ask Council to consider those concerns. Board Member Grundhoefer proposed eliminating 12-3-65 since it was a duplicate, but the Board should make a recommendation that food trucks not be allowed in residential districts but allowed in other districts and see what happens over the next 3 to 5 years.

Board Member Grundhoefer made a motion to delete Section 12-3-65 and accept the language proposed in 11-2-24 but to also include some language that would restrict food trucks in residential areas. Board Member Villegas stated she would say restriction in residential areas outside of certain operating hours since there are a lot of neighborhoods that welcome food trucks. She asked if the language was concerning merchandise or specifically addressing food trucks. Ms. Moore stated the amendment was written to address selling merchandise which included food and beverage. Chairperson Ritz agreed with removing the duplicate language. **The motion was seconded by Board Member Larson.** Board Member Villegas asked for clarification in inviting food trucks to set up at a neighborhood event in a city park, and staff advised those requests go through a special event process with Parks and Recreation. Planning Director Morris advised there was an entirely separate section of the Code which grants to the director of that department authority over city parks so anyone invited would be allowed to operate. Board Member Van Hoose agreed that food trucks should not be prohibited if some of the residents wanted them. **The motion then carried 6 to 0.**

(Proposed Ordinance 38-21 – Amending Section 11-2-24 attached to last page.)

3. Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street. The property is currently zoned R-1AAA Low-Density Residential Zoning District. The applicant is proposing to amend the zoning district to R-1A Medium-Density Residential Zoning District. Chairperson Ritz explained if approved, the item would proceed to Council. The Board was to evaluate if this change was an appropriate use for this property.

Mr. Page presented to the Board and stated the project currently contained eight lots but began as seven lots. Staff indicated that if the eighth lot was left in the current zoning, it would not be a transition since it would move from commercial to residential of a certain density and then residential further to the west with greater density. The owner purchased the additional lot to be an acceptable transition from R1-A and across the street to the west would be R-1AAA. The buyer indicated the style would be 1930-1940 Craftsman homes. Chairperson Ritz clarified the applicant was proposing this change, acting as a transitional zone from the commercial to lower density residential.

Ms. MacDonald, President of the North Hill Preservation Association, explained even though this address was not in the historical portion, it was still in North Hill and a matter of concern to the residents. They were concerned with the vacant lot at Baylen and Mallory zoned R-1AAA being rezoned as R-1A; doing so would mean a reduction in the minimum lot width at building setback from 75' to only 30' and the survey indicated five 30' lots fronting Baylen. Across the street on Baylen, there were only two homes in the same portion of the block; there were only four houses on the western side, and three on the eastern side. With the addition of the five homes, it would total eight in a single block. The 30' width encouraged the development of row houses and an increase to on-street parking. Having parking on both sides of the street would virtually block thru traffic on Baylen, and North Hill asked that the request be denied.

Ms. Pierce advised she walked dogs there twice daily and asked the Board to not allow that many houses in this area.

Ms. Wolfe asked that the Board consider if this type of development really belonged on that block. There were parking considerations, space problems, and North Hill was not downtown.

Ms. Rutland stated children and dogs were outside a lot and agreed that the number of houses being proposed would present a parking problem since parking was already tight along that block. She also hated to see row houses developed in that neighborhood.

Mr. Page explained each unit would have a garage with parking in front to accommodate two vehicles. He also stated the homes would be the Aragon style, and the transition from higher to lower density would fit in very well.

Chairperson Ritz explained the Board was not approving building style or even the number of houses but whether to approve the zoning change and if that was an appropriate designation. Board Member Van Hoose asked if there was a requirement to transition. Mr. Page pointed out that transitional zoning was considered good planning practices; transitional zoning steps down from commercial. Assistant Planning Director Cannon explained transitional zoning was not a requirement, but it was required to go before the Board to consider the overall reasoning. Board Member Villegas suggested the surrounding area didn't mirror the request. She agreed it was everyone's prerogative to park on the street, but it was congested which was a concern for the surrounding area. She thought it would be a good infill move if it was located on Palafox, but this did not allow for the surrounding area to be reflected in the development; it might be excessive

on the Baylen side, and density wise, low density residential made more sense. Board Member Grundhoefer thought transitional zoning was appropriate since there was medium density further south. Chairperson Ritz pointed out smaller lots on Cervantes and Palafox, but Board Member Villegas advised that was commercial and south of Cervantes was PR-2.

Board Member Grundhoefer made a motion to approve, seconded by Chairperson Ritz. With no further discussion, the motion failed 4 to 2 with Board Members Larson, Sampson, Van Hoose and Villegas dissenting.

4. Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street

C.R. Quint Higdon is requesting the use of non-residential parking in a residential zone for the property located at 518 Wynnehurst Street which is zoned R-1AAA. If the request is approved, the subject parcel would serve as an accessory use to the future medical office building at 4304 Davis Hwy which is zoned C-3. Staff presented the six criteria that accompany this particular section of the Code. It was noted that when you have different uses between zoning districts, a 10' buffer is required by the City Land Development Code between those two uses, so you would be required to have that buffer on the backside of that parking lot.

Mr. Higdon presented to the Board and asked for the parking for a new office. Board Member Grundhoefer questioned Mr. Fitzpatrick on the opportunity for a 10' vegetative buffer, and Mr. Fitzpatrick advised there would be no problem with the buffer. Board Member Grundhoefer asked about a deed restriction to always have a retention pond and not a parking lot, and staff advised that would be something the applicant would volunteer to do; the Board was determining the use as a parking lot in the residential zone. If the building was vacant for 180 days, the permission would go away. It was determined the applicants needed one parking spot for 200 sq. ft. which totaled 52 parking spaces. Chairperson Ritz explained this item would not proceed to Council.

Board Member Larson made a motion to approve, seconded by Board Member Sampson. Board Member Villegas asked for clarification if those spaces included one per employee. Staff advised the Code did not distinguish between employees and clientele but gave a perspective per square feet for use. **The motion carried 6 to 0. Board Member Grundhoefer wanted to add the 10' buffer to the motion. The Board voted again to approve 6 to 0.**

5. Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs

Plaza de Luna is located at 900 S. Palafox Street within the Waterfront Redevelopment District - WRD. This site experienced major damage from Hurricane Sally in September 2020. The damage to the park features included sidewalks, handrails, lighting, splash pad equipment and other minor features. The proposed improvements will replace the damaged features with the same or similar material. The City proposes to relocate the underground splash pad equipment to a new pump house building located adjacent to the DeLuna Café for better protection from future storms. The pump building will be approximately 11' X 17' and shall have similar brick as the adjacent café.

Chairperson Ritz pointed out the drawing did not portray the brick matching the DeLuna Café; it was a blank brick wall when the café had more brick detail and patterning, and he did not feel this was appropriate. He also pointed out this was taxpayer funded. Staff clarified this item would not proceed to Council.

Mr. McGuire, in charge of FEMA projects for the city, stated this was a pump building but understood what the Board was saying, but he asked that the Board indicate what they preferred, and they would build it. Chairperson Ritz explained it could return for an abbreviated review for expediency purposes. Board Member Grundhoefer explained there was a louver on the façade of the snack bar with a precast lintel which could be repeated on the west and south sides which were the most prominent; the herringbone pattern could be placed below and would tie it to the snack bar. Also, the snack bar roof sloped to the east, and this building could also slope to the east. He pointed out you do not see the roof form on the prominent side. The downspouts could be placed on either side of the door, and matching the height of the snack bar would tie it in better. Also, placing the building so that the fronts line up would make it look like part of the snack bar. Mr. McGuire pointed out it cost \$100,000 to repair the pumps each time it floods, so bringing the equipment out of the ground would save in expenses. Board Member Van Hoose asked if the building could be attached, and Mr. McGuire stated nice sod and a picnic table would go between the buildings. Board Member Grundhoefer suggested they pull it as close as possible to the other building. Mr. Morgan of Mott McDonald advised there was a shower on the snack bar wall which was part of the splash pad requirements, and they needed room for the walk-thru to other facilities. Board Member Grundhoefer asked that they make it look like one building. Chairperson Ritz explained Board Member Grundhoefer could perform the abbreviated review, return it to staff, and staff would forward it to Chairperson Ritz for review and then send it to the applicant.

Board Member Grundhoefer made a motion for approval with architectural modifications to the pump house which allow it to blend in with the snack shop, designating himself as the first line review for the abbreviated review process. Staff advised that Board Member Grundhoefer as a reviewer could have direct contact with the applicant. **Board Member Villegas seconded the motion.** For FEMA approval, Mr. McGuire advised the other elements would go back in the same footprint. **The motion then carried 6 to 0.**

6. Amendment to the Land Development Code (LDC) – Table 12-3.9 – Regulations for the North Hill Preservation Zoning Districts – PR-2 Minimum Lot Size Requirements

On June 8, 2021 and August 12, 2021 the Planning Board and City Council respectively suggested that City staff amend the PR-2, North Hill Preservation multiple-family zoning district, to better align with criteria designed for transitional zoning districts. Subsequently, the Mayor directed staff to initiate the process for approval of the requested amendment. Currently the PR-1AAA, single-family district, and PR-2, multiple-family district, contain similar building standards and the same minimum lot size requirements. At present the main differences between these zoning districts are the types of uses that are allowed by right and the minimum building setbacks for the front and side yards. In order to allow for the PR-2 district to function as a transitional zoning district between the North Hill single-family and commercial districts, the proposed amendment will allow for a smaller minimum lot width and lot area. Table 12-3.9 *Regulations for The North Hill Preservation Zoning Districts* (attached) contains the current applicable lot and building standards.

The proposed amendment would be limited to Table 12-3.9 and does not include any changes to the types of allowed uses or to the required setbacks in the PR-2 zoning district. The following changes are proposed:

- Minimum Lot Area for Residential Uses: Currently - 9,000 SF

Proposed - 5,000 SF

- Minimum Lot Width at Building Setback Line: Currently - 75 feet
Proposed - 50 feet

Staff explained this was just for the North Hill Preservation District which has three zoning categories – PR-1AAA, PR-2, and PC-1. This action would decrease non-conformities with the lots. Historic Preservation Planner Harding stated the PR-2 (formerly R-2) was established when North Hill was established, possibly mid-70s.

Ms. MacDonald advised over a series of meetings with Mr. Beck and the neighborhood, they discussed alternatives and proposed a compromised solution to rezone the property to an amended version of PR-2 that would reduce the minimum lot area for residential uses from 9,000 sq. ft. to 5,000 sq. ft. and the lot width setback from 75' to 50'. They then polled the neighborhood to see if they could support the pursuit of this proposed change; the 104 respondents voted overwhelmingly in support of PR-2 with these proposed changes - 87% voting for with 12.5% voting against. She voiced this support at the Council meeting and repeated that support today. Although there might be residents against this proposed zoning amendment, she stated the majority of residents who cared enough to vote, voted for it.

Chairperson Ritz appreciated the numbers and percentages and that level of input from the citizens which helped the Board with its decision.

Ms. Marshall advised her home faced the P.K. Yonge property. She explained the neighbors felt any changes made to PR-2 should be decided on the value of the entire North Hill community. The consequences and impact should be evaluated and related to the existing PR-2 zones in the North Hill District. They offered 1) keeping PR-2 as it is since some of the neighbors object to the change relating to their property, and 2) designing special waivers with input from the immediate neighbors while achieving the owners' value of their interest when they sell their property. She pointed out their neighbor, Mr. Mead, had suggested there might be an interesting zone change for block 168. They felt the best suggestion was for an entirely special zone for block 168 which would include the needs of her new neighbor and people of North Hill.

Chairperson Ritz explained this item was at the request of Council, and this request whether accepted, rejected, or modified dealt with all of PR-2 and not one particular piece of property nor a specific development. This request would then proceed to Council.

Mr. Beck appreciated the staff, residents, and the North Hill Preservation Association. The discussion was generated through the consideration of a specific piece of property, and he was in full support of the transition zoning from the very loose PC-1 relating to single-family lots to PR-1AAA; he felt it was a nice compromise and allowed for a 50' lot as opposed to the very narrow 30' lots which would occur under PC-1.

Board Member Larson made a motion to approve the suggested change and felt Council did a good service for bringing it back to the Board after the Board wrestled with the decision after listening to North Hill; we needed a transition between some of the old to the new and this was a good option; it was seconded by Board Member Grundhoefer. Board Member Villegas wanted to understand why there could not be some sort of variation on the PR-2 to address this particular property considering almost half of the North Hill District is PR-2 - possibly a PR-2A. Chairperson Ritz advised this would be creating a zoning district which equates to half a block of property. Assistant City Attorney Lindsay explained contract zoning or spot zoning was not legal, so the decision should not be made on whether to do this based on use but made on zoning considerations broadly. Board Member Grundhoefer pointed out 87% support for this

was unusual, but if the North Hill Preservation Board supported it, it would be a good thing. **The motion then carried 6 to 0.**

Open Forum – None.

Discussion – None.

Adjournment – With no further business, the Board adjourned at 3:58 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 38-21

City Council

9/9/2021

ADD-ON LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Casey Jones

SUBJECT:

PROPOSED ORDINANCE NO. 38-21 - AMENDING SECTION 11-2-24 - PARKING FOR CERTAIN USES PROHIBITED OF THE CODE OF THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 38-21 on first reading:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

Within the City Code, two sections exist; Section 11-2-24 - Parking for certain uses prohibited and Section 12-3-65 - Parking for certain uses prohibited. These two sections are duplicative.

An amendment to Section 11-2-24 would provide guidance related to the current food truck issue by setting boundaries for their prohibited placement in certain areas.

The proposed amendment to Section 11-2-24 would do the following:

1. Adding the language pertaining to public or private as it pertains to vacant lot or parking lot
2. Removes the selling of merchandise language
3. Establishes boundaries for the parking of vehicles for the principal purpose of selling merchandise from such vehicle

PRIOR ACTION:

April 13, 2006 - City Council amended Section 11-2-24 of the City Code via Ordinance No. 11-06

February 9, 2006 - City Council amended Section 12-3-65 (at that time listed as Section 12-2-42) of the City Code via Ordinance No. 04-06

FUNDING:

File #: 38-21

City Council

9/9/2021

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) City Attorney's Office Opinion 20-01
- 2) Proposed Ordinance No. 38-21 - Amendment to Section 11-2-24
- 3) Map of proposed amendment to Section 11-2-24

PRESENTATION: No

PROPOSED
ORDINANCE NO. 38-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 11-2-24 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-24. Parking for certain uses prohibited.

(1) No person shall park a vehicle upon any street, right-of-way, public vacant lot or public parking lot for the principal purpose of:

1(a) Displaying such vehicle for sale;

2)(b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;

3(c) Displaying advertising;

~~(4) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or~~

5(d) Storage for more than 24 hours.

(2.) No person shall park a vehicle upon any street, right-of-way, public vacant lot, or in any public parking space that is located in the area between the eastern right-of-way line of Tarragona Street and western right-of-way line of Baylen Street and between the southern right -of- way line of Garden Street and the southern right -of -way line of Main Street for the principal purpose of selling merchandise, including food and beverage, from such vehicle with the exception of during the hours of Gallery Night and other special events or specified times as approved by the Mayor or Mayor's designee.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

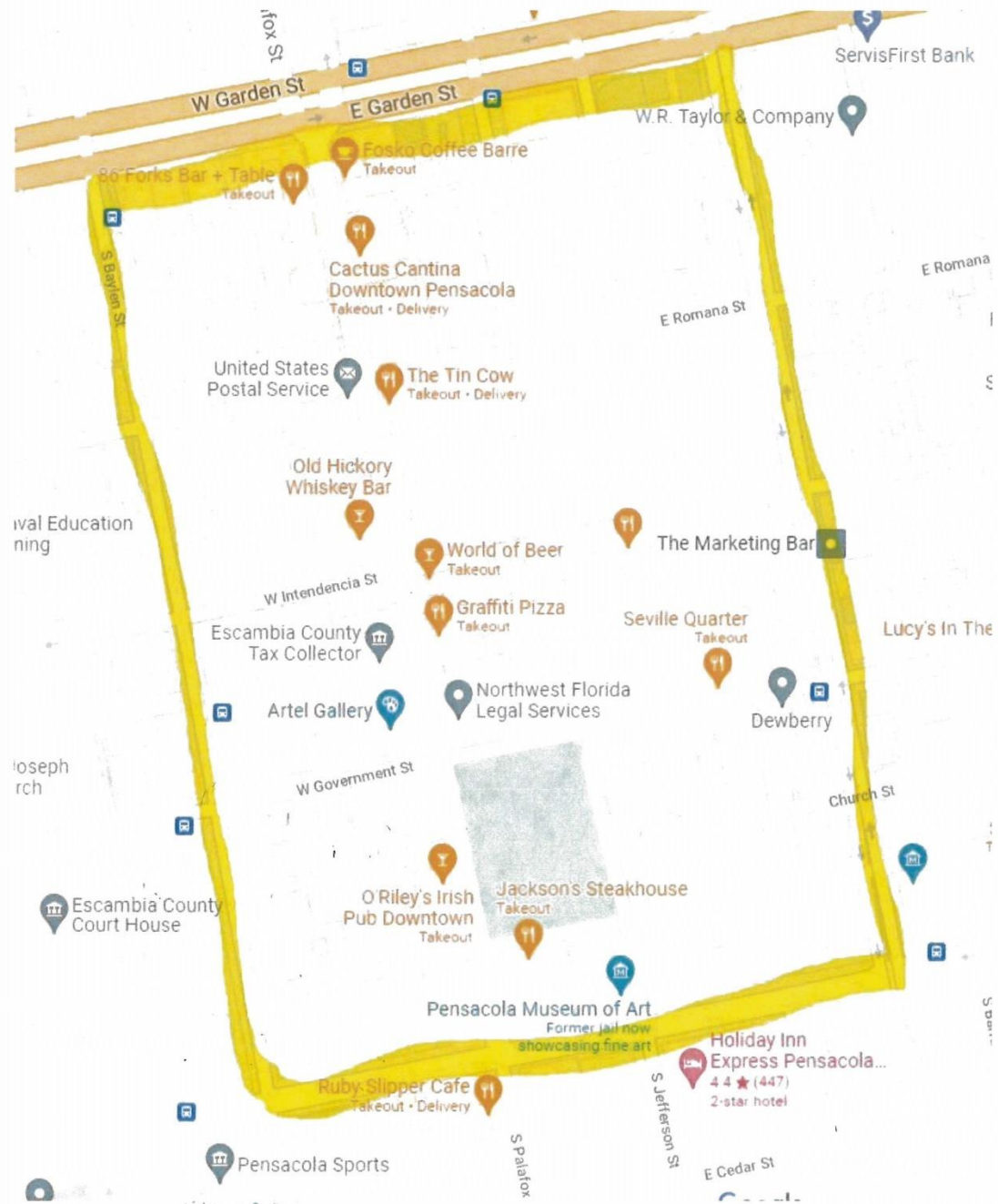
SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

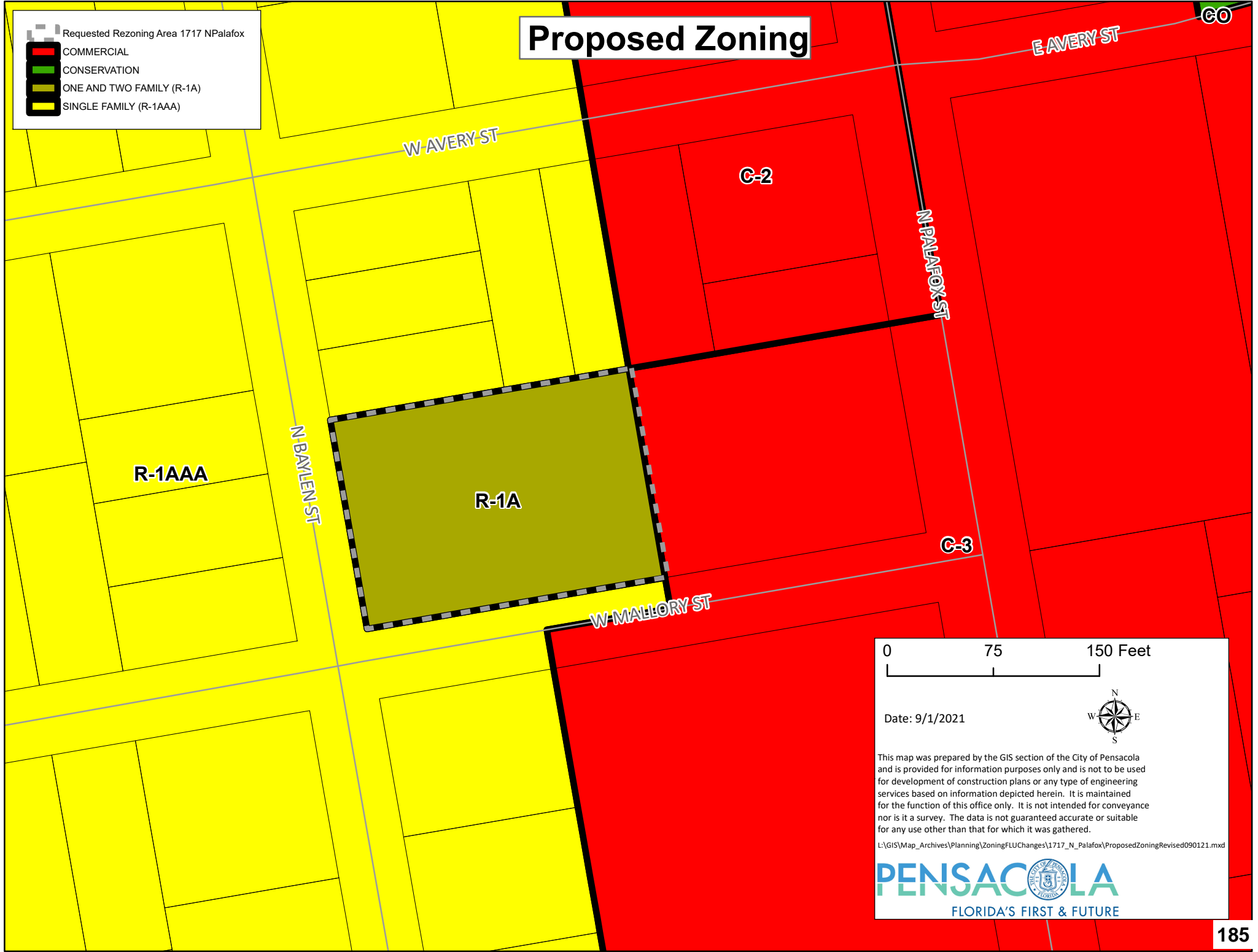
City Clerk



Proposed Zoning

Requested Rezoning Area 1717 NPalafox

- COMMERCIAL
- CONSERVATION
- ONE AND TWO FAMILY (R-1A)
- SINGLE FAMILY (R-1AAA)



Date: 9/1/2021



This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

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PROPOSED
ORDINANCE NO. 43-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN
AND FUTURE LAND USE MAP OF THE CITY OF
PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city adopted a comprehensive plan on October 4, 1990, pursuant to applicable law; and

WHEREAS, the city council desires to effect an amendment to a portion of the future land use element of the comprehensive plan; and

WHEREAS, said amendment is consistent with the other portions of the future land use element and all other applicable elements of the comprehensive plan, as amended; and

WHEREAS, said amendment will affirmatively contribute to the health, safety and general welfare of the citizens of the city; and

WHEREAS, the city council has followed all of the procedures set forth in F.S. sections 163.3184 and 163.3187, and all other applicable provisions of law and local procedures with relation to amendment to the future land use element of the comprehensive plan; and

WHEREAS, proper public notice was provided and appropriate public hearing was held pursuant to the provisions referred to hereinabove as to the following amendment to the comprehensive plan and future land use map of the city; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the Comprehensive Plan and Future Land Use Map of the City of Pensacola, and all notations, references and information shown thereon as it relates to the following described real property in the City of Pensacola, Florida, to-wit:

LOTS 1 TO 5, INCLUSIVE, AND LOTS 28 TO 30, INCLUSIVE, BLOCK 101, EAST KING TRACT, BELMONT NUMBERING, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

is hereby changed from LDR, Low Density Residential, to MDR, Medium Density Residential.

SECTION 2. The city council shall by subsequently adopted ordinance change the zoning classification and zoning map for the subject property to a permissible zoning classification, as determined by the discretion of the city council, which is consistent with the future land use classification adopted by this ordinance. Pending the adoption of such a rezoning ordinance, no development of the subject property shall be permitted which is inconsistent with the future land use classification adopted by this ordinance.

SECTION 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____





Approved: _____
President of City Council

Attest:

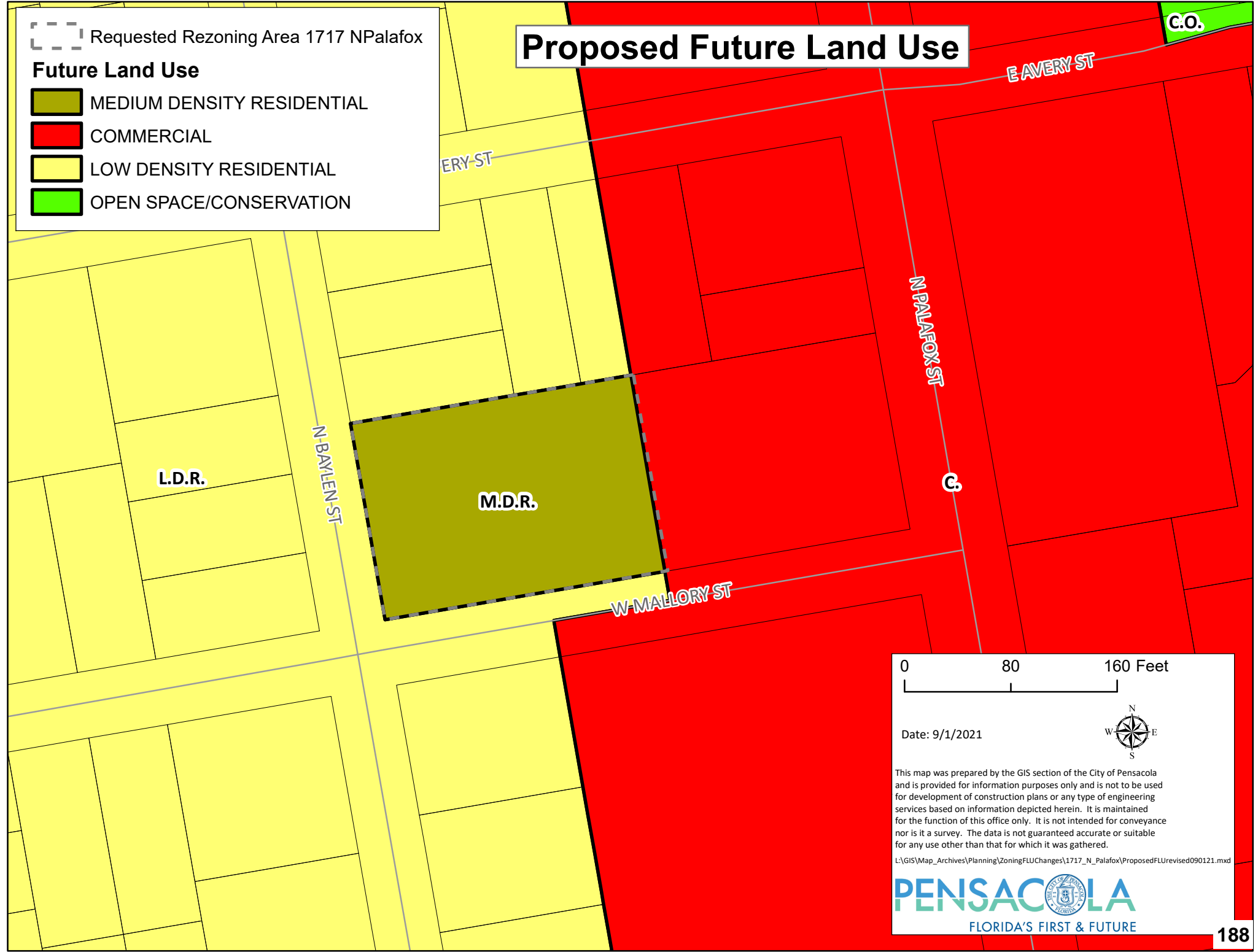
City Clerk

Requested Rezoning Area 1717 NPalafox

Future Land Use

-  MEDIUM DENSITY RESIDENTIAL
-  COMMERCIAL
-  LOW DENSITY RESIDENTIAL
-  OPEN SPACE/CONSERVATION

Proposed Future Land Use



Date: 9/1/2021



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PROPOSED
ORDINANCE NO. 42-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city adopted a comprehensive plan on October 4, 1990, pursuant to applicable law; and

WHEREAS, a proposed amended zoning classification has been referred to the local planning agency pursuant to F.S. section 163.3174, and a proper public hearing was held on October 14, 2021, concerning the following proposed zoning classification affecting the property described therein; and

WHEREAS, after due deliberation, the city council has determined that the amended zoning classification set forth herein will affirmatively contribute to the health, safety, and general welfare of the citizens of the city; and

WHEREAS, said amended zoning classification is consistent with all applicable elements of the Comprehensive Plan as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the Zoning Map of the City of Pensacola and all notations, references and information shown thereon is hereby amended so that the following described real property located in the City of Pensacola, Florida, to-wit:

LOTS 1 TO 5, INCLUSIVE, AND LOTS 28 TO 30, INCLUSIVE, BLOCK 101, EAST KING TRACT, BELMONT NUMBERING, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

is hereby changed from R1-AAA, Single Family Residential Zoning District, to R-1A, One and Two Family Residential Zoning District.

SECTION 2. If any word, phrase, clause, paragraph, section, or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 43-21

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 43-21 - REQUEST FOR FUTURE LAND USE MAP AMENDMENT - 1717 NORTH PALAFOX STREET

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 43-21 on first reading:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: Public

SUMMARY:

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street and identified by parcel number 000S009010001101. The property is currently zoned R-1AAA, Single-Family Residential Zoning District, and the Future Land Use is LDR - Low Density Residential. The applicant is proposing to amend the zoning district to R-1A, One and Two Family Residential Zoning District, and the Future Land Use to MDR - Medium Density Residential. The subject area totals 1.38 acres.

Per Section 12-3-3 - Low Density Residential Land Use Districts.

Purpose of district. The low-density residential land use district is established for the purpose of providing and preserving areas of single-family, low intensity development at a maximum density of 4.8 dwelling units per acre in areas deemed suitable because of compatibility with existing development and/or the environmental character of the areas. The nature of the use of property is basically the same in all three single-family zoning districts. Variation among the R-1AAAAA, R-1AAAA and R-1AAA districts is in requirements for lot area, lot width, and minimum yards.

Per Section 12-3-4 - Medium Density Residential Land Use Districts.

Purpose. Purpose of district. The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4

dwelling units per acre. Recognizing that, for the most part, these zoning districts are located in older areas of the city, the zoning regulations are intended to promote infill development which is in character with the density, intensity and scale of the existing neighborhoods.

On September 14, 2021, the Planning Board recommended denial of the request with a 4 - 2 vote with board members Kurt Larson and Paul Ritz dissenting.

PRIOR ACTION:

None.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: No

[Click here to enter a date.](#)

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator - Community Development
Sherry H. Morris, AICP, Planning Services Director

ATTACHMENTS:

- 1) Proposed Ordinance No. 43-21
- 2) Future Land Use Map
- 3) Planning Board Rezoning Application
- 4) Planning Board Minutes September 14 2021 - DRAFT

PRESENTATION: No

PROPOSED
ORDINANCE NO. 43-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN
AND FUTURE LAND USE MAP OF THE CITY OF
PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city adopted a comprehensive plan on October 4, 1990, pursuant to applicable law; and

WHEREAS, the city council desires to effect an amendment to a portion of the future land use element of the comprehensive plan; and

WHEREAS, said amendment is consistent with the other portions of the future land use element and all other applicable elements of the comprehensive plan, as amended; and

WHEREAS, said amendment will affirmatively contribute to the health, safety and general welfare of the citizens of the city; and

WHEREAS, the city council has followed all of the procedures set forth in F.S. sections 163.3184 and 163.3187, and all other applicable provisions of law and local procedures with relation to amendment to the future land use element of the comprehensive plan; and

WHEREAS, proper public notice was provided and appropriate public hearing was held pursuant to the provisions referred to hereinabove as to the following amendment to the comprehensive plan and future land use map of the city; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the Comprehensive Plan and Future Land Use Map of the City of Pensacola, and all notations, references and information shown thereon as it relates to the following described real property in the City of Pensacola, Florida, to-wit:

LOTS 1 TO 5, INCLUSIVE, AND LOTS 28 TO 30, INCLUSIVE, BLOCK 101, EAST KING TRACT, BELMONT NUMBERING, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

is hereby changed from LDR, Low Density Residential, to MDR, Medium Density Residential.

SECTION 2. The city council shall by subsequently adopted ordinance change the zoning classification and zoning map for the subject property to a permissible zoning classification, as determined by the discretion of the city council, which is consistent with the future land use classification adopted by this ordinance. Pending the adoption of such a rezoning ordinance, no development of the subject property shall be permitted which is inconsistent with the future land use classification adopted by this ordinance.

SECTION 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____





Approved: _____
President of City Council

Attest:

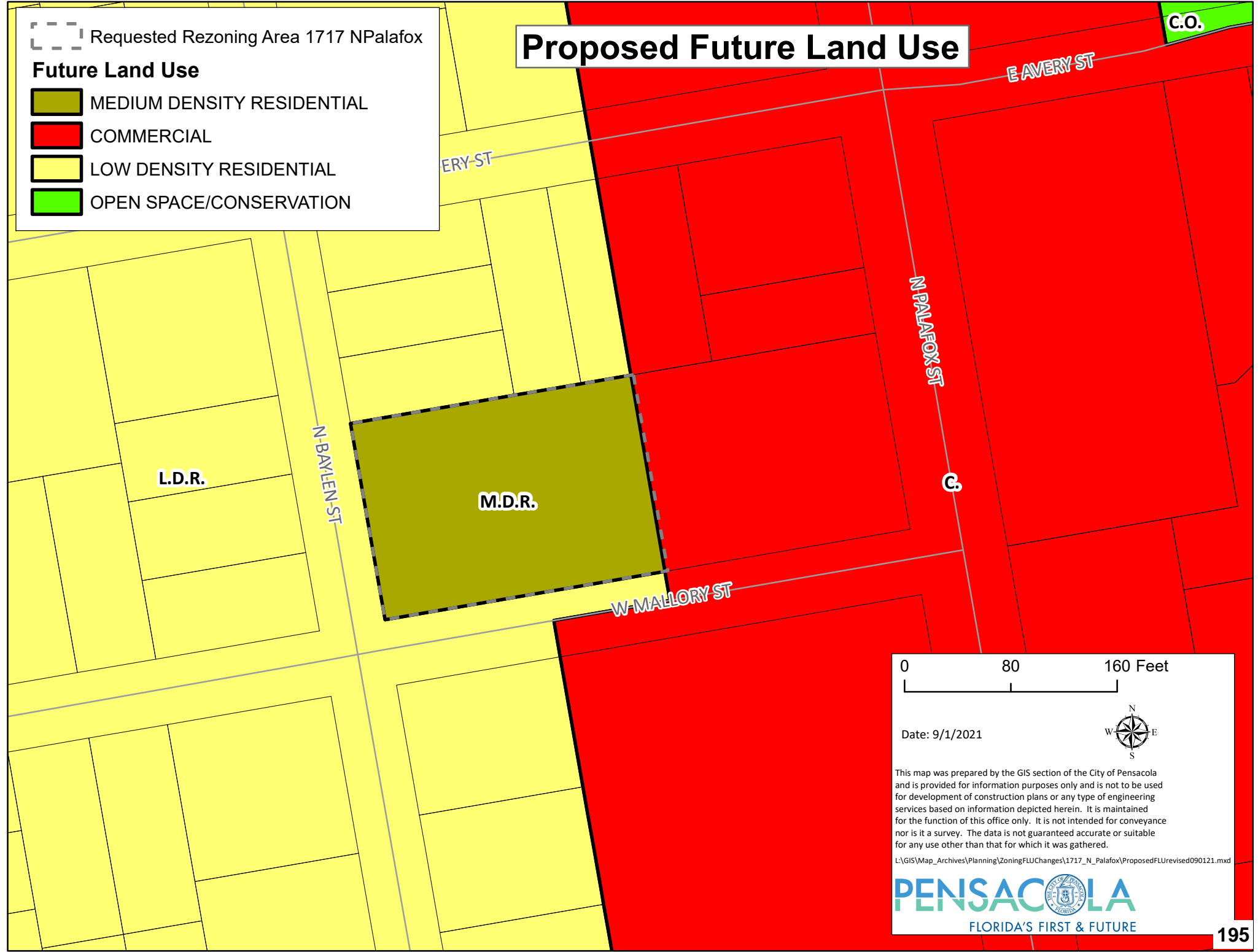
City Clerk

Requested Rezoning Area 1717 NPalafox

Future Land Use

-  MEDIUM DENSITY RESIDENTIAL
-  COMMERCIAL
-  LOW DENSITY RESIDENTIAL
-  OPEN SPACE/CONSERVATION

Proposed Future Land Use



L.D.R.

M.D.R.

N PALAFOX ST

N-BAULEN ST

E AVERY ST

W-MALLORY ST

C.O.

0 80 160 Feet

Date: 9/1/2021



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REZONING

Please check application type:

- | | | |
|--|--|---------------------------------------|
| <input type="checkbox"/> Conventional Rezoning | Comprehensive Plan / FLUM Amendment | |
| <i>Application Fee: \$2,500.00</i> | <input type="checkbox"/> (< 10 acres) | <input type="checkbox"/> (≥ 10 acres) |
| <i>Rehearing/Rescheduling (Planning Board): \$250.00</i> | <i>\$3,500.00</i> | <i>\$3,500.00</i> |
| <i>Rehearing/Rescheduling (City Council): \$750.00</i> | <i>\$250.00</i> | <i>\$250.00</i> |
| | <i>\$750.00</i> | <i>\$1,000.00</i> |

Applicant Information:

Name: Olde City Developers, LLC Date: August 9, 2021

Address: 212 West Intendencia St, Pensacola, FL 32502

Phone: 850-438-9647 Fax: 850-433-5409 Email: cliberis@liberislaw.com

Property Information:

Owner Name: Donald R. & Linda B. Lindsey, Trustees Phone: 850 712-7000

Location/Address: Westerly portion of 1717 North Palafox St. See (survey)

Parcel ID: _____ - _____ - _____ - _____ - _____ - _____ Acres/Square Feet: _____

Zoning Classification: Existing R-1AAA Proposed R-1A

Future Land Use Classification: Existing LDR Proposed MDR

Reason Rezoning Requested: _____

Owner has city plat maps and deep for purchase that shows and describes the property as being made up of eight lots.
Owner wishes to construct eight single family homes, one on each lot.

- Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this _____ day of _____, 20____

[Signature]
Applicant Signature

DocuSigned by: [Signature]
DocuSigned by: Linda B. Lindsey
Owner Signature... CB078C0176024AA...

Applicant Name (Print)

Donald R. Lindsey & Linda B. Lindsey
Owner Name (Print)

Sworn to and subscribed to before me this _____ day of _____, 20____

Name: _____ Commission Expires: _____

<u>FOR OFFICE USE ONLY</u>		
Council District: _____	Date Received: _____	Case Number: _____
Date Postcards mailed: _____	Planning Board Date: _____	Recommendation: _____
Committee Date: _____	Council Date: _____	Council Action: _____
Second Reading: _____	Ordinance Number: _____	

PROJECT OVERVIEW

This application seeks to rezone and change the Future Land Use on seven (8) lots located at the northeast corner of Mallory and Baylen Streets. The eight lots were the combination of three separate purchases. The first purchase consisted of lot 1 thru 5 and lot 30 as depicted on survey job 20-12852-S-1 dated August 11, 2020. The second purchase consists of only lot 29 and identified as job 20-12851-S-1 also dated August 11, 2020 and the third purchase added lot 28 for a total of eight lots. The attached survey identifies all as lots 1,2,3,4,5,28,29, and 30 block 101. Taken together, the three purchases represent those areas that are comprised as lots 1,2,3,4,5,28,29 and 30 that make up the combined descriptions in the application request.

These 8 lots are currently zoned as R-AAA and the application requests a change to R-1A. Combined with the Future Land Use change from LDR to MDR creates a transitional zone effect comprised of the surrounding and existing R-1AAA zoned properties to the north, west and south of the site together with Low Density Future Land Use designated properties located west of the site.

**MERRILL
PARKER
SHAW, INC.
SURVEYING**

Phone: (850) 478-4923 • Fax: (850) 478-4924
4928 N. Davis Hwy. • Pensacola, FL 32503



DESCRIPTION:

LOTS 1-5 AND LOTS 28-30, ALL IN BLOCK 101, BELMONT TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

Merrill Parker Shaw, Inc.
Professional Surveying Services
4928 North Davis Highway Pensacola, FL 32503
Phone: (850) 478-4923 Fax: (850) 478-4924



MERRILL PARKER SHAW, INC.

4928 N. DAVIS HWY
PENSACOLA, FL 32503

PROFESSIONAL SURVEYING SERVICES

PH: (850) 478-4923
FAX: (850) 478-4924



PREPARED FOR: OLDE CITY REALTY
REQUESTED BY: KEVIN FOX

JOB NO.: 20-12852-S-3
DATE: AUGUST 11, 2020

PROPERTY ADDRESS: N/A

SCALE: 1" = 30'

DESCRIPTION:

LOTS 1-8 AND LOTS 28-30, ALL IN BLOCK 101, BELMONT TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1909.

SURVEYOR'S NOTES:

- 1.) THE NORTH ARROW AND BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF NORTH 09 DEGREES 58 MINUTES 08 SECONDS WEST ALONG THE EAST RIGHT OF WAY LINE OF DAYLEN STREET (50' R/W), THE CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA.
- 2.) SOURCE OF INFORMATION: THE DEEDS OF RECORD; THE RECORD MAP OF "THE CITY OF PENSACOLA" COPYRIGHTED BY THOMAS C. WATSON IN 1909; AND EXISTING FIELD MONUMENTATION.
- 3.) NO TITLE SEARCH WAS PERFORMED BY OR FURNISHED TO MERRILL PARKER SHAW, INC. FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, RIGHT-OF-WAYS, EASEMENTS, BUILDING SETBACKS, RESTRICTIVE COVENANTS, GOVERNMENTAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE SUBJECT PROPERTY.
- 4.) ONLY THE ABOVE GROUND VISIBLE ENCROACHMENTS AND IMPROVEMENTS WERE FIELD LOCATED AS SHOWN HEREON, UNLESS OTHERWISE NOTED. UNDERGROUND ENCROACHMENTS AND IMPROVEMENTS, IF ANY, WERE NOT FIELD LOCATED OR VERIFIED, UNLESS OTHERWISE NOTED.
- 5.) THE DIMENSIONS OF THE BUILDINGS (IF ANY) AS SHOWN HEREON ARE ALONG THE OUTSIDE FACE OF THE BUILDINGS AND DO NOT INCLUDE THE EAVES OVERHANG OR THE FOOTINGS OF THE FOUNDATIONS.
- 6.) THE SURVEY AS SHOWN HEREON DOES NOT DETERMINE OWNERSHIP.
- 7.) THE MEASUREMENTS MADE IN THE FIELD, INDICATED THUSLY (F), AS SHOWN HEREON WERE MADE IN ACCORDANCE WITH UNITED STATES STANDARDS.
- 8.) FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR ANY OTHER TRANSACTION. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER AND IS TO BE RETURNED UPON REQUEST.

CERTIFIED TO:

OLDE CITY DEVELOPERS, LLC
LIBERIS LAW FIRM, P.A.

THAT THE SURVEY SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA, ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 63-17.051 AND 63-17.052, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

'BOUNDARY SURVEY'

SHEET 2 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

COPYRIGHT © 2020 BY MERRILL PARKER SHAW, INC.
P.L.S. DO NOT DRAFT, RED, TYPE, RISE, CHECKED, EXP.

DESCRIPTION: SEE ABOVE

SECTION N/A, TOWNSHIP N/A, RANGE N/A, ESCAMBIA COUNTY, STATE OF FLORIDA.
RECORDED N/A BOOK N/A, PAGE N/A *THE ENCROACHMENTS ARE AS SHOWN*
FIELD DATE: 8/6/20, 8/6/21, FIELD BOOK: 449, PG. 23

MERRILL PARKER SHAW, INC. CORPORATION NUMBER 7174

REVISIONS:

E. Wayne Parker DATE: 8/12/20
E. WAYNE PARKER PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 3683 STATE OF FLORIDA

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL LAND SURVEYOR



MERRILL PARKER SHAW, INC.

4928 N. DAVIS HWY
PENSACOLA, FL 32503

PROFESSIONAL SURVEYING SERVICES

PH: (850) 478-4923
FAX: (850) 478-4924

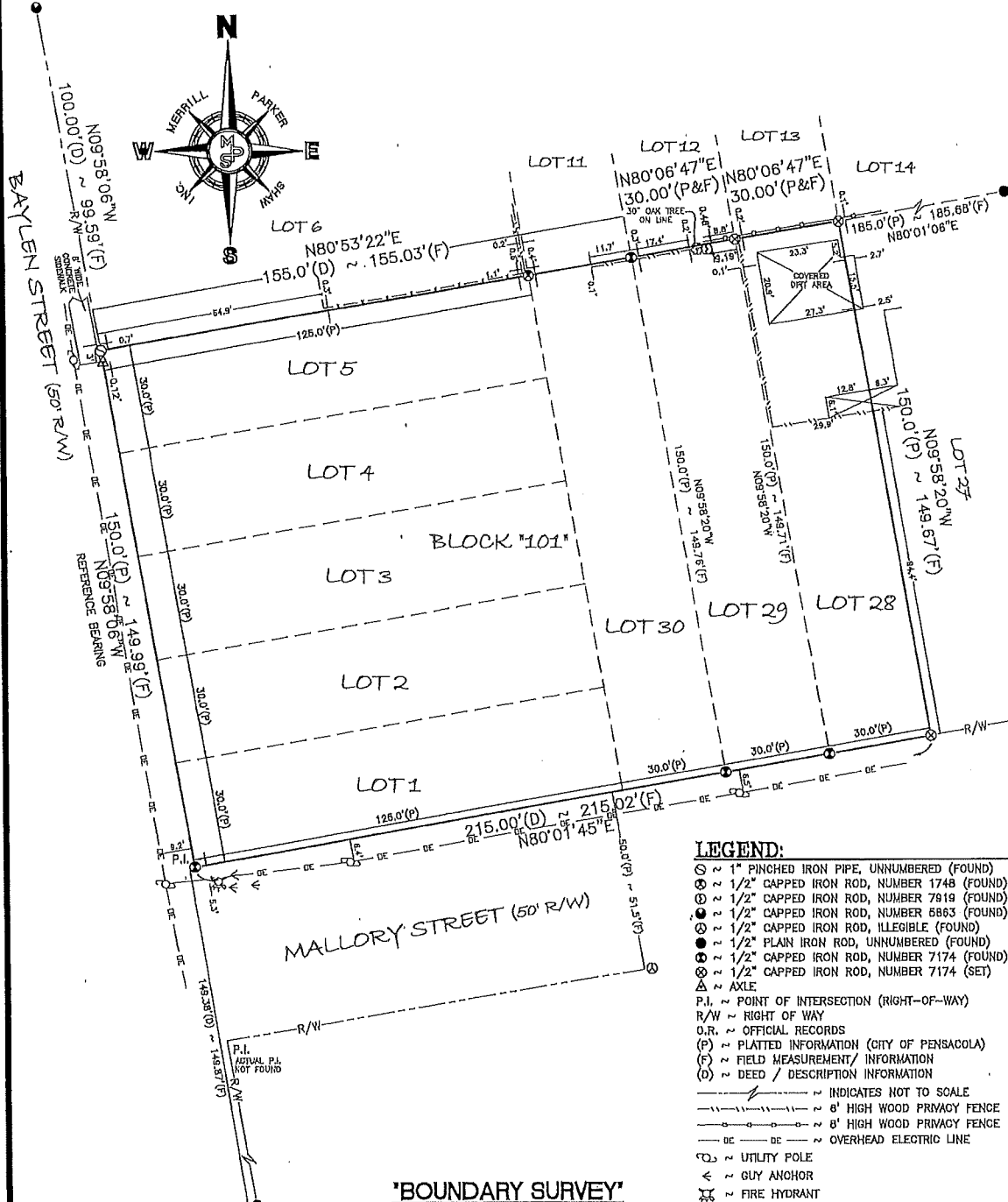


PREPARED FOR: OLDE CITY REALTY
REQUESTED BY: KEVIN FOX

JOB NO.: 20-12852-S-3
DATE: AUGUST 11, 2020

PROPERTY ADDRESS: N/A

SCALE: 1" = 30'



- LEGEND:**
- ⊙ ~ 1" PINCHED IRON PIPE, UNNUMBERED (FOUND)
 - ⊗ ~ 1/2" CAPPED IRON ROD, NUMBER 1748 (FOUND)
 - ⊕ ~ 1/2" CAPPED IRON ROD, NUMBER 7919 (FOUND)
 - ⊖ ~ 1/2" CAPPED IRON ROD, NUMBER 5863 (FOUND)
 - ⊙ ~ 1/2" CAPPED IRON ROD, ILLEGIBLE (FOUND)
 - ~ 1/2" PLAIN IRON ROD, UNNUMBERED (FOUND)
 - ⊗ ~ 1/2" CAPPED IRON ROD, NUMBER 7174 (FOUND)
 - ⊕ ~ 1/2" CAPPED IRON ROD, NUMBER 7174 (SET)
 - △ ~ AXLE
 - P.I. ~ POINT OF INTERSECTION (RIGHT-OF-WAY)
 - R/W ~ RIGHT OF WAY
 - O.R. ~ OFFICIAL RECORDS
 - (P) ~ PLATTED INFORMATION (CITY OF PENSACOLA)
 - (F) ~ FIELD MEASUREMENT/ INFORMATION
 - (D) ~ DEED / DESCRIPTION INFORMATION
 - ~ INDICATES NOT TO SCALE
 - - - - - ~ 6' HIGH WOOD PRIVACY FENCE
 - o — o — ~ 8' HIGH WOOD PRIVACY FENCE
 - DE — DE — ~ OVERHEAD ELECTRIC LINE
 - ⊕ ~ UTILITY POLE
 - ⊙ ~ GUY ANCHOR
 - ⊗ ~ FIRE HYDRANT

'BOUNDARY SURVEY'

SHEET 1 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

COPYRIGHT © 2020 BY MERRILL PARKER SHAW, INC.
P.L.S. DRAFTED, ROD TYPED, ROD CHECKED, EXP.

DESCRIPTION: SEE PAGE 2 OF 2

SECTION N/A, TOWNSHIP N/A, RANGE N/A, ESCAMBIA COUNTY, STATE OF FLORIDA.
RECORDED N/A BOOK N/A, PAGE N/A *THE ENCROACHMENTS ARE AS SHOWN*
FIELD DATE: 8/6/20, 8/6/21, FIELD BOOK: 449, PG. 23

MERRILL PARKER SHAW, INC. CORPORATION NUMBER 7174
E. Wayne Parker DATE: 8/12/20
E. WAYNE PARKER / PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 3683 STATE OF FLORIDA

REVISIONS:	
1	REVISE ADJACENT LOT NUMBERS 7/20/21
2	ADD LOT 29, BLOCK 101 7/29/21
3	ADD LOT 28, BLOCK 101
	08/09/2021 (RDC)

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL LAND SURVEYOR

Vacant Land Contract



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1. **Sale and Purchase:** Donald R & Linda B Trustees ("Seller")
and Old City Developers LLC ("Buyer")
(the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property")
described as:

Address: Adjacent to 1737 N Palafox address not yet assigned
Legal Description: LTS 1, 2, 3, 4, 5 (dimensions of 150' FF on Baylen x 125' deep, 18750 sqft, 4,400,000)
Lots 30 (dimensions 30' FF x 150' Deep, 4500 sq ft, \$32,580)

SEC ___/TWP ___/ RNG ___ of ___ County, Florida. Real Property ID No.: ___
Including all improvements existing on the Property and the following additional property: ___

2. **Purchase Price:** (U.S. currency) \$ 4,400,000
All deposits will be made payable to "Escrow Agent" named below and held in escrow by:
Escrow Agent's Name: Liberis Law Firm PA
Escrow Agent's Contact Person: _____
Escrow Agent's Address: 212 W Intendencia St
Escrow Agent's Phone: (850) 438-9647
Escrow Agent's Email: closings@liberislaw.com

- (a) Initial deposit (\$0 if left blank) (Check if applicable)
 - accompanies offer
 - will be delivered to Escrow Agent within ___ days (3 days if left blank) after Effective Date \$
- (b) Additional deposit will be delivered to Escrow Agent (Check if applicable)
 - within 60 days (10 days if left blank) after Effective Date \$
 - within ___ days (3 days if left blank) after expiration of Feasibility Study Period \$
- (c) Total Financing (see Paragraph 6) (express as a dollar amount or percentage) \$
- (d) Other: \$
- (e) Balance to close (not including Buyer's closing costs, prepaid items, and prorations) to be paid at closing by wire transfer or other Collected funds \$
- (f) (Complete only if purchase price will be determined based on a per unit cost instead of a fixed price.) The unit used to determine the purchase price is lot acre square foot other (specify); _____ prorating areas of less than a full unit. The purchase price will be \$ _____ per unit based on a calculation of total area of the Property as certified to Seller and Buyer by a Florida licensed surveyor in accordance with Paragraph 8(c). The following rights of way and other areas will be excluded from the calculation: _____

3. **Time for Acceptance; Effective Date:** Unless this offer is signed by Seller and Buyer and an executed copy delivered to all parties on or before July 9, 2020 this offer will be withdrawn and Buyer's deposit, if any, will be returned. The time for acceptance of any counter-offer will be 3 days after the date the counter-offer is delivered. The "Effective Date" of this contract is the date on which the last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter-offer.

4. **Closing Date:** This transaction will close on see paragraph 23 ("Closing Date"), unless specifically extended by other provisions of this contract. The Closing Date will prevail over all other time periods including, but not limited to, Financing and Feasibility Study periods. However, if the Closing Date occurs on a Saturday, Sunday, or national legal holiday, it will extend to 5:00 p.m. (where the Property is located) of the next business day. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property insurance, Buyer may postpone closing for up to 5 days after the insurance underwriting suspension is lifted. If this transaction does not close for any reason, Buyer will immediately return all Seller provided documents and other items.

5. **Extension of Closing Date:** If Paragraph 6(b) is checked and Closing Funds from Buyer's lender(s) are not available on Closing Date due to Consumer Financial Protection Bureau Closing Disclosure delivery requirements

Buyer [Signature] and Seller [Signature] acknowledge receipt of a copy of this page, which is 1 of 8 pages.

Vacant Land Contract

1* 1. **Sale and Purchase:** Donald R. Linda B Trustees ("Seller")
 2* and Old City Developers LLC ("Buyer")
 3 (the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property")
 4 described as:

5* Address: Adjacent to 1737 N Palafox address not yet assigned
 6* Legal Description: LTS 1,2,3,4,5 (dimensions of 150' FF on Baylen x 125' deep, 18750 sqft, [redacted])
 7 Lots 30 (dimensions 30' FF x 150' Deep, 4500 sq ft, \$32,580)

11* SEC ___/TWP ___/___/ RNG ___ of _____ County, Florida. Real Property ID No.: _____
 12* Including all improvements existing on the Property and the following additional property: _____

14* 2. **Purchase Price:** (U.S. currency) \$ [redacted]
 15 All deposits will be made payable to "Escrow Agent" named below and held in escrow by:
 16* Escrow Agent's Name: Liberis Law Firm PA
 17* Escrow Agent's Contact Person: _____
 18* Escrow Agent's Address: 212 W Intendencia St
 19* Escrow Agent's Phone: (850) 438-9647
 20* Escrow Agent's Email: closings@liberislaw.com

- 21 (a) Initial deposit (\$0 if left blank) (Check if applicable)
 22* accompanies offer
 23* will be delivered to Escrow Agent within _____ days (3 days if left blank)
 24* after Effective Date \$ [redacted]
 25 (b) Additional deposit will be delivered to Escrow Agent (Check if applicable)
 26* within 60 days (10 days if left blank) after Effective Date
 27* within _____ days (3 days if left blank) after expiration of Feasibility Study Period \$ [redacted]
 28* (c) Total Financing (see Paragraph 6) (express as a dollar amount or percentage) \$ _____
 29* (d) Other: _____ \$ _____
 30 (e) Balance to close (not including Buyer's closing costs, prepaid items, and prorations)
 31* to be paid at closing by wire transfer or other Collected funds \$ [redacted]
 32* (f) (Complete only if purchase price will be determined based on a per unit cost instead of a fixed price.) The
 33* unit used to determine the purchase price is lot acre square foot other (specify); _____
 34* prorating areas of less than a full unit. The purchase price will be \$ _____ per unit based on a
 35 calculation of total area of the Property as certified to Seller and Buyer by a Florida licensed surveyor in
 36 accordance with Paragraph 8(c). The following rights of way and other areas will be excluded from the
 37* calculation: _____

38 3. **Time for Acceptance; Effective Date:** Unless this offer is signed by Seller and Buyer and an executed copy
 39* delivered to all parties on or before July 9, 2020, this offer will be withdrawn and Buyer's deposit, if
 40 any, will be returned. The time for acceptance of any counter-offer will be 3 days after the date the counter-offer is
 41 delivered. The "Effective Date" of this contract is the date on which the last one of the Seller and Buyer has
 42 signed or initialed and delivered this offer or the final counter-offer.

43* 4. **Closing Date:** This transaction will close on see paragraph 23 ("Closing Date"), unless specifically
 44 extended by other provisions of this contract. The Closing Date will prevail over all other time periods including, but
 45 not limited to, Financing and Feasibility Study periods. However, if the Closing Date occurs on a Saturday,
 46 Sunday, or national legal holiday, it will extend to 5:00 p.m. (where the Property is located) of the next business
 47 day. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property
 48 insurance, Buyer may postpone closing for up to 5 days after the insurance underwriting suspension is lifted. If
 49 this transaction does not close for any reason, Buyer will immediately return all Seller provided documents and
 50 other items.

51 5. **Extension of Closing Date:** If Paragraph 6(b) is checked and Closing Funds from Buyer's lender(s) are not
 52 available on Closing Date due to Consumer Financial Protection Bureau Closing Disclosure delivery requirements

Buyer [Signature] and Seller [Signature] acknowledge receipt of a copy of this page, which is 1 of 8 pages.



MINUTES OF THE PLANNING BOARD

September 14, 2021

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Sampson, Board Member Van Hoose, Board Member Villegas

MEMBERS ABSENT: Board Member Powell

STAFF PRESENT: Assistant Planning Director Cannon, Historic Preservation Planner Harding, City Clerk Burnett, Assistant City Attorney Lindsay, Senior Planner Statler, Capital Improvements Forte, Assistant City Attorney Moore, Engineering Specialist Mauldin, Building Construction & Facilities McGuire, Code Enforcement Richards, Help Desk Technician Russo

STAFF VIRTUAL: Planning Director Morris

OTHERS PRESENT: Buddy Page, Mary Pierce, Jo MacDonald, Carol Ann Marshall, Quint Higdon, Nancy Wolfe, Tori Rutland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from August 10, 2021.
- **New Business:**
- Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola
- Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street
- Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street
- Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs
- Amendment to the Land Development Code (LDC) – Table 12-3.9 - Regulations for the North Hill Preservation Zoning Districts - PR-2 Minimum Lot Size Requirements
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:05 pm with a quorum present. Board Member Sampson was sworn in by City Clerk Burnett. Chairperson Ritz then explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes - Board Member Larson made a motion to approve the August 10, 2021 minutes, seconded by Board Member Villegas, and it carried 6 to 0.

New Business -

2. Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola

Assistant Planning Director Cannon advised on September 9, 2021 City Council referred to the Planning Board the proposed repeal of Section 12-3-65 – Parking for Certain Uses Prohibited - of the Land Development Code (LDC). Currently, there are two duplicative sections in the Code, 11-2-24 and 12-3-65. At the same meeting, Council approved an ordinance on first reading which on adoption will amend Section 11-2-24 of the Code to add clarity to the language, regulating parking for certain uses. As the temporary parking of vehicles and associated mobile activities is not related to zoning and is not the actual development of land, Chapter 11 “Traffic and Vehicles” is the more appropriate location for these requirements. In order to remove the duplicative language, and avoid creating conflict between the two Code sections, it is necessary to repeal Section 12-3-65.

Chairperson Ritz confirmed this was strictly a removal of language with no text replacing it; Section 11 was intended to address the parking versus Section 12. He also clarified that the Board did not control Section 11, only Section 12, and Council would review the Board’s decision on removal of the language in Section 12. Assistant City Attorney Lindsay indicated it was determined by Council to keep the language in Section 11 and to ask Planning Board to remove the language from Section 12; the purpose of clarifying Section 11 was to interpret how it would be enforced. The State Legislature had determined the City was limited on how to enforce laws concerning food trucks, meaning that it could not say that no food truck could have any scope of operation whatsoever in the city. But we could have restrictions on where they could operate. However, before Section 11 could be modified, there would be two readings, and the second reading would not be on Council’s agenda until they received the recommendation from the Planning Board. Board Member Larson wanted to know the language of Section 11 before it was removed; the revised language was provided to the Board. Planning Director Morris explained Council was making sure there were not two Code sections which were duplicate and in conflict with each other. The new language would be in compliance with State Statutes and specify the area where food trucks would not be allowed to operate within the city.

Chairperson Ritz explained the Board could approve, modify, or deny as it deliberates. Planning Director Morris advised they were trying to be expedient in not impacting small businesses as they tried to continue to operate and navigate the Code requirements. She understood the Board was concerned with the modified language, but this Board did not have the authority to approve that language since it was outside of Section 12. (While the Board awaited the document with the modified language, it moved to the next item.)

The Board was provided additional materials which had been reviewed by Council. Board Member Villegas wanted to clarify that any amendment would specify usage of space for food trucks. Assistant City Attorney Moore stated they were trying to determine exclusion zones (a map was provided to indicate the exclusion zones). Board Member Grundhoefer asked if food trucks were allowed on every other street. Ms. Moore advised the language did not take away 11-2-24 (1) but it was similar to an ice cream truck. Board Member Larson asked about licensing for the ice cream truck versus food trucks, and Ms. Moore advised DBPR had the licensure, but she was not up to date on the ice cream truck designation. Last year, there was a change to the Florida State Statute where they pre-

empted to the State certain requirements regarding food trucks; they pre-empted to the State everything regarding permits, licensing, and any type of fee that any local government would charge for a food truck to operate within their jurisdiction; the City cannot require any additional permit license or fee, but the local government cannot completely prohibit food trucks from operating within our municipality. Restricting hours of operation or location was left up to the local government. Regarding unlicensed food truck operators, it is a second-degree misdemeanor to operate something where food is cooked, served, and sold. Board Member Larson wanted to make sure there was an enforceable action to someone selling burritos out of the trunk of their car. Ms. Moore then read the State Statute 509.102 for the definition of a mobile food truck which did not cover someone selling from their car; additional requirements and the second-degree misdemeanor was located in 509.251 (license fees) and 509.241 (licenses required and exceptions). Staff advised what prompted this amendment was a code enforcement issue brought to us for equipment as it stands now. Board Member Grundhoefer asked who determined where food trucks could operate. Ms. Moore advised the ordinances as they exist make it difficult to enforce and also make it difficult for any business to interpret what they can or cannot do or can or cannot be. There was no definition to determine a “duly established marketplace” and there was nothing in the original language to indicate “when so authorized” and “licensed under the ordinances of this municipality” was pre-empted by the laws passed last year. This criteria was drafted at the request of Council.

Assistant City Attorney Lindsay stated the Board was being asked to recommend an action, so if the Board voted yes this should be repealed, it would not be repealed on that action and would still be on the books; it would not create a vacuum because it would not be repealed except in the context of Chapter 11 being modified. The Board could suggest it had reservations about repealing 12-3-65 because of certain concerns and could ask Council to consider those concerns. Board Member Grundhoefer proposed eliminating 12-3-65 since it was a duplicate, but the Board should make a recommendation that food trucks not be allowed in residential districts but allowed in other districts and see what happens over the next 3 to 5 years.

Board Member Grundhoefer made a motion to delete Section 12-3-65 and accept the language proposed in 11-2-24 but to also include some language that would restrict food trucks in residential areas. Board Member Villegas stated she would say restriction in residential areas outside of certain operating hours since there are a lot of neighborhoods that welcome food trucks. She asked if the language was concerning merchandise or specifically addressing food trucks. Ms. Moore stated the amendment was written to address selling merchandise which included food and beverage. Chairperson Ritz agreed with removing the duplicate language. **The motion was seconded by Board Member Larson.** Board Member Villegas asked for clarification in inviting food trucks to set up at a neighborhood event in a city park, and staff advised those requests go through a special event process with Parks and Recreation. Planning Director Morris advised there was an entirely separate section of the Code which grants to the director of that department authority over city parks so anyone invited would be allowed to operate. Board Member Van Hoose agreed that food trucks should not be prohibited if some of the residents wanted them. **The motion then carried 6 to 0.**

(Proposed Ordinance 38-21 – Amending Section 11-2-24 attached to last page.)

3. Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street. The property is currently zoned R-1AAA Low-Density Residential Zoning District. The applicant is proposing to amend the zoning district to R-1A Medium-Density Residential Zoning District. Chairperson Ritz explained if approved, the item would proceed to Council. The Board was to evaluate if this change was an appropriate use for this property.

Mr. Page presented to the Board and stated the project currently contained eight lots but began as seven lots. Staff indicated that if the eighth lot was left in the current zoning, it would not be a transition since it would move from commercial to residential of a certain density and then residential further to the west with greater density. The owner purchased the additional lot to be an acceptable transition from R1-A and across the street to the west would be R-1AAA. The buyer indicated the style would be 1930-1940 Craftsman homes. Chairperson Ritz clarified the applicant was proposing this change, acting as a transitional zone from the commercial to lower density residential.

Ms. MacDonald, President of the North Hill Preservation Association, explained even though this address was not in the historical portion, it was still in North Hill and a matter of concern to the residents. They were concerned with the vacant lot at Baylen and Mallory zoned R-1AAA being rezoned as R-1A; doing so would mean a reduction in the minimum lot width at building setback from 75' to only 30' and the survey indicated five 30' lots fronting Baylen. Across the street on Baylen, there were only two homes in the same portion of the block; there were only four houses on the western side, and three on the eastern side. With the addition of the five homes, it would total eight in a single block. The 30' width encouraged the development of row houses and an increase to on-street parking. Having parking on both sides of the street would virtually block thru traffic on Baylen, and North Hill asked that the request be denied.

Ms. Pierce advised she walked dogs there twice daily and asked the Board to not allow that many houses in this area.

Ms. Wolfe asked that the Board consider if this type of development really belonged on that block. There were parking considerations, space problems, and North Hill was not downtown.

Ms. Rutland stated children and dogs were outside a lot and agreed that the number of houses being proposed would present a parking problem since parking was already tight along that block. She also hated to see row houses developed in that neighborhood.

Mr. Page explained each unit would have a garage with parking in front to accommodate two vehicles. He also stated the homes would be the Aragon style, and the transition from higher to lower density would fit in very well.

Chairperson Ritz explained the Board was not approving building style or even the number of houses but whether to approve the zoning change and if that was an appropriate designation. Board Member Van Hoose asked if there was a requirement to transition. Mr. Page pointed out that transitional zoning was considered good planning practices; transitional zoning steps down from commercial. Assistant Planning Director Cannon explained transitional zoning was not a requirement, but it was required to go before the Board to consider the overall reasoning. Board Member Villegas suggested the surrounding area didn't mirror the request. She agreed it was everyone's prerogative to park on the street, but it was congested which was a concern for the surrounding area. She thought it would be a good infill move if it was located on Palafox, but this did not allow for the surrounding area to be reflected in the development; it might be excessive

on the Baylen side, and density wise, low density residential made more sense. Board Member Grundhoefer thought transitional zoning was appropriate since there was medium density further south. Chairperson Ritz pointed out smaller lots on Cervantes and Palafox, but Board Member Villegas advised that was commercial and south of Cervantes was PR-2.

Board Member Grundhoefer made a motion to approve, seconded by Chairperson Ritz. With no further discussion, the motion failed 4 to 2 with Board Members Larson, Sampson, Van Hoose and Villegas dissenting.

4. Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street

C.R. Quint Higdon is requesting the use of non-residential parking in a residential zone for the property located at 518 Wynnehurst Street which is zoned R-1AAA. If the request is approved, the subject parcel would serve as an accessory use to the future medical office building at 4304 Davis Hwy which is zoned C-3. Staff presented the six criteria that accompany this particular section of the Code. It was noted that when you have different uses between zoning districts, a 10' buffer is required by the City Land Development Code between those two uses, so you would be required to have that buffer on the backside of that parking lot.

Mr. Higdon presented to the Board and asked for the parking for a new office. Board Member Grundhoefer questioned Mr. Fitzpatrick on the opportunity for a 10' vegetative buffer, and Mr. Fitzpatrick advised there would be no problem with the buffer. Board Member Grundhoefer asked about a deed restriction to always have a retention pond and not a parking lot, and staff advised that would be something the applicant would volunteer to do; the Board was determining the use as a parking lot in the residential zone. If the building was vacant for 180 days, the permission would go away. It was determined the applicants needed one parking spot for 200 sq. ft. which totaled 52 parking spaces. Chairperson Ritz explained this item would not proceed to Council.

Board Member Larson made a motion to approve, seconded by Board Member Sampson. Board Member Villegas asked for clarification if those spaces included one per employee. Staff advised the Code did not distinguish between employees and clientele but gave a perspective per square feet for use. **The motion carried 6 to 0. Board Member Grundhoefer wanted to add the 10' buffer to the motion. The Board voted again to approve 6 to 0.**

5. Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs

Plaza de Luna is located at 900 S. Palafox Street within the Waterfront Redevelopment District - WRD. This site experienced major damage from Hurricane Sally in September 2020. The damage to the park features included sidewalks, handrails, lighting, splash pad equipment and other minor features. The proposed improvements will replace the damaged features with the same or similar material. The City proposes to relocate the underground splash pad equipment to a new pump house building located adjacent to the DeLuna Café for better protection from future storms. The pump building will be approximately 11' X 17' and shall have similar brick as the adjacent café.

Chairperson Ritz pointed out the drawing did not portray the brick matching the DeLuna Café; it was a blank brick wall when the café had more brick detail and patterning, and he did not feel this was appropriate. He also pointed out this was taxpayer funded. Staff clarified this item would not proceed to Council.

Mr. McGuire, in charge of FEMA projects for the city, stated this was a pump building but understood what the Board was saying, but he asked that the Board indicate what they preferred, and they would build it. Chairperson Ritz explained it could return for an abbreviated review for expediency purposes. Board Member Grundhoefer explained there was a louver on the façade of the snack bar with a precast lintel which could be repeated on the west and south sides which were the most prominent; the herringbone pattern could be placed below and would tie it to the snack bar. Also, the snack bar roof sloped to the east, and this building could also slope to the east. He pointed out you do not see the roof form on the prominent side. The downspouts could be placed on either side of the door, and matching the height of the snack bar would tie it in better. Also, placing the building so that the fronts line up would make it look like part of the snack bar. Mr. McGuire pointed out it cost \$100,000 to repair the pumps each time it floods, so bringing the equipment out of the ground would save in expenses. Board Member Van Hoose asked if the building could be attached, and Mr. McGuire stated nice sod and a picnic table would go between the buildings. Board Member Grundhoefer suggested they pull it as close as possible to the other building. Mr. Morgan of Mott McDonald advised there was a shower on the snack bar wall which was part of the splash pad requirements, and they needed room for the walk-thru to other facilities. Board Member Grundhoefer asked that they make it look like one building. Chairperson Ritz explained Board Member Grundhoefer could perform the abbreviated review, return it to staff, and staff would forward it to Chairperson Ritz for review and then send it to the applicant.

Board Member Grundhoefer made a motion for approval with architectural modifications to the pump house which allow it to blend in with the snack shop, designating himself as the first line review for the abbreviated review process. Staff advised that Board Member Grundhoefer as a reviewer could have direct contact with the applicant. **Board Member Villegas seconded the motion.** For FEMA approval, Mr. McGuire advised the other elements would go back in the same footprint. **The motion then carried 6 to 0.**

6. Amendment to the Land Development Code (LDC) – Table 12-3.9 – Regulations for the North Hill Preservation Zoning Districts – PR-2 Minimum Lot Size Requirements

On June 8, 2021 and August 12, 2021 the Planning Board and City Council respectively suggested that City staff amend the PR-2, North Hill Preservation multiple-family zoning district, to better align with criteria designed for transitional zoning districts. Subsequently, the Mayor directed staff to initiate the process for approval of the requested amendment. Currently the PR-1AAA, single-family district, and PR-2, multiple-family district, contain similar building standards and the same minimum lot size requirements. At present the main differences between these zoning districts are the types of uses that are allowed by right and the minimum building setbacks for the front and side yards. In order to allow for the PR-2 district to function as a transitional zoning district between the North Hill single-family and commercial districts, the proposed amendment will allow for a smaller minimum lot width and lot area. Table 12-3.9 *Regulations for The North Hill Preservation Zoning Districts* (attached) contains the current applicable lot and building standards.

The proposed amendment would be limited to Table 12-3.9 and does not include any changes to the types of allowed uses or to the required setbacks in the PR-2 zoning district. The following changes are proposed:

- Minimum Lot Area for Residential Uses: Currently - 9,000 SF

Proposed - 5,000 SF

- Minimum Lot Width at Building Setback Line: Currently - 75 feet
Proposed - 50 feet

Staff explained this was just for the North Hill Preservation District which has three zoning categories – PR-1AAA, PR-2, and PC-1. This action would decrease non-conformities with the lots. Historic Preservation Planner Harding stated the PR-2 (formerly R-2) was established when North Hill was established, possibly mid-70s.

Ms. MacDonald advised over a series of meetings with Mr. Beck and the neighborhood, they discussed alternatives and proposed a compromised solution to rezone the property to an amended version of PR-2 that would reduce the minimum lot area for residential uses from 9,000 sq. ft. to 5,000 sq. ft. and the lot width setback from 75' to 50'. They then polled the neighborhood to see if they could support the pursuit of this proposed change; the 104 respondents voted overwhelmingly in support of PR-2 with these proposed changes - 87% voting for with 12.5% voting against. She voiced this support at the Council meeting and repeated that support today. Although there might be residents against this proposed zoning amendment, she stated the majority of residents who cared enough to vote, voted for it.

Chairperson Ritz appreciated the numbers and percentages and that level of input from the citizens which helped the Board with its decision.

Ms. Marshall advised her home faced the P.K. Yonge property. She explained the neighbors felt any changes made to PR-2 should be decided on the value of the entire North Hill community. The consequences and impact should be evaluated and related to the existing PR-2 zones in the North Hill District. They offered 1) keeping PR-2 as it is since some of the neighbors object to the change relating to their property, and 2) designing special waivers with input from the immediate neighbors while achieving the owners' value of their interest when they sell their property. She pointed out their neighbor, Mr. Mead, had suggested there might be an interesting zone change for block 168. They felt the best suggestion was for an entirely special zone for block 168 which would include the needs of her new neighbor and people of North Hill.

Chairperson Ritz explained this item was at the request of Council, and this request whether accepted, rejected, or modified dealt with all of PR-2 and not one particular piece of property nor a specific development. This request would then proceed to Council.

Mr. Beck appreciated the staff, residents, and the North Hill Preservation Association. The discussion was generated through the consideration of a specific piece of property, and he was in full support of the transition zoning from the very loose PC-1 relating to single-family lots to PR-1AAA; he felt it was a nice compromise and allowed for a 50' lot as opposed to the very narrow 30' lots which would occur under PC-1.

Board Member Larson made a motion to approve the suggested change and felt Council did a good service for bringing it back to the Board after the Board wrestled with the decision after listening to North Hill; we needed a transition between some of the old to the new and this was a good option; it was seconded by Board Member Grundhoefer. Board Member Villegas wanted to understand why there could not be some sort of variation on the PR-2 to address this particular property considering almost half of the North Hill District is PR-2 - possibly a PR-2A. Chairperson Ritz advised this would be creating a zoning district which equates to half a block of property. Assistant City Attorney Lindsay explained contract zoning or spot zoning was not legal, so the decision should not be made on whether to do this based on use but made on zoning considerations broadly. Board Member Grundhoefer pointed out 87% support for this

was unusual, but if the North Hill Preservation Board supported it, it would be a good thing. **The motion then carried 6 to 0.**

Open Forum – None.

Discussion – None.

Adjournment – With no further business, the Board adjourned at 3:58 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 38-21

City Council

9/9/2021

ADD-ON LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Casey Jones

SUBJECT:

PROPOSED ORDINANCE NO. 38-21 - AMENDING SECTION 11-2-24 - PARKING FOR CERTAIN USES PROHIBITED OF THE CODE OF THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 38-21 on first reading:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

Within the City Code, two sections exist; Section 11-2-24 - Parking for certain uses prohibited and Section 12-3-65 - Parking for certain uses prohibited. These two sections are duplicative.

An amendment to Section 11-2-24 would provide guidance related to the current food truck issue by setting boundaries for their prohibited placement in certain areas.

The proposed amendment to Section 11-2-24 would do the following:

1. Adding the language pertaining to public or private as it pertains to vacant lot or parking lot
2. Removes the selling of merchandise language
3. Establishes boundaries for the parking of vehicles for the principal purpose of selling merchandise from such vehicle

PRIOR ACTION:

April 13, 2006 - City Council amended Section 11-2-24 of the City Code via Ordinance No. 11-06

February 9, 2006 - City Council amended Section 12-3-65 (at that time listed as Section 12-2-42) of the City Code via Ordinance No. 04-06

FUNDING:

File #: 38-21

City Council

9/9/2021

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) City Attorney's Office Opinion 20-01
- 2) Proposed Ordinance No. 38-21 - Amendment to Section 11-2-24
- 3) Map of proposed amendment to Section 11-2-24

PRESENTATION: No

PROPOSED
ORDINANCE NO. 38-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 11-2-24 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-24. Parking for certain uses prohibited.

(1) No person shall park a vehicle upon any street, right-of-way, public vacant lot or public parking lot for the principal purpose of:

1(a) Displaying such vehicle for sale;

2)(b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;

3(c) Displaying advertising;

~~(4) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or~~

5(d) Storage for more than 24 hours.

(2.) No person shall park a vehicle upon any street, right-of-way, public vacant lot, or in any public parking space that is located in the area between the eastern right-of-way line of Tarragona Street and western right-of-way line of Baylen Street and between the southern right -of- way line of Garden Street and the southern right -of -way line of Main Street for the principal purpose of selling merchandise, including food and beverage, from such vehicle with the exception of during the hours of Gallery Night and other special events or specified times as approved by the Mayor or Mayor's designee.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

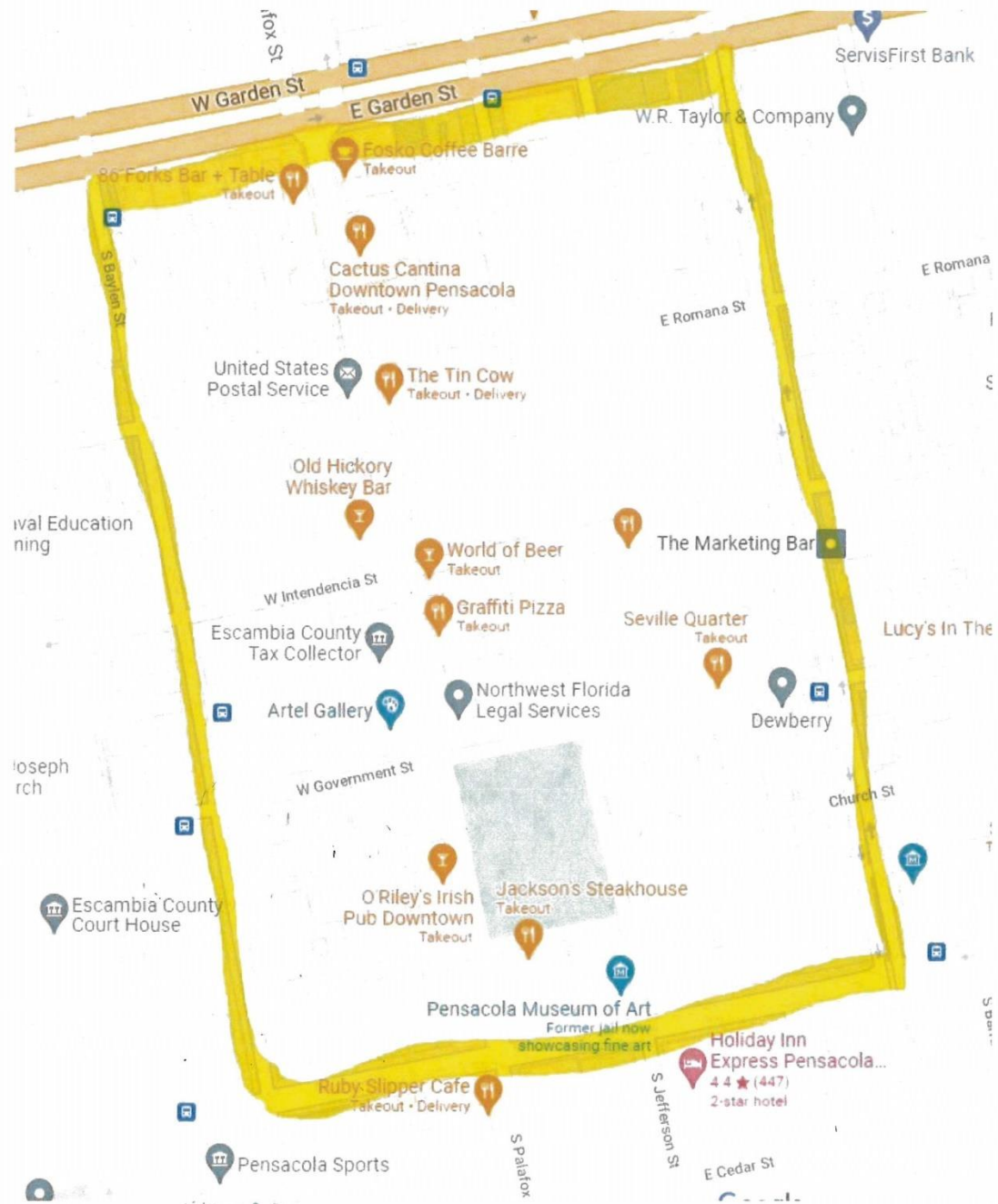
SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk





City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 42-21

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 42-21 - REQUEST FOR ZONING MAP AMENDMENT - 1717 NORTH PALAFOX STREET

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 42-21 on first reading:

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE.

HEARING REQUIRED: Public

SUMMARY:

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street and identified by parcel number 000S009010001101. The property is currently zoned R-1AAA, Single-Family Residential Zoning District, and the Future Land Use is LDR - Low Density Residential. The applicant is proposing to amend the zoning district to R-1A, One and Two Family Residential Zoning District, and the Future Land Use to MDR - Medium Density Residential. The subject area totals 1.38 acres.

Per Section 12-3-3 - Low Density Residential Land Use Districts.

Purpose of district. The low-density residential land use district is established for the purpose of providing and preserving areas of single-family, low intensity development at a maximum density of 4.8 dwelling units per acre in areas deemed suitable because of compatibility with existing development and/or the environmental character of the areas. The nature of the use of property is basically the same in all three single-family zoning districts. Variation among the R-1AAAA, R-1AAAA and R-1AAA districts is in requirements for lot area, lot width, and minimum yards.

Per Section 12-3-4 - Medium Density Residential Land Use Districts.

Purpose. Purpose of district. The medium-density residential land use district is established for the

purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are located in older areas of the city, the zoning regulations are intended to promote infill development which is in character with the density, intensity and scale of the existing neighborhoods.

On September 14, 2021, the Planning Board recommended denial of the request with a 4 - 2 vote with board members Kurt Larson and Paul Ritz dissenting.

PRIOR ACTION:

None.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: No

[Click here to enter a date.](#)

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator - Community Development
Sherry H. Morris, AICP, Planning Services Director

ATTACHMENTS:

- 1) Proposed Ordinance No. 42-21
- 2) Planning Board Rezoning Application
- 3) Planning Board Minutes September 14 2021 - DRAFT

PRESENTATION: No

PROPOSED
ORDINANCE NO. 42-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city adopted a comprehensive plan on October 4, 1990, pursuant to applicable law; and

WHEREAS, a proposed amended zoning classification has been referred to the local planning agency pursuant to F.S. section 163.3174, and a proper public hearing was held on October 14, 2021, concerning the following proposed zoning classification affecting the property described therein; and

WHEREAS, after due deliberation, the city council has determined that the amended zoning classification set forth herein will affirmatively contribute to the health, safety, and general welfare of the citizens of the city; and

WHEREAS, said amended zoning classification is consistent with all applicable elements of the Comprehensive Plan as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the Zoning Map of the City of Pensacola and all notations, references and information shown thereon is hereby amended so that the following described real property located in the City of Pensacola, Florida, to-wit:

LOTS 1 TO 5, INCLUSIVE, AND LOTS 28 TO 30, INCLUSIVE, BLOCK 101, EAST KING TRACT, BELMONT NUMBERING, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

is hereby changed from R1-AAA, Single Family Residential Zoning District, to R-1A, One and Two Family Residential Zoning District.

SECTION 2. If any word, phrase, clause, paragraph, section, or provision of this

ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



REZONING

Please check application type:

<input type="checkbox"/> Conventional Rezoning Application Fee: \$2,500.00 Rehearing/Rescheduling (Planning Board): \$250.00 Rehearing/Rescheduling (City Council): \$750.00	<input type="checkbox"/> Comprehensive Plan / FLUM Amendment (< 10 acres) \$3,500.00 \$250.00 \$750.00	<input type="checkbox"/> (≥ 10 acres) \$3,500.00 \$250.00 \$1,000.00
--	---	---

Applicant Information:

Name: Olde City Developers, LLC Date: August 9, 2021
 Address: 212 West Intendencia St, Pensacola, FL 32502
 Phone: 850-438-9647 Fax: 850-433-5409 Email: cliberis@liberislaw.com

Property Information:

Owner Name: Donald R. & Linda B. Lindsey, Trustees Phone: 850 712-7000
 Location/Address: Westerly portion of 1717 North Palafox St. See (survey)
 Parcel ID: _____ - _____ - _____ - _____ - _____ - _____ Acres/Square Feet: _____
 Zoning Classification: Existing R-1AAA Proposed R-1A
 Future Land Use Classification: Existing LDR Proposed MDR
 Reason Rezoning Requested: _____
 Owner has city plat maps and deep for purchase that shows and describes the property as being made up of eight lots.
 Owner wishes to construct eight single family homes, one on each lot.

- Required Attachments: (A) Full legal description of property (from deed or survey)
 (B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this _____ day of _____, 20____.

Applicant Signature: [Signature] DocuSigned by: [Signature]
 Applicant Name (Print): _____ Owner Name (Print): Donald R. Lindsey & Linda B. Lindsey

Sworn to and subscribed to before me this _____ day of _____, 20____
 Name: _____ Commission Expires: _____

FOR OFFICE USE ONLY

Council District: _____ Date Received: _____ Case Number: _____
 Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____
 Committee Date: _____ Council Date: _____ Council Action: _____
 Second Reading: _____ Ordinance Number: _____

PROJECT OVERVIEW

This application seeks to rezone and change the Future Land Use on seven (8) lots located at the northeast corner of Mallory and Baylen Streets. The eight lots were the combination of three separate purchases. The first purchase consisted of lot 1 thru 5 and lot 30 as depicted on survey job 20-12852-S-1 dated August 11, 2020. The second purchase consists of only lot 29 and identified as job 20-12851-S-1 also dated August 11, 2020 and the third purchase added lot 28 for a total of eight lots. The attached survey identifies all as lots 1,2,3,4,5,28,29, and 30 block 101. Taken together, the three purchases represent those areas that are comprised as lots 1,2,3,4,5,28,29 and 30 that make up the combined descriptions in the application request.

These 8 lots are currently zoned as R-AAA and the application requests a change to R-1A. Combined with the Future Land Use change from LDR to MDR creates a transitional zone effect comprised of the surrounding and existing R-1AAA zoned properties to the north, west and south of the site together with Low Density Future Land Use designated properties located west of the site.

**MERRILL
PARKER
SHAW, INC.
SURVEYING**

Phone: (850) 478-4923 • Fax: (850) 478-4924
4928 N. Davis Hwy. • Pensacola, FL 32503



DESCRIPTION:

LOTS 1-5 AND LOTS 28-30, ALL IN BLOCK 101, BELMONT TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

Merrill Parker Shaw, Inc.
Professional Surveying Services
4928 North Davis Highway Pensacola, FL 32503
Phone: (850) 478-4923 Fax: (850) 478-4924



MERRILL PARKER SHAW, INC.

4928 N. DAVIS HWY
PENSACOLA, FL 32503

PROFESSIONAL SURVEYING SERVICES

PH: (850) 478-4923
FAX: (850) 478-4924



PREPARED FOR: OLDE CITY REALTY
REQUESTED BY: KEVIN FOX

JOB NO.: 20-12852-S-3
DATE: AUGUST 11, 2020

PROPERTY ADDRESS: N/A

SCALE: 1" = 30'

DESCRIPTION:

LOTS 1-8 AND LOTS 28-30, ALL IN BLOCK 101, BELMONT TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1909.

SURVEYOR'S NOTES:

- 1.) THE NORTH ARROW AND BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF NORTH 09 DEGREES 58 MINUTES 08 SECONDS WEST ALONG THE EAST RIGHT OF WAY LINE OF DAYLEN STREET (50' R/W), THE CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA.
- 2.) SOURCE OF INFORMATION: THE DEEDS OF RECORD; THE RECORD MAP OF "THE CITY OF PENSACOLA" COPYRIGHTED BY THOMAS C. WATSON IN 1909; AND EXISTING FIELD MONUMENTATION.
- 3.) NO TITLE SEARCH WAS PERFORMED BY OR FURNISHED TO MERRILL PARKER SHAW, INC. FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, RIGHT-OF-WAYS, EASEMENTS, BUILDING SETBACKS, RESTRICTIVE COVENANTS, GOVERNMENTAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE SUBJECT PROPERTY.
- 4.) ONLY THE ABOVE GROUND VISIBLE ENCROACHMENTS AND IMPROVEMENTS WERE FIELD LOCATED AS SHOWN HEREON, UNLESS OTHERWISE NOTED. UNDERGROUND ENCROACHMENTS AND IMPROVEMENTS, IF ANY, WERE NOT FIELD LOCATED OR VERIFIED, UNLESS OTHERWISE NOTED.
- 5.) THE DIMENSIONS OF THE BUILDINGS (IF ANY) AS SHOWN HEREON ARE ALONG THE OUTSIDE FACE OF THE BUILDINGS AND DO NOT INCLUDE THE EAVES OVERHANG OR THE FOOTINGS OF THE FOUNDATIONS.
- 6.) THE SURVEY AS SHOWN HEREON DOES NOT DETERMINE OWNERSHIP.
- 7.) THE MEASUREMENTS MADE IN THE FIELD, INDICATED THUSLY (F), AS SHOWN HEREON WERE MADE IN ACCORDANCE WITH UNITED STATES STANDARDS.
- 8.) FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR ANY OTHER TRANSACTION. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER AND IS TO BE RETURNED UPON REQUEST.

CERTIFIED TO:

OLDE CITY DEVELOPERS, LLC
LIBERIS LAW FIRM, P.A.

THAT THE SURVEY SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA, ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 6J-17.051 AND 6J-17.052, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

'BOUNDARY SURVEY'

SHEET 2 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

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P.L.S. 08 DRAFTED, RSD, TYPED, RSD, CHECKED, EXP.

DESCRIPTION: SEE ABOVE

SECTION N/A, TOWNSHIP N/A, RANGE N/A, ESCAMBIA COUNTY, STATE OF FLORIDA.
RECORDED N/A BOOK N/A, PAGE N/A *THE ENCROACHMENTS ARE AS SHOWN*
FIELD DATE: 8/6/20, 8/6/21, FIELD BOOK: 449, PG. 23

MERRILL PARKER SHAW, INC. CORPORATION NUMBER 7174

REVISIONS:

E. Wayne Parker DATE: 8/12/20
E. WAYNE PARKER PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 3683 STATE OF FLORIDA

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL LAND SURVEYOR



MERRILL PARKER SHAW, INC.

4928 N. DAVIS HWY
PENSACOLA, FL 32503

PROFESSIONAL SURVEYING SERVICES

PH: (850) 478-4923
FAX: (850) 478-4924

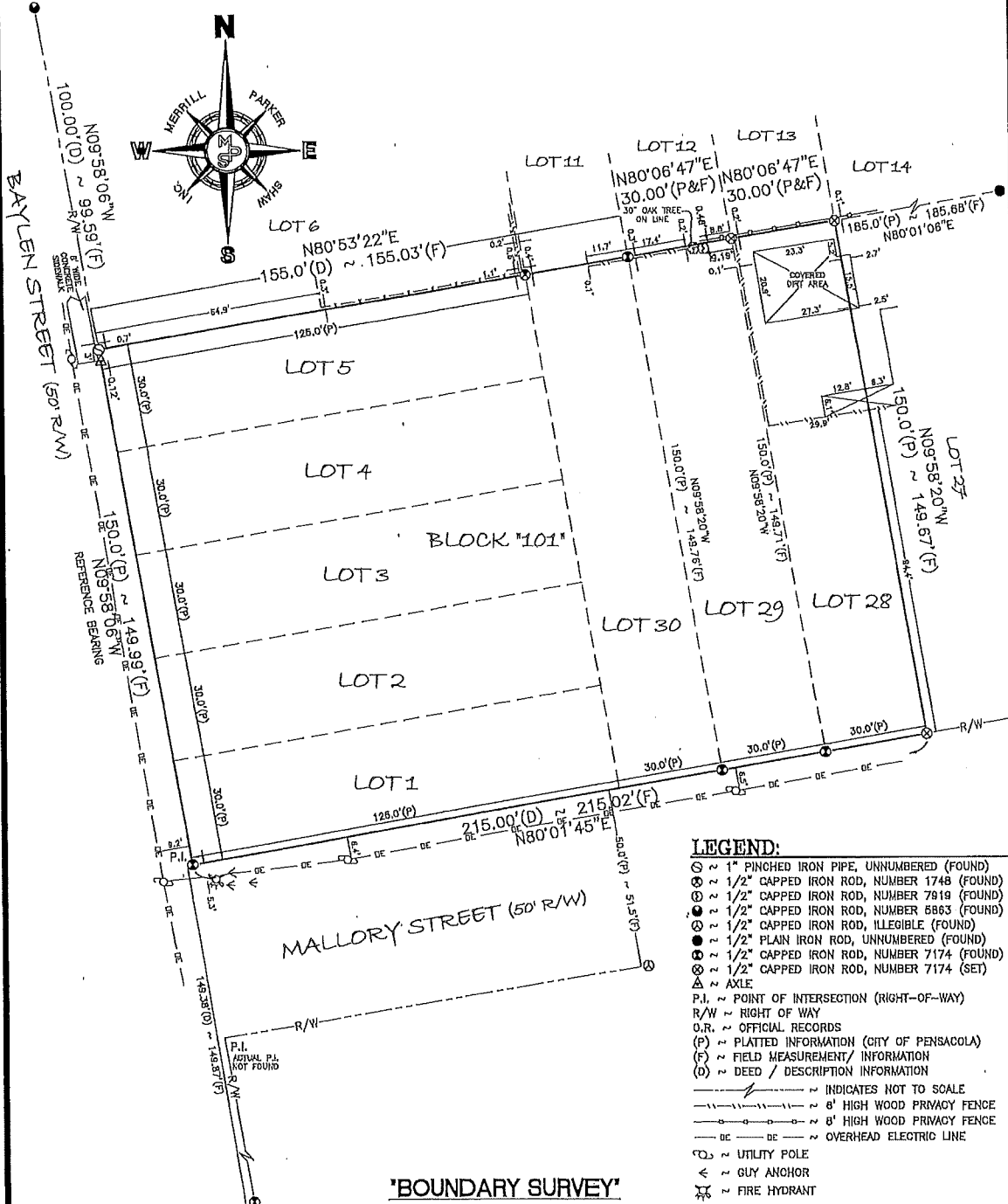


PREPARED FOR: OLDE CITY REALTY
REQUESTED BY: KEVIN FOX

JOB NO.: 20-12852-S-3
DATE: AUGUST 11, 2020

PROPERTY ADDRESS: N/A

SCALE: 1" = 30'



'BOUNDARY SURVEY'

- LEGEND:**
- ⊙ ~ 1" PINCHED IRON PIPE, UNNUMBERED (FOUND)
 - ⊖ ~ 1/2" CAPPED IRON ROD, NUMBER 1748 (FOUND)
 - ⊕ ~ 1/2" CAPPED IRON ROD, NUMBER 7919 (FOUND)
 - ⊗ ~ 1/2" CAPPED IRON ROD, NUMBER 5863 (FOUND)
 - ⊙ ~ 1/2" CAPPED IRON ROD, ILLEGIBLE (FOUND)
 - ~ 1/2" PLAIN IRON ROD, UNNUMBERED (FOUND)
 - ⊖ ~ 1/2" CAPPED IRON ROD, NUMBER 7174 (FOUND)
 - ⊕ ~ 1/2" CAPPED IRON ROD, NUMBER 7174 (SET)
 - △ ~ AXLE
 - P.I. ~ POINT OF INTERSECTION (RIGHT-OF-WAY)
 - R/W ~ RIGHT OF WAY
 - O.R. ~ OFFICIAL RECORDS
 - (P) ~ PLATTED INFORMATION (CITY OF PENSACOLA)
 - (F) ~ FIELD MEASUREMENT/INFORMATION
 - (D) ~ DEED / DESCRIPTION INFORMATION
 - ~ INDICATES NOT TO SCALE
 - - - - - ~ 6' HIGH WOOD PRIVACY FENCE
 - - - - - ~ 8' HIGH WOOD PRIVACY FENCE
 - - - - - ~ OVERHEAD ELECTRIC LINE
 - ⊕ ~ UTILITY POLE
 - < ~ GUY ANCHOR
 - ⊕ ~ FIRE HYDRANT

SHEET 1 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

COPYRIGHT © 2020 BY MERRILL PARKER SHAW, INC.
P.L.S. DRAFTED, ROD TYPED, ROD CHECKED, EXP.

DESCRIPTION: SEE PAGE 2 OF 2

SECTION N/A, TOWNSHIP N/A, RANGE N/A, ESCAMBIA COUNTY, STATE OF FLORIDA.
RECORDED N/A BOOK N/A, PAGE N/A *THE ENCROACHMENTS ARE AS SHOWN*
FIELD DATE: 8/6/20, 8/6/21, FIELD BOOK: 449, PG. 23

MERRILL PARKER SHAW, INC. CORPORATION NUMBER 7174
E. Wayne Parker DATE: 8/12/20
E. WAYNE PARKER / PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 3683 STATE OF FLORIDA

REVISIONS:

1	REVISE ADJACENT LOT NUMBERS 7/20/21
2	ADD LOT 29, BLOCK 101 7/29/21
3	ADD LOT 28, BLOCK 101

08/09/2021 (RDC)

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL LAND SURVEYOR

Vacant Land Contract



1* 2* 3* 4* 5* 6* 7* 8* 9* 10* 11* 12* 13* 14* 15* 16* 17* 18* 19* 20* 21* 22* 23* 24* 25* 26* 27* 28* 29* 30* 31* 32* 33* 34* 35* 36* 37* 38* 39* 40* 41* 42* 43* 44* 45* 46* 47* 48* 49* 50* 51* 52*

1. Sale and Purchase: Donald R & Linda B Trustees ("Seller")
and Old City Developers LLC ("Buyer")
(the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property")
described as:

Address: Adjacent to 1737 N Palafox address not yet assigned
Legal Description: LTS 1, 2, 3, 4, 5 (dimensions of 150' FF on Baylen x 125' deep, 18750 sqft, 4,400,000)
Lots 30 (dimensions 30' FF x 150' Deep, 4500 sq ft, \$32,580)

SEC ___/TWP ___/___/ RNG ___ of ___ County, Florida. Real Property ID No.: ___
Including all improvements existing on the Property and the following additional property: ___

2. Purchase Price: (U.S. currency) \$ 4,400,000
All deposits will be made payable to "Escrow Agent" named below and held in escrow by:
Escrow Agent's Name: Liberis Law Firm PA
Escrow Agent's Contact Person: _____
Escrow Agent's Address: 212 W Intendencia St
Escrow Agent's Phone: (850) 438-9647
Escrow Agent's Email: closings@liberislaw.com

- (a) Initial deposit (\$0 if left blank) (Check if applicable)
 - accompanies offer
 - will be delivered to Escrow Agent within ___ days (3 days if left blank) after Effective Date \$
- (b) Additional deposit will be delivered to Escrow Agent (Check if applicable)
 - within 60 days (10 days if left blank) after Effective Date \$
 - within ___ days (3 days if left blank) after expiration of Feasibility Study Period \$
- (c) Total Financing (see Paragraph 6) (express as a dollar amount or percentage) \$
- (d) Other: \$
- (e) Balance to close (not including Buyer's closing costs, prepaid items, and prorations) to be paid at closing by wire transfer or other Collected funds \$
- (f) (Complete only if purchase price will be determined based on a per unit cost instead of a fixed price.) The unit used to determine the purchase price is lot acre square foot other (specify); _____ prorating areas of less than a full unit. The purchase price will be \$ _____ per unit based on a calculation of total area of the Property as certified to Seller and Buyer by a Florida licensed surveyor in accordance with Paragraph 8(c). The following rights of way and other areas will be excluded from the calculation: _____

3. Time for Acceptance; Effective Date: Unless this offer is signed by Seller and Buyer and an executed copy delivered to all parties on or before July 9, 2020 this offer will be withdrawn and Buyer's deposit, if any, will be returned. The time for acceptance of any counter-offer will be 3 days after the date the counter-offer is delivered. The "Effective Date" of this contract is the date on which the last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter-offer.

4. Closing Date: This transaction will close on see paragraph 23 ("Closing Date"), unless specifically extended by other provisions of this contract. The Closing Date will prevail over all other time periods including, but not limited to, Financing and Feasibility Study periods. However, if the Closing Date occurs on a Saturday, Sunday, or national legal holiday, it will extend to 5:00 p.m. (where the Property is located) of the next business day. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property insurance, Buyer may postpone closing for up to 5 days after the insurance underwriting suspension is lifted. If this transaction does not close for any reason, Buyer will immediately return all Seller provided documents and other items.

5. Extension of Closing Date: If Paragraph 6(b) is checked and Closing Funds from Buyer's lender(s) are not available on Closing Date due to Consumer Financial Protection Bureau Closing Disclosure delivery requirements

Buyer [Signature] and Seller [Signature] acknowledge receipt of a copy of this page, which is 1 of 8 pages.

Vacant Land Contract

1* 1. **Sale and Purchase:** Donald R. Linda B Trustees ("Seller")
 2* and Old City Developers LLC ("Buyer")
 3 (the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property")
 4 described as:

5* Address: Adjacent to 1737 N Palafox address not yet assigned
 6* Legal Description: LTS 1,2,3,4,5 (dimensions of 150' FF on Baylen x 125' deep, 18750 sqft, [redacted])
 7 Lots 30 (dimensions 30' FF x 150' Deep, 4500 sq ft, \$32,580)

11* SEC ___/TWP ___/___/ RNG ___ of ___ County, Florida. Real Property ID No.: _____
 12* Including all improvements existing on the Property and the following additional property: _____

14* 2. **Purchase Price:** (U.S. currency) \$ [redacted]
 15 All deposits will be made payable to "Escrow Agent" named below and held in escrow by:
 16* Escrow Agent's Name: Liberis Law Firm PA
 17* Escrow Agent's Contact Person: _____
 18* Escrow Agent's Address: 212 W Intendencia St
 19* Escrow Agent's Phone: (850) 438-9647
 20* Escrow Agent's Email: closings@liberislaw.com

- 21 (a) Initial deposit (\$0 if left blank) (Check if applicable)
 22* accompanies offer
 23* will be delivered to Escrow Agent within ___ days (3 days if left blank)
 24* after Effective Date \$ [redacted]
 25 (b) Additional deposit will be delivered to Escrow Agent (Check if applicable)
 26* within 60 days (10 days if left blank) after Effective Date
 27* within ___ days (3 days if left blank) after expiration of Feasibility Study Period \$ [redacted]
 28* (c) Total Financing (see Paragraph 6) (express as a dollar amount or percentage) \$ _____
 29* (d) Other: _____ \$ _____
 30 (e) Balance to close (not including Buyer's closing costs, prepaid items, and prorations)
 31* to be paid at closing by wire transfer or other Collected funds \$ [redacted]
 32* (f) (Complete only if purchase price will be determined based on a per unit cost instead of a fixed price.) The
 33* unit used to determine the purchase price is lot acre square foot other (specify); _____
 34* prorating areas of less than a full unit. The purchase price will be \$ _____ per unit based on a
 35 calculation of total area of the Property as certified to Seller and Buyer by a Florida licensed surveyor in
 36 accordance with Paragraph 8(c). The following rights of way and other areas will be excluded from the
 37* calculation: _____

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 40 any, will be returned. The time for acceptance of any counter-offer will be 3 days after the date the counter-offer is
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 45 not limited to, Financing and Feasibility Study periods. However, if the Closing Date occurs on a Saturday,
 46 Sunday, or national legal holiday, it will extend to 5:00 p.m. (where the Property is located) of the next business
 47 day. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property
 48 insurance, Buyer may postpone closing for up to 5 days after the insurance underwriting suspension is lifted. If
 49 this transaction does not close for any reason, Buyer will immediately return all Seller provided documents and
 50 other items.

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 52 available on Closing Date due to Consumer Financial Protection Bureau Closing Disclosure delivery requirements

Buyer [Signature] and Seller [Signature] acknowledge receipt of a copy of this page, which is 1 of 8 pages.



MINUTES OF THE PLANNING BOARD

September 14, 2021

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Sampson, Board Member Van Hoose, Board Member Villegas

MEMBERS ABSENT: Board Member Powell

STAFF PRESENT: Assistant Planning Director Cannon, Historic Preservation Planner Harding, City Clerk Burnett, Assistant City Attorney Lindsay, Senior Planner Statler, Capital Improvements Forte, Assistant City Attorney Moore, Engineering Specialist Mauldin, Building Construction & Facilities McGuire, Code Enforcement Richards, Help Desk Technician Russo

STAFF VIRTUAL: Planning Director Morris

OTHERS PRESENT: Buddy Page, Mary Pierce, Jo MacDonald, Carol Ann Marshall, Quint Higdon, Nancy Wolfe, Tori Rutland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from August 10, 2021.
- **New Business:**
- Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola
- Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street
- Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street
- Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs
- Amendment to the Land Development Code (LDC) – Table 12-3.9 - Regulations for the North Hill Preservation Zoning Districts - PR-2 Minimum Lot Size Requirements
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:05 pm with a quorum present. Board Member Sampson was sworn in by City Clerk Burnett. Chairperson Ritz then explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes - Board Member Larson made a motion to approve the August 10, 2021 minutes, seconded by Board Member Villegas, and it carried 6 to 0.

New Business -

2. Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola

Assistant Planning Director Cannon advised on September 9, 2021 City Council referred to the Planning Board the proposed repeal of Section 12-3-65 – Parking for Certain Uses Prohibited - of the Land Development Code (LDC). Currently, there are two duplicative sections in the Code, 11-2-24 and 12-3-65. At the same meeting, Council approved an ordinance on first reading which on adoption will amend Section 11-2-24 of the Code to add clarity to the language, regulating parking for certain uses. As the temporary parking of vehicles and associated mobile activities is not related to zoning and is not the actual development of land, Chapter 11 “Traffic and Vehicles” is the more appropriate location for these requirements. In order to remove the duplicative language, and avoid creating conflict between the two Code sections, it is necessary to repeal Section 12-3-65.

Chairperson Ritz confirmed this was strictly a removal of language with no text replacing it; Section 11 was intended to address the parking versus Section 12. He also clarified that the Board did not control Section 11, only Section 12, and Council would review the Board’s decision on removal of the language in Section 12. Assistant City Attorney Lindsay indicated it was determined by Council to keep the language in Section 11 and to ask Planning Board to remove the language from Section 12; the purpose of clarifying Section 11 was to interpret how it would be enforced. The State Legislature had determined the City was limited on how to enforce laws concerning food trucks, meaning that it could not say that no food truck could have any scope of operation whatsoever in the city. But we could have restrictions on where they could operate. However, before Section 11 could be modified, there would be two readings, and the second reading would not be on Council’s agenda until they received the recommendation from the Planning Board. Board Member Larson wanted to know the language of Section 11 before it was removed; the revised language was provided to the Board. Planning Director Morris explained Council was making sure there were not two Code sections which were duplicate and in conflict with each other. The new language would be in compliance with State Statutes and specify the area where food trucks would not be allowed to operate within the city.

Chairperson Ritz explained the Board could approve, modify, or deny as it deliberates. Planning Director Morris advised they were trying to be expedient in not impacting small businesses as they tried to continue to operate and navigate the Code requirements. She understood the Board was concerned with the modified language, but this Board did not have the authority to approve that language since it was outside of Section 12. (While the Board awaited the document with the modified language, it moved to the next item.)

The Board was provided additional materials which had been reviewed by Council. Board Member Villegas wanted to clarify that any amendment would specify usage of space for food trucks. Assistant City Attorney Moore stated they were trying to determine exclusion zones (a map was provided to indicate the exclusion zones). Board Member Grundhoefer asked if food trucks were allowed on every other street. Ms. Moore advised the language did not take away 11-2-24 (1) but it was similar to an ice cream truck. Board Member Larson asked about licensing for the ice cream truck versus food trucks, and Ms. Moore advised DBPR had the licensure, but she was not up to date on the ice cream truck designation. Last year, there was a change to the Florida State Statute where they pre-

empted to the State certain requirements regarding food trucks; they pre-empted to the State everything regarding permits, licensing, and any type of fee that any local government would charge for a food truck to operate within their jurisdiction; the City cannot require any additional permit license or fee, but the local government cannot completely prohibit food trucks from operating within our municipality. Restricting hours of operation or location was left up to the local government. Regarding unlicensed food truck operators, it is a second-degree misdemeanor to operate something where food is cooked, served, and sold. Board Member Larson wanted to make sure there was an enforceable action to someone selling burritos out of the trunk of their car. Ms. Moore then read the State Statute 509.102 for the definition of a mobile food truck which did not cover someone selling from their car; additional requirements and the second-degree misdemeanor was located in 509.251 (license fees) and 509.241 (licenses required and exceptions). Staff advised what prompted this amendment was a code enforcement issue brought to us for equipment as it stands now. Board Member Grundhoefer asked who determined where food trucks could operate. Ms. Moore advised the ordinances as they exist make it difficult to enforce and also make it difficult for any business to interpret what they can or cannot do or can or cannot be. There was no definition to determine a “duly established marketplace” and there was nothing in the original language to indicate “when so authorized” and “licensed under the ordinances of this municipality” was pre-empted by the laws passed last year. This criteria was drafted at the request of Council.

Assistant City Attorney Lindsay stated the Board was being asked to recommend an action, so if the Board voted yes this should be repealed, it would not be repealed on that action and would still be on the books; it would not create a vacuum because it would not be repealed except in the context of Chapter 11 being modified. The Board could suggest it had reservations about repealing 12-3-65 because of certain concerns and could ask Council to consider those concerns. Board Member Grundhoefer proposed eliminating 12-3-65 since it was a duplicate, but the Board should make a recommendation that food trucks not be allowed in residential districts but allowed in other districts and see what happens over the next 3 to 5 years.

Board Member Grundhoefer made a motion to delete Section 12-3-65 and accept the language proposed in 11-2-24 but to also include some language that would restrict food trucks in residential areas. Board Member Villegas stated she would say restriction in residential areas outside of certain operating hours since there are a lot of neighborhoods that welcome food trucks. She asked if the language was concerning merchandise or specifically addressing food trucks. Ms. Moore stated the amendment was written to address selling merchandise which included food and beverage. Chairperson Ritz agreed with removing the duplicate language. **The motion was seconded by Board Member Larson.** Board Member Villegas asked for clarification in inviting food trucks to set up at a neighborhood event in a city park, and staff advised those requests go through a special event process with Parks and Recreation. Planning Director Morris advised there was an entirely separate section of the Code which grants to the director of that department authority over city parks so anyone invited would be allowed to operate. Board Member Van Hoose agreed that food trucks should not be prohibited if some of the residents wanted them. **The motion then carried 6 to 0.**

(Proposed Ordinance 38-21 – Amending Section 11-2-24 attached to last page.)

3. Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street. The property is currently zoned R-1AAA Low-Density Residential Zoning District. The applicant is proposing to amend the zoning district to R-1A Medium-Density Residential Zoning District. Chairperson Ritz explained if approved, the item would proceed to Council. The Board was to evaluate if this change was an appropriate use for this property.

Mr. Page presented to the Board and stated the project currently contained eight lots but began as seven lots. Staff indicated that if the eighth lot was left in the current zoning, it would not be a transition since it would move from commercial to residential of a certain density and then residential further to the west with greater density. The owner purchased the additional lot to be an acceptable transition from R1-A and across the street to the west would be R-1AAA. The buyer indicated the style would be 1930-1940 Craftsman homes. Chairperson Ritz clarified the applicant was proposing this change, acting as a transitional zone from the commercial to lower density residential.

Ms. MacDonald, President of the North Hill Preservation Association, explained even though this address was not in the historical portion, it was still in North Hill and a matter of concern to the residents. They were concerned with the vacant lot at Baylen and Mallory zoned R-1AAA being rezoned as R-1A; doing so would mean a reduction in the minimum lot width at building setback from 75' to only 30' and the survey indicated five 30' lots fronting Baylen. Across the street on Baylen, there were only two homes in the same portion of the block; there were only four houses on the western side, and three on the eastern side. With the addition of the five homes, it would total eight in a single block. The 30' width encouraged the development of row houses and an increase to on-street parking. Having parking on both sides of the street would virtually block thru traffic on Baylen, and North Hill asked that the request be denied.

Ms. Pierce advised she walked dogs there twice daily and asked the Board to not allow that many houses in this area.

Ms. Wolfe asked that the Board consider if this type of development really belonged on that block. There were parking considerations, space problems, and North Hill was not downtown.

Ms. Rutland stated children and dogs were outside a lot and agreed that the number of houses being proposed would present a parking problem since parking was already tight along that block. She also hated to see row houses developed in that neighborhood.

Mr. Page explained each unit would have a garage with parking in front to accommodate two vehicles. He also stated the homes would be the Aragon style, and the transition from higher to lower density would fit in very well.

Chairperson Ritz explained the Board was not approving building style or even the number of houses but whether to approve the zoning change and if that was an appropriate designation. Board Member Van Hoose asked if there was a requirement to transition. Mr. Page pointed out that transitional zoning was considered good planning practices; transitional zoning steps down from commercial. Assistant Planning Director Cannon explained transitional zoning was not a requirement, but it was required to go before the Board to consider the overall reasoning. Board Member Villegas suggested the surrounding area didn't mirror the request. She agreed it was everyone's prerogative to park on the street, but it was congested which was a concern for the surrounding area. She thought it would be a good infill move if it was located on Palafox, but this did not allow for the surrounding area to be reflected in the development; it might be excessive

on the Baylen side, and density wise, low density residential made more sense. Board Member Grundhoefer thought transitional zoning was appropriate since there was medium density further south. Chairperson Ritz pointed out smaller lots on Cervantes and Palafox, but Board Member Villegas advised that was commercial and south of Cervantes was PR-2.

Board Member Grundhoefer made a motion to approve, seconded by Chairperson Ritz. With no further discussion, the motion failed 4 to 2 with Board Members Larson, Sampson, Van Hoose and Villegas dissenting.

4. Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street

C.R. Quint Higdon is requesting the use of non-residential parking in a residential zone for the property located at 518 Wynnehurst Street which is zoned R-1AAA. If the request is approved, the subject parcel would serve as an accessory use to the future medical office building at 4304 Davis Hwy which is zoned C-3. Staff presented the six criteria that accompany this particular section of the Code. It was noted that when you have different uses between zoning districts, a 10' buffer is required by the City Land Development Code between those two uses, so you would be required to have that buffer on the backside of that parking lot.

Mr. Higdon presented to the Board and asked for the parking for a new office. Board Member Grundhoefer questioned Mr. Fitzpatrick on the opportunity for a 10' vegetative buffer, and Mr. Fitzpatrick advised there would be no problem with the buffer. Board Member Grundhoefer asked about a deed restriction to always have a retention pond and not a parking lot, and staff advised that would be something the applicant would volunteer to do; the Board was determining the use as a parking lot in the residential zone. If the building was vacant for 180 days, the permission would go away. It was determined the applicants needed one parking spot for 200 sq. ft. which totaled 52 parking spaces. Chairperson Ritz explained this item would not proceed to Council.

Board Member Larson made a motion to approve, seconded by Board Member Sampson. Board Member Villegas asked for clarification if those spaces included one per employee. Staff advised the Code did not distinguish between employees and clientele but gave a perspective per square feet for use. **The motion carried 6 to 0. Board Member Grundhoefer wanted to add the 10' buffer to the motion. The Board voted again to approve 6 to 0.**

5. Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs

Plaza de Luna is located at 900 S. Palafox Street within the Waterfront Redevelopment District - WRD. This site experienced major damage from Hurricane Sally in September 2020. The damage to the park features included sidewalks, handrails, lighting, splash pad equipment and other minor features. The proposed improvements will replace the damaged features with the same or similar material. The City proposes to relocate the underground splash pad equipment to a new pump house building located adjacent to the DeLuna Café for better protection from future storms. The pump building will be approximately 11' X 17' and shall have similar brick as the adjacent café.

Chairperson Ritz pointed out the drawing did not portray the brick matching the DeLuna Café; it was a blank brick wall when the café had more brick detail and patterning, and he did not feel this was appropriate. He also pointed out this was taxpayer funded. Staff clarified this item would not proceed to Council.

Mr. McGuire, in charge of FEMA projects for the city, stated this was a pump building but understood what the Board was saying, but he asked that the Board indicate what they preferred, and they would build it. Chairperson Ritz explained it could return for an abbreviated review for expediency purposes. Board Member Grundhoefer explained there was a louver on the façade of the snack bar with a precast lintel which could be repeated on the west and south sides which were the most prominent; the herringbone pattern could be placed below and would tie it to the snack bar. Also, the snack bar roof sloped to the east, and this building could also slope to the east. He pointed out you do not see the roof form on the prominent side. The downspouts could be placed on either side of the door, and matching the height of the snack bar would tie it in better. Also, placing the building so that the fronts line up would make it look like part of the snack bar. Mr. McGuire pointed out it cost \$100,000 to repair the pumps each time it floods, so bringing the equipment out of the ground would save in expenses. Board Member Van Hoose asked if the building could be attached, and Mr. McGuire stated nice sod and a picnic table would go between the buildings. Board Member Grundhoefer suggested they pull it as close as possible to the other building. Mr. Morgan of Mott McDonald advised there was a shower on the snack bar wall which was part of the splash pad requirements, and they needed room for the walk-thru to other facilities. Board Member Grundhoefer asked that they make it look like one building. Chairperson Ritz explained Board Member Grundhoefer could perform the abbreviated review, return it to staff, and staff would forward it to Chairperson Ritz for review and then send it to the applicant.

Board Member Grundhoefer made a motion for approval with architectural modifications to the pump house which allow it to blend in with the snack shop, designating himself as the first line review for the abbreviated review process. Staff advised that Board Member Grundhoefer as a reviewer could have direct contact with the applicant. **Board Member Villegas seconded the motion.** For FEMA approval, Mr. McGuire advised the other elements would go back in the same footprint. **The motion then carried 6 to 0.**

6. Amendment to the Land Development Code (LDC) – Table 12-3.9 – Regulations for the North Hill Preservation Zoning Districts – PR-2 Minimum Lot Size Requirements

On June 8, 2021 and August 12, 2021 the Planning Board and City Council respectively suggested that City staff amend the PR-2, North Hill Preservation multiple-family zoning district, to better align with criteria designed for transitional zoning districts. Subsequently, the Mayor directed staff to initiate the process for approval of the requested amendment. Currently the PR-1AAA, single-family district, and PR-2, multiple-family district, contain similar building standards and the same minimum lot size requirements. At present the main differences between these zoning districts are the types of uses that are allowed by right and the minimum building setbacks for the front and side yards. In order to allow for the PR-2 district to function as a transitional zoning district between the North Hill single-family and commercial districts, the proposed amendment will allow for a smaller minimum lot width and lot area. Table 12-3.9 *Regulations for The North Hill Preservation Zoning Districts* (attached) contains the current applicable lot and building standards.

The proposed amendment would be limited to Table 12-3.9 and does not include any changes to the types of allowed uses or to the required setbacks in the PR-2 zoning district. The following changes are proposed:

- Minimum Lot Area for Residential Uses: Currently - 9,000 SF

Proposed - 5,000 SF

- Minimum Lot Width at Building Setback Line: Currently - 75 feet
Proposed - 50 feet

Staff explained this was just for the North Hill Preservation District which has three zoning categories – PR-1AAA, PR-2, and PC-1. This action would decrease non-conformities with the lots. Historic Preservation Planner Harding stated the PR-2 (formerly R-2) was established when North Hill was established, possibly mid-70s.

Ms. MacDonald advised over a series of meetings with Mr. Beck and the neighborhood, they discussed alternatives and proposed a compromised solution to rezone the property to an amended version of PR-2 that would reduce the minimum lot area for residential uses from 9,000 sq. ft. to 5,000 sq. ft. and the lot width setback from 75' to 50'. They then polled the neighborhood to see if they could support the pursuit of this proposed change; the 104 respondents voted overwhelmingly in support of PR-2 with these proposed changes - 87% voting for with 12.5% voting against. She voiced this support at the Council meeting and repeated that support today. Although there might be residents against this proposed zoning amendment, she stated the majority of residents who cared enough to vote, voted for it.

Chairperson Ritz appreciated the numbers and percentages and that level of input from the citizens which helped the Board with its decision.

Ms. Marshall advised her home faced the P.K. Yonge property. She explained the neighbors felt any changes made to PR-2 should be decided on the value of the entire North Hill community. The consequences and impact should be evaluated and related to the existing PR-2 zones in the North Hill District. They offered 1) keeping PR-2 as it is since some of the neighbors object to the change relating to their property, and 2) designing special waivers with input from the immediate neighbors while achieving the owners' value of their interest when they sell their property. She pointed out their neighbor, Mr. Mead, had suggested there might be an interesting zone change for block 168. They felt the best suggestion was for an entirely special zone for block 168 which would include the needs of her new neighbor and people of North Hill.

Chairperson Ritz explained this item was at the request of Council, and this request whether accepted, rejected, or modified dealt with all of PR-2 and not one particular piece of property nor a specific development. This request would then proceed to Council.

Mr. Beck appreciated the staff, residents, and the North Hill Preservation Association. The discussion was generated through the consideration of a specific piece of property, and he was in full support of the transition zoning from the very loose PC-1 relating to single-family lots to PR-1AAA; he felt it was a nice compromise and allowed for a 50' lot as opposed to the very narrow 30' lots which would occur under PC-1.

Board Member Larson made a motion to approve the suggested change and felt Council did a good service for bringing it back to the Board after the Board wrestled with the decision after listening to North Hill; we needed a transition between some of the old to the new and this was a good option; it was seconded by Board Member Grundhoefer. Board Member Villegas wanted to understand why there could not be some sort of variation on the PR-2 to address this particular property considering almost half of the North Hill District is PR-2 - possibly a PR-2A. Chairperson Ritz advised this would be creating a zoning district which equates to half a block of property. Assistant City Attorney Lindsay explained contract zoning or spot zoning was not legal, so the decision should not be made on whether to do this based on use but made on zoning considerations broadly. Board Member Grundhoefer pointed out 87% support for this

was unusual, but if the North Hill Preservation Board supported it, it would be a good thing. **The motion then carried 6 to 0.**

Open Forum – None.

Discussion – None.

Adjournment – With no further business, the Board adjourned at 3:58 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 38-21

City Council

9/9/2021

ADD-ON LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Casey Jones

SUBJECT:

PROPOSED ORDINANCE NO. 38-21 - AMENDING SECTION 11-2-24 - PARKING FOR CERTAIN USES PROHIBITED OF THE CODE OF THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 38-21 on first reading:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

Within the City Code, two sections exist; Section 11-2-24 - Parking for certain uses prohibited and Section 12-3-65 - Parking for certain uses prohibited. These two sections are duplicative.

An amendment to Section 11-2-24 would provide guidance related to the current food truck issue by setting boundaries for their prohibited placement in certain areas.

The proposed amendment to Section 11-2-24 would do the following:

1. Adding the language pertaining to public or private as it pertains to vacant lot or parking lot
2. Removes the selling of merchandise language
3. Establishes boundaries for the parking of vehicles for the principal purpose of selling merchandise from such vehicle

PRIOR ACTION:

April 13, 2006 - City Council amended Section 11-2-24 of the City Code via Ordinance No. 11-06

February 9, 2006 - City Council amended Section 12-3-65 (at that time listed as Section 12-2-42) of the City Code via Ordinance No. 04-06

FUNDING:

File #: 38-21

City Council

9/9/2021

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) City Attorney's Office Opinion 20-01
- 2) Proposed Ordinance No. 38-21 - Amendment to Section 11-2-24
- 3) Map of proposed amendment to Section 11-2-24

PRESENTATION: No

PROPOSED
ORDINANCE NO. 38-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 11-2-24 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-24. Parking for certain uses prohibited.

(1) No person shall park a vehicle upon any street, right-of-way, public vacant lot or public parking lot for the principal purpose of:

1(a) Displaying such vehicle for sale;

2)(b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;

3(c) Displaying advertising;

~~(4) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or~~

5(d) Storage for more than 24 hours.

(2.) No person shall park a vehicle upon any street, right-of-way, public vacant lot, or in any public parking space that is located in the area between the eastern right-of-way line of Tarragona Street and western right-of-way line of Baylen Street and between the southern right-of-way line of Garden Street and the southern right-of-way line of Main Street for the principal purpose of selling merchandise, including food and beverage, from such vehicle with the exception of during the hours of Gallery Night and other special events or specified times as approved by the Mayor or Mayor's designee.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

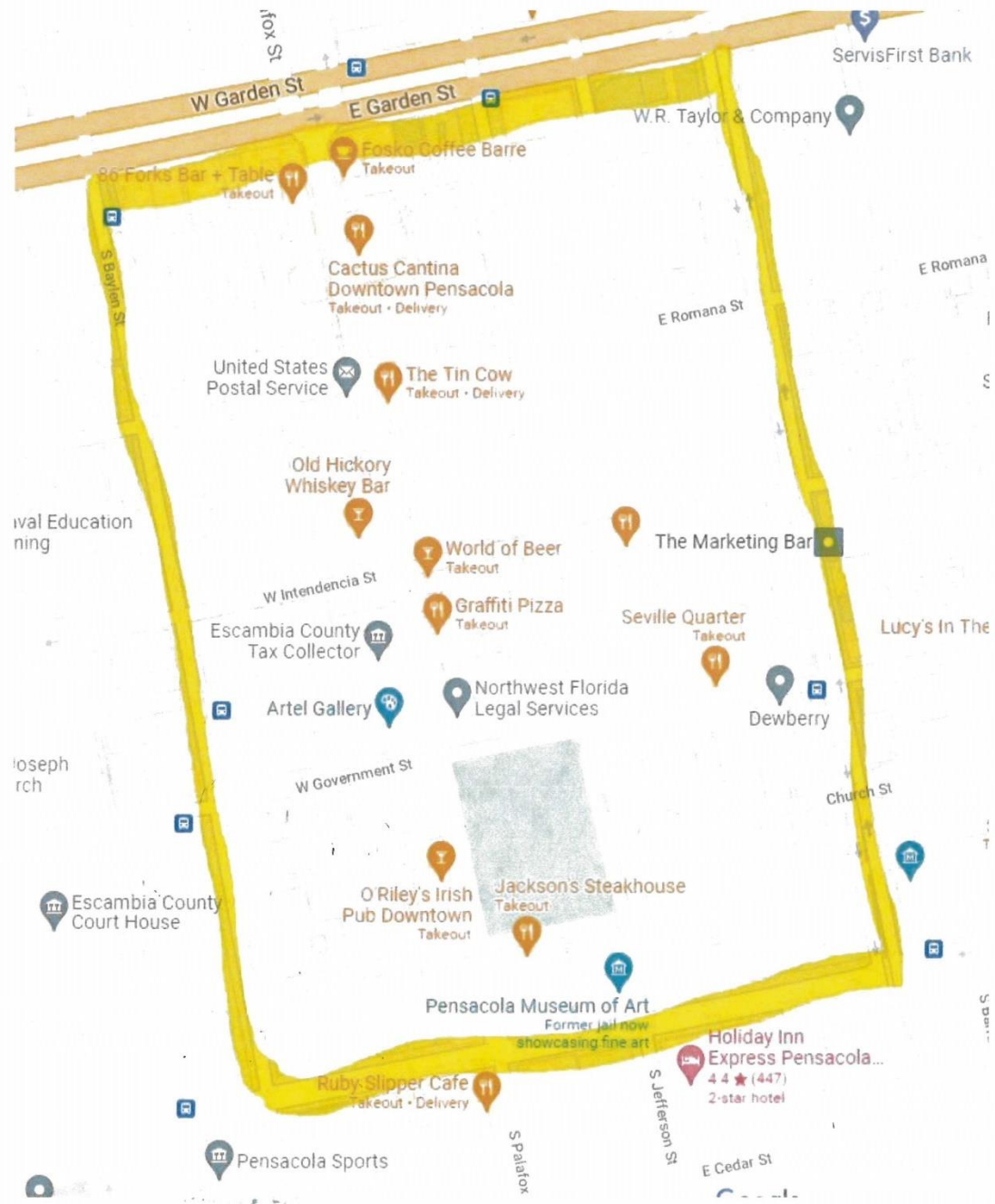
SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk





Memorandum

File #: 21-00837

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PENSACOLA AND CARSON LOVELL COMPANY REGARDING THE PERFORMANCE OF DUE DILIGENCE ON LOTS 4 AND 5 AT THE COMMUNITY MARITIME PARK

RECOMMENDATION:

Staff recommends that City Council reject this Memorandum of Understanding, due to the fact that the City will not receive any income based on what is proposed and the City is potentially at risk to reimburse Carson Lovell their due diligence cost.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Pursuant to Florida Statute section 163.380(3)(a), the City issued a public notice of its intent to lease property in the Urban Core Community Redevelopment Area (CRA) and invited proposals from prospective developers. The lots to be leased are commonly known as Lots 4 and 5 of the Community Maritime Park (CMP).

In July, the City received three proposals and scheduled a special meeting for presentations and discussion. Subsequently, the City Council selected Carson Lovell Company, the 3rd ranked firm, as the developer with whom the Mayor would negotiate a lease.

Carson Lovell has proposed the attached Memorandum of Understanding (MOU) that provides a description of the project as "...any combination of municipal parking garage, conference/convention/banquet/museum facility, multifamily rent-targeted dwellings and misc. retail/entertainment space generally located on Parcels 4 and 5." The MOU requires the City and Carson Lovell to commit the following timeline:

- o Development Agreement - 60 days from the date of the MOU
- o Completion of a First Phase Survey - 180 days
- o City Project Commitment - 45 days after Presentation of the First Phase Survey

Deliverables due under the First Phase Survey include the initial architectural masterplan, initial project cost analysis, initial timeline for development, and preliminary financing structure.

If the City approves this MOU and then at any point thereafter decides against pursuing the project, the City is agreeing to reimburse Carson Lovell for all costs incurred up to a maximum of \$100,000.

It is recommended that this MOU not be signed before a preliminary method of financing can be determined, or the City risks incurring a \$100,000 expenditure.

PRIOR ACTION:

April 22, 2021 - City Council approved the publication of the public notice for disposition via lease of Lots 4 & 5 at the Community Maritime Park Redevelopment

July 12, 2021 - City Council approved the scheduling of a special meeting regarding the redevelopment submitting groups and ranking

July 28, 2021 - City Council, at the special meeting, selected Carson Lovell as the developer to be negotiated with

FUNDING:

N/A

FINANCIAL IMPACT:

Potential expenditure of up to \$100,000 in reimbursement to Carson Lovell for identified costs incurred in completing the first phase study, should the City unilaterally decide not to continue the project.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

10/4/2021

STAFF CONTACT:

Kerrith Fiddler, City Administrator
Amy Lovoy, Finance Director

ATTACHMENTS:

- 1) Memorandum of Understanding between the City of Pensacola and the Carson Lovell Company

PRESENTATION: No

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (the “Memorandum”) is entered into as of the _____ day of September, 2021, by and between THE CITY OF PENSACOLA, FLORIDA, a political entity, (hereinafter referred to as the “City”) and CARSON LOVELL COMPANY, a Florida limited liability company, (hereinafter referred to as “CL”).

WHEREAS, the City issued its “Disposition of Real Property Redevelopment – Lots 4 and 5 at Vince Whibbs Sr. Community Maritime Park, 300 Block West Main Street” (the “Request for Qualifications”) dated April 22, 2021, File #21-00349, seeking a development team for the properties; and

WHEREAS, CL did submit a proposal in accordance with the Request for Qualifications issued by the City; and

WHEREAS, the City Council has selected CL to potentially provide the design-build-development services subject to negotiation and approval by the City and CL of a Definitive Development Agreement (hereinafter referred to as “Development Agreement”) with respect to the design, construction, financing, and operation for the Project which may include any combination of a municipal parking garage, conference/convention facility, multifamily dwelling structure, and misc. retail space (which is subject to refinement) referred to in the Request for Qualifications; and

WHEREAS, the City and CL have agreed to execute this Memorandum for the purpose of gathering due diligence and creation of a preliminary site masterplan, budgets, schedules, and defining the services and responsibilities to be provided by CL and the City, for the City’s review and consideration prior to execution of the Development Agreement between the City and CL.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration as further described herein, the mutual receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- A. **Project Description**, The Project (West Main parcel 4 & 5) shall mean the design, construction, and to be determined financing, with potential operations of any combination of municipal parking garage, conference/convention/banquet/museum facility, multifamily rent-targeted dwellings, and misc. retail/entertainment space, generally located on Parcels 4 and 5, West Main, Street, Pensacola, Florida 32502 (to be identified by formal survey).
- B. **Project Documentation**. The City and CL agree to negotiate in good faith and execute a Development Agreement with respect to Project West Main parcel 4 & 5.
- C. **Project - West Main parcel 4 & 5**.
1. The City and CL agree that Project West Main parcel 4 & 5 will be on a fast-track schedule. The City and CL agree to use their best efforts to execute a Development Agreement with respect to Project West Main parcel 4 & 5 within sixty (60) days of the date of this Memorandum.
 2. The City and CL have mutually agreed to proceed to the first phase study under this MOU to further pursue the development of Project West Main parcel 4 & 5. Upon completion of the first phase study and within one hundred eighty (180) days, CL will present to the City the following deliverables:
 - a. Initial Architectural Masterplan including a site plan and preliminary layouts.
 - b. Initial Project Cost Analysis;
 - c. Initial Timeline for Development;
 - d. Preliminary Financing Structure.(NOTE: City to provide any existing due diligence materials in its possession and pertinent to developments on parcels 4 and 5 within 10-days of request from CL)
 3. It is agreed that the City, CL, or an CL affiliated developer may conduct an independent Economic and Financial Feasibility Study ("Feasibility Study") to determine the economic viability of any portion of Project West Main

parcel 4 & 5. This Feasibility Study may be done simultaneously with the first phase study.

4. Upon both parties signing this MOU, CL and its partners will begin the first phase study. Provided that information requested by CL is obtained in a reasonable time, CL will provide to the City the deliverables described herein.
5. Both Parties shall, within forty-five (45) calendar days after presentation of the Phase One Study by CL, notify the other in writing whether they wish to proceed with Project West Main parcel 4 & 5.
6. After completion of the first phase study, if the parties decide to proceed with development and construction of any portion of Project West Main parcel 4 & 5, the City and CL will enter into Development Agreement(s).
7. If the Parties decide to proceed with the Project, the CL costs incurred in first phase study will be included within the overall total development cost of Project West Main parcel 4 & 5. Current planned duration of this pre-development phase is six (6) months. If first phase study extends beyond six (6) months, parties agree to renegotiate a fair extension period and retainer agreement.
8. In the event the City unilaterally decides not to continue this project, City agrees to reimburse CL for identified costs incurred in completing the first phase study. Both City and CL mutually agree and accept all first phase study costs to be paid by the City will not exceed one hundred thousand dollars (\$100,000.00)
9. In the event CL unilaterally decides not to continue with this project, CL will be responsible for all costs not approved as reimbursable and as involved in the completion of the Phase 1 Study.

D. **Hold Harmless and Indemnification.** CL covenants and agrees that it will indemnify and hold harmless the City and all of its officers, agents, and employees from any claim, loss, damage, cost, charge or expense arising out of any act, action, neglect or omission by CL, whether direct or indirect, or whether to any person or

property to which the City or said parties may be subject, except that neither CL nor any of its subcontractors will be liable under this Section for damages arising out of injury or damage to persons or property directly caused by or resulting from the sole negligence of the City or any of its officers, agents, or employees.

- E. **Governing Law.** Any agreement resulting from this Memorandum shall be governed by the laws of the State of Florida and the venue for any legal action relating to such agreement will be in Escambia County, Florida.
- F. **Independent Contractor.** CL will conduct business as an independent contractor under the terms this Memorandum. Personnel services provided by CL shall be by employees of CL and subject to supervision by CL, and not as officers, employees, or agents of the City. Personnel policies, tax responsibilities, social security and health insurance, employee benefits, purchasing policies and other similar administrative procedures applicable to services rendered under this Memorandum shall be those of CL.
- G. **Further Assurances.** The City and CL will (i) furnish, upon request to each other, further information, (ii) execute and deliver documents to each other, and (iii) do other acts and things, all as the other party may reasonably request for the purpose of carrying out the intent of this Memorandum and the documents referred to in this Memorandum.
- H. **Notices.** A notice communication and delivery under this Memorandum will be made in writing signed by the person making it and will be delivered only in person or by a nationally recognized next business day delivery service.

Accepted and Agreed:

CITY OF PENSACOLA, FLORIDA

CARSON LOVELL, LLC

By: _____

By: _____

Its: _____

Its: _____

Date: _____.

Date: _____.

October 11, 2021

Pensacola Parcel 4 & 5 – Talking Points

1. Process to date

- a. This MOU was attached to our original submittal for all parties to review, consider, and comment on when we submitted our proposal.
- b. The Mayor requested the MOU, (with values inserted), on Sept 13, we immediately submitted it to the Mayor and Mr. Rothfeder.
- c. We typically expect some degree of negotiations and legal review for these types of submittals prior to being considered by a City Council or other governing body.
- d. To date, we have received no comments or questions from the Mayor or City staff since we submitted the MOU.

2. There are two types of solicitations the City could have considered:

- a. A request for teams to submit on a specific need. In this case, the City would have performed its own due diligence to evaluate options, create preliminary design, budgets, and other due diligence items for the competing teams to understand what they were proposing on. Under this program, the City would have front-end due diligence costs.
- b. A request for teams to be creative and submit best use concepts for the property

The City elected the latter option.

3. Because of the open nature of the solicitation process, the city received two general project opportunities.

- a. A private for-profit development opportunity including luxury dwellings and other private development options
- b. A public development opportunity which potentially includes:
 - i. public parking (to facilitate surrounding private developments and public infrastructure)
 - ii. public use event, conference, convention, banquet, and other public use space (to be a catalyst for downtown growth and increased tax revenues, provide benefits to the citizens, spur interests and use of surrounding developments)
 - iii. museum and tribute space (to celebrate and memorialize Pensacola's history and heritage)
 - iv. Income specific housing options.

The City's previous investments in downtown are paying off. Perhaps not through direct cash but by assisting in creating an environment conducive of growth, as is evident from the private sector investments downtown. There are over 1200-dwellings in various stages of development and approval processes for the immediate downtown district.

Why would the city encumber public lands for private developments when the public land could be put to a higher civic use and the private development sector is alive without the need for public involvement?

4. **City's can calculate or realize "benefits" in investments from several perspectives including:**
 - a. Direct impact to cash in hand
 - b. Short-term and long-term impacts to the tax base
 - c. Job creation (which leads to other benefits)
 - d. General public benefits (I.E. libraries, parks, event and senior centers, etc.)
 - e. Infrastructure that will generate or facilitate any combination of the above (I.E. roads, utilities, public parking, etc.)

5. **"Staff's" recommendation of denial is predicated on:**
 - a. The city will receive no income from the proposed project(s), and
 - b. The City will be at risk for potential due diligence costs.

Proposals which include private for-profit development on municipal land should consider payment(s) or consideration to the city for use of the land. However, it is illogical for a City to burden costs to public infrastructure by applying land cost fees to the infrastructure.

The City should evaluate and recognize other income and/or benefits from infrastructural projects on municipal land.

As related to the City being at risk under our MOU, the city is only at risk if it does not move forward with any portion of the overall projects with our team.

6. **The process**
 - a. The original legal and other requirements bound to parcels 4 and 5 were nullified when the Edwards – Silver Hills Agreement expired on March 31, 2021.
 - b. City council selected this team based on the vision, suggested projects, and what these projects could mean to the city and citizens. Our suggested processes were fully described in our proposal and in further meetings.
 - c. When we submitted our MOU, we assumed we would negotiate and include specific terms beneficial and needed by the city, with City officials. This process did not occur.
 - d. In absence of those negotiations and meetings, we offer the following items for City Council consideration and inclusion within our MOU.
 - i. Our proposed projects (parking, convention etc. space, and income specific housing) are mutually exclusive items. We propose that each is evaluated independently with focus on parking needs. This allows City Council to understand parking needs and that opportunity first.
 - ii. The MOU process would be divided into 3 phases with not-to-exceed costs applied to each Phase. At the conclusion of each Phase, the City Council will review the information and decide to approve moving to the next Phase. If at the conclusion of any Phase the City Council terminates the process, the City will only be liable for costs to date and the City will retain all due diligence materials.
 - Phase One – investigations with citizens, stakeholders, and others to ascertain general interest and specific needs for the proposed projects.

- Phase Two – preliminary master planning, budgeting, and other materials relative to establishing a refined understanding of the overall projects.
- Phase Three – finalized master planning, budgeting, programming, and contract documents outlining the full project and next steps.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00834

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

LEASE OF REAL PROPERTY FOR REDEVELOPMENT - UPLAND AND SUBMERGED LAND IN BAYLEN SLIP SOUTH OF HARBOURVIEW ON THE BAY BUILDING

RECOMMENDATION:

That City Council authorize the Mayor to negotiate and execute a lease with Gulf Marine Construction Inc. for the redevelopment of upland and submerged real property (portion of Parcel Ref. No. 000S009100001034) located in the Baylen Slip inland waterway directly south of the Harbourview on the Bay building at 25 West Cedar Street.

HEARING REQUIRED: No Hearing Required

SUMMARY:

In July, City Council approved the publication of the legal notice requesting redevelopment submittals for the portion of City-owned upland and submerged real property at the northwestern area of Baylen Slip directly south of the Harbourview on the Bay building. Pursuant to F.S. 163.380(3)(a), the City is required to provide public notice by advertising at least 30 days prior to the disposition of any City-owned property in the CRA, stating the intent of the disposition and inviting submittals.

The notice for submittals was for 60 days prior, with a September 27th deadline. Gulf Marine Construction provided the only submittal received, as attached. Staff reviewed and determined the submittal from Gulf Marine Construction to be viable and sufficient to begin negotiation. Neither Waterview Management Group LLC (who expressed initial interest prompting the legal notice) nor Marina Management Corporation (who expressed interest after publication of the notice but then withdrew their interest prior to deadline) provided submittals.

PRIOR ACTION:

July 15, 2021 - City Council approved the publication of the notice for disposition via lease for the subject property

FUNDING:

N/A

FINANCIAL IMPACT:

Financial impact will be actual revenue received and determined by the terms of the lease to be negotiated.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

[Click here to enter a date.](#)

STAFF CONTACT:

Kerrith Fiddler, City Administrator
Amy Lovoy, Finance Director

ATTACHMENTS:

- 1) Submittal - Gulf Marine Construction lease offer
- 2) Council Action - Legal Notice for Disposition Approved - July 15, 2021
- 3) Map - Baylen Slips Lease Area - revised 072121

PRESENTATION: No

**CITY OF PENSACOLA
NOTICE OF INTENTION TO DISPOSE (LEASE) OF REAL
PROPERTY AND ACCEPT SUBMITTALS**

SUBMITTAL OF OFFER TO LEASE

SEPTEMBER 27, 2021

SUBMITTAL BY:



Gulf Marine Construction, Inc.

Peter Gaddy, President

1232 N Pace Blvd

Pensacola, FL 32505

O 850-916-7606

C 251-370-4938

Email: Pete@gulfmarine.biz

SUBMISSION INCLUDES:

- ~ **Letter of Offer To Lease**
- ~ General view of Premises
- ~ Basic Design of Marine Facility
- ~ Florida Sunbiz Listing of GMC
- ~ Current Officer List of GMC
- ~ Gulf Marine Capability Statement
- ~ Public Advertisement

Gulf Marine Construction, Inc.

Peter Gaddy, President
 1232 N Pace Blvd
 Pensacola, FL 32505
 O 850-916-7606
 C 251-370-4938



Property Lease Manager
 Financial Services Department
 City of Pensacola
 222 W Main Street
 Pensacola, FL 32501

September 27, 2021

RE: SUBMISSION OF RESPONSE (OFFER) -
 NOTICE OF INTENTION TO DISPOSE (LEASE) OF REAL PROPERTY
 AND ACCEPT SUBMITTALS

To Whom It May Concern,

I am offering my submission to Lease a parcel of mostly submerged property owned by the City of Pensacola which has been offered in a "NOTICE OF INTENTION TO DISPOSE (LEASE) OF REAL PROPERTY AND ACCEPT SUBMITTALS". The City of Pensacola offering was duly publicized, and which had a deadline of today at 3pm CST for submission. I believe this Offer To Lease is compliant with the advertised request for submittals, and I recognize that the final agreement will be negotiated with the City of Pensacola and the Offeror that the City deems as in it's best interests.

Upon graduation from Auburn University in 2005, I formed Gulf Marine Construction, Inc. "GMC" as a Florida Profit Corporation. I have been an officer and owner of GMC since its inception. Over the past 16 years, GMC has specialized in marine dock, boat storage facilities and dredging in the greater Escambia, Santa Rosa and Baldwin Counties. GMC has designed and built very large and complicated marine construction projects. GMC is a licensed, bonded marine construction company that carries the appropriate US longshoreman's and harbor workers insurance required for development of marina facilities. Marine construction is complicated and takes intricate knowledge of geotechnical, civil and structural engineering in strictly governed and harsh marine environments. Permitting and special operational challenges always exist with marine construction, and GMC is a specialist in necessary compliance and reporting. GMC has completed numerous municipal and government marine construction projects in the past 16 years with great success, including repair projects at the Port of Pensacola and is currently under contract to replace the Ferry Docks for the city which were heavily damaged during Hurricane Sally.

GMC provides services and support for several local marinas and governmental agencies. We have a long list of commercial, government and private marine construction projects which we can furnish upon request by the City. GMC is proud of it's success and history designing and delivering marine construction facilities along the Gulf Coast and looks forward to working with the city on this proposed development.

My team has reviewed the Public Notice and has attempted to confirm the actual Lease premises being offered in this redevelopment opportunity. The exact description and Lease area is unclear, however in the attached very basic drawing we are providing, we have attempted to show the legal description of the premises intended by the City of Pensacola's offering. This site would include some submerged land, some seawall and uplands, and some type of rights to other City owned property providing access. It is our assumption that the City and offeror selected will work together to satisfy the FDEP and other governing bodies for permitting and

oversight. **This submittal is an Offer to Lease.** Issues such as access, permitting, the delivery of utilities, hours, management, and many more detailed questions will be negotiated in good faith with the City if our offer is selected as in the City's best interest.

Based on many of these operational discussions, the number of vessel slips may change. Our ultimate goal is to deliver a facility that best suits the City's goals. What we consider to be close to our maximum usage is included in the attached drawing and shows marine slips for 3 larger vessels (60'+), 4 medium sized vessels (40'-60'), and 2 smaller vessels (25'-40'). This slip allocation may be adjusted based on extenuating circumstances. As our drawing confirms, this slip breakdown may be developed and built with minimal finger piers, preserving the beauty of this site. Our current opinion is that floating pier structures will provide the most safety and security for this berthing environment. The layout provided may be adjusted to achieve fewer and bigger boats or may also be spaced out to limit the number of boats in this exclusive berthing location. Ultimately GMC can provide extensive experience in design and construction for this wonderful marine redevelopment location.

The ownership and delivery of this project will be in a to be formed Florida Corporation in which I remain a principal. This will be in an abundance of care to ensure a structure that most protects the City of Pensacola from any liability. With our Offer to Lease, we understand that our commitment includes full insurance, City and State compliance with laws and permits, and marina operational planning and rules that considers public health and safety. Our goal is to include not just marine rules, but also on shore rules, improvements and care that ensures a facility that is always clean, organized, and safe. It is our intent to make this marine vessel storage location a pride of our great City.

It is Gulf Marine Constructions commitment to a top-quality development and professional management of this valuable City of Pensacola asset. With that commitment comes our Offer to Lease in the amount of \$4,800 per year NNN, for the initial year, and to complete all of the construction and manage operations at the developers cost. This Offer to Lease is proposed for 15 years, with an increase in rents of 1% per year, with Four (4) options to renew for Five (5) year terms each, at Tenant's Option. In total, the Firm Term offer is over \$77,250 and if all of the extensions are exercised, our offer would provide the City with approximately \$200,000 in Lease fees.

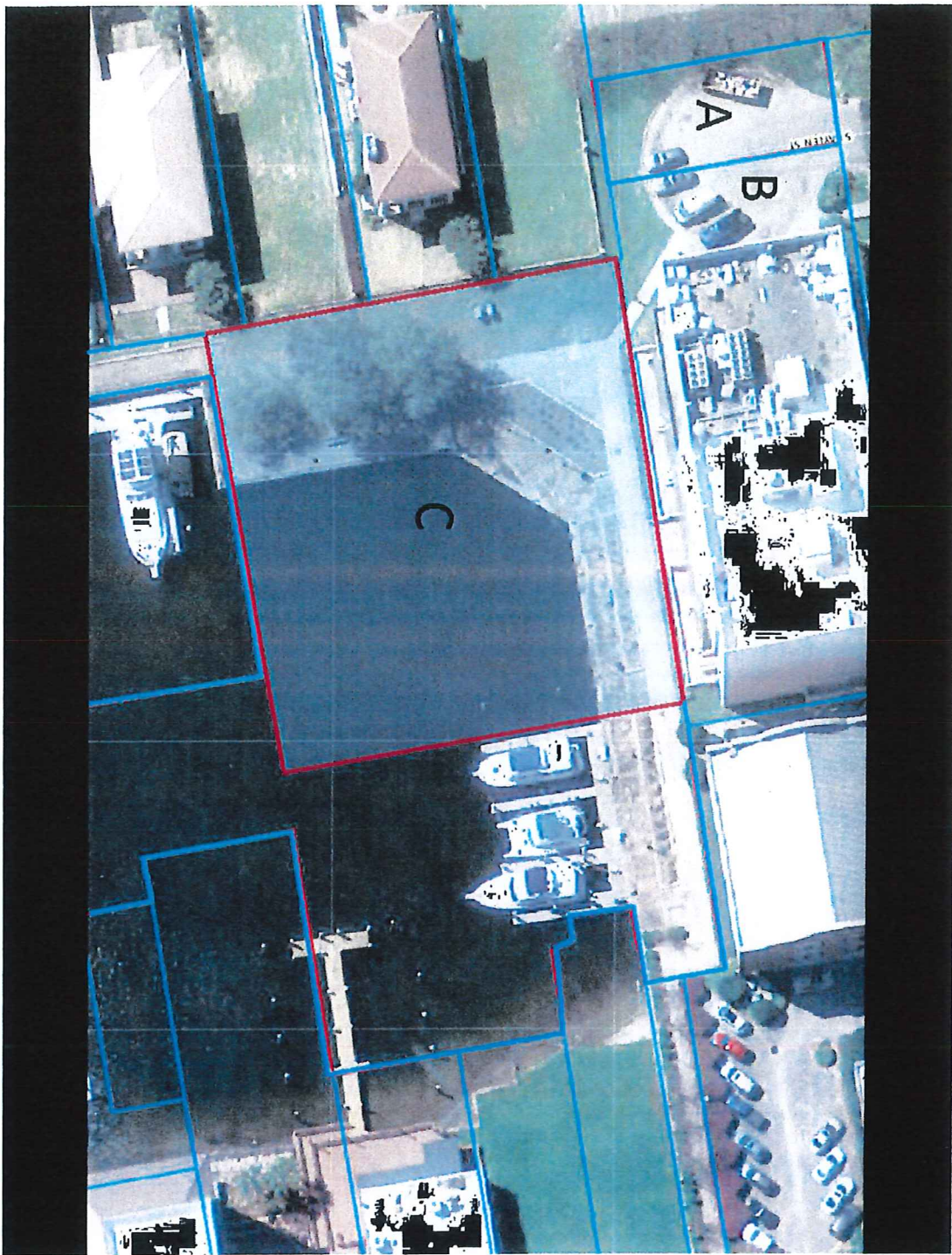
I look forward to confirmation that you have received our Offer to Lease, and confirmation that our offer is compliant with the Request for Submittals. While there may be other offers, I am very confident that there will not be any from offerors with more marine construction experience.

Thank you for your consideration.

Sincerely,

Peter Gaddy, President

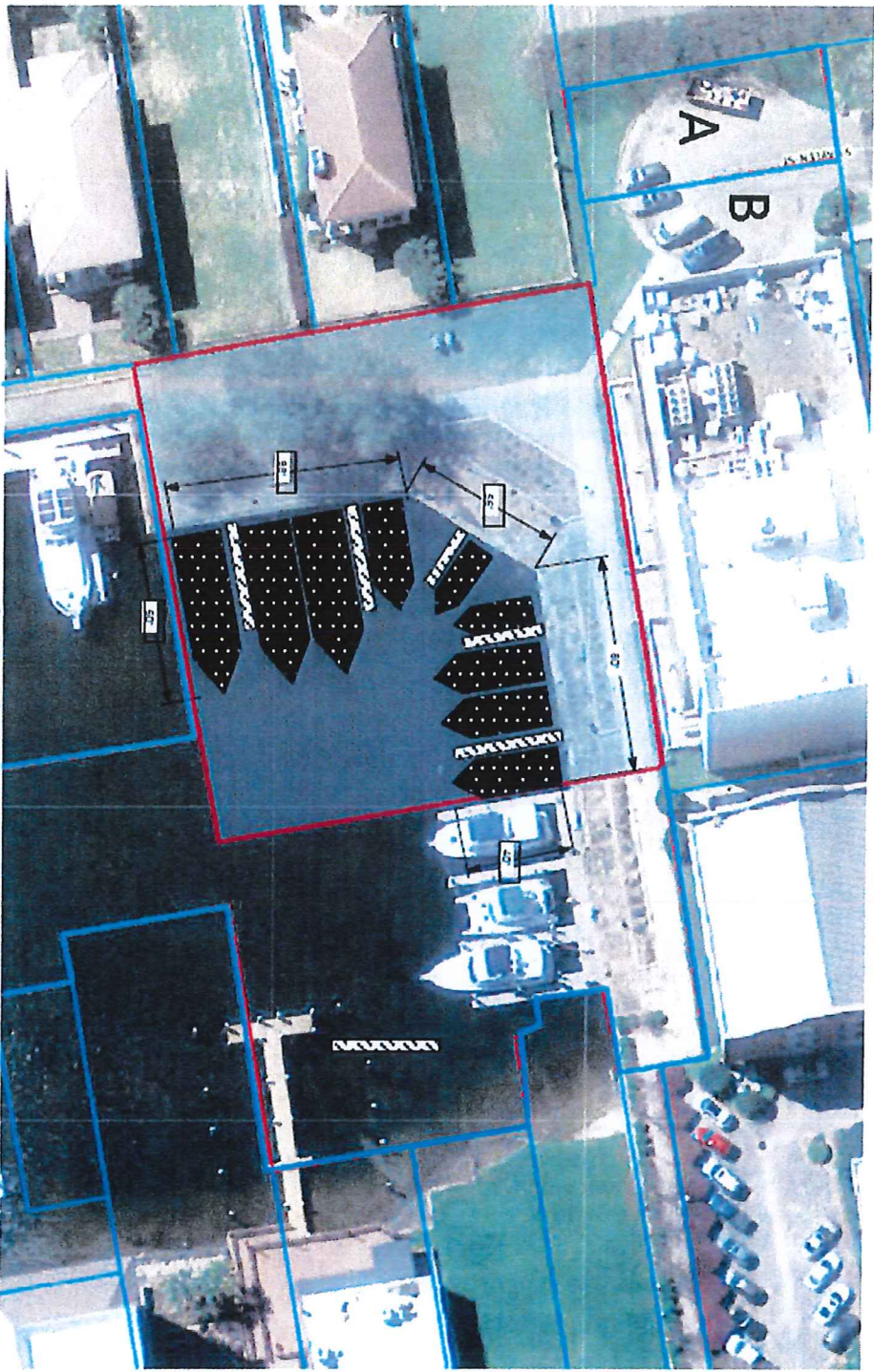
Enclosures / Attachments: Sunbiz - Site drawing



**A & B – City
owned parcels
providing
access to
LEASED
PREMESIS**

**C – approximate
LEASED
PREMESIS**

Proposed Site Plan



- 3- 60'+ Slips
- 4- 40'-50' Slips
- 2- 30' Slips



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Officer/Registered Agent Name](#) /

Detail by Officer/Registered Agent Name

Florida Profit Corporation

GULF MARINE CONSTRUCTION, INC.

Filing Information

Document Number P05000102101
FEI/EIN Number 20-3253821
Date Filed 07/20/2005
Effective Date 07/19/2005
State FL
Status ACTIVE

Principal Address

1232 N PACE BLVD
 PENSACOLA, FL 32505

Changed: 04/13/2009

Mailing Address

1232 N PACE BLVD
 PENSACOLA, FL 32505

Changed: 04/13/2010

Registered Agent Name & Address

GADDY, PETER
 1232 N PACE BLVD
 PENSACOLA, FL 32505

Name Changed: 03/16/2011

Address Changed: 04/21/2014

Officer/Director Detail

Name & Address

Title President

GADDY, PETER P, III
 1232 N PACE BLVD
 PENSACOLA, FL 32505

Title Secretary, Treasurer

Gaddy, Lauren
1232 N PACE BLVD
PENSACOLA, FL 32503

Annual Reports

Report Year	Filed Date
2019	04/22/2019
2020	01/22/2020
2021	01/29/2021

Document Images

01/29/2021 -- ANNUAL REPORT	View image in PDF format
01/22/2020 -- ANNUAL REPORT	View image in PDF format
04/22/2019 -- ANNUAL REPORT	View image in PDF format
04/03/2018 -- ANNUAL REPORT	View image in PDF format
02/17/2017 -- ANNUAL REPORT	View image in PDF format
03/16/2016 -- ANNUAL REPORT	View image in PDF format
04/14/2015 -- ANNUAL REPORT	View image in PDF format
04/21/2014 -- ANNUAL REPORT	View image in PDF format
04/28/2013 -- ANNUAL REPORT	View image in PDF format
04/21/2012 -- ANNUAL REPORT	View image in PDF format
03/16/2011 -- ANNUAL REPORT	View image in PDF format
04/13/2010 -- ANNUAL REPORT	View image in PDF format
04/13/2009 -- ANNUAL REPORT	View image in PDF format
04/14/2008 -- ANNUAL REPORT	View image in PDF format
04/26/2007 -- ANNUAL REPORT	View image in PDF format
07/13/2006 -- ANNUAL REPORT	View image in PDF format
07/20/2005 -- Domestic Profit	View image in PDF format

2021 FLORIDA PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# P05000102101

Entity Name: GULF MARINE CONSTRUCTION, INC.

Current Principal Place of Business:

1232 N PACE BLVD
PENSACOLA, FL 32505

Current Mailing Address:

1232 N PACE BLVD
PENSACOLA, FL 32505

FEI Number: 20-3253821

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

GADDY, PETER
1232 N PACE BLVD
PENSACOLA, FL 32505 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title PRESIDENT
Name GADDY, PETER P III
Address 1232 N PACE BLVD
City-State-Zip: PENSACOLA FL 32505

Title SECRETARY, TREASURER
Name GADDY, LAUREN
Address 1232 N PACE BLVD
City-State-Zip: PENSACOLA FL 32503

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: PETER GADDY

PRESIDENT

01/29/2021

Electronic Signature of Signing Officer/Director Detail

Date



1232 N Pace Blvd, Pensacola, FL 32505

Gulf Marine Construction, Inc., established 2005, performs a variety of marine construction including residential, commercial, municipal and government projects. Our company owns and operates barges and other heavy construction equipment to support our skilled tradesman in the field. From permitting through completion, we show pride in our work.

Core Competencies

- Pile driving
 - Timber, fiberglass, steel and concrete piles
 - Vinyl, composite, and steel sheet pile walls
 - Driven and helical anchors
 - Temporary and permanent shoring
 - Cofferdams
- Bridges
 - Structural steel repair & welding
 - Fender systems
 - Concrete spall repair
 - Structural Pile Jackets
 - Guardrail
 - Deck rehabilitation
 - Striping
- Heavy Timber Construction
 - Retaining walls
 - Vehicle and pedestrian bridges
- Stormwater and Erosion Control
 - Erosion Control BMP's
 - Geotextiles
 - Rip-Rap Revetments
 - Dredging
 - Retention/Detention ponds

Company Data

- Florida Licensed Marine Contractor MS2009
- DUNS 612386891
- CAGE Code: 8JJ54
- NAICS Codes: 237990, 237310

Recent Clients

- National Park Service
 - Derelict Vessel Removal
- Escambia County Florida
 - Waterway Signage
 - Ferry Landing Repair
 - Derelict Vessel Removal
 - Bridge Repair
 - Pedestrian Bridge Construction
- Florida Department of Agriculture
 - Florida Forest Service Bridge Repair
- York-Brawley
 - NAS Wharf Bravo Repairs
- Marinemax Pensacola
 - Hurricane Sally Marina Repair

NOTICE OF INTENTION TO DISPOSE (LEASE) OF REAL PROPERTY AND ACCEPT SUBMITTALS

The City of Pensacola, Florida (the "City") hereby gives notice required by Section 163.380, Florida Statutes, of its intention to dispose of real property as generally described below (the "Site") via lease and to accept submittals for redevelopment of the Site.

The Site is a parcel of submerged real property located in the inland waterway commonly known as Baylen Slips and abuts the promenade/seawall directly south of the Harbourview on the Bay office building located at 25 W. Cedar St. in downtown Pensacola. The Site is approx. 0.33 acres and could accommodate 4-8 vessels, depending upon type, configuration, and slip size. The Site is the northwest portion of the larger, meandering Parcel ID No. 000S009100001034 and is more particularly described as follows:

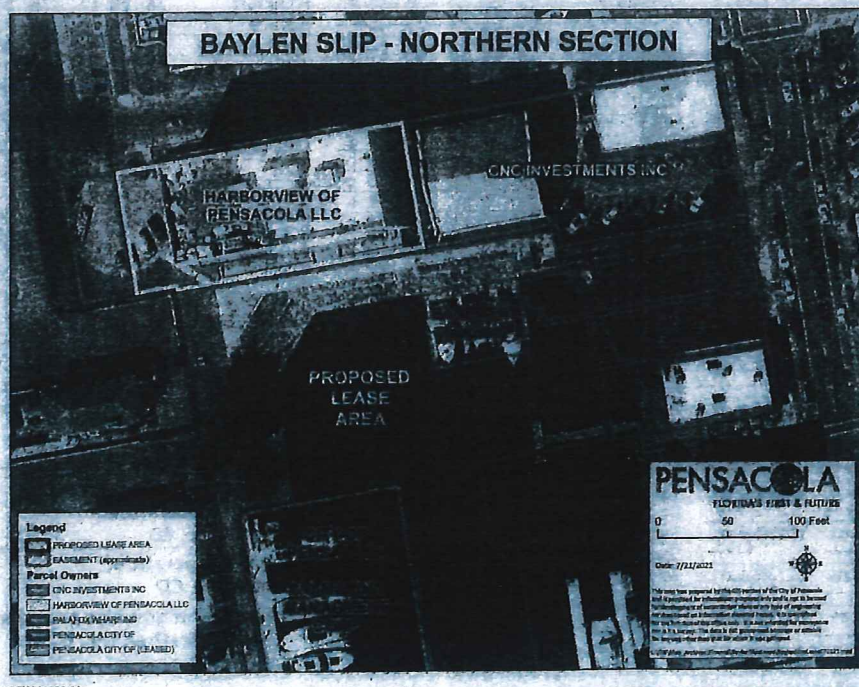
COMMENCE AT THE NORTHWEST CORNER OF THE AREA DESCRIBED IN DB 2083 AT PG 368, PUBLIC RECORDS, ESCAMBIA COUNTY FL.; THENCE N79°23'15"E, 43.2' TO THE EAST EDGE OF SEAWALL AND THE POINT OF BEGINNING; THENCE N10°36'45"W, 92.4' ALONG SAID SEAWALL; THENCE N30°25'01"E, 55.2' ALONG SAID SEAWALL; THENCE N79°23'15"E, 77.8' ALONG SAID SEAWALL TO THE WEST LINE OF THE BOAT SLIP EASEMENT DESCRIBED IN DB 1716 AT PG 797, SAID PUBLIC RECORDS; THENCE S10°36'45"E, 134.0'; THENCE S79°23'15"W, 114.0' TO THE POINT OF BEGINNING, CONTAINING 0.333± ACRES.

The accompanying map further illustrates the proposed lease area. Any further information regarding the Site or the submission of submittals may be obtained by contacting the City in writing at the address below or via email to destallworth@cityofpensacola.com. Submittals must be received by the City **no later than 3:00 p.m. CST on Monday, September 27, 2021**. Proposals must be delivered to the City at the following address:

Property Lease Manager - Financial Services Dept
City of Pensacola
222 W. Main Street
Pensacola, Florida 32501

Submittals delivered to a different address or received after the deadline date and time listed above will not be accepted.

The City reserves the right to select and subsequently negotiate definitive documents to implement a submittal which, in its sole discretion, it deems to be in the public interest and in furtherance of the purposes of Chapter 163, Part III, Florida Statutes, or alternatively, to reject all submittals or solicit the same or different submittals for consideration. Interested persons shall be solely responsible for the cost of preparing and submitting submittals. Submittals shall become the physical and intellectual property of the City.





Legislation Details (With Text)

File #: 21-00572 **Version:** 1 **Name:**

Type: Legislative Action Item **Status:** Passed

File created: 6/25/2021 **In control:** City Council

On agenda: 7/15/2021 **Final action:** 7/15/2021

Enactment date: **Enactment #:**

Title: DISPOSITION OF REAL PROPERTY FOR REDEVELOPMENT - UPLAND AND SUBMERGED LAND IN BAYLEN SLIP SOUTH OF HARBOURVIEW ON THE BAY BUILDING

Sponsors: Grover C. Robinson, IV

Indexes:

Code sections:

Attachments: 1. Legal Ad - Notice for Baylen Slip behind Harbourview - draft, 2. Map - Baylen Slip Proposed Lease Area

Date	Ver.	Action By	Action	Result
7/15/2021	1	City Council	Approved as Amended	Pass
7/12/2021	1	Agenda Conference	Placed on Regular Agenda	Pass

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

DISPOSITION OF REAL PROPERTY FOR REDEVELOPMENT - UPLAND AND SUBMERGED LAND IN BAYLEN SLIP SOUTH OF HARBOURVIEW ON THE BAY BUILDING

RECOMMENDATION:

That City Council approve the publication of the notice of intention to dispose of upland and submerged real property (portion of Parcel Ref. No. 000S009100001034) located in inland waterway Baylen Slip directly south of the Harbourview on the Bay building at 25 West Cedar Street, via lease, with acceptance of redevelopment submittals during the statutorily required notice period for City-owned parcels located in a designated community redevelopment area (CRA).

HEARING REQUIRED: No Hearing Required

SUMMARY:

Pursuant to F.S. 163.380(3)(a), the City is required to provide public notice by advertising at least 30 days prior to the disposition of any City-owned property in the CRA, stating the intent of the disposition and inviting submittals. The draft public notice is attached to this memorandum, as well as a map prepared by City’s GIS division, depicting the proposed lease area.

In early 2021, a legal representative for Waterview Management Group LLC contacted City staff regarding their client's interest in leasing for redevelopment the submerged land directly behind the Harbourview on the Bay building in downtown Pensacola, and the portion of the parking lot not included in the City's lease with Harbourview. After considerable discussion, including verification that the areas of interest were not a part of any existing lease, this request to approve the publication of the statutorily required notice for disposition of real property within a CRA was initiated.

PRIOR ACTION:

N/A

FUNDING:

N/A

FINANCIAL IMPACT:

N/A

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

7/1/2021

STAFF CONTACT:

Keith Wilkins, City Administrator
Kerrith Fiddler, Deputy City Administrator - Community Development
Amy Lovoy, Finance Director

ATTACHMENTS:

- 1) Legal Ad - Notice for Baylen Slip behind Harbourview - draft
- 2) Map - Baylen Slip Proposed Lease Area

PRESENTATION: No

BAYLEN SLIP - NORTHERN SECTION

S BAYLEN ST

W CEDAR ST

S PALAFOX ST

HARBORVIEW OF PENSACOLA LLC

CNC INVESTMENTS INC

Not official

EASEMENT (approx)

PALAFOX WHARF INC








PROPOSED LEASE AREA

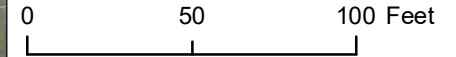
CITY OF PENSACOLA

CITY OF PENSACOLA

C/O MARINA MANAGEMENT CORP

Legend

-  PROPOSED LEASE AREA
-  EASEMENT (approximate)
- Parcel Owners**
-  CNC INVESTMENTS INC
-  HARBORVIEW OF PENSACOLA LLC
-  PALAFOX WHARF INC
-  PENSACOLA CITY OF
-  PENSACOLA CITY OF (LEASED)



Date: 7/21/2021



This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2021-88

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

RESOLUTION NO. 2021-88 FOR GRANT APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS RELIEF (CDBG-CV) PROGRAM

RECOMMENDATION:

That City Council adopt Resolution No. 2021-88.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA; SUPPORTING APPLICATION TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FLORIDA ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS RELIEF FUNDING (CDBG-CV); AUTHORIZING THE MAYOR OF THE CITY OF PENSACOLA TO TAKE ALL ACTIONS NECESSARY TO EXECUTE ALL DOCUMENTS RELATING TO THE GRANT APPLICATION; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

This Resolution supports the City of Pensacola's application to the State's Department of Economic Opportunity (DEO) Community Development Block Grant Coronavirus Relief (CDBG-CV) Entitlement Program to address issues related to the impacts of COVID -19.

As part of the \$2 trillion CARES Act, the U.S. Department of Housing and Urban Development (HUD) CDBG program was allocated \$5 billion. HUD has provided three allocations of CDBG-CV funds to states and entitlement communities. Funds from rounds one and three have been awarded by HUD to the City of Pensacola. DEO has created the CDBG-CV Entitlement Program for the award of round two funds for entitlement communities through its state CDBG program.

The City of Pensacola, as an entitlement community, is eligible to apply for funding to the state CDBG-CV Entitlement Program. If awarded, these funds will be used for the acquisition of a facility to address the needs of the homeless community to prevent, prepare for, and respond to COVID-19.

PRIOR ACTION:

None

FUNDING:

Budget: \$382,810

Actual: \$382,810

FINANCIAL IMPACT:

Adoption of the resolution is a state CDBG-CV Entitlement Program application requirement.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Choose an item.

[Click here to enter a date.](#)

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator - Community Development
Marcie Whitaker - Housing Director

ATTACHMENTS:

- 1) Resolution No. 2021-88

PRESENTATION: No

RESOLUTION

NO. 2021-88

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA; SUPPORTING APPLICATION TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FLORIDA ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS RELIEF FUNDING (CDBG-CV); AUTHORIZING THE MAYOR OF THE CITY OF PENSACOLA TO TAKE ALL ACTIONS NECESSARY TO EXECUTE ALL DOCUMENTS RELATING TO THE GRANT APPLICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, In April 2020, pursuant to passage of the CARES Act, the U.S. Department of Housing and Urban Development (“HUD”) allocated additional CDBG funds (CDBG-CV) to the State of Florida to address issues related to impacts of COVID-19; and

WHEREAS, HUD has provided three allocations to the state and entitlement grantees under the fiscal year 2020 CDBG formula. The state Department of Economic Opportunity has created the CDBG-CV Entitlement Program for the award and administration of Round 2 funds for Entitlement communities through its state CDBG program; and

WHEREAS, the City is a HUD Entitlement Community and is eligible to apply for \$382,810 in state CDBG-CV funds; and

WHEREAS, it is in the interest of the City to apply for state CDBG-CV funds to be used for an activity to address issues related to the impacts of COVID-19;

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

SECTION 1. The above-stated recitals are true and correct and incorporated herein by this reference.

SECTION 2. The city council supports submitting a grant application to the state Department of Economic Opportunity to receive CDBG-CV funds.

SECTION 3. The city council hereby authorizes the mayor to take all actions necessary to execute all documents relating to the state DEO CDBG-CV grant application.

SECTION 4. This resolution shall become effective on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2021-85

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-85 - REALLOCATION OF LOST IV PROJECTS

RECOMMENDATION:

That City Council adopt Supplemental Budget Resolution No. 2020-85.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

At the Tentative Public Hearing on the Fiscal Year 2022 Budget, City Council expressed a desire to reallocate funding within the Local Option Sales Tax Series IV (LOST IV) Plan. This supplemental budget resolution will address the reallocations as discussed and will appropriate the funding per City Council's direction.

The reallocation of LOST IV appropriations are covered by increases or decreases in various projects in FY 2021. A revised LOST IV list is attached to provide the results of the reallocations.

According to Florida Statute 166.241, the governing body of a municipality may, within up to 60 days following the end of the fiscal year, amend a budget for that year. By bringing this resolution to the Council for FY 2021, the appropriate project balances will be carried forward according to the reallocation of projects on the Unencumbered Carryover Resolution in December.

PRIOR ACTION:

September 23, 2020 - City Council formally adopted a beginning FY 2021 Budget on Budget Resolution No. 2020-43

November 12, 2020 - City Council adopted Supplemental Budget Resolution No. 2020-56, covering purchase orders payable.

December 10, 2020 - City Council adopted Supplemental Budget Resolution No. 2020-59, covering unencumbered carryovers.

FUNDING:

N/A

FINANCIAL IMPACT:

All appropriations of LOST IV funds in the supplemental budget resolution are covered by shifts in expenditure line items. Approval of the supplemental budget resolution will reallocate according to the desire of the City Council.

CITY ATTORNEY REVIEW: Yes

9/29/2020

STAFF CONTACT:

Kerrith Fiddler, City Administrator
Amy Lovoy, Finance Director

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 2021-85
- 2) Supplemental Budget Explanation No. 2021-85
- 3) Revised LOST IV Project List

PRESENTATION: No

**RESOLUTION
NO. 2021-85**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA

SECTION 1. The following appropriations from funds on hand in the fund accounts stated below, not heretofore appropriated, and transfer from funds on hand in the various accounts and funds stated below, heretofore appropriated, be, and the same are hereby made, directed and approved to-wit:

A. LOCAL OPTION SALES TAX FUND

As Reads	Capital Outlay	21,179,310
Amended		
To Read:	Capital Outlay	21,179,310

SECTION 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This resolution shall become effective retroactive to September 30, 2021 on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

THE CITY OF PENSACOLA

OCTOBER 2021 FOR FYE 2021 - SUPPLEMENTAL BUDGET RESOLUTION - REALLOCATION OF LOST IV PROJECTS EXPLANATION NO. 2021-85

FUND	AMOUNT	DESCRIPTION
LOCAL OPTION SALES TAX FUND		
Appropriations		
Capital Outlay - Bayview Senior Center	(100,000)	Decrease appropriation for Bayview Senior Center
Capital Outlay - Chappie James Memorial	250,000	Appropriate Funding for Chappie James Memorial
Capital Outlay - General Park Improvements	444,726	Increase appropriation for General Park Improvements
Capital Outlay - Legion Field	(6,295)	Decrease appropriation for Legion Field
Capital Outlay - Sanders Beach-Corrine Jones Resource Center	(543,431)	Decrease appropriation for Sanders Beach-Corrine Jones Resource Center
Capital Outlay - Theophalis May Center	(335,000)	Decrease appropriation for Theophalis May Center
Capital Outlay - Women's Veteran Memorial	40,000	Appropriate Funding for Women's Veteran Memorial
Capital Outlay - Woodland Heights	250,000	Increase appropriation for Woodland Heights
Total Appropriations	<u>0</u>	

CITY OF PENSACOLA
LOCAL OPTION SALES TAX SERIES IV PLAN
REVISED BASED ON COUNCIL ACTION AT TENTATIVE PUBLIC HEARING - FY 2022 BUDGET

		FISCAL YEARS															PROJECT BALANCE	
DEPARTMENT	PROJECT NAME	REVISED PROJECT ESTIMATE	ACTUAL 2015	ACTUAL 2016	ACTUAL 2017	ACTUAL 2018	ACTUAL 2019	ACTUAL 2020	PROJECTED 2021	PROJECTED 2022	PROJECTED 2023	PROJECTED 2024	PROJECTED 2025	PROJECTED 2026	PROJECTED 2027	PROJECTED 2028		PROJECTED 2029 (3 months)
1	FIRE	FIRE STATION RENOVATIONS																
2		STATION #3	3,723,662		153	285,765	1,734,698	1,703,046										0
3		FIRE APPARATUS																0
4		REPLACE 97 SOUTHERN COACH 1250 GPM PUMPER, UNIT #961	425,787			425,787												0
5		REPLACE 98 SOUTHERN COACH 1250 GPM PUMPER, UNIT #962	425,787			425,787												0
6		REPLACE 07 PIERCE 1250 GPM PUMPER, UNIT #950-07 (E-1)	488,157						488,157									1
7		REPLACE 07 PIERCE 1250 GPM PUMPER, UNIT #925-07 (E-2)	488,157						488,157									1
8		REPLACE 10 PIERCE, 105' AERIAL LADDER, UNIT #920-10	1,300,000						1,300,000									1,152
9		REPLACE 10 PIERCE 1250 GPM PUMPER, UNIT #964-10 (E-6)	513,400							513,400								513,400
10		FIRE VEHICLES																0
11		REPLACE 99 FORD F-350 PICKUP, UNIT #908	32,552			32,552												0
12		REPLACE 95 FORD F-150 PICKUP, UNIT #902-95	45,503					45,503										0
13		REPLACE 99 CROWN VICTORIA, UNIT #901	27,187					27,187										0
14		REPLACE 06 TOYOTA COROLLA, UNIT #916-06	29,735					29,735										0
15		REPLACE 01 FORD EXCURSION, UNIT #909	42,414						42,414									0
16		REPLACE 06 CROWN VICTORIA, UNIT #906-06	45,000															8,820
17		REPLACE 08 CROWN VICTORIA, UNIT #905-08	41,800							41,800								41,800
18		REPLACE 05 CROWN VICTORIA, UNIT #910-05	41,800								41,800							41,800
19		MOBILE DATA TERMINALS	12,981					12,981										0
20		REPLACE AIR CONDITIONING UNITS	11,000			11,000												0
21		REPLACE THERMAL IMAGING CAMERAS	40,888					40,888										0
22		TRAINING SIMULATOR (GRANT MATCH)	223,637			6,619	50,823	10,037	156,158									74,955
23		REPLACE COPIER/FAX/SCANNER	8,101				8,101											0
24		SCBA FACEMASK FITNESS TEST EQUIPMENT	9,415				9,415											0
25		REPLACE HVAC UNITS	94,597				8,000	38,182	23,415	25,000								25,000
26		BREATHING AIR COMPRESSOR	25,000				25,000											0
27		AIR BAG SYSTEM	9,000					9,000										0
28		FIRE BOAT EQUIPMENT (PORT GRANT MATCH)	52,163						52,163									0
29		PORTABLE RADIOS	22,000					22,000										0
30		SCBA UNITS (GRANT MATCH)	59,771						59,771									8,688
31		MOTOROLA RADIOS	31,530					997	30,533									1
32		EXTRICATION EQUIPMENT (GRANT MATCH)	10,000							10,000								10,000
33		COMPACT HAZARD HOSE	10,000							10,000								10,000
34		DEPT. SUB-TOTAL	8,291,024	0	153	285,765	2,636,443	1,947,698	135,611	2,598,354	600,200	41,800	0	0	0	0	0	735,618
35	POLICE	800 MHz RADIO SYSTEM	6,539,878	2,314,588	4,162,269	63,021												0
36		POLICE MARKED VEHICLES	8,321,886			339,500	580,177	781,873	800,336	780,000	840,000	840,000	840,000	840,000	840,000	840,000	840,000	5,827,863
37		POLICE UNMARKED VEHICLES	2,010,462			117,156	70,456	304,951	293,399	234,500	165,000	165,000	165,000	165,000	165,000	165,000	165,000	1,226,020
38		MOBILE DATA TERMINALS	575,006			31,491	25,644	69,871	58,000	42,000	58,000	58,000	58,000	58,000	58,000	58,000	58,000	390,000
39		POLICE HEADQUARTERS BUILDING HVAC CONTROLS	194,387				92,227	102,160										0
40		POLICE COPIER	7,020				7,020											0
41		POLICE POLYGRAPH	6,980				6,980											0
42		POLICE BUILDING CAMERA SYSTEM	34,009					34,009										0
43		BODY CAMERAS	115,000						115,000									1,969
44		POLICE CAD HARDWARE	6,500							6,500								6,500
45		DEPT. SUB-TOTAL	17,811,128	2,314,588	4,162,269	63,021	488,147	782,504	1,292,864	1,266,735	1,063,000	1,063,000	1,063,000	1,063,000	1,063,000	1,063,000	1,063,000	0
46	PUBLIC WORKS	JEFFERSON STREET LIGHTING	407,121			316,639	104,232	(13,750)										0
47		SIDEWALK IMPROVEMENTS	2,090,000						700,000	200,000	200,000	200,000	200,000	200,000	200,000	190,000		2,047,100
48		INTERSECTION IMPROVEMENTS	1,378,000						373,397	404,603	100,000	100,000	100,000	100,000	100,000			600,556
49		TRAFFIC CALMING	147,000						147,000									147,000
50		BURGESS ROAD	1,840,000						124,115	1,715,885								251,684
51		WEST CERVANTES CORRIDOR	1,500,000						984,000	516,000								516,000
52		PAVEMENT MANAGEMENT PROGRAM	6,295,332			2,941,001	401,065	1,159,564	793,702	500,000	500,000							1,788,678
53		BAYLEN STREET MARINA SEAWALL REFURBISHMENT	750,000									750,000						750,000
54		PALAFOX MARINA SEAWALL REFURBISHMENT	750,000										750,000					750,000
55		9TH AVENUE BRIDGE LIGHT	65,000				16,313		48,687									48,687
56		BAYLEN STREET LIGHTING	280,497					1,879	278,618									0
57		SPRING STREET LIGHTING	323,162						323,162									0
58		REUS STREET LIGHTING	278,060						278,060									0
59		STREET LIGHTING	200,920						200,920									200,920
60		ENERGY CONSERVATION & EFFICIENCY IMPROVEMENTS	1,626,989						91,989	235,000	225,000	215,000	215,000	215,000	215,000	215,000	215,000	1,626,989
61		CITY-WIDE ADA IMPROVEMENTS	550,000					77,995	122,005	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	472,005
62		DEPT. SUB-TOTAL	18,482,081	0	0	0	3,257,640	523,489	3,585,161	4,740,791	1,085,000	1,075,000	1,315,000	1,315,000	565,000	565,000	455,000	0
63	PARKS & REC	ATHL FACILITIES & RESOURCE CTRS IMPROVEMENTS																
64		BAYVIEW RESOURCE CENTER	8,176,000	86	350,875	712,157	3,241,611	3,501,094	370,177									75,312
65		BAYVIEW SENIOR CENTER	224,178				121,284	102,518	376									0
66		CECIL T. HUNTER SWIMMING POOL	946,160				11,830	59,790	852,040			22,500						732,510
67		COBB CENTER	423,953				126,448	22,505		175,000				70,000			30,000	275,000

**CITY OF PENSACOLA
LOCAL OPTION SALES TAX SERIES IV PLAN
REVISED BASED ON COUNCIL ACTION AT TENTATIVE PUBLIC HEARING - FY 2022 BUDGET**

DEPARTMENT	PROJECT NAME	REVISED PROJECT ESTIMATE	FISCAL YEARS														PROJECT BALANCE	
			ACTUAL 2015	ACTUAL 2016	ACTUAL 2017	ACTUAL 2018	ACTUAL 2019	ACTUAL 2020	PROJECTED 2021	PROJECTED 2022	PROJECTED 2023	PROJECTED 2024	PROJECTED 2025	PROJECTED 2026	PROJECTED 2027	PROJECTED 2028		PROJECTED 2029 (3 months)
68	PARKS & REC CONT. EAST PENSACOLA HEIGHTS	154,239					19,439	4,800	130,000									130,000
69	EXCHANGE PARK	188,531						23,531	165,000									165,000
70	FRICKER CENTER	670,000				145,736			524,264									524,264
71	GULL POINT RESOURCE CENTER	218,931				676	144,255		74,000									74,000
72	OSCEOLA MUNICIPAL GOLF COURSE	1,084,078			538,257	138,883		249,417	157,521									157,521
73	ROGER SCOTT ATHLETIC COMPLEX	100,000								100,000								100,000
74	ROGER SCOTT COMPLEX SWIMMING POOL	129,000							100,000	29,000								129,000
75	ROGER SCOTT TENNIS CENTER	1,200,000				28,025		79,848	1,092,127									927,604
76	SANDERS BEACH-CORINNE JONES CENTER	105,758					39,690	66,068										0
77	TIPPIN RESOURCE CENTER & ATHLETIC FACILITY	1,000,000							1,000,000									999,906
78	VICKREY CENTER	534,962					14,379	77,014	388,569	55,000								374,546
79	WOODLAND HEIGHTS CENTER	525,000							525,000									525,000
80	SUB-TOTAL	15,680,790	0	86	889,132	1,025,477	3,718,936	4,186,585	5,379,074	381,500	0	0	0	70,000	0	0	30,000	5,189,663
81	PARK IMPROVEMENTS																	
82	ALABAMA SQUARE	5,000							5,000									5,000
83	ARMSTRONG PARK	245,383					245,383											0
84	AVIATION PARK	40,684			40,684													0
85	BAARS PARK	150,000									150,000							150,000
86	BARTRAM PARK	50,000										50,000						50,000
87	BAY BLUFFS PARK	200,000										200,000						200,000
88	BAYCLIFF ESTATES PARK	25,000											25,000					25,000
89	BAYVIEW PARK	372,300				134,818	11,500	25,080	902			200,000						200,902
90	BELVEDERE PARK	35,000												35,000				35,000
91	BILL GREGORY PARK	25,000							25,000									25,000
92	BRYAN PARK	100,000														100,000		100,000
93	CALLOWAY PARK	43,377						43,377										0
94	CAMELOT PARK	25,000															25,000	25,000
95	CATALONIA SQUARE	55,000							55,000									12
96	CHIMNEY PARK	15,000							15,000									15,000
97	CORDOVA SQUARE	25,000															25,000	25,000
98	CORINNE JONES PARK	94,687				94,687												0
99	DUNMIRE WOODS	25,000															25,000	25,000
100	DUNWODY PARK	40,000														40,000		40,000
101	DURANT (REV) PARK (FORMERLY BARCIA PARK)	52,125						52,125										0
102	EAST PENSACOLA HEIGHTS	36,800						36,800										0
103	EASTGATE PARK	35,000															35,000	35,000
104	ESTRAMADURA SQUARE	71,983							46,983					25,000				25,000
105	FAIRCHILD PARK	100,000										100,000						100,000
106	GRANADA SUBDIVISION PARK	15,000										15,000						15,000
107	HIGHLAND TERRACE PARK	100,000					11,250	20,729	68,021									67,400
108	HITZMAN PARK	319,258					301,758		17,500									2
109	JIM ALLEN PARK	50,000															50,000	50,000
110	KIWANIS PARK	65,948						15,948	50,000									49,913
111	LAMANCHA SQUARE	25,000										25,000						25,000
112	LAVALLET PARK	43,100							8,100				35,000					36,528
113	LEGION FIELD	1,324,705				112,381	338,966	260,079	613,279									18,528
114	LONG HOLLOW PARK	90,000							40,000			50,000						50,829
115	MAGEE FIELD	1,405,000						25,129	1,379,871									202,437
116	MALLORY HEIGHTS PARK #1 (ROTHSCHILD)	100,000								100,000								100,000
117	MALLORY HEIGHTS PARK #3 (SCENIC)	50,000												50,000				50,000
118	MARITIME PARK	117,878				114,170	3,708											0
119	MATTHEWS (REV) PARK	150,000										150,000						150,000
120	MIRAFLORES PARK	33,796						33,796										0
121	MIRALLA PARK	30,000															30,000	30,000
122	MORRIS COURT PARK	404,664				29,496	372,749	2,419						0				0
123	OPERTO SQUARE	53,017							53,017									63
124	PARKER CIRCLE PARK	100,883					94,168	6,715										0
125	PLAZA DE LUNA	167,000														167,000		167,000
126	SANDERS BEACH PARK	299,833				104,456	95,377									100,000		100,000
127	SEVILLE SQUARE	50,000										50,000						50,000
128	SKATEBOARD PARK	575,000							575,000									575,000
129	SOCCER COMPLEX (FORMERLY MALLORY HGTS #2)	3,122,495				10,311	595,700	306,527	2,209,957									153,745
130	SPRINGDALE PARK	94,287						94,287										0
131	TIERRE VERDE PARK	36,775						36,775										0
132	TIPPIN PARK	100,000								100,000								100,000
133	TOLEDO SQUARE	25,000															25,000	25,000

**CITY OF PENSACOLA
LOCAL OPTION SALES TAX SERIES IV PLAN
REVISED BASED ON COUNCIL ACTION AT TENTATIVE PUBLIC HEARING - FY 2022 BUDGET**

DEPARTMENT	PROJECT NAME	REVISED PROJECT ESTIMATE	FISCAL YEARS														PROJECT BALANCE			
			ACTUAL 2015	ACTUAL 2016	ACTUAL 2017	ACTUAL 2018	ACTUAL 2019	ACTUAL 2020	PROJECTED 2021	PROJECTED 2022	PROJECTED 2023	PROJECTED 2024	PROJECTED 2025	PROJECTED 2026	PROJECTED 2027	PROJECTED 2028		PROJECTED 2029 (3 months)		
134	PARKS & REC CONT. WAYSIDE EAST SEAWALL REFURBISHMENT	1,600,000					49,956	74,849	1,475,195											1,424,500
135	WOODCLIFF PARK	169,151							84,151										85,000	85,001
136	ZAMORA SQUARE	30,000																30,000		30,000
137	GENERAL PARK IMPROVEMENTS	634,719							448,019	28,300	28,300	23,300	23,300	23,300	23,300	23,300	23,300	13,600	634,719	
138	PARK SIDEWALK IMPROVEMENTS	207,979							23,879	23,800	23,800	472,100	227,100	18,800	18,900	25,000	25,000	25,000	25,000	207,979
139	SUB-TOTAL	13,457,827	0	0	0	641,003	2,120,515	1,034,635	7,193,874	252,100	567,100	472,100	227,100	112,200	385,300	333,300	118,600	118,600	5,479,558	
140	CHAPPIE JAMES MEMORIAL	250,000				0			250,000											250,000
141	WOMEN'S VETERAN MEMORIAL	40,000				0			40,000											40,000
142	DEPT. SUB-TOTAL	29,428,617	0	86	889,132	1,666,480	5,839,451	5,221,220	12,862,948	633,600	567,100	472,100	227,100	182,200	385,300	333,300	148,600	148,600	10,959,221	
143	CAPITAL EQUIPMENT	4,839,777							39,777		800,000	800,000	800,000	800,000	800,000	800,000	800,000	800,000	4,839,777	
144	LEGAL REPLACE COPIER	6,956						6,956												0
145	DEPT. SUB-TOTAL	6,956	0	0	0	0	6,956	0	0	0	0	0	0	0	0	0	0	0	0	
146	PARKS & REC REPLACE 02 FORD CREW CAB PICKUP TRUCK - UNIT #519	25,642				25,642														0
147	REPLACE 03 CREW CAB PICKUP - UNIT #544-03	26,357				26,357														0
148	REPLACE 08 FORD ESCAPE - UNIT #515-08	24,657				24,657														0
149	FERTILIZER SPREADER	6,705					6,705													0
150	ZERO TURN MOWER	22,957				5,999		16,958												0
151	OSC-REPLACE PULL BEHIND ROUGH MOWER	45,086				45,086														0
152	ADMIN COPIER	8,210				8,210														0
153	REPLACE 07 FORD 650 TRASH PACKER - UNIT #537-07	80,196					80,196													0
154	REPLACE 97 FORD F150 PICKUP - UNIT #557-97	24,340					24,340													0
155	PARKS GARBAGE TRUCK	80,196					80,196													0
156	REPLACE 02 FORD CREW CAB W/DUMP HOIST - UNIT #517-02	27,088					27,088													0
157	REPLACE 99 DODGE PICKUP - UNIT #524-99	24,340					24,340													0
158	REPLACE 03 FORD 3/4 TON PICKUP - UNIT #543-03	27,088					27,088													0
159	REPLACE 94 FORD PICKUP W/DUMP BODY - UNIT #554-97	27,088					27,088													0
160	REPLACE JOHN DEERE UTILITY VEHICLE	8,545					8,545													0
161	REPLACE TORO INFIELD GROOMER	17,544						17,544												0
162	RSTC - CLAY COURT MAINTENANCE UTILITY VEHICLE	11,080					11,080													0
163	REPLACE 2004 F-150 TRUCK - UNIT #568-04	25,695						25,695												0
164	REPLACE PARKS STUMP GRINDER	58,620						58,620												0
165	REPLACE 95 INTERNATIONAL HOOD LIFT TRUCK - UNIT #573	92,236							92,236											0
166	NEW TREE CREW BUCKET TRUCK	132,966							132,966											0
167	REPLACE TORO INFIELD SAND PRO MODEL 3040	18,000							18,000											18,000
168	REPLACE BALL CREW TRACTOR - UNIT #583	35,654						35,654												0
169	OSC-REPLACE RAIN BIRD PUMP STATION	139,767						128,561	11,206											11,206
170	OSC-REPLACE RANGE PICKER MACHINE	5,144						5,144												0
171	OSC-REPLACE RAIN SHELTER	9,450						9,450												0
172	RIDING LAWNMOWER - LANDSCAPE CREW	28,204							28,204											0
173	TRAILER(S) - LANDSCAPE CREW	10,230							10,230											0
174	LANDSCAPE 96" MOWER	27,857							27,857											0
175	REPLACE 72" MOWER	24,707							24,707											0
176	UTILITY TRUCK - LANDSCAPE CREW	31,039							31,039											0
177	BOAT DOCK REPLACEMENTS	75,000							75,000											75,000
178	NEW BOBCAT	89,841							89,841											0
179	NEW TORO REEL MOWER W/TRAILER	70,355							70,355											1
180	OSC-REPLACE GREENSMOWER - UNIT #5752	36,000							36,000											52
181	REPLACE 06 THOMAS SCHOOL BUS - UNIT #588-06	175,000								175,000										175,000
182	NEW SPECIALIZED VAN	38,500								38,500										38,500
183	REPLACE FOUR (4) ROLL OFF CONTAINERS	24,000								24,000										24,000
184	REPLACE 91 FORD PICKUP - UNIT #564	42,500								42,500										42,500
185	REPLACE TORO ZERO TURN MOWER	45,000								45,000										45,000
186	REPLACE 93 FORD F250 PICKUP TRUCK - UNIT #528	42,500								42,500										42,500
187	REPLACE TORO INFIELD SAND PRO	18,000								18,000										18,000
188	REPLACE 96 DODGE INTREPID - UNIT #552	32,500								32,500										32,500
189	OSC-REPLACE TORO GREENSMOWER - UNIT #5758	34,000								34,000										34,000
190	OSC-REPLACE 2011 TORO SAND PRO	30,000								30,000										30,000
191	OSC-REPLACE 99 DODGE 3500 FLATBED TRUCK - UNIT #575	52,500								52,500										52,500
192	OS-REPLACE IRRIGATION COMPUTER SYSTEM	16,000								16,000										16,000
193	OSC-REPLACE 1998 REEL GRINDER	45,000								45,000										45,000
194	DEPT. SUB-TOTAL	1,993,384	0	0	0	135,951	316,666	297,626	647,641	595,500	0	0	0	0	0	0	0	0	699,759	
195	PUBLIC WORKS UPGRADE HVAC CONTROLS FOR FSC	42,900				42,900														0
196	UPGRADE HVAC CONTROLS FOR CITY HALL	204,225				204,225														0
197	REPLACE 03 FORD F350 UTILITY TRUCK - UNIT #776-03	33,445				33,445														0
198	REPLACE 05 FORD F350 TRUCK - UNIT #115-05	38,635						38,635												0
199	REPLACE 98 INT'L DUMP TRUCK - UNIT #156-98	126,291						126,291												0
200	REPLACE 00 CAT LOADER - UNIT #180-00	121,252						121,252												0

**CITY OF PENSACOLA
LOCAL OPTION SALES TAX SERIES IV PLAN
REVISED BASED ON COUNCIL ACTION AT TENTATIVE PUBLIC HEARING - FY 2022 BUDGET**

DEPARTMENT	PROJECT NAME	REVISED PROJECT ESTIMATE	FISCAL YEARS														PROJECT BALANCE		
			ACTUAL 2015	ACTUAL 2016	ACTUAL 2017	ACTUAL 2018	ACTUAL 2019	ACTUAL 2020	PROJECTED 2021	PROJECTED 2022	PROJECTED 2023	PROJECTED 2024	PROJECTED 2025	PROJECTED 2026	PROJECTED 2027	PROJECTED 2028		PROJECTED 2029 (3 months)	
201	PUBLIC WORKS CONT.	44,445					39,640	4,805											0
202	REPLACE 05 FORD F150 - UNIT #503	5,474					5,474												0
203	NEW HOT WATER PRESSURE WASHER	19,160					19,160												0
204	REPLACE 09 FOR ESCAPE - UNIT #500-09	34,032						34,032											0
205	NEW JOHN DEER UTILITY TRACTOR	49,995						49,995											0
206	TRAFFIC SIGNAL COMMUNICATION DEVICE	40,989						40,989											0
207	REPLACE 08 FORD PICKUP TRUCK - UNIT #504-08	27,000						27,000											0
208	SWEEP CRASH ATTENUATOR	217,956						217,956											0
209	STREET SWEEPER	28,338						28,338											0
210	REPLACE 08 FORD F-250 - UNIT #138-08	55,645						55,645											4,495
211	REPLACE 10 FORD F-350 - UNIT #118-10	175,000						175,000											24,963
212	REPLACE 97 FORD BUCKET TRUCK - UNIT #509-97	14,131						14,131											0
213	NEW CONCRETE GRINDER WITH VAC SYSTEM	5,052				0		5,052											0
214	ARROW BOARD	53,000				0		53,000											53,000
214	REPLACE 08 F350 FLATBED DUMP TRUCK - UNIT #116-08					280,570	350,452	106,826	546,117	53,000									82,458
215	DEPT. SUB-TOTAL	1,336,965	0	0	0	280,570	350,452	106,826	546,117	53,000	0	0	0	0	0	0	0	0	82,458
216	TOTAL CAPITAL EQUIPMENT	8,177,082	0	0	0	416,521	674,074	404,452	1,233,535	648,500	800,000	800,000	800,000	800,000	800,000	800,000	800,000	0	5,621,994
217	TOTAL PROJECT ALLOCATIONS	82,189,932	2,314,588	4,162,508	1,237,918	8,465,231	9,767,216	10,639,308	22,702,363	4,030,300	3,546,900	3,650,100	3,405,100	2,610,200	2,813,300	2,651,300	148,600		33,968,804



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2021-86

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-86 - AMENDING THE FISCAL YEAR 2021 BUDGET

RECOMMENDATION:

That City Council adopt Supplemental Budget Resolution No. 2021-86.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

In order to maintain a balanced budget, supplemental budget resolutions require approval by City Council during the course of a fiscal year. According to Florida Statute 166.241, the governing body of a municipality may, within up to 60 days following the end of the fiscal year, amend a budget for that year. The attached resolution includes budget adjustments for Fiscal Year 2021 that require Council action.

General Fund related budget adjustments include increases or decreases in estimated revenues from various sources that result in a net increase in estimated revenues. Offsetting the increases in revenues are changes to the Allocated Overhead/(Cost Recovery) based on the most recent Full Cost Allocation Study.

Tree Planting Trust Fund Revenue of \$69,400 has been recognized and will be placed in Operating Expenses. Additionally, \$4,620 is being recognized within the Housing Initiatives Fund - General Fund from Sale of Assets and will be placed in Operating Expenses. Within the Park Purchases Fund, \$8,075 is being recognized and will be placed into fund balance.

Adjustments have been made to various accounts within the three CRA funds based on the actual amounts received.

Net revenue of \$35,688 has been appropriated within the Law Enforcement Trust Fund based on

receipts and will be placed into Fund Balance.

Revenues within the Golf Fund were greater than anticipated. The Golf Course was not required to shut down during the COVID-19 Pandemic, thus increased play resulted as the ability to be social distant was made possible at the Golf Course.

The revenues within the Inspection Services fund have been more than anticipated and have been placed in the Unclassified (Reserved) line item in order to provide funding for unanticipated additional costs due to the increased activity within Inspections Services and the need for additional personnel to aid with the workload.

Revenues within each of the four enterprise funds (Gas, Sanitation, Port and Airport) are more than anticipated and have been placed in the Operating Expenses or have been offset with a reduction in Appropriated Fund Balance..

Within the Insurance Retention Fund additional funding has been allocated to Personnel Services for the costs associated with an additional Assistant City Nurse. The additional position was added as a result of the additional protocols resulting from the COVID-19 Pandemic. Initially, reimbursement from FEMA was anticipated to reimburse for this position, however, since that time, the City has been notified that FEMA will not reimburse for these costs. Therefore, an additional \$50,000 has been added to the City Clinic's budget and is offset with an increase in Charges for Services.

Estimated revenues within the Special Assessments Fund has been decreased based on Fiscal Year 2021 actual revenues and are offset with a reduction in appropriations.

A final supplemental budget resolution for Fiscal Year 2021 will be brought before City Council at the November 2021 meeting once final revenues are received. It is still uncertain how the COVID-19 pandemic will affect Fiscal Year 2021; however, revenues and expenditures are being closely monitored to ensure a balanced budget in Fiscal Year 2021.

PRIOR ACTION:

September 23, 2020 - City Council formally adopted a beginning FY 2021 Budget on Budget Resolution No. 2020-43

November 12, 2020 - City Council adopted Supplemental Budget Resolution No. 2020-56, covering purchase orders payable.

December 10, 2020 - City Council adopted Supplemental Budget Resolution No. 2020-59, covering unencumbered carryovers.

FUNDING:

N/A

FINANCIAL IMPACT:

All appropriations of City funds in the supplemental budget resolution are covered by fund balances,

shifts in expenses, or changes in revenues. Approval of the supplemental budget resolution provides for a balanced budget for Fiscal Year 2021. A final supplemental budget resolution for Fiscal Year 2021 will be brought before City Council at the November 18, 2021, City Council Meeting once final revenues are received.

CITY ATTORNEY REVIEW: Choose an item.

[Click here to enter a date.](#)

STAFF CONTACT:

Kerrith Fiddler, City Administrator
Amy Lovoy, Finance Director

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 2021-86
- 2) Supplemental Budget Explanation No. 2021-86

PRESENTATION: No

**RESOLUTION
NO. 2021-86**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND
APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30,
2021; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA

SECTION 1. The following appropriations from funds on hand in the fund accounts stated below, not heretofore appropriated, and transfer from funds on hand in the various accounts and funds stated below, heretofore appropriated, be, and the same are hereby made, directed and approved to-wit:

A. GENERAL FUND

To:	Swimming Pool Fees	544
To:	Tree Removal and Pruning Permits	3,675
To:	Micromobility Dev Scooter Permit and Fee	25,500
To:	Zoning Review & Inspection Fees	67,425
As Reads: Amended To Read:	Beverage License Rebate	110,000
	Beverage License Rebate	125,305
As Reads: Amended To Read:	Current Ad Valorem Taxes	17,860,900
	Current Ad Valorem Taxes	18,093,919
As Reads: Amended To Read:	Delinquent Ad Valorem Taxes	30,000
	Delinquent Ad Valorem Taxes	16,376
As Reads: Amended To Read:	ECSD-911 Calltakers	244,500
	ECSD-911 Calltakers	264,830
As Reads: Amended To Read:	Federal Payment In Lieu of Taxes	10,500
	Federal Payment In Lieu of Taxes	12,949
As Reads: Amended To Read:	Gas Rebate on Municipal Vehicles	12,000
	Gas Rebate on Municipal Vehicles	20,768
As Reads: Amended To Read:	Local Business Tax	900,000
	Local Business Tax	907,133

As Reads:	Local Business Tax - Penalty	15,000
Amended		
To Read:	Local Business Tax - Penalty	18,692
As Reads:	Sale of Assets	50,000
Amended		
To Read:	Sale of Assets	59,120
As Reads:	State Street Light Maintenance	312,700
Amended		
To Read:	State Street Light Maintenance	396,762
As Reads:	State Traffic Signal Maintenance	326,600
Amended		
To Read:	State Traffic Signal Maintenance	352,484
1) Mayor		
As Reads:	Allocated Overhead/(Cost Recovery)	(874,900)
Amended		
To Read	Allocated Overhead/(Cost Recovery)	(1,028,800)
2) City Council		
As Reads:	Allocated Overhead/(Cost Recovery)	(379,600)
Amended		
To Read	Allocated Overhead/(Cost Recovery)	(407,800)
3) City Clerk		
As Reads:	Allocated Overhead/(Cost Recovery)	(85,600)
Amended		
To Read	Allocated Overhead/(Cost Recovery)	(111,200)
4) Legal		
As Reads:	Allocated Overhead/(Cost Recovery)	(296,600)
Amended		
To Read	Allocated Overhead/(Cost Recovery)	(369,600)
5) Human Resources		
As Reads:	Allocated Overhead/(Cost Recovery)	(375,900)
Amended		
To Read	Allocated Overhead/(Cost Recovery)	(416,400)
6) Financial Services		
As Reads:	Allocated Overhead/(Cost Recovery)	(1,445,000)
Amended		
To Read	Allocated Overhead/(Cost Recovery)	(1,431,100)
7) Parks & Recreation		
As Reads:	Allocated Overhead/(Cost Recovery)	(8,900)
Amended		
To Read	Allocated Overhead/(Cost Recovery)	(8,800)

8) Public Works		
As Reads:	Allocated Overhead/(Cost Recovery)	(298,700)
Amended		
To Read	Allocated Overhead/(Cost Recovery)	(311,200)

1) Non-Departmental		
As Reads:	Transfers - Eastside TIF	92,300
Amended		
To Read:	Transfers - Eastside TIF	92,208
As Reads:	Transfers - Westside TIF	320,000
Amended		
To Read:	Transfers - Westside TIF	319,998

B. TREE PLANTING TRUST FUND

To:	Tree Planting Trust Fund	69,400
As Reads:	Operating Expenses	528,007
Amended		
To Read	Operating Expenses	597,407

C. HOUSING INITIATIVES FUND

To:	Sale of Assets	4,620
As Reads:	Operating Expenses	473,079
Amended		
To Read	Operating Expenses	477,699

D. PARK PURCHASES FUND

To:	Park Purchases	8,075
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E. LOCAL OPTION GASOLINE TAX FUND

To:	Interest Income	5,255
As Reads:	Allocated Overhead/(Cost Recovery)	7,200
Amended		
To Read	Allocated Overhead/(Cost Recovery)	4,300
As Reads:	Transfer to LOGT Debt Service Fund	1,522,300
Amended		
To Read	Transfer to LOGT Debt Service Fund	1,530,455

F. COMMUNITY REDEVELOPMENT AGENCY FUND

To:	Interest Income	35,535
To:	PSA Reserved Parking	356

As Reads:	Transfer In From Urban Core Redevelopment Trust Fund	3,383,600
Amended		
To Read	Transfer In From Urban Core Redevelopment Trust Fund	3,383,531
As Reads:	Operating Expense	53,889,263
Amended		
To Read	Operating Expense	53,834,585
As Reads:	Allocated Overhead/(Cost Recovery)	142,000
Amended		
To Read	Allocated Overhead/(Cost Recovery)	232,500

G. URBAN CORE REDEVELOPMENT TRUST FUND

As Reads:	Escambia County TIF	4,296,800
Amended		
To Read	Escambia County TIF	4,296,752
As Reads:	Downtown Improvement District TIF	426,500
Amended		
To Read	Downtown Improvement District TIF	426,479
As Reads:	Transfer to CRA Fund	3,383,600
Amended		
To Read	Transfer to CRA Fund	3,383,531

H. STORMWATER UTILITY FUND

To:	Interest Income	3,891
To:	Miscellaneous Revenue	6,502
As Reads:	Delinquent Stormwater Utility Fees	5,000
Amended		
To Read	Delinquent Stormwater Utility Fees	1,415
As Reads:	Stormwater Utility Fee	2,730,000
Amended		
To Read	Stormwater Utility Fee	2,799,669
As Reads:	Operating Expenses	1,075,094
Amended		
To Read	Operating Expenses	1,092,871
As Reads:	Allocated Overhead/(Cost Recovery)	321,600
Amended		
To Read	Allocated Overhead/(Cost Recovery)	380,300

I. LAW ENFORCEMENT TRUST FUND

To:	Charges for Services	34,773
To:	Interest Income	915

J. GOLF COURSE FUND

To:	Interest Income	415
As Reads: Amended	Capital Improvement Surcharge	37,000
To Read:	Capital Improvement Surcharge	38,810
As Reads: Amended	Driving Range	30,500
To Read:	Driving Range	42,965
As Reads: Amended	Electric Cart Rental	86,800
To Read:	Electric Cart Rental	111,117
As Reads: Amended	Green Fees	280,300
To Read:	Green Fees	316,507
As Reads: Amended	Pro Shop	13,000
To Read:	Pro Shop	19,454
As Reads: Amended	Pull Cart Rental	100
To Read:	Pull Cart Rental	268
As Reads: Amended	Tournaments	53,000
To Read:	Tournaments	34,929
As Reads: Amended	Operating Expenses	343,322
To Read:	Operating Expenses	407,387

K. EASTSIDE TIF FUND

To:	Interest Income	2,758
As Reads: Amended	Escambia County TIF	142,300
To Read:	Escambia County TIF	145,897
As Reads: Amended	Transfer In - City	92,300
To Read:	Transfer In - City	92,208
As Reads: Amended	Operating Expenses	422,092
To Read:	Operating Expenses	434,655
As Reads: Amended	Allocated Overhead/(Cost Recovery)	14,500
To Read:	Allocated Overhead/(Cost Recovery)	8,200

L. INSPECTION SERVICES FUND

As Reads:	Electrical Permits	210,000
Amended		
To Read	Electrical Permits	215,658
As Reads:	Gas Permits	48,000
Amended		
To Read	Gas Permits	54,600
As Reads:	Mechanical Permits	94,500
Amended		
To Read	Mechanical Permits	117,830
As Reads:	Permit Application Fee	295,600
Amended		
To Read	Permit Application Fee	472,480
As Reads:	Zoning Review & Inspection Fees	32,100
Amended		
To Read	Zoning Review & Inspection Fees	59,350
As Reads:	Operating Expenses	367,324
Amended		
To Read	Operating Expenses	545,142
As Reads:	Allocated Overhead/(Cost Recovery)	213,200
Amended		
To Read	Allocated Overhead/(Cost Recovery)	275,100

M. WESTSIDE TIF FUND

To:	Interest Income	3,838
As Reads:	Escambia County TIF	493,600
Amended		
To Read	Escambia County TIF	493,592
As Reads:	Transfer In - City	320,000
Amended		
To Read	Transfer In - City	319,998
As Reads:	Operating Expenses	735,832
Amended		
To Read	Operating Expenses	743,160
As Reads:	Allocated Overhead/(Cost Recovery)	8,300
Amended		
To Read	Allocated Overhead/(Cost Recovery)	4,800

N. ROGER SCOTT TENNIS CENTER FUND

To:	Interest Income	600
As Reads:	Tennis Agreement Contract	125,000
Amended		
To Read	Tennis Agreement Contract	130,208
As Reads:	Operating Expenses	121,000
Amended		
To Read	Operating Expenses	126,808

O. LOGT DEBT SERVICE FUND

To:	Interest Income	204
As Reads:	Transfer In From LOGT Fund	1,522,300
Amended		
To Read	Transfer In From LOGT Fund	1,530,455
As Reads:	Principal	1,365,000
Amended		
To Read	Principal	1,373,359

P. STORMWATER CAPITAL PROJECTS FUND

To:	Interest Income	17,686
As Reads:	Capital Outlay	6,094,373
Amended		
To Read	Capital Outlay	6,121,259
As Reads:	Allocated Overhead/(Cost Recovery)	189,600
Amended		
To Read	Allocated Overhead/(Cost Recovery)	180,400

Q. GAS UTILITY FUND

To:	Cookbook Sales Revenue	7,656
To:	Customer Service Charge - Sanitation	125,000
To:	Interest Income	90,855
To:	Sale of Assets	10,836
As Reads:	CNG Revenue	922,500
Amended		
To Read	CNG Revenue	954,061
As Reads:	Infrastructure Cost Recovery	3,350,900
Amended		
To Read	Infrastructure Cost Recovery	3,416,470

As Reads:	Operating Expenses	27,421,479
Amended		
To Read	Operating Expenses	27,709,457
As Reads:	Allocated Overhead/(Cost Recovery)	1,309,000
Amended		
To Read	Allocated Overhead/(Cost Recovery)	1,352,500

R. SANITATION FUND

To:	Interest Income	6,548
As Reads:	Business Refuse Container Charges	124,400
Amended		
To Read	Business Refuse Container Charges	159,568
As Reads:	Sale of Assets	5,000
Amended		
To Read	Sale of Assets	14,250
As Reads:	Operating Expenses	3,984,361
Amended		
To Read	Operating Expenses	3,988,727
As Reads:	Allocated Overhead/(Cost Recovery)	601,500
Amended		
To Read	Allocated Overhead/(Cost Recovery)	648,100

S. PORT FUND

To:	Interest Income	8,359
To:	Miscellaneous/Non-Billed	93,927
As Reads:	Federal Grants	128,937
Amended		
To Read	Federal Grants	168,751
As Reads:	Harbor Fees	24,400
Amended		
To Read	Harbor Fees	33,770
As Reads:	Interior Lighting	115,000
Amended		
To Read	Interior Lighting	160,109
As Reads:	Miscellaneous/Billed	15,000
Amended		
To Read	Miscellaneous/Billed	22,765
As Reads:	Property Rental	595,300
Amended		
To Read	Property Rental	609,143

As Reads:	Storage	401,400
Amended		
To Read	Storage	708,835
As Reads:	Water Sales	6,000
Amended		
To Read	Water Sales	10,642
As Reads:	Wharfage	382,500
Amended		
To Read	Wharfage	398,487
As Reads:	Operating Expenses	2,271,939
Amended		
To Read	Operating Expenses	2,740,076
As Reads:	Capital Outlay	3,224,396
Amended		
To Read	Capital Outlay	3,264,210
As Reads:	Allocated Overhead/(Cost Recovery)	113,200
Amended		
To Read	Allocated Overhead/(Cost Recovery)	151,500

T. AIRPORT FUND

To:	Interest Income	177,357
To:	Parking Fines	31,673
As Reads:	Advertising	95,000
Amended		
To Read	Advertising	168,631
As Reads:	Airport Parking	4,250,500
Amended		
To Read	Airport Parking	4,954,045
As Reads:	Cargo Apron Area Rentals	63,000
Amended		
To Read	Cargo Apron Area Rentals	91,863
As Reads:	CFC - Rental Car Service Facility	1,124,000
Amended		
To Read	CFC - Rental Car Service Facility	2,330,458
As Reads:	Commercial Properties Rentals	327,000
Amended		
To Read	Commercial Properties Rentals	371,862
As Reads:	Gift Shop	211,200
Amended		
To Read	Gift Shop	462,928

As Reads:	Hangar Rentals	75,000
Amended		
To Read	Hangar Rentals	133,633
As Reads:	LEO/TSA Security	100,000
Amended		
To Read	LEO/TSA Security	102,930
As Reads:	Miscellaneous Revenue	123,800
Amended		
To Read	Miscellaneous Revenue	325,176
As Reads:	Rental Car Customer Facility Charge (Garage)	730,000
Amended		
To Read	Rental Car Customer Facility Charge (Garage)	813,800
As Reads:	Rental Car Service Facility Rents	250,000
Amended		
To Read	Rental Car Service Facility Rents	273,486
As Reads:	Rental Cars	2,910,300
Amended		
To Read	Rental Cars	6,050,039
As Reads:	Restaurant and Lounge	466,000
Amended		
To Read	Restaurant and Lounge	757,183
As Reads:	RON Ramp	10,000
Amended		
To Read	RON Ramp	105,517
As Reads:	ST. Ground Lease	260,000
Amended		
To Read	ST. Ground Lease	269,330
As Reads:	TSA Terminal Rental	160,000
Amended		
To Read	TSA Terminal Rental	166,547
As Reads:	Allocated Overhead/(Cost Recovery)	685,100
Amended		
To Read	Allocated Overhead/(Cost Recovery)	687,200

U. INSURANCE RETENTION FUND

As Reads:	Charges for Services	1,317,200
Amended		
To Read:	Charges for Services	1,367,200

1) Human Resources - Clinic

As Reads:	Personnel Services	155,840
Amended		
To Read:	Personnel Services	205,840

V. SPECIAL ASSESSMENTS FUND

To:	Interest Income	1,574
As Reads:	Special Assessments	100,000
Amended		
To Read:	Special Assessments	52,329
As Reads:	Other Non-Operating	100,000
Amended		
To Read:	Other Non-Operating	53,903

SECTION 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This resolution shall become effective retroactive to September 30, 2021 on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

THE CITY OF PENSACOLA
OCTOBER 2021 FY 2021 YEAR END SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-86

FUND	AMOUNT	DESCRIPTION
A. GENERAL FUND		
Estimated Revenues:		
Beverage License Rebate	15,305	Increase estimated revenue from Beverage License Rebates
Current Ad Valorem Taxes	233,019	Increase estimated revenue from Current Ad Valorem Taxes
Delinquent Ad Valorem Taxes	(13,624)	Decrease estimated revenue from Delinquent Ad Valorem Taxes
ECSD--911 Calltakers	20,330	Increase estimated revenue from ECSD--911 Calltakers
Federal Payment in Lieu of Taxes-AHC	2,449	Increase estimated revenue from Fed Pyt in Lieu Taxes-AHC
Gas Rebate on Municipal Vehicles	8,768	Increase estimated revenue from Gas Rebate on Municipal Vehicles
Local Business Tax	7,133	Increase estimated revenue from Local Business Tax
Local Business Tax - Penalty	3,692	Increase estimated revenue from Local Business Tax Penalty
Sale of Assets	9,120	Increase estimated Revenue from Sale of Assets
State Street Light Maintenance	84,062	Increase estimated revenue from State Street Light Maintenance
State Traffic Signal Maintenance	25,884	Increase estimated revenue from State Traffic Signal Maintenance
Swimming Pool Fees	544	Appropriate estimated revenue from Swimming Pool Fees
Tree Removal and Pruning Permits	3,675	Appropriate estimated revenue from Tree Reoval and Pruning Permits
Micromobility Dev Scooter Permit and Fee	25,500	Appropriate estimated revenue from Micromobility Dev Scooter Permit and Fee
Zoning Review & Inspection Fees	67,425	Appropriate estimated revenue for Zoning Review & Inspection Fees
Total Revenues	<u>493,282</u>	
Fund Balance	<u>(813,076)</u>	Decrease appropriated Fund Balance
Total Revenues and Fund Balance	<u><u>(319,794)</u></u>	
Appropriations:		
(1) Mayor		
Allocated Overhead/(Cost Recovery)	(153,900)	Adjust appropriation for Allocated Overhead/(Cost Recovery)
(2) City Council		
Allocated Overhead/(Cost Recovery)	(28,200)	Adjust appropriation for Allocated Overhead/(Cost Recovery)
(3) City Clerk		
Allocated Overhead/(Cost Recovery)	(25,600)	Adjust appropriation for Allocated Overhead/(Cost Recovery)
(4) Legal		
Allocated Overhead/(Cost Recovery)	(73,000)	Adjust appropriation for Allocated Overhead/(Cost Recovery)
(5) Human Resources		
Allocated Overhead/(Cost Recovery)	(40,500)	Adjust appropriation for Allocated Overhead/(Cost Recovery)
(6) Financial Services		
Allocated Overhead/(Cost Recovery)	13,900	Adjust appropriation for Allocated Overhead/(Cost Recovery)
(7) Parks & Recreation		
Allocated Overhead/(Cost Recovery)	100	Adjust appropriation for Allocated Overhead/(Cost Recovery)
(8) Public Works		
Allocated Overhead/(Cost Recovery)	(12,500)	Adjust appropriation for Allocated Overhead/(Cost Recovery)
(9) Non-Departmental		
Transfer to Eastside TIF	(92)	Decrease appropriation for Transfer to Eastside TIF
Transfer to Westside TIF	(2)	Decrease appropriation for Transfer to Westside TIF
Total Appropriations	<u><u>(319,794)</u></u>	

THE CITY OF PENSACOLA
OCTOBER 2021 FY 2021 YEAR END SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-86

FUND	AMOUNT	DESCRIPTION
B. TREE PLANTING TRUST FUND		
Estimated Revenues:		
Tree Planting Trust Fund	69,400	Appropriate estimated revenue from Tree Planting Trust Fund
Total Estimated Revenues	<u>69,400</u>	
Appropriations:		
Operating Expenses	69,400	Increase appropriation for Operating Expenses
Total Appropriations	<u>69,400</u>	
C. HOUSING INITIATIVES FUND		
Estimated Revenues:		
Sale of Assets	4,620	Appropriate estimated revenue from Sale of Assets
Total Estimated Revenues	<u>4,620</u>	
Appropriations:		
Operating Expenses	4,620	Increase appropriation for Operating Expenses
Total Appropriations	<u>4,620</u>	
D. PARK PURCHASES FUND - GENERAL FUND		
Estimated Revenues:		
Park Purchases	8,075	Appropriate estimated revenue from Park Purchases
Total Estimated Revenues	<u>8,075</u>	
Fund Balance	<u>(8,075)</u>	Decrease appropriated Fund Balance.
Total Estimated Revenues and Fund Balance	<u>0</u>	
E. LOCAL OPTION GASOLINE TAX FUND		
Estimated Revenues:		
Interest Income	5,255	Appropriate estimated revenue from Interest Income
Total Estimated Revenues	<u>5,255</u>	
Appropriations:		
Allocated Overhead/(Cost Recovery)	(2,900)	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Transfer to LOGT Debt Service Fund	8,155	Increase appropriation for Transfer to LOGT Debt Service Fund
Total Appropriations	<u>5,255</u>	
F. COMMUNITY REDEVELOPMENT AGENCY FUND		
Estimated Revenues:		
Transfer in From Urban Core Redevelopment Trust Fund	(69)	Decrease estimated revenue from Transfer In From Urban Core Redev. Trust Fund
Interest Income	35,535	Appropriate estimated revenue from Interest Income
PSA Reserved Parking	356	Appropriate estimated revenue from PSA Reserved Parking
Total Estimated Revenues	<u>35,822</u>	
Appropriations:		
Operating Expenses	(54,678)	Decrease appropriation for Operating Expenses
Allocated Overhead/(Cost Recovery)	90,500	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Total Appropriations	<u>35,822</u>	

THE CITY OF PENSACOLA
OCTOBER 2021 FY 2021 YEAR END SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-86

FUND	AMOUNT	DESCRIPTION
G. URBAN CORE REDEVELOPMENT TRUST FUND		
Estimated Revenues:		
Escambia County TIF	(48)	Decrease estimated revenue - Final TIF
DIB TIF	(21)	Decrease estimated revenue - Final TIF
Total Estimated Revenues	<u>(69)</u>	
Appropriations:		
Transfer to CRA Fund	(69)	Decrease appropriation for Transfer to CRA Fund
Total Appropriations	<u>(69)</u>	
H. STORMWATER UTILITY FUND		
Estimated Revenues:		
Delinquent Stormwater Utility Fees	(3,585)	Decrease estimated revenue from Delinquent Stormwater Utility Fees
Interest Income	3,891	Appropriate estimated revenue from Interest Income
Miscellaneous Revenue	6,502	Appropriate estimated revenue from Miscellaneous Revenue
Stormwater Utility Fees	69,669	Increase estimated revenue from Stormwater Utility Fees
Total Estimated Revenues	<u>76,477</u>	
Appropriations:		
Operating Expenses	17,777	Increase appropriation for Operating Expenses
Allocated Overhead/(Cost Recovery)	58,700	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Total Estimated Revenues	<u>76,477</u>	
I. LAW ENFORCEMENT TRUST FUND		
Estimated Revenues		
Charges for Services	34,773	Appropriate estimated revenue from Charges for Services - Court Related
Interest Income	915	Appropriate estimated revenue from Interest Income
Total Estimated Revenues	<u>35,688</u>	
Fund Balance	(35,688)	Decrease appropriated Fund Balance.
Total Estimated Revenues and Fund Balance	<u>0</u>	
J. GOLF FUND		
Estimated Revenues		
Capital Improvement Surcharge	1,810	Increase estimated revenue from Capital Improvements Surcharge
Driving Range	12,465	Increase estimated revenue from Driving Range
Electric Cart Rental	24,317	Increase estimated revenue from Electric Cart Rentals
Green Fees	36,207	Increase estimated revenue from Green Fees
Interest Income	715	Appropriate estimated revenue form Interest Income
Pro Shop	6,454	Increase estimated revenue from Pro Shop
Pull Cart Rental	168	Increase estimated revenue from Pull Cart Rental
Tournaments	(18,071)	Decrease estimated revenue from Tournaments
Total Estimated Revenues	<u>64,065</u>	
Appropriations:		
Operating Expenses	64,065	Increase appropriation for Operating Expenses
Total Appropriations	<u>64,065</u>	

THE CITY OF PENSACOLA
OCTOBER 2021 FY 2021 YEAR END SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-86

FUND	AMOUNT	DESCRIPTION
K. EASTSIDE TIF FUND		
Estimated Revenues		
Escambia County TIF	3,597	Increase estimated revenue - Final TIF
Interest Income	2,758	Appropriate estimated revenue from Interest Income
Transfer In-City	(92)	Decrease estimated revenue - Final TIF
Total Estimated Revenues	<u>6,263</u>	
Appropriations		
Operating Expenses	12,563	Increase appropriation for Operating Expenses
Allocated Overhead/(Cost Recovery)	(6,300)	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Total Appropriations	<u>6,263</u>	
L. INSPECTION SERVICES FUND		
Estimated Revenues		
Electrical Permits	5,658	Increase estimated revenue from Electrical Permits
Gas Permits	6,600	Increase estimated revenue from Gas Permits
Mechanical Permits	23,330	Increase estimated revenue from Plumbing Permits
Permit Application Fee	176,880	Increase estimated revenue from Permit Application Fee
Zoning Review & Inspection Fees	27,250	Increase estimated revenue from Zoning Review & Inspection Fees
Total Estimated Revenues	<u>239,718</u>	
Appropriations		
Operating Expenses	177,818	Increase appropriation for Operating Expense
Allocated Overhead/(Cost Recovery)	61,900	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Total Appropriations	<u>239,718</u>	
M. WESTSIDE TIF FUND		
Estimated Revenues		
Escambia County TIF	(8)	Decrease estimated revenue - Final TIF
Interest Income	3,838	Appropriate estimated revenue from Interest Income
Transfer in from General Fund	(2)	Decrease estimated revenue - Final TIF
Total Estimated Revenues	<u>3,828</u>	
Appropriations		
Operating Expenses	7,328	Increase appropriation for Operating Expenses
Allocated Overhead/(Cost Recovery)	(3,500)	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Total Appropriations	<u>3,828</u>	

THE CITY OF PENSACOLA
OCTOBER 2021 FY 2021 YEAR END SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-86

FUND	AMOUNT	DESCRIPTION
N. ROGER SCOTT TENNIS CENTER FUND		
Estimated Revenues		
Interest Income	600	Appropriate estimated revenue from Interest Income
Tennis Agreement Contract	5,208	Increase estimated revenue from Tennis Agreement Contract
Total Estimated Revenues	<u>5,808</u>	
Appropriations:		
Operating Expenses	5,808	Increase appropriation for Operating Expenses
Total Appropriations	<u>5,808</u>	
O. LOGT DEBT SERVICE FUND		
Estimated Revenues		
Transfer In From LOGT Fund	8,155	Increase estimated revenue from Transfer In From LOGT Fund
Interest Income	204	Appropriate estimated revenue from Interest Income
Total Estimated Revenues	<u>8,359</u>	
Appropriations		
Principal	8,359	Increase appropriation for Principal
Total Appropriations	<u>8,359</u>	
P. STORMWATER CAPITAL PROJECTS FUND		
Estimated Revenues		
Interest Income	17,686	Appropriate estimated revenue from Interest Income
Total Estimated Revenues	<u>17,686</u>	
Appropriations		
Capital Outlay	26,886	Increase appropriation for Capital Outlay (Stormwater Vault City-Wide)
Allocated Overhead/(Cost Recovery)	(9,200)	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Total Appropriations	<u>17,686</u>	
Q. GAS UTILITY FUND		
Estimated Revenues:		
CNG Revenue	31,561	Increase estimated revenue from CNG Revenue
Cookbook Sales Revenue	7,656	Appropriate estimated revenue from Cookbook Sales Revenue
Customer Service Charge - Sanitation	125,000	Appropriate estimated revenue from Customer Service Charge - Sanitation
Infrastructure Cost Recovery	65,570	Increase estimated revenue from Infrastructure Cost Recovery
Interest Income	90,855	Appropriate estimated revenue from Interest Income
Sale of Assets	10,836	Appropriate estimated revenue from Sale of Assets
Total Estimated Revenues	<u>331,478</u>	
Appropriations:		
Operating Expenses	287,978	Increase appropriation for Operating Expenses
Allocated Overhead/(Cost Recovery)	43,500	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Total Appropriations	<u>331,478</u>	

THE CITY OF PENSACOLA
OCTOBER 2021 FY 2021 YEAR END SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-86

FUND	AMOUNT	DESCRIPTION
R. SANITATION FUND		
Estimated Revenues:		
Business Refuse Container Charges	35,168	Increase estimated revenue from Business Refuse Container Charges
Interest Income	6,548	Appropriate estimated revenue from Interest Income
Sale of Assets	9,250	Increase estimated revenue from Sale of Assets
Total Estimated Revenues	<u>50,966</u>	
Appropriations:		
Operating Expenses	4,366	Increase appropriation for Operating Expenses
Allocated Overhead/(Cost Recovery)	46,600	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Total Appropriations	<u>50,966</u>	
S. PORT FUND		
Estimated Revenues:		
Federal Grants	39,814	Increase estimated revenue from Federal Grants
Harbor Fees	9,370	Increase estimated revenue from Harbor Fees
Interest Income	8,359	Appropriate estimated revenue from Interest Income
Interior Lighting	45,109	Increase estimated revenue from Interior Lighting
Miscellaneous/Billed	7,765	Increase estimated revenue from Miscellaneous/Billed
Miscellaneous/Non-Billed	93,927	Appropriate estimated revenue from Miscellaneous/Non-Billed
Property Rental	13,843	Increase estimated revenue from Property Rental
Storage	307,435	Increase estimated revenue from Storage
Water Sales	4,642	Increase estimated revenue from Water Sales
Wharfage	15,987	Increase estimated revenue from Wharfage
Total Estimated Revenues	<u>546,251</u>	
Appropriations:		
Operating Expenses	468,137	Increase appropriation for Operating Expenses
Capital Outlay	39,814	Increase appropriation for Capital Outlay
Allocated Overhead/(Cost Recovery)	38,300	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Total Appropriations	<u>546,251</u>	
T. AIRPORT FUND		
Estimated Revenues:		
Advertising	73,631	Increase estimated revenue from Advertising
Airport Parking	703,545	Increase estimated revenue from Airport Parking
Cargo Apron Area Rentals	28,863	Increase estimated revenue from Cargo Apron Area Rentals
CFC - Rental Car Service Facility	1,206,458	Increase estimated revenue from CFC - Rental Car Service Facility
Commercial Properties Rentals	44,862	Increase estimated revenue from Commercial Properties Rentals
Gift Shop	251,728	Increase estimated revenue from Gift Shop
Hangar Rentals	58,633	Increase estimated revenue from Hangar Rentals
Interest Income	177,357	Appropriate estimated revenue from Interest Income
LEO/TSA Security	2,930	Increase estimated revenue from LEO/TSA Security
Miscellaneous Revenue	201,376	Increase estimated revenue from Miscellaneous Revenue
Parking Fines	31,673	Appropriate estimated revenue from Parking Fines

THE CITY OF PENSACOLA
OCTOBER 2021 FY 2021 YEAR END SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-86

FUND	AMOUNT	DESCRIPTION
Rental Car Customer Facility Charge (Garage)	83,800	Increase estimated revenue from Rental Car Cust Fac Chg (Garage)
Rental Car Service Facility Rents	23,486	Increase estimated revenue from Rental Car Service Facility Rents
Rental Cars	3,139,739	Increase estimated revenue from Rental Cars
Restaurant and Lounge	291,183	Increase estimated revenue from Restaurant and Lounge
RON Ramp	95,517	Increase estimated revenue from RON Ramp
ST Ground Lease	9,330	Increase estimated revenue from ST Ground Lease
TSA Terminal Rental	6,547	Increase estimated revenue from TSA Terminal Rental
Total Estimated Revenues	<u>6,430,658</u>	
Fund Balance	<u>(6,428,558)</u>	Decrease appropriated Fund Balance
Total Estimated Revenues and Fund Balance	<u><u>2,100</u></u>	
Appropriations:		
Allocated Overhead/(Cost Recovery)	<u>2,100</u>	Adjust appropriation for Allocated Overhead/(Cost Recovery)
Total Appropriations	<u><u>2,100</u></u>	
U. INSURANCE RETENTION FUND		
Estimated Revenues:		
Charges for Services	<u>50,000</u>	Increase estimated revenue from Charges for Services
Total Estimated Revenues	<u><u>50,000</u></u>	
Appropriations:		
1) Human Resources- Clinic		
Personnel Services	<u>50,000</u>	Increase appropriation for Personnel Services
Total Appropriations	<u><u>50,000</u></u>	
V. SPECIAL ASSESSMENTS FUND		
Estimated Revenues:		
Interest Income	1,574	Appropriate estimated revenue from Interest Income
Special Assessments	<u>(47,671)</u>	Decrease estimated revenue from Special Assessments
Total Estimated Revenues	<u><u>(46,097)</u></u>	
Appropriations:		
Other Non-Operating	<u>(46,097)</u>	Decrease appropriation for Other Non-Operating
Total Appropriations	<u><u>(46,097)</u></u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2021-87

City Council

10/14/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-87 - APPROPRIATION OF FUNDING FOR THE PURCHASE OF KUBOTA U35-4 MINI-EXCAVATOR AND DUMP TRAILER

RECOMMENDATION:

That City Council adopt Supplemental Budget Resolution No. 2021-87

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The current equipment inventory for Public Works & Facilities (PWF) Department does not include a Mini-Excavator or a small dump trailer. The two additional pieces of equipment will facilitate the removal/replacement of materials from city right of way for either the installation of new sidewalk(s), curb and gutter, curb ramps, etc. or removal/replacement of such. Currently the only asset that PWF has that can perform the task is a backhoe; however, it requires significant space (e.g., a full lane of roadway) to perform any task due to its size. With the smaller equipment, work can be performed in much smaller spaces with limited road closures or possibly no road closures at all. This set up allows PWF to expedite work in the right of way, have less impact on surrounding residents, and be more efficient with resource usage.

City Council is being requested to authorize the transfer and use of the LOST IV Sidewalk Improvements in the amount of \$59,100 for the purchase of a Kubota Mini-Excavator and dump trailer.

If approved, the formal bid process for equipment procurement will be followed.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

Currently there is a balance of \$657,100 in the FY 2021 Sidewalk Improvements account in the Local Option Sales Tax Fund. Adoption of the Supplemental Budget Resolution will shift funds from the LOST Series IV Fund for Sidewalk Improvements to the purchase of the Kubota U35-4 Mini-Excavator and the purchase of a dump trailer leaving a new FY 2021 balance in the LOST IV Sidewalk Improvements account of \$598,000.

The Supplemental Budget Resolution will be effective retroactive to September 30, 2021 as to enable the utilization of the FY 2021 Sidewalk Improvements balance and allow for the immediate purchase of the equipment needed.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Choose an item.

[Click here to enter a date.](#)

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator - Community Development
Ryan Novota, Transportation Engineer

ATTACHMENTS:

- 1.) Supplemental Budget Resolution No. 2021-87
- 2.) Supplemental Budget Explanation No. 2021-87

PRESENTATION: No

**RESOLUTION
NO. 2021-87**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA

SECTION 1. The following appropriations from funds on hand in the fund accounts stated below, not heretofore appropriated, and transfer from funds on hand in the various accounts and funds stated below, heretofore appropriated, be, and the same are hereby made, directed and approved to-wit:

A. LOCAL OPTION SALES TAX FUND

As Reads	Capital Outlay	21,179,310
Amended		
To Read:	Capital Outlay	21,179,310

SECTION 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This resolution shall become effective retroactive to September 30, 2021 on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

THE CITY OF PENSACOLA

OCTOBER 2021 - BUDGET RESOLUTION - REALLOCATION OF LOST IV PROJECTS EXPLANATION NO. 2021-87

FUND	AMOUNT	DESCRIPTION
LOCAL OPTION SALES TAX FUND		
Appropriations		
Capital Outlay - LOST IV - Sidewalk Improvements	(59,100)	Decrease appropriation for LOST IV - Sidewalk Improvements
Capital Outlay - LOST IV - Kubota Mini Excavator	49,100	Appropriate funding for LOST IV - Kubota Mini Excavator
Capital Outlay - LOST IV - Dump Trailer	<u>10,000</u>	Appropriate funding for LOST IV - Dump Trailer
Total Appropriations	<u><u>0</u></u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00891

City Council

10/14/2021

ADD-ON LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Jared Moore

SUBJECT:

LETTER OF SUPPORT FOR FLORIDA WEST ECONOMIC DEVELOPMENT ALLIANCE IN SUPPORT OF BUILD BACK BETTER PHASE 1 PROPOSAL

RECOMMENDATION:

That City Council authorize the Council President to prepare and sign a letter of support on behalf of the City Council, supporting Florida West's Build Back Better Phase 1 proposal.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Part of the American Rescue Plan is a Build Back Better program, which is designed to assist communities in their efforts to build back better by accelerating the economic recovery from the coronavirus pandemic and building local economies that will be resilient to future economic shocks.

The \$1 billion Build Back Better Regional Challenge will provide a transformational investment to 20-30 regions across the country that want to revitalize their economies. These regions will have the opportunity to grow new regional industry clusters or scale existing ones through planning, infrastructure, innovation, and entrepreneurship. Workforce development, access to capital, and more.

Within Phase 1 of the program, 50-60 regional coalitions of partnering entities will be awarded \$500,000 in technical assistance funds to develop and support three to eight projects to grow a regional growth cluster.

Florida West will partner with Emerald Coast Regional Council (ECRC), the Florida Institute for Human Machine Cognition (IHMC) and Pensacola State College to form a consortium. The consortium will devise, plan and build a new LIFT (a Department of Defense national manufacturing innovation institute and public-private partnership dedicated to driving the United States advanced manufacturing technology and talent into the future to reestablish the nation as a global manufacturing) in Pensacola. This LIFT location will serve as an innovation lighthouse and compass to attract and showcase the region with the objective to educate, influence and encourage their adoption and grow profitable smarter manufacturing businesses of all sizes in the region.

This letter will express Council's support of Florida West and the consortium in seeking Phase 1

funding.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: No