



City of Pensacola

City Council

Agenda - Final

Thursday, February 9, 2017, 5:30 PM

Council Chambers, 1st Floor

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

FIRST LEROY BOYD FORUM

(Public comment upon any subject not on the agenda unless waived by a majority of the existing membership of Council.)

REGULAR AGENDA

1. [16-00329](#) APPOINTMENT - PLANNING BOARD

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

Sponsors: Brian Spencer

Attachments: [Member List Planning Board.pdf](#)
[Nomination Form Jared Moore.pdf](#)
[Application of Interest Jared Moore.pdf](#)
[Nomination Form Melanie Nichols.pdf](#)
[Application of Interest Melanie Nichols.pdf](#)
[Ballot Planning Board.docx](#)
[TABULATION OF BALLOTS](#)

AWARDS

PRESENTATION

2. [16-00336](#) PRESENTATION BY QUINT STUDER REGARDING PRE-K LEARNING
- Recommendation:** That City Council allow a presentation by Quint Studer discussing Pre-K Learning and that this presentation be scheduled for the Regular City Council Meeting on February 9, 2017.
- Sponsors:** Brian Spencer
- Attachments:** [INFORMATIONAL HAND-OUT FROM MR. STUDER](#)

APPROVAL OF MINUTES

3. [17-00116](#) REGULAR MINUTES DATED JANUARY 12, 2017
- Attachments:** [Draft Minutes: 1/12/17](#)

APPROVAL OF AGENDA

CONSENT AGENDA

4. [16-00300](#) AWARD OF CONTRACT - RFQ NO. 16-039 - FERRY LANDING CONSTRUCTION ENGINEERING INSPECTION (CEI) SERVICES
- Recommendation:** That City Council award a contract for RFQ No. 16-039 Ferry Landing Construction Engineering Inspection (CEI) Services for the Pensacola Bay Ferry Project to Mott Macdonald Engineering. Further, that Council authorize the Mayor to execute all contracts and related documents and take all related actions necessary to complete the CEI requirements of the ferry project.
- Sponsors:** Ashton J. Hayward, III
- Attachments:** [Fee Proposal](#)
[Tabulation Sheet](#)
[Oral Presentations Ranking Matrix](#)
[Final Vendor Reference](#)
5. [17-00023](#) UNDERGROUND UTILITY EASEMENT FOR THE BILL GREGORY PARK REGIONAL STORMWATER TREATMENT FACILITY PROJECT
- Recommendation:** That City Council approve granting a permanent underground utility easement to the Emerald Coast Utility Authority (ECUA) on the Bill Gregory Park property located at 120 North W Street.
- Sponsors:** Ashton J. Hayward, III
- Attachments:** [Utility Easement Agreement](#)

6. [17-00052](#) PENSACOLA ENERGY - AWARD OF BID #17-011, NATURAL GAS PIPELINE CONSTRUCTION WEST PENSACOLA LOW PRESSURE AREA UPGRADES

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

Sponsors: Ashton J. Hayward, III

Attachments: [Bid Tabulation - Bid No. 17-011](#)
[Final Vendor Reference List - Bid No. 17-011](#)

REGULAR AGENDA

7. [17-00059](#) QUASI-JUDICIAL HEARING: REVIEW OF ARCHITECTURAL REVIEW BOARD DECISION - 165 E. INTENDENCIA STREET, PALAFOX HISTORIC BUSINESS DISTRICT, C-2, SIGNAGE.

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

Sponsors: Brian Spencer

Attachments: [ARB Minutes 11.17.16 -- YMCA Appeal](#)
[Sec. 12 13 3. Architectural review board.](#)
[Sec. 12 2 21. Palafox historic business district.](#)
[BRIEFING FROM CITY ATTORNEY.pdf](#)
[PROOF OF PUBLICATION QUASI-JUDICIAL HRG.pdf](#)
[Applicant's Exhibit 1: Kramer Litvak's Memorandum of Law](#)
[Applicant's Exhibit 2: Presentation of Slides - Kramer Litvak on behalf of ap](#)
[Applicant's Exhibit 3: 11/17/16 Planning Board Minutes](#)

8. [16-00362](#) PUBLIC HEARING -- AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-2-10 - HISTORIC & PRESERVATION LAND USE DISTRICT, (A)(4) PROCEDURE FOR REVIEW

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

Sponsors: Brian Spencer

Attachments: [9-15-16 ARB Minutes](#)
[Proposed Language to 12-2-10\(A\)\(4\)\(f\)](#)
[PROOF OF PUBLICATION](#)
[PROOF OF PUBLICATION_PUBLIC HRGS.pdf](#)

9. [05-17](#) PROPOSED ORDINANCE NO. 05-17 - AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-2-10 - HISTORIC & PRESERVATION LAND USE DISTRICT, (A)(4) PROCEDURE FOR REVIEW

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

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

Sponsors: Brian Spencer

Attachments: [Proposed Ordinance No. 05-17](#)

10. [16-00315](#) PUBLIC HEARING: PROPOSED AMENDMENT TO SECTION 12-2-8 (B) (1) OF THE LAND DEVELOPMENT CODE - ADDITION OF MEDICAL MARIJUANA DISPENSARY

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

Sponsors: Andy Terhaar

Attachments: [Sec 12 2 8 Medical Marijuana Commercial land use district \(002\)rev 10-11-16 - Planning Board Minutes - Medical Marijuana PROOF OF PUBLICATION PROOF OF PUBLICATION_PUBLIC HRGS.pdf](#)

11. [06-17](#) PROPOSED ORDINANCE NO. 06-17 - PROPOSED AMENDMENT TO SECTION 12-2-8 (B) (1) OF THE LAND DEVELOPMENT CODE - ADDITION OF MEDICAL MARIJUANA DISPENSARY

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

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

Sponsors: Andy Terhaar

Attachments: [Proposed Ordinance No. 06-17](#)

12. [16-00357](#) PUBLIC HEARING - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE- SECTION 12-14-1 DEFINITIONS- BUILDING HEIGHT.

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

Sponsors: Ashton J. Hayward, III

Attachments: [Proposed Ordinance December 13, 2016 Planning Board Minutes PROOF OF PUBLICATION_PUBLIC HRG.pdf](#)

13. [07-17](#) PROPOSED ORDINANCE NO. 07-17 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-14-1 DEFINITIONS - BUILDING HEIGHT

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

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

Sponsors: Ashton J. Hayward, III

Attachments: [Proposed Ordinance No. 07-17](#)

14. [17-00095](#) RESOLUTION OF COUNCIL'S EXPRESSION OF CONFIDENCE IN POLICE CHIEF DAVID ALEXANDER, III

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

Sponsors: Sherri Myers

Attachments: [RESOLUTION - Council's expression of confidence in Chief David Alexander, III](#)

15. [17-11](#) RESOLUTION 17-11 - CITY COUNCIL'S EXPRESSION OF CONFIDENCE IN POLICE CHIEF DAVID ALEXANDER, III

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

Sponsors: Sherri Myers

Attachments: [RESOLUTION - Council's expression of confidence in Chief David Alexander, III](#)

16. [17-00086](#) TREE REPLACEMENT AND REFORESTATION ALONG THE 12TH AVE TREE CANOPY

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

Sponsors: Sherri Myers

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

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

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

Sponsors: Sherri Myers

Attachments: [Supplemental Budget Resolution No. 17-12](#)
[Supplemental Budget Resolution No. 17-12 Explanation](#)

18. [17-00019](#) AMENDMENT TO CITY POLICY FOR DISPOSITION OF CITY OWNED REAL PROPERTY

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

Sponsors: Gerald Wingate

Attachments: [Property Disposition Policy](#)
[Lot Purchase program Guidelines FINAL](#)
[Revised Policy for Disposition of City Owned Real Property](#)

19. [17-13](#) RESOLUTION NO. 17-13 AMENDING CITY POLICY FOR THE DISPOSITION OF CITY OWNED REAL PROPERTY

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

Sponsors: Gerald Wingate

Attachments: [Resolution 17-13 - Policy- Dispositon of City Owned Real Property](#)

20. [17-09](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-09 - EMERGENCY WATERSHED PROTECTION PROGRAM MEASURES - TA

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

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

Sponsors: Ashton J. Hayward, III

Attachments: [Supplemental Budget Resolution No. 17-09](#)
[Supplemental Budget Explanation](#)
[Council Memo NRCS Grant 4-14-16](#)

21. [17-00099](#) INVOCATION POLICY

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

Sponsors: Brian Spencer

Attachments: [Invocation Resolution 2.9.17](#)

22. [17-14](#) RESOLUTION NO. 17-14 - INVOCATION POLICY

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

Sponsors: Brian Spencer

Attachments: [Invocation Resolution No. 17-14](#)

23. [17-00018](#) AWARD OF CONTRACT - BID #17-010 EMERGENCY WATERSHED PROTECTION PROGRAM BAYWOODS GULLY WEST - PHASE II PROJECT

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

Sponsors: Ashton J. Hayward, III

Attachments: [Bid Tabulation, Bid No. 17-010](#)
[Final Vendor Reference List, Bid No. 17-010](#)
[EWP Baywoods Gully West Phase II Project Map](#)
[Report of City Council Action Items NRCS Grant 4-14-16](#)

24. [03-17](#) PROPOSED ORDINANCE NO. 03-17 - AMENDMENT TO SECTION 3-1-13, COUNCIL RESERVE (GENERAL FUND) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA

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

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

Sponsors: Ashton J. Hayward, III

Attachments: [Proposed Ordinance No. 03-17](#)

25. [17-00105](#) REQUEST FOR LEGAL OPINION - RECONSTRUCTION OF NONCONFORMING STRUCTURES AT 1812 AND 1814 E. LAKEVIEW

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

Sponsors: Brian Spencer

Attachments: [1812-1814 E. Lakeview](#)
[1812 E Lakeview July 26,2007](#)
[1812 E Lakeview E3AD7](#)
[F-2 NON-CONFORMING #1 - 1812 & 1814 E. Lakeview LAKEVIEW FLOOR PLANS \(1\)](#)
[LAKEVIEW_FRONT ELEVATIONS](#)
[LAKEVIEW_SIDE ELEVATIONS](#)
[EMAIL FROM CITY ATTORNEY LAKEVIEW AVENUE.pdf](#)

26. [17-00049](#) FY 2017 STREET REHABILITATION - INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY

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

Sponsors: Ashton J. Hayward, III

Attachments: [Interlocation agreement between Escambia County Board of County Commi](#)

27. [17-00056](#) INTERLOCAL AGREEMENT - PENSACOLA-ESCAMBIA COUNTY PROMOTION AND DEVELOPMENT COMMISSION

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

Sponsors: Ashton J. Hayward, III

Attachments: [Draft Interlocal Agreement](#)

28. [17-10](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-10 - REPLACEMENT OF DAMAGED VEHICLES - SANITATION SERVICES

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

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

Sponsors: Ashton J. Hayward, III

Attachments: [Supplemental Budget Resolution No. 17-10](#)

[Supplemental Budget Explanation](#)

29. [01-17](#) PROPOSED ORDINANCE NO. 01-17 - AMENDMENT TO SECTION 3 OF ORDINANCE NO. 23-15, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION (EDATE) TO REAL PROPERTY AT 101 E. ROMANA STREET AND TANGIBLE PROPERTY FOR DAILY CONVO, LLC.

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

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

Sponsors: P.C. Wu

Attachments: [Daily Convo – Proposed Ordinance No. 01-17](#)

[Ordinance 23-15](#)

[PROOF OF PUBLICATION P.O. 01-17.pdf](#)

30. [17-15](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-15 - LOST IV FIRE APPARATUS PURCHASE

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

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

Sponsors: Ashton J. Hayward, III

Attachments: [Supplemental Budget Resolution No. 17-15](#)
[Supplemental Budget Explanation](#)

31. [17-00112](#) RESOLUTION IN SUPPORT OF ESCAMBIA COUNTY'S EFFORTS TO ENSURE TRIUMPH GULF COAST FUNDS COME TO THE EIGHT DISPROPORTIONATELY AFFECTED COUNTIES IN NORTHWEST FLORIDA

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

Sponsors: Sherri Myers

Attachments: [RESOLUTION -Support of Escambia County's efforts regarding Triumph G](#)

32. [17-16](#) RESOLUTION NO. 17-16 - IN SUPPORT OF ESCAMBIA COUNTY'S EFFORTS TO ENSURE TRIUMPH GULF COAST FUNDS COME TO THE EIGHT DISPROPORTIONATELY AFFECTED COUNTIES IN NORTHWEST FLORIDA

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

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

Attachments: [RESOLUTION -Support of Escambia County's efforts regarding Triumph G](#)

DISCUSSION

COUNCIL EXECUTIVE'S REPORT

MAYOR'S COMMUNICATION

COUNCIL COMMUNICATIONS

CIVIC ANNOUNCEMENTS

SECOND LEROY BOYD FORUM

(Public comment upon any subject not on the agenda unless waived by a majority of the existing membership of Council.)

ADJOURNMENT

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.