

City of Pensacola

City Council

Agenda - Final

Thursday, March 24, 2022, 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 Jennifer Brahier

FIRST LEROY BOYD FORUM

AWARDS

APPROVAL OF MINUTES

1. 22-00322 APPROVAL OF MINUTES: REGULAR MEETING DATED MARCH 10,

2022

Attachments: <u>Draft: Regular Meeting Minutes Dated 3/10/22</u>

APPROVAL OF AGENDA

CONSENT AGENDA

2. 22-00265 APPOINTMENTS - PARKS AND RECREATION BOARD

Recommendation: That City Council reappoint Antonio Bruni, David Del Gallo, Mike

O'Donovan, and Maranda Sword to the Parks and Recreation Board

for a term of three (3) years, expiring March 31, 2025.

Sponsors: Ann Hill

Attachments: Member List

Nomination Form - Antonio Bruni

Application of Interest - Antonio Bruni

Application of Interest - David Del Gallo

Application of Interest - Mike Odonovan

Application of Interest - Maranda Sword

Ballot

3. 22-00266 APPOINTMENTS - ENVIRONMENTAL ADVISORY BOARD

Recommendation: That City Council appoint Katie Dineen who is an employed or retired

environmental professional, or member of local environmental

organizations or business with an interest in City environmental issues; and appoint John Dittmar as at-large resident or property owner of the

City to a term of two (2) years, expiring March 1, 2024.

Sponsors: Ann Hill

Attachments: Member List

Nomination Form - Katie Dineen

Application of Interest - Katie Dineen

Nomination Form - John Dittmar

Application of Interest - John Dittmar

Ballot

4. <u>22-00267</u> THIRD AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF PENSACOLA AND HARBOURVIEW CORPORATION ON THE BAY

Recommendation: That the City Council approve the Third Lease Amendment between

the City of Pensacola and Harbourview of Pensacola LLC for the parking garage located across from their building at 25 West Cedar St. Further, that City Council authorize the Mayor to take all necessary

actions to execute and administer the lease amendment.

Sponsors: Lissa Dees

Attachments: Third Amendment to Lease Agreement between the City of Pensaco

5. 22-00123 AWARD OF BID NO. 22-018 COMMENDENCIA SLIP HURRICANE

REPAIRS PROJECT

Recommendation: That City Council award Bid #22-018 Commendencia Slip Hurricane

Repairs Project to Emerald Coast Constructors, Inc., of Pensacola, Florida the lowest and most responsible bidder with a base bid of \$459,372.50 plus a 10% contingency in the amount of \$45,937.25 for a total amount of \$505,309.75. 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. 22-018

Final Vendor Reference List, Bid No. 22-018

Map Location, Commendencia Slip

REGULAR AGENDA

6. 22-00192 PUBLIC HEARING: PROPOSED AMENDMENT TO SECTION 12-6-6

PROTECTED TREES

Recommendation: That City Council conduct a public hearing on March 10, 2022 to

consider a proposed amendment to Section 12-6-6 Protected Trees.

Sponsors: Grover C. Robinson, IV

Attachments: Proposed Ordinance No. 09-22

Planning Board Minutes February 8, 2022 - DRAFT

7. 09-22 PROPOSED ORDINANCE NO. 09-22 - AMENDMENT TO THE LAND

DEVELOPMENT CODE - SECTION 12-6-6 PROTECTED TREES

Recommendation: That City Council approve Proposed Ordinance No. 09-22 on first

reading.

ORDINANCE AMENDING SECTION 12-6-6 OF THE CODE OF ΑN THE CITY OF PENSACOLA. FLORIDA. **PROTECTED** TREES. PROVIDING FOR SETBACK **DEVIATION** PROCESS: **PROVIDING** FOR SEVERABILITY: REPEALING CLAUSE; AND PROVIDING

EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: Proposed Ordinance No. 09-22

Planning Board Minutes February 8, 2022 - DRAFT

8. 22-00273 PUBLIC HEARING: PROPOSED AMENDMENT TO SECTION 12-11-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, APPEALS, MODIFICATIONS, AND VARIANCES; CREATING SECTION 12-11-2 (F), MODIFICATIONS OF THE COMMUNITY REDEVELOPMENT AREA URBAN DESIGN OVERLAY STANDARDS

Recommendation:

That City Council conduct a Public Hearing on March 24, 2022, to consider the proposed amendment to Section 12-11-2 of the Code of the City of Pensacola, Florida, Appeals, Modifications, and Variances; creating Section 12-11-2 (f), Modifications of the Community Redevelopment Area Urban Design Overlay standards.

Sponsors: Grover C. Robinson, IV

Attachments: Proposed Ordinance No. 13-22

March 2022 Planning Board Minutes

13-22 PROPOSED ORDINANCE NO. 13-22 - AMENDMENT TO SECTION 9.

12-11-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, APPEALS, MODIFICATIONS, AND VARIANCES; CREATING SECTION

12-11-2 (F), MODIFICATIONS OF THE COMMUNITY

REDEVELOPMENT AREA URBAN DESIGN OVERLAY STANDARDS

Recommendation:

That City Council approve Proposed Ordinance No. 13-22 on first reading:

AN ORDINANCE AMENDING SECTION 12-11-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, APPEALS, MODIFICATIONS, VARIANCES; **CREATING SECTION** AND 12-11-2 (f), MODIFICATIONS, OF THE COMMUNITY REDEVELOPMENT AREA URBAN **DESIGN** OVERLAY STANDARDS: **PROVIDING FOR** SEVERABILITY: REPEALING CLAUSE: AND **PROVIDING** AN EFFECTIVE DATE.

Grover C. Robinson, IV

Attachments: Proposed Ordinance No. 13-22

March 2022 Planning Board Minutes

10. 22-00217 REQUEST FOR VOLUNTARY ANNEXATION - BAPTIST

HOSPITAL-OWNED PROPERTIES.

Recommendation: That City Council approve the request for the voluntary annexation of

two (2) parcels owned by Baptist Hospital.

Grover C. Robinson, IV Sponsors:

Attachments: Proposed Ordinance No. 10-22

Exhibit A: Maps of Annexation Area

Sponsors:

11. 10-22 PROPOSED ORDINANCE NO. 10-22 - REQUEST FOR VOLUNTARY ANNEXATION - BAPTIST HOSPITAL OWNED PROPERTIES

Recommendation: That City Council approve Proposed Ordinance No. 10-22 on first

reading.

AN ORDINANCE INCORPORATING AND **ANNEXING CERTAIN AREA CONTIGUOUS** AND **ADJACENT** TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND **DECLARING** SAID AREA TO BE A PART OF THE CITY OF PENSACOLA:

REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: Proposed Ordinance No. 10-22

Exhibit A: Maps of Annexation Area

12. <u>22-00219</u> REQUEST FOR VOLUNTARY ANNEXATION - 315 EAST SELINA

STREET AND 4908 CHANEY STREET.

Recommendation: That City Council approve the request for the voluntary annexation of

two (2) parcels located at 315 East Selina Street and 4908 Chaney

Street.

Sponsors: Grover C. Robinson, IV

Attachments: Proposed Ordinance No. 11-22

Exhibit A: Maps of Annexation Area

13. 11-22 PROPOSED ORDINANCE NO. 11-22 - REQUEST FOR VOLUNTARY

ANNEXATION – 315 EAST SELINA STREET AND 4908 CHANEY

STREET.

Recommendation: That City Council approve Proposed Ordinance No. 11-22 on first

reading.

AN **ORDINANCE** INCORPORATING AND **ANNEXING** CERTAIN AND **ADJACENT** TO **AREA CONTIGUOUS** THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA. AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA:

REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: Proposed Ordinance No. 11-22

Exhibit A: Maps of Annexation Area

14. 22-00221 REQUEST FOR VOLUNTARY ANNEXATION - RICHARDS MEMORIAL

UNITED CHURCH PROPERTY

Recommendation: That City Council approve the request for the voluntary annexation of

the portion of the Richards Memorial United Church lying outside the

City limits.

Sponsors: Grover C. Robinson, IV

Attachments: Proposed Ordinance No. 12-22

Exhibit A: Maps of Annexation Area

15. 12-22 PROPOSED ORDINANCE NO. 12-22 - REQUEST FOR VOLUNTARY

ANNEXATION - RICHARDS MEMORIAL UNITED METHODIST

CHURCH PROPERTY

Recommendation: That City Council approve Proposed Ordinance No. 12-22 on first

reading.

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN

AREA CONTIGUOUS AND ADJACENT TO THE CITY OF

PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING

SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: Proposed Ordinance No. 12-22

Exhibit A: Maps of Annexation Area

16. <u>22-00288</u> FUNDING AMENDMENT FOR HARNESSING OPPORTUNITY AND

POWER OF EDUCATION, INC. (H.O.P.E.)/HUTS 4 OUR FRIENDS, INC.

Recommendation: City Council approve a change in the scope of services provided by

H.O.P.E. Foundation/Huts 4 our Friends.

Sponsors: Grover C. Robinson, IV

Attachments: Budget for There is Hope AKA Huts for our Friends

17. 2022-037 RESOLUTION NO. 2022-037 - ENCOURAGING THE ESCAMBIA

COUNTY BOARD OF COUNTY COMMISSIONERS TO ADOPT AN ORDINANCE REGARDING THE DEFACEMENT OF PROPERTY

Recommendation: That City Council adopt Resolution No. 2022-037:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA ENCOURAGING THE ESCAMBIA COUNTY BOARD OF COUNTY **COMMISSIONERS ADOPT** AN **ORDINANCE** TO REGARDING THE DEFACEMENT OF PROPERTY: PROVIDING FOR

SEVERABILITY; REPEALING CLAUSE; AND EFFECTIVE DATE.

Sponsors: Sherri Myers

Attachments: Resolution No. 2022-037

18. 2022-034 RESOLUTION NO. 2022-034 ESTABLISHING THE POLICY FOR

ACQUISITION OF REAL PROPERTY

Recommendation: That City Council adopt Resolution No. 2022-034:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA ESTABLISHING THE POLICY FOR ACQUISITION OF REAL PROPERTY; PROVIDING SEVERABILITY; PROVIDING AN

EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: Resolution No. 2022-034

Council Action - Approval of Policy - Feb 24, 2022

19. 22-00174 PORT OF PENSACOLA - FLORIDA SEAPORT GRANT PROGRAM AND

SEAPORT INVESTMENT PROGRAM GRANT NO. 445548-1-94-03 -

UPLAND CARGO IMPROVEMENTS INITIATIVE

Recommendation: That City Council authorize the Mayor to execute Florida Seaport Grant

and Seaport Investment Program grant No. 445548-1-94-03, for Upland Cargo Improvements Initiative in the amount of \$1,524,565. 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.

Sponsors: Grover C. Robinson, IV

Attachments: Grant Agreement No. 445548-1-94-03

<u>Supplemental Budget Resolution-No. 2022-028-Resolution</u> Supplemental Budget Resolution-No. 2022-028-Explanation 20. 2022-028 SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-028 FLORIDA

SEAPORT GRANT PROGRAM AND SEAPORT INVESTMENT PROGRAM GRANT NO.445548-1-94-03 - UPLAND CARGO

IMPROVEMENTS INITIATIVE

Recommendation: That City Council adopt supplemental Budget Resolution 2022-028:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: Supplemental Budget Resolution No. 2022-028

Supplemental Budget Resolution Explanation

Grant Agreement No. 445548-1-94-03

21. 22-00253 STATE OF FLORIDA OF ENVIRONMENTAL PROTECTION (FDEP)

GRANT NO. LPA0210, BAYOU CHICO STORMWATER STUDY

Recommendation: That City Council authorize the Mayor to execute State of Florida

Department of Environmental Protection (FDEP) Grant No. LPA0210 to conduct a study to evaluate possible erosion and stormwater runoff issues into Bayou Chico and provide conceptual solutions to mitigate these issues. 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.

Sponsors: Grover C. Robinson, IV

Attachments: Grant Agreement No. LPA0210

<u>Supplemental Budget Resolution No. 2022-031</u> <u>Supplemental Budget Explanation No. 2022-031</u>

22. 2022-031 SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-031 - BAYOU

CHICO STORMWATER STUDY - GRANT

Recommendation: That City Council adopt Supplemental Budget Resolution No.

2022-031:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER

30, 2022, PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: Supplemental Budget Resolution No. 2022-031

Supplemental Budget Explanation No. 2022-031

Agreement No. LPA0210

23. <u>22-00261</u> JOINT PARTICIPATION AGREEMENT BETWEEN STATE OF FLORIDA

DEPARTMENT OF TRANSPORTATION AND CITY OF PENSACOLA - LANDSCAPING OF THE STATE ROAD 289 N 9TH AVE STATE ROAD

742 CREIGHTON ROAD INTERSECTION

Recommendation: That City Council authorize the Mayor to execute a joint participation

agreement between the State of Florida Department of Transportation and the City of Pensacola for landscaping installation on State Road 289 North 9th Avenue at State Road 742 Creighton Road Intersection, Pensacola, Florida. Further, that City Council adopt a Supplemental

Budget Resolution appropriating funding for this project.

Sponsors: Grover C. Robinson, IV

Attachments: Joint Participation Agreement No. 439561-3-58-01

Supplemental Budget Resolution No. 2022-033
Supplemental Budget Explanation No. 2022-033

24. 2022-033 SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-033 - JOINT

PARTICIPATION AGREEMENT - LANDSCAPING OF THE STATE ROAD 289 N 9TH AVE AT STATE ROAD 742 CREIGHTON ROAD

INTERSECTION

Recommendation: That the City Council adopt Supplemental Budget Resolution No.

2022-033:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER

30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: Supplemental Budget Resolution No. 2022-033

Supplemental Budget Explanation No. 2022-033

Joint Participation Agreement Project No. 439561-3-58-01

25. 22-00284 DECLARATION OF SURPLUS AND DISPOSITION (SALE) OF REAL PROPERTY - CORNER OF LEONARD AND PALAFOX STREETS

Recommendation: That City Council declare as surplus a small portion of the real property

located at the corner of Leonard and Palafox Streets (Parcel Ref No. 182S305001000000) and authorize the Mayor to dispose of this portion of the parcel via direct negotiation with the State of Florida Department of Transportation (FDOT) per their Purchase Agreement for the right of way acquisition. Also, that City Council waive section 3 of the Policy for Disposition of City-Owned Real Property regarding the pre-disposition notice to property owners within a 300-ft radius of the subject parcel. Finally, that City Council authorize the Mayor to take all actions

necessary and execute any documents related to the disposition and

sale of this property.

Sponsors: Grover C. Robinson, IV

Attachments: Aerial and Parcel Info - Portion of Palafox Field Services Center

FDOT Letter with ROW Map - Feb 24, 2022 FDOT Purchase Agreement - March 10, 2022

26. <u>2022-035</u> SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-035 -

DISPOSITION (SALE) OF REAL PROPERTY - CORNER OF LEONARD

AND PALAFOX STREETS

Recommendation: That City Council adopt Supplemental Budget Resolution No.

2022-035:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SPETEMBER

30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: Supplemental Budget Resolution No. 2022-035.pdf

Supplemental Budget Explanation No. 2022-035.pdf

27. 06-22 PROPOSED ORDINANCE NO. 06-22 - AMENDING SECTION 3-1-8 - ADDING PROVISIONS FOR THE PURCHASE OF OUTSIDE LEGAL

SERVICES

Recommendation: That City Council approve Proposed Ordinance No. 06-22 on first

reading:

AN ORDINANCE AMENDING SECTION 3-1-8 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ADDING PROVISIONS FOR THE PURCHASE OF OUTSIDE LEGAL SERVICES; PROVIDING FOR SEVERABILITY, REPEALING CLAUSE; PROVIDING AN EFFECTIVE

DATE.

Sponsors: Sherri Myers

Attachments: Proposed Ordinance No. 06-22

28. 08-22 PROPOSED ORDINANCE NO. 08-22 - AMENDING SECTION 3-3-1

REGULATING CONTRACTING AND PURCHASE OF LEGAL SERVICES

Recommendation: That City Council approve Proposed Ordinance No. 08-22 on first

reading:

ORDINANCE AMENDING SECTION 3-3-1 OF ΑN THE CODE PENSACOLA, THE CITY OF FLORIDA: REGULATING CONTRACTING AND **PURCHASE** OF **LEGAL** SERVICES: **FOR PROVIDING** SEVERABILITY; REPEALING CLAUSE;

PROVIDING AN EFFECTIVE DATE

Sponsors: Sherri Myers

Attachments: Proposed Ordinance No. 08-22

29. 14-22 PROPOSED ORDINANCE NO. 14-22 - CREATING SECTION 2-3-5 OF

CITY CODE - APPLICATION OF CERTAIN CHEMICALS PROHIBITED

IN CITY FACILITIES WHILE OPEN TO THE PUBLIC AND

REQUIREMENTS FOR SAFETY DATA

Recommendation: That City Council approve proposed Ordinance No. 14-22 on first

reading:

ORDINANCE CREATING SECTION 2-3-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; APPLICATION OF CERTAIN CHEMICALS PROHIBITED IN CITY FACILITIES WHILE OPEN TO THE PUBLIC **PROHIBITED** AND REQUIREMENTS **FOR** SAFETY SEVERABILITY; REPEALING DATA: PROVIDING FOR

CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Sherri Myers

Attachments: Proposed Ordinance No. 14-22

30. <u>16-22</u> PROPOSED ORDINANCE NO. 16-22 - CREATING CHAPTER 7-12 OF THE CITY CODE - REQUIREMENTS FOR BOOTING A VEHICLE

Recommendation: That City Council approve Proposed Ordinance No. 16-22 on first

reading:

AN ORDINANCE CREATING CHAPTER 7-12 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; **PROVIDING DEFINITIONS**; **REQUIRING OCCUPATIONAL BUSINESS** LICENSE: **PROVIDING REQUIREMENTS** FOR **BOOTING: PROVIDING** SIGN NOTICE REQUIREMENTS; **ESTABLISHING** BOOTING RATES: ENFORCEMENT AND PENALITIES OF BOOTING: PROVIDING A **PROCESS FOR** CITIZEN COMPLAINTS; **PROVIDING FOR** SEVERABILITY: REPEALING CLAUSE: PROVIDING AN EFFECTIVE

DATE.

Sponsors: Casey Jones

Attachments: Proposed Ordinance No. 16-22

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.