



City of Pensacola

City Council

Agenda - Final

Thursday, April 25, 2019, 5:30 PM

Council Chambers, 1st Floor

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

Council Member Jewel Cannada-Wynn

FIRST LEROY BOYD FORUM

AWARDS

APPROVAL OF MINUTES

1. [19-00223](#) APPROVAL OF MINUTES: REGULAR MEETING DATED APRIL 11, 2019

Attachments: [Draft Minutes: Regular Meeting Dated 4/11/19](#)

APPROVAL OF AGENDA

CONSENT AGENDA

2. [19-00090](#) AIRPORT - ASSIGNMENT AND ASSUMPTION OF LEASE WITH CONSENTS, ECKO AIR, LLC TO BLUE AIR TRAINING LLC

Recommendation: That City Council authorize the Mayor to execute the Assignment and Assumption of Lease with Consents to provide for the assignment of the ECKO Air, LLC Lease and Operating Agreement to Blue Air Training LLC. Further that City Council authorize the Mayor to take all necessary actions to execute the assignment.

Sponsors: Grover C. Robinson, IV

Attachments: [ASSIGNMENT AND ASSUMPTION OF LEASE WITH CONSENTS FOR EC](#)

3. [19-00091](#) AWARD OF BID #19-012 TEXAR DRIVE 17TH AND 18TH AVENUE
OUTFALLS AT BAYOU TEXAR PROJECT
- Recommendation:** That City Council award Bid #19-012 Texar Drive 17th and 18th Avenue Outfalls at Bayou Texar Project to B & W Utilities, Inc., of Pensacola Florida, the lowest and most responsible bidder with a base bid of \$299,235.80, plus a 10% contingency in the amount of \$29,923.58 for a total amount of \$329,159.38. Further, that City Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Bid Tabulation, Bid No. 19-012](#)
[Final Vender Reference List, Bid No. 19-012](#)
[Map, Texar Drive 17th and 18th Avenue Outfalls at Bayou Texar Project](#)
4. [19-00184](#) PENSACOLA INTERNATIONAL AIRPORT - PARKING RATE
ADJUSTMENT
- Recommendation:** That City Council approve an increase to the daily parking rate in Economy Lot 1 and Economy Lot 2 from \$6.00 to \$8.00 at the Pensacola International Airport.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Revenue Analysis](#)

REGULAR AGENDA

5. [19-00163](#) PUBLIC HEARING - AMENDMENT TO SECTION 12-2-8 OF THE LAND
DEVELOPMENT CODE - COMMERCIAL LAND USE DISTRICT -
RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT
- Recommendation:** That City Council conduct the second of two (2) Public Hearings on April 25, 2019 regarding an amendment to Section 12-2-8 of the Land Development Code - Commercial Land Use District - Recreation or Amusement Places Operated for a Profit.
- Sponsors:** Andy Terhaar
- Attachments:** [Sec.12-2-8 - Commercial land use district](#)
[March 12, 2019 Plannind Board Minutes](#)
[PROOF OF PUBLICATION](#)
[PROOF OF PUBLICATION 2ND PUBLIC HEARING](#)

6. [16-19](#) PROPOSED ORDINANCE NO. 16-19, AMENDMENT TO SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE - COMMERCIAL LAND USE DISTRICT - RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT.

Recommendation: That City Council approve Proposed Ordinance No. 16-19 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE OF THE CITY OF PENSACOLA, FLORIDA, COMMERCIAL LAND USE DISTRICT; RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Andy Terhaar

Attachments: [Proposed Ordinance No. 16-19](#)
[Planning Board Minutes 3-12-19 - re 12-2-8 amendment](#)

7. [15-19](#) PROPOSED ORDINANCE NO. 15-19 AMENDING SECTION 7-4-2 OF THE CODE OF THE CITY OF PENSACOLA RELATED TO THE HOURS OF OPERATION FOR BOTTLE CLUBS

Recommendation: That City Council approve Proposed Ordinance No. 15-19 on first reading:

AN ORDINANCE AMENDING SECTION 7-4-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RELATED TO THE HOURS OF OPERATION FOR BOTTLE CLUBS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Ann Hill

Attachments: [Proposed Ordinance No. 15-19](#)

8. [19-00175](#) FY 19 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: STATE

Recommendation: That City Council approve and authorize the Mayor to execute the acceptance the FY 19 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: State, agreement between the City of Pensacola and the State of Florida Department of Law Enforcement, Office of Criminal Justice Grants in the amount of \$34,348, upon award of the grant. Further, that City Council approve the supplemental budget resolution appropriating the grant funds.

Sponsors: Grover C. Robinson, IV

Attachments: [Certificate of Sub-Award](#)
[Supplemental Budget Resolution](#)
[Supplemental Budget Explanation](#)

9. [2019-21](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-21 - FY19
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)
PROGRAM: STATE

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-21

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Supplemental Budget Resolution No. 2019-21](#)
[Supplemental Budget Explanation No. 2019-21](#)

10. [14-19](#) PROPOSED ORDINANCE NO. 14-19 - AUTHORIZING A SPECIAL ASSESSMENT UPON HOSPITAL PROPERTY TO GENERATE FUNDS FOR INDIGENT HEALTH CARE

Recommendation: That City Council adopt Proposed Ordinance No. 14-19 on second reading.

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA; PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THEIR REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 14-19](#)
[PROOF OF PUBLICATION 2ND READING ORDINANCES](#)

11. [2019-24](#) RESOLUTION NO. 2019-24 - INDIGENT HEALTH CARE SPECIAL ASSESSMENT

Recommendation: That City Council adopt Resolution No. 2019-24.

AN ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, AUTHORIZING, LEVYING, AND IMPOSING A NON-AD VALOREM ASSESSMENT WITHIN THE AREAS OF THE CITY LIMITS DESCRIBED HEREIN FOR THE PURPOSE OF SUPPORTING THE PROVISION OF CHARITY HEALTH CARE BY THE CITY'S HOSPITALS TO INDIGENT MEMBERS OF THE NORTHWEST FLORIDA COMMUNITY; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE INCREASED SUPPORT FOR CHARITY CARE; MAKING CERTAIN OTHER FINDINGS IN RELATION THERETO; ESTABLISHING THE METHOD OF ASSESSING AND COLLECTING THE ASSESSMENT AGAINST THE REAL PROPERTY; SPECIFYING THE MAXIMUM ANNUAL ASSESSMENT AMOUNT AND THE MAXIMUM ASSESSMENT LIEN TO BE LEVIED AGAINST THE SPECIALLY BENEFITED REAL PROPERTY; CONFIRMING THE ASSESSMENT RESOLUTION; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY IN RELATION THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Resolution No. 2019-24](#)
[REVISED RESOLUTION NO. 2019-24](#)
[EMAIL TRANSMITTAL OF REVISED RES. NO. 2019-24](#)

12. [2019-22](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-22 - INDIGENT HEALTH CARE SPECIAL ASSESSMENT

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-22.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Supplemental Budget Resolution No. 2019-22](#)
[Supplemental Budget Explanation No. 2019-22](#)

13. [13-19](#) PROPOSED ORDINANCE NO. 13-19 - AN ORDINANCE OF THE CITY OF PENSACOLA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION

Recommendation: That City Council approve Proposed Ordinance No. 13-19 on second and final reading:

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER OF THE CITY COUNCIL TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION, RESTRUCTURED BY ESCAMBIA COUNTY, FLORIDA BY THE ENACTMENT OF ORDINANCE 2019-13; SETTING FORTH THE COMPOSITION AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Jewel Cannada-Wynn

Attachments: [Proposed Ordinance No. 13-19](#)
[PROOF OF PUBLICATION 2ND READING ORDINANCES](#)

14. [11-19](#) PROPOSED ORDINANCE NO. 11-19 - AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA - RESTRICTED HOURS

Recommendation: That City Council adopt Proposed Ordinance No. 11-19 on its second and final reading:

AN ORDINANCE AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RESTRICTED HOURS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Jared Moore

Attachments: [Proposed Ordinance No. 11-19](#)
[PROOF OF PUBLICATION 2ND READING ORDINANCES](#)

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 #: 19-00223

City Council

4/25/2019

SUBJECT:

APPROVAL OF MINUTES: REGULAR MEETING DATED APRIL 11, 2019



City of Pensacola

CITY COUNCIL

Regular Meeting Minutes

April 11, 2019

4:30 P.M.

Council Chambers

Council President Terhaar called the meeting to order at 4:32 P.M.

ROLL CALL

Council Members Present: Andy Terhaar, P.C. Wu (arrived 5:25), Ann Hill, Sherri Myers (arrived 5:04), Jared Moore, Jewel Cannada-Wynn

Council Members Absent: Gerald Wingate

Also Present: Mayor Grover C. Robinson, IV (arrived 5:06)

INVOCATION

Pastor Dejuan N. Knight, Jordan Street Seventh-Day Adventist Church

PLEDGE OF ALLEGIANCE

Council President Andy Terhaar

FIRST LEROY BOYD FORUM

The following individuals addressed Council regarding pedestrian safety concerns at the intersection of Jefferson and Main Streets, referencing a pedestrian who was struck by a vehicle while crossing:

Madeline Smith

Drew Buchanan

Dan Powers

The above speakers referenced a petition signed by over fifteen hundred (1,500) individuals urging the City to take immediate action to improve the intersection for pedestrian safety. (Petition was not provided.)

City Administrator Holley responded accordingly to follow-up questions from Council Member Hill related to steps being taken to implement safety improvements at Jefferson and Main Streets.

Kelley Martinez: *See Item 13 (19-00147).*

AWARDS

See Mayor's Communication.

APPROVAL OF MINUTES

1. [19-00190 APPROVAL OF MINUTES: SPECIAL MEETING DATED MARCH 28, 2019, 4:00 P.M. AND REGULAR MEETING DATED MARCH 28, 2019 5:30 P.M.](#)

A motion to approve was made by Council Member Cannada-Wynn and seconded by Council Member Hill.

The motion carried by the following vote (with Council Members Myers and Wu not yet in attendance):

Yes: 4 Andy Terhaar, Ann Hill, Jared Moore, Jewel Cannada-Wynn
No: 0 None

APPROVAL OF AGENDA

Council President Terhaar indicated he will entertain a motion to approve the agenda.

A motion to approve as presented was made by Council Member Cannada-Wynn and seconded by Council Member Hill.

The motion carried by the following vote (with Council Members Myers and Wu not yet in attendance):

Yes: 4 Andy Terhaar, Ann Hill, Jared Moore, Jewel Cannada-Wynn
No: 0 None

CONSENT AGENDA

2. [19-00137 AFFORDABLE HOUSING INCENTIVE PLAN REVIEW REPORT](#)

Recommendation: That City Council approve the Affordable Housing Incentive Plan Review report submitted by the Affordable Housing Advisory Committee (AHAC) for submission to the Florida Housing Finance Corporation in accordance with Section 420.9076, Florida Statutes.

3. [19-00152 WRITE-OFF OF OFFSHORE INLAND MARINE & OILFIELD SERVICES ACCOUNTS RECEIVABLE](#)

Recommendation: That City Council authorize the write-off of \$363,000 in previously abated payables owed by Offshore Inland Marine & Oilfield Services (OIMO).

CONSENT AGENDA (CONT'D.)

4. [19-00155](#) REVISED: WEST CERVANTES TRAFFIC FEASIBILITY STUDY INTERLOCAL AGREEMENT

Recommendation: That City Council authorize the Mayor to take all necessary action to execute an Interlocal Agreement (ILA) with the Florida-Alabama Transportation Planning Organization (TPO), through Emerald Coast Regional Council (ECRC), and Escambia County relating to cost sharing for the West Cervantes Street Corridor Traffic Feasibility Study.

5. [19-00160](#) PENSACOLA ENERGY - UTILITY EASEMENT FOR CITY OF GULF BREEZE

Recommendation: That the City Council authorize the Mayor to execute the Perpetual Utility Easement Agreement for the City of Gulf Breeze to allow them to place utilities near the intersection of 17th Avenue and Highway 98. Further, that City Council authorize the Mayor to take all actions necessary to execute the agreement.

6. [19-00165](#) AWARD OF BID #19-014 PENSACOLA INTERNATIONAL AIRPORT ECONOMY LOT 1 EXPANSION PROJECT

Recommendation: That City Council award Bid #19-014 Pensacola International Airport Economy Lot 1 Expansion Project to Panhandle Grading & Paving, Inc., the lowest and most responsible bidder with a base bid of \$1,105,801.20 plus a 10% contingency in the amount of \$110,580.12 for a total amount of \$1,216,381.32. Further that City Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.

7. [19-00153](#) AWARD OF CONTRACT FOR INVITATION TO BID (ITB) #19-011 COBB CENTER GYM EXTERIOR WINDOWS AND DOORS REPLACEMENT

Recommendation: That City Council award a contract to A.E. New Jr., Inc. for ITB #19-011 Cobb Center Gym Exterior Windows and Doors Replacement for \$113,000 base bid, \$5,600 additive alternate #1, and \$7,700 additive alternate #2, plus a 15% contingency of \$18,945, for a total amount of \$145,245.

A motion to approve consent Items 2 through 7 was made by Council Member Hill and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote (with Council Members Myers and Wu not yet in attendance):

Yes: 4 Andy Terhaar, Ann Hill, Jared Moore, Jewel Cannada-Wynn
No: 0 None

REGULAR AGENDA

8. [19-00163 PUBLIC HEARING - AMENDMENT TO SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE - COMMERCIAL LAND USE DISTRICT - RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT](#)

Recommendation: That City Council conduct the first of two (2) Public Hearings on April 11, 2019 regarding an amendment to Section 12-2-8 of the Land Development Code - Commercial Land Use District - Recreation or Amusement Places Operated for a Profit.

Planning Services Administrator Morris responded accordingly to questions from Council Member Cannada-Wynn regarding impacts on surrounding neighborhoods which border C-1 districts, and requested a zoning map be presented at the second hearing depicting C-1 districts and proximity to other districts. Council Member Terhaar (sponsor) also addressed Council Member Cannada-Wynn's concerns.

No action was taken at this time. Second Public Hearing is scheduled for April 25, 2019.

9. [2019-19 SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-19 - PORT OF PENSACOLA](#)

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-19

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Moore and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote (with Council Members Myers and Wu not yet in attendance):

Yes: 4 Andy Terhaar, Ann Hill, Jared Moore, Jewel Cannada-Wynn
No: 0 None

REGULAR AGENDA (CONT'D.)**10. [19-00176 APPOINTMENTS - PARKS AND RECREATION BOARD](#)**

Recommendation: That City Council appoint to the Parks and Recreation Board one individual to fill an unexpired term ending 3/31/2020, one individual to fill an unexpired term ending 3/31/2021, and four (4) individuals to serve a term of three (3) years, expiring March 31, 2022.

Council President Terhaar referenced the first ballot and provided an opportunity for Council Members and nominees to make comments.

Leah Harrison

Ray Palmer (yielded to Ms. Harrison)

A motion by acclamation was made by Council Member Cannada-Wynn and seconded by Council Member Hill that City Council appoint Leah Harrison to the Parks and Recreation Board to fill an unexpired term ending 3/31/2020.

The motion carried by the following vote (with Council Members Myers and Wu not yet in attendance):

Yes: 4 Andy Terhaar, Ann Hill, Jared Moore, Jewel Cannada-Wynn

No: 0 None

Council President Terhaar referenced the second ballot and provided an opportunity for Council Members and nominees to make comments.

Alejandra Escobar-Ryan

David Del Gallo (nominated for ballots 2 & 3)

Following discussion, **Council President Terhaar called for a ballot vote.**

Balloting and tallying takes place for the second ballot.

Council President Terhaar announced that City Council appointed Alejandra Escobar-Ryan to the Parks and Recreation Board to fill an unexpired term ending 3/31/2021 (Council Member Wu not yet in attendance).

Council President Terhaar referenced the third ballot and provided an opportunity for Council Members and nominees to make comments.

Antonio Bruni

Maranda Sword

David Del Gallo (nominated for ballots 2 & 3)

Ed Wonders (not present)

Gabriela Garza

Following discussion, **Council President Terhaar called for a ballot vote.**

REGULAR AGENDA (CONT'D.)

Balloting and tallying takes place for the third ballot.

Council President Terhaar announced that City Council appointed Antonio Bruni, David Del Gallo, and Gabriela Garza; and reappointed Maranda Sword to the Parks and Recreation Board to (each) serve a term of three years ending 3/31/2022.

- 11. [13-19 PROPOSED ORDINANCE NO. 13-19 - AN ORDINANCE OF THE CITY OF PENSACOLA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION](#)

Recommendation: That City Council approve Proposed Ordinance No. 13-19 on first reading.

[AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER OF THE CITY COUNCIL TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION, RESTRUCTURED BY ESCAMBIA COUNTY, FLORIDA BY THE ENACTMENT OF ORDINANCE 2019-13; SETTING FORTH THE COMPOSITION AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.](#)

A motion to pass on first reading was made by Council Member Moore and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None

- 12. [11-19 PROPOSED ORDINANCE NO. 11-19 - AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA - RESTRICTED HOURS](#)

Recommendation: That City Council approve Proposed Ordinance No. 11-19 on first reading.

[AN ORDINANCE AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RESTRICTED HOURS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.](#)

A motion to pass on first reading was made by Council Member Cannada-Wynn and seconded by Council Member Hill.

REGULAR AGENDA (CONT'D.)

The motion (to pass P.O. No. 11-19 on first reading) carried by the following vote:

Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn,
 Sherri Myers
No: 0 None

13. [19-00147 ESCAMBIA/PENSACOLA FY 2020-2022 STATE HOUSING INITIATIVES PARTNERSHIP \(SHIP\) PROGRAM INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY](#)

Recommendation: That City Council approve the State Housing Initiatives Partnership (SHIP) program interlocal agreement with Escambia County providing for the joint implementation and administration of the Escambia/Pensacola SHIP program. Further, that City Council authorize the Mayor to execute all documents relating to the program's implementation and administration.

A motion to approve was made by Council Member Cannada-Wynn and seconded by Council Member Moore.

Public input was heard from Kelley Martinez who identified herself as the Advocacy/Outreach Coordinator/Peer Mentor for the Center of Independent Living.

Council Member Cannada-Wynn asked follow-up questions of Ms. Martinez which she was provided the opportunity to respond accordingly. Council Member Myers made follow-up remarks.

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote:

Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn,
 Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)

- 14. [2019-17 RESOLUTION NO. 2019-17 - APPROVING THE ESCAMBIA/PENSACOLA 2020-2022 STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM LOCAL HOUSING ASSISTANCE PLAN](#)

Recommendation: That City Council adopt Resolution No. 2019-17.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA, APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Moore and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0 None

- 15. [14-19 ADD-ON: PROPOSED ORDINANCE NO. 14-19 - AUTHORIZING A SPECIAL ASSESSMENT UPON HOSPITAL PROPERTY TO GENERATE FUNDS FOR INDIGENT HEALTH CARE](#)

Recommendation: That City Council approve Proposed Ordinance No. 14-19 on first reading.

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA; PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THEIR REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

A motion to pass on first reading was made by Council Member Terhaar and seconded by Council Member Moore.

Council Member Cannada-Wynn asked for clarification of the issue with Mayor Robinson providing a brief explanation and City Attorney elaborating.

REGULAR AGENDA (CONT'D.)

There being no further discussion, the vote was called.

The motion (to pass P.O. No. 14-19 on first reading) carried by the following vote:

Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn,
 Sherri Myers
No: 0 None

COUNCIL EXECUTIVE'S REPORT

None.

MAYOR'S COMMUNICATION

Mayor Robinson presented a proclamation to Rabbi Mendel Danow honoring Rebbe, Rabbi Menachem Schneerson, proclaiming April 16, 2019 at *Education and Sharing Day*.

He also announced an upcoming town hall meeting in District 2 along with Council Member Myers.

COUNCIL COMMUNICATIONS

Council Member Cannada-Wynn announced two upcoming events within District 7. She also highlighted *Youth in Government Day* which will be held on April 22nd.

Council Member Myers clarified the Mayor's town hall meeting for District 2 will be held at Asbury Place.

CIVIC ANNOUNCEMENTS

Council Member Hill addressed the reason for the earlier start of tonight's meeting to allow Council Members to attend an event at Studer Community Institute for their market study consultant to present their findings and recommendations related to the development of vacant parcels at the Community Maritime Park and the vacant land just west of CMP on the north side of Main Street (entire block being the former site of the ECUA Wastewater Treatment Facility).

SECOND LEROY BOYD FORUM

Karen Kilpatrick: Thanked Council for passage of Ordinance No. 07-19 to provide notification requirements on demolition projects, and made comments on other City initiatives.

Scott Mayo: Displayed the first Confederate Flag and requested it be placed back among the City of Pensacola's *Five Flags*. (And provided copies a written request for the Mayor and Council Members - - on file.)

SECOND LEROY BOYD FORUM (CONT'D.)

Antonio Bruni: Touched on comments during the first LeRoy Boyd Forum related to pedestrian safety and relayed his concerns for safe routes to school in the Scenic Heights area. He further indicated he has spoken with Public Works staff and did not find their response satisfactory.

Mayor Robinson and Council Member Myers made follow-up remarks.

The following individuals addressed Council regarding environmental issues:

Paige Plier

Jhett Zhang

ADJOURNMENT

WHEREUPON the meeting was adjourned at 6:14 P.M.

Adopted: _____

Approved: _____
R. Andy Terhaar, President of City Council

Attest:

Ericka L. Burnett, City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00090

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

AIRPORT - ASSIGNMENT AND ASSUMPTION OF LEASE WITH CONSENTS, ECKO AIR, LLC TO BLUE AIR TRAINING LLC

RECOMMENDATION:

That City Council authorize the Mayor to execute the Assignment and Assumption of Lease with Consents to provide for the assignment of the ECKO Air, LLC Lease and Operating Agreement to Blue Air Training LLC. Further that City Council authorize the Mayor to take all necessary actions to execute the assignment.

HEARING REQUIRED: No Hearing Required

SUMMARY:

In operation since 2004, ECKO Air leases approximately 28,840 square feet of land on which they constructed a hangar and office facility. During this time ECKO has subleased the area to a number of firms to provide specialized aviation services to the general aviation community. The hangar/office has been used for an aircraft avionics shop, an aircraft maintenance and repair facility, and a flight training facility.

The hangar is currently subleased to Blue Air Training LLC. Blue Air Training provides specialized contract training services to the United States military and uses the area to house and maintain their aircraft.

ECKO contacted Airport Staff requesting approval to sell their leasehold ownership in the hangar to Blue Air Training LLC. As provided in Article XXXII of the Lease and Operating Agreement, ECKO may not assign its rights, title and interest without first obtaining written consent from the City. This consent of the City may not be unreasonably denied.

PRIOR ACTION:

July 22, 2004 - City Council approved the lease agreement and operating permit with ECKO Air, LLC.

February 10, 2005 - City Council approved Amendment 1.

July 25, 2005 - Amendment 2 completed, providing for legal description.

April 22, 2012 - City Council approved Amendment 3.

September 27, 2012 - City Council approved sublease to Heli-Works, LLC / Dyncorp International.

January 31, 2017 - Mayor approved sublease to Resicum.

March 9, 2017 - City Council approved Amendment 4.

February 14, 2019 - City Council approved sublease to Blue Air Training LLC.

FUNDING:

N/A

FINANCIAL IMPACT:

The assignment will be revenue neutral as Blue Air Training LLC will assume the current ECKO Air, LLC payment obligations.

CITY ATTORNEY REVIEW: Yes

4/4/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Daniel E. Flynn, Airport Director

ATTACHMENTS:

- 1) Assignment and Assumption of Lease with Consents for ECKO Air

PRESENTATION: No

ASSIGNMENT AND ASSUMPTION OF LEASE
WITH CONSENTS

THIS ASSIGNMENT AND ASSUMPTION OF LEASE WITH CONSENTS (this "Assignment and Assumption") is made and entered into this ____ day of _____, 20__ (the "Effective Date") by and among ECKO AIR, LLC, a Florida limited liability company, whose mailing address is 627 East Government Street, Pensacola, Florida 32502 ("Assignor"); BLUE AIR TRAINING LLC, a Florida limited liability company, whose mailing address is 11411 Southern Highlands Parkway, Suite 330, Las Vegas, Nevada 89141 ("Assignee"); and CITY OF PENSACOLA, a municipal corporation of the State of Florida, whose mailing address is 222 West Main Street, Pensacola, Florida 32502 ("City").

WITNESSETH

City, as lessor, and Assignor, as lessee and "Operator", have entered into a certain Lease Agreement dated August 18, 2004, as amended by Amendment No. 1 dated March 16, 2005, Amendment No. 2 dated July 25, 2005, Amendment No. 3 dated May 25, 2010, and Amendment No. 4 dated March 31, 2017 (collectively, the "Lease") whereby City has leased to Assignor, and Assignor has leased from City, certain real property at Pensacola International Airport, formerly known as Pensacola Regional Airport (the "Airport"):

WHEREAS, Assignor desires to assign all of its right, title, interest and leasehold estate in, to and under the Lease to Assignee, and Assignee desires to assume all of Assignor's duties, liabilities and obligations under the Lease; and

WHEREAS, Assignor has requested that the City give its written consent to this Assignment and Assumption, and the City is willing to do so upon the terms and subject to the conditions hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and conditions herein after set forth, Assignor, Assignee, and City hereby agree as follows:

1. Assignment. Assignor hereby transfers and assigns to Assignee all of Assignor's right, title, interest and leasehold estate in, to and under the Lease.
2. Assumption. Assignee hereby assumes and agrees to pay and perform all duties, liabilities and obligations of Assignor under the Lease, whether such duties, liabilities or obligations arose, accrued or were to be paid or performed prior to the date of this Assignment and Assumption, or arise, accrue or are to be or paid or performed on or after the date of this Assignment and Assumption.
3. Consent of City. City hereby gives it written consent to this Assignment and Assumption.

4. No Release of Assignor. Pursuant to Article XXXII of the Lease, it is expressly understood and agreed that Assignor is not hereby released from any of its duties, liabilities or obligations under the Lease, but rather shall continue to be liable, jointly and severally, with Assignee for the fulfillment of all terms and conditions of this Lease, whether arising or accruing on, before or after the Effective Date of this Assignment and Assumption.

5. Notices.

(a) Assignee's address for delivery of notices to Assignee pursuant to Article XXXVI of the Lease is:

Blue Air Training LLC
11411 Southern Highlands Parkway
Suite 330
Las Vegas, Nevada 89141

(b) City acknowledges that inasmuch as Assignor remains liable under the Lease as provided in Section 4 above, City shall give the Assignor the same written notices of tenant defaults and opportunities to cure tenant defaults as City is obligated to give to Assignee as Operator under the Lease. Assignor's address for delivery of such notice to Assignor is:

ECKO Air, LLC
George W. Estess
627 East Government Street
Pensacola, Florida 32502

(c) City's address for delivery of notices to City pursuant to Article XXXVI of the Lease is:

Airport Director
Pensacola International Airport
2430 Airport Boulevard, Suite 225
Pensacola, Florida 32504

With an additional copy to:

City Administrator
City of Pensacola
222 West Main Street
Pensacola, Florida 32502

The parties may from time to time designate, in writing, changes to the addresses stated above.

6. No Implied Amendment to Lease. Except as expressly set forth hereinabove, none of the terms or provisions of this Assignment and Assumption shall be deemed to modify or amend by implication any of the terms or provisions of the Lease.

7. Miscellaneous. The recitals set forth above are true and correct and are hereby incorporated herein by reference. This Assignment and Assumption sets forth the entire agreement and understanding by and among the parties hereto with respect to the subject matter hereof, and all prior negotiations, agreements and understandings, whether written or verbal, are hereby superseded. This Assignment and Assumption shall not be modified or amended except by a written instrument duly executed by all parties hereto. This Assignment and Assumption shall be governed by and construed in accordance with the laws of the State of Florida. The "Effective Date" of this Assignment and Assumption as first set forth above shall be the date that the last party hereto executes this Assignment and Assumption.

(END OF TEXT; SIGNATURE PAGES TO FOLLOW)

IN WITNESS WHEREOF, the parties hereto have caused this Assignment and Assumption to be executed in triplicate and sealed the day and year first above written.

ASSIGNOR:

ECKO AIR, LLC,
A Florida limited liability company

By: _____
Managing Member

Signed, sealed and delivered
in the presence of:

Print Name: _____

Print Name: _____

Date of Execution: _____

NOTARY PUBLIC

Signed, sealed and delivered
in the presence of:

Print Name: _____

Print Name: _____

NOTARY PUBLIC

ASSIGNEE:

BLUE AIR TRAINING LLC,
A Florida limited liability company

By: _____
Managing Member

Signed, sealed and delivered
in the presence of:

Print Name: _____

Print Name: _____

ATTEST:

City Clerk, Ericka L. Burnett

Legal in form and valid as drawn:

By: _____
City Attorney

NOTARY PUBLIC

CITY:

CITY OF PENSACOLA,
A municipal corporation of the
State of Florida

By: _____
Mayor, Grover C. Robinson, IV

(AFFIX CITY SEAL)

Approved as to Substance:

Department Director/Division Head



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00091

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

AWARD OF BID #19-012 TEXAR DRIVE 17TH AND 18TH AVENUE OUTFALLS AT BAYOU TEXAR PROJECT

RECOMMENDATION:

That City Council award Bid #19-012 Texar Drive 17th and 18th Avenue Outfalls at Bayou Texar Project to B & W Utilities, Inc., of Pensacola Florida, the lowest and most responsible bidder with a base bid of \$299,235.80, plus a 10% contingency in the amount of \$29,923.58 for a total amount of \$329,159.38. Further, that City Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The scope of this project is to provide stormwater treatment for a currently untreated drainage sub-basin within the Bayou Texar Bay Watershed. This treatment will be provided by installing a proprietary underground treatment unit with associated stormwater structures and piping. Also, limited localized street flooding will also be addressed in the project area by modifying existing drainage structures and installing new ones, where applicable. This project is consistent with current technology and industry standards for stormwater retrofit treatment and is part of the City's ongoing program to improve the water quality of area waterways.

PRIOR ACTION:

None

FUNDING:

Budget:	\$ 487,700.00	Stormwater Capital Projects Fund
Actual:	\$ 299,235.80	Construction Contract
	29,923.58	10% Contingency
	39,527.31	Engineering Design/Permitting/Surveying
	25,000.00	Engineering Management/Inspection (Estimate)

5,000.00 Construction Testing and Misc. (Estimate)
\$ 398,686.69 Total

FINANCIAL IMPACT:

The Fiscal Year 2018 Budget appropriated \$42,700 for this project and the Fiscal Year 2019 Budget appropriated \$445,000 for a total budget amount of \$487,700. To date, \$43,263.33 has been expended for completed items related to Surveying, Engineering Design, Studies and Permitting, leaving a remaining balance of \$444,436.67. The remaining budget balance is sufficient to cover the remaining items that have yet to be completed/expended.

CITY ATTORNEY REVIEW: Yes

4/11/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
L. Derrick Owens, Director of Public Works and Facilities/City Engineer

ATTACHMENTS:

- 1) Bid Tabulation, Bid No. 19-012
- 2) Final Vender Reference List, Bid No. 19-012
- 3) Map, Texar Drive 17th and 18th Avenue Outfalls at Bayou Texar Project

PRESENTATION: No

TABULATION OF BIDS

BID NO: 19-012

TITLE: TEXAR DRIVE, 17TH & 18TH AVENUE OUTFALLS AT BAYOU TEXAR

OPENING DATE: February 15, 2019 OPENING TIME: 2:30 P.M. DEPARTMENT: Engineering	B&W UTILITIES, INC. Cantonment, FL	J. MILLER CONSTRUCTION, INC. Pensacola, FL	BROWN CONSTRUCTION OF NWFL Pensacola, FL	ROADS, INC. OF NWF Cantonment, FL
Base Bid	\$299,235.80	\$436,585.00	\$448,072.80	\$718,980.00
M/WBE Participation	10.2%	8.3%	0%	0%
Attended Prebid	Yes	Yes	Yes	Yes

FINAL VENDOR REFERENCE LIST
TEXAR DRIVE, 17TH & 18TH AVENUE OUTFALLS AT BAYOU TEXAR STORMWATER TREATMENT ENHANCEMENT
ENGINEERING

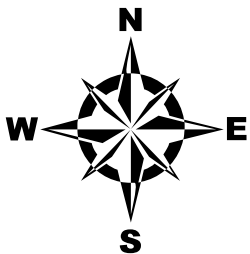
Vendor	Name	Address	City	St	Zip Code	SMWBE
044957	ALL SEASONS CONSTRUCTION LLC	6161 BLUE ANGEL PARKWAY	PENSACOLA	FL	32526	
068571	B&W UTILITIES INC	1610 SUCCESS DRIVE	CANTONMENT	FL	32533	
000377	BASKERVILLE DONOVAN	449 WEST MAIN ST	PENSACOLA	FL	32502	
036997	BELLVIEW SITE CONTRACTORS INC	3300 GODWIN LANE	PENSACOLA	FL	32526	Y
053457	BIRKSHIRE JOHNSTONE LLC	11 CLARINDA LANE	PENSACOLA	FL	32505	Y
065013	BKW INC	5615 DUVAL STREET	PENSACOLA	FL	32503	Y
029184	BLARICOM, KIRK VAN DBA KIRK CONSTRUCTION COMPANY	619 GREEN HILLS ROAD	CANTONMENT	FL	32533	Y
022856	BROWN CONSTRUCTION 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	CHAUVERS CONSTRUCTION INC	1795 WEST DETROIT BLVD	PENSACOLA	FL	32534	Y
049653	CHRISTOPHER C BARGAINEER CONCRETE CONSTRUCTION INC	6550 BUD JOHNSON ROAD	PENSACOLA	FL	32505	Y
057454	COASTAL PILE DRIVING INC	2201 VALLEY ESCONDIDO DRIVE	PENSACOLA	FL	32526	
045454	COASTLINE STRIPING INC	8840 FOWLER AVENUE	PENSACOLA	FL	32534	
058302	CONTECH	182 MONTGOMERY STREET	SANTA ROSA	FL	32455	
060876	CREATIVE PUBLIC AMENITIES	1317 JOHN CARROLL DRIVE	PENSACOLA	FL	32504	
036146	CRONIN CONSTRUCTION INC	913 GULF BREEZE PARKWAY STE 12	GULF BREEZE	FL	32561	Y
033554	D K E MARINE SERVICES	P O BOX 2395	PENSACOLA	FL	32513	Y
032038	EVANS CONTRACTING INC	289 NOWAK RD	CANTONMENT	FL	32533	
058842	EVERS COMMERCIAL SERVICES OF NORTHWEST FL LLC	1450 EVERS HAVEN	CANTONMENT	FL	32533	
033421	FLOYD BROTHERS CONSTRUCTION	101 EAST 9 1/2 MILE ROAD	PENSACOLA	FL	32534	Y
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	8777 ASHLAND AVE	PENSACOLA	FL	32514	
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
018636	GULF COAST BUILDING CONTRACTORS INC	1010 N 12TH AVE	PENSACOLA	FL	32501	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	
055520	GULF COAST UTILITY CONTRACTORS	13938 HIGHWAY 77	PANAMA CITY	FL	32409	
036662	H H H CONSTRUCTION OF NWF INC	8190 BELLE PINES LANE	PENSACOLA	FL	32526	
050489	HAILE, MICHAEL JACKSON DBA THE HAILE COMPANY OF NW FL INC	PO BOX 13425	PENSACOLA	FL	32591	
070385	HANTO & CLARKE GENERAL CONTRACTORS LLC	1401 EAST BELMONT STREET	PENSACOLA	FL	32501	
001597	HEATON BROTHERS CONSTRUCTION CO INC	5805 SAUFLEY FIELD ROAD	PENSACOLA	FL	32526	
052866	HEWES & COMPANY LLC	390 SELINA ST	PENSACOLA	FL	32503	Y
056716	HOWELL, KENNETH C, JR DBA KEN JR CONSTRUCTION LLC	1102 WEBSTER DRIVE	PENSACOLA	FL	32505	
022978	INGRAM SIGNALIZATION INC	4522 N DAVIS HWY	PENSACOLA	FL	32503	Y
049240	J MILLER CONSTRUCTION INC	201 SOUTH "F" STREET	PENSACOLA	FL	32501	Y
043857	KBI CONSTRUCTION CO INC	9214 WARING RD	PENSACOLA	FL	32534	
058332	LEIDNER BUILDERS INC	409 N PACE BLVD	PENSACOLA	FL	32505	Y
058801	M & H CONSTRUCTION SVCS INC	4782 MALLARD CREEK ROAD	PENSACOLA	FL	32526	Y
052456	MEI LING DAVIS LLC	PO BOX 18155	PENSACOLA	FL	32523	
053467	MIDSOUTH PAVING INC	4375 MCCOY DRIVE	PENSACOLA	FL	32503	
016210	NORD, STEVE DBA SEA HORSE GENERAL CONTRACTORS INC	4238 GULF BREEZE PKWY	GULF BREEZE	FL	32563	Y
049208	NWF PAVING AND BLACK TOP INC	3709 WEST BRAINERD STREET	PENSACOLA	FL	32505	
051747	PAEDAE PROPERTIES INC	5104 NORTH W STREET	PENSACOLA	FL	32505	
002720	PANHANDLE GRADING & PAVING INC	2665 SOLO DOS FAMILIAF	PENSACOLA	FL	32534	

FINAL VENDOR REFERENCE LIST
TEXAR DRIVE, 17TH & 18TH AVENUE OUTFALLS AT BAYOU TEXAR STORMWATER TREATMENT ENHANCEMENT
ENGINEERING

Vendor	Name	Address	City	St	Zip Code	SMWBE
030951	PAV'R CONSTRUCTION INC	501 EAST GREGORY ST STE 3	PENSACOLA	FL	32502	
060344	PENSACOLA BAY AREA CHAMBER OF COMMERCE DBA GREATER PENSACOLA CHAMBER	117 W GARDEN ST	PENSACOLA	FL	32502	
003956	PENSACOLA CONCRETE CONSTRUCTION CO INC	P O BOX 2787	PENSACOLA	FL	32513	
055028	PERDIDO GRADING & PAVING	PO BOX 3333	PENSACOLA	FL	32516	Y
066152	PRINCIPLE PROPERTIES INC	4371 MARILYN COURT	GULF BREEZE	FL	32563	Y
051133	PUGH, KEVIN D DBA KEVIN D PUGH SITE & DOZER WORKS LLC	5731 STEWART ROAD	WALNUT HILL	FL	32568	Y
050307	QCFS MANAGEMENT GROUP INC	3326 NORTH W STREET	PENSACOLA	FL	32505	
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
021834	RANDALL CHAVERS SEPTIC TANK INC DBA R & L PRODUCTS	9492 PENSACOLA BLVD	PENSACOLA	FL	32534	
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	6013 SOUTHRIDGE ROAD	MILTON	FL	32570	Y
055499	ROCKWELL CORPORATION	3309 LINGER COURT	PENSACOLA	FL	32526	Y
042044	SALTER/3C'S CONSTRUCTION CO	4512 TRICE RD	MILTON	FL	32571	
052761	SEASIDE GOLF DEVELOPMENT INC	312 N DAVIS HWY	PENSACOLA	FL	32501	
065450	SITE AND UTILITY LLC	PO BOX 30136	PENSACOLA	FL	32503	Y
059753	SITE WORX OF NORTHWEST FL LLC	1450 EVERS HAVEN	CANTONMENT	FL	32533	
011457	SOUTHERN UTILITY CO INC	P O BOX 2055	PENSACOLA	FL	32513	Y
057995	T&W BREAKING GROUND LLC	5748 PRINCETON DRIVE	PENSACOLA	FL	32526	
066848	TALCON GROUP LLC	156 DUPONT ROAD	HAVANA	FL	32333	
045247	TEAM POWER SOLUTIONS	4033 WILLIS WAY	MILTON	FL	32583	
002839	TERHAAR & CRONLEY GENERAL CONTRACTOR INC	1401 EAST BELMONT STREET	PENSACOLA	FL	32501	
028060	THE GREEN SIMMONS COMPANY INC	3407 NORTH W STREET	PENSACOLA	FL	32505	Y
053924	THOMPSON CONTRACTOR RESOURCES INC	196 E NINE MILE RD SUITE C	PENSACOLA	FL	32534	
002482	UTILITY SERVICE COMPANY INC	4326 GULF BREEZE PARKWAY	GULF BREEZE	FL	32563	
030096	W D ROGERS MECHANICAL CONTRACTORS INC	3018 NORTH DAVIS HWY	PENSACOLA	FL	32503	
030317	W P R INC	4175 BRIARGLEN RD	MILTON	FL	32583	Y
030448	WARRINGTON UTILITY & EXCAVATING INC	8401 UNTREINER AVE	PENSACOLA	FL	32534	Y
070332	WILLIAMS INDUSTRIAL	902 SOUTH MCGEE ROAD	BONIFAY	FL	32425	
044856	WOLFE CONSTRUCTION	40 W NINE MILE ROAD #2 SUITE 212	PENSACOLA	FL	32534	Y

Vendors: 79

TEXAR DRIVE



PENSACOLA

THE UPSIDE *of* FLORIDA

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



Memorandum

File #: 19-00184

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PENSACOLA INTERNATIONAL AIRPORT - PARKING RATE ADJUSTMENT

RECOMMENDATION:

That City Council approve an increase to the daily parking rate in Economy Lot 1 and Economy Lot 2 from \$6.00 to \$8.00 at the Pensacola International Airport.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Airport's two economy parking areas are located further away from the passenger terminal requiring a longer walk. As such, the areas have a lower daily price. Until recently, patrons made conscious decisions to park in the areas, saving money but walking a greater distance.

With increasing passenger traffic, the garage and main surface parking are now filled on a weekly basis. Therefore, all patrons arriving at certain times are routinely directed to the Airport's economy parking areas. To ensure an adequate level of service, given the increased forced usage of these lots, Airport Staff has requested that Republic Parking, the Airport's parking management firm, institute full-time shuttle services. Two 13-passenger buses, already owned by the Airport, would be operated by Republic Parking throughout the day. The additional hours and operating expenses will be added to Republic's annual budget and would be reimbursed by the Airport. Shuttles would operate approximately 280 hours each week, with an estimated annual expense of approximately \$263,500.

To account for the increased level of service (shuttles) to the economy parking areas, and to assist in covering the expense of the shuttle service, Republic Parking has reviewed the parking rate structure in place at the Pensacola International Airport. Parking represents the largest single source, or 41%, of non-airline revenue, and makes up 25% of all operating revenue. With the Airport's ongoing strategy to maximize non-airline revenue sources in order to minimize its reliance on the airlines, it is crucial to review parking rates on a periodic basis.

Based on their review, Republic recommends an increase in the daily rate of just the two economy parking lots. Republic Parking estimates that by increasing the daily rate from \$6.00 to \$8.00, an additional \$297,800 in

revenue will be generated. This increase will cover the added expenses associated with the implementation of the shuttle services.

Overall, parking rates will continue to remain competitive with adjacent airports.

Current:

Economy Lots: \$2.00/hr.; \$6.00/day

Surface Lot: \$2.00/hr.; \$9.00/day

Garage: \$1.00/half hr.; \$11.00/day

Flight Crew: \$90/month

Proposed:

Economy Lots: \$2.00/hr.; **\$8.00/day**

Surface Lot: \$2.00/hr.; \$9.00/day

Garage: \$1.00/half hr.; \$11.00/day

Flight Crew: \$90/month

Parking rates were last adjusted in 2013. Before that they were adjusted in 1991, 1997 (but effective in 2000), 2003, and 2009. A history of Pensacola Airport's parking rates is as follows:

1991 to 2000:

Short Term: \$0.75/half hr.; \$10.00/day

Long Term: \$1.00 first 2 hours; \$0.75 each additional 1/2 hour; \$4.00/day

Flight Crew: \$20/month

2000 to 2003:

Surface: \$2.00 first 2 hours; \$1.00 each additional hour; \$6.00/day

Garage: \$1.00/half hr.; \$7.50/day

Flight Crew: \$20.00/month

2003 to 2009:

Surface Lot: \$2.00/hr.; \$6.50/day

Garage: \$1.00/half hr.; \$8.00/day

Flight Crew: \$20.00/month

2009 to 2013:

Shuttle Lot: \$2.00/hr.; \$8.50/day

Surface Lot: \$2.00/hr.; \$8.50/day

Garage: \$1.00/half hr.; \$10.50/day

Flight Crew: \$20.00/month

2013 to Current:

Economy Lots: \$2.00/hr.; \$6.00/day

Surface Lot: \$2.00/hr.; \$9.00/day

Garage: \$1.00/half hr.; \$11.00/day

Flight Crew: \$90/month

The Airport, in its recently completed Master Plan, has identified the need for additional parking as one of the projects to address in the first five year period. A project to expand Economy Lot 1 will add 260 spaces by mid-summer, and efforts are underway to review other areas and develop additional surface parking within the year. Beyond this, Airport Staff will begin discussions regarding the expansion of the parking structure.

PRIOR ACTION:

July 11, 1991 - City Council adjusted the parking rates in the Pensacola Regional Airport parking lot.

April 10, 1997 - City Council approved parking rates for the future parking garage and modified surface parking at the airport.

September 11, 2003 - City Council approved parking rates for the parking garage and surface parking at the Pensacola Regional Airport.

February 12, 2009 - City Council approved an increase in the daily parking rate in the surface parking lot and an increase in the daily rate of the parking garage at Pensacola Gulf Coast Regional Airport.

March 23, 2013 - Mayoral approval to adjust the daily parking rates for Pensacola International Airport.

FUNDING:

N/A

FINANCIAL IMPACT:

The Airport forecasts that the rate adjustment will provide an additional \$297,800 annually of non-airline revenue through the parking concession and will be offset with an additional \$263,500 of expense.

CITY ATTORNEY REVIEW: Yes

4/5/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Daniel Flynn, Airport Director

ATTACHMENTS:

- 1) Revenue Analysis

PRESENTATION: No

PENSACOLA

	Garage	Surface Lot	Economy 1	Economy 2	Totals
Gross Receipts 12cmonth ending FEB 2019	\$ 3,514,998	\$ 2,551,421	\$ 366,025	\$ 527,454	\$ 6,959,898
Revenue producing transactions - same period (divide)	157,796	128,560	41,795	62,727	390,878
Average Ticket amount	\$ 22.28	\$ 19.85	\$ 8.76	\$ 8.41	\$ 17.81
Current Overnight rate (divide)	\$ 11.00	\$ 9.00	\$ 6.00	\$ 6.00	
Average length of stay in days	2.03	2.21	1.46	1.40	
New Rate	\$ 11.00	\$ 9.00	\$ 8.00	\$ 8.00	
Extrapolated New Average Ticket amount	\$ 22.28	\$ 19.85	\$ 11.68	\$ 11.21	\$ 18.57
Revenue producing transactions (multiply)	157,796	128,560	41,795	62,727	390,878
Extrapolated New Gross Receipts	\$ 3,514,998.00	\$ 2,551,421.00	\$ 488,033.33	\$ 703,272.00	\$ 7,257,724
Gross Receipts Increase/(Decrease)	\$ -	\$ -	\$ 122,008.33	\$ 175,818.00	\$ 297,826



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00163

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Andy Terhaar

SUBJECT:

PUBLIC HEARING - AMENDMENT TO SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE - COMMERCIAL LAND USE DISTRICT - RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT

RECOMMENDATION:

That City Council conduct the second of two (2) Public Hearings on April 25, 2019 regarding an amendment to Section 12-2-8 of the Land Development Code - Commercial Land Use District - Recreation or Amusement Places Operated for a Profit.

HEARING REQUIRED: Public

SUMMARY:

Currently under Section 12-2-8 (B) - Commercial land use district, Permitted Uses, the following uses are included under C-2A and C-2 zoning districts:

Amusement machine complex (C-2A)

Bowling alleys, skating rinks, other recreation or amusement places operated for profit (C-2).

This amendment will allow for these uses within C-1 zoning under the title *Recreation or amusement places operated for profit*.

This item was reviewed by the Planning Board who unanimously recommended approval.

PRIOR ACTION:

March 12, 2019- Planning Board reviewed and recommended approval

April 11, 2019 - City Council held the first required public hearing on this matter

FUNDING:

N/A

FINANCIAL IMPACT:

N/A

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Sec. 12-2-8 - Commercial land use district
- 2) March 12, 2019 Planning Board Minutes

PRESENTATION: No

Sec. 12-2-8. - Commercial land use district.

The regulations in this section shall be applicable to the retail and downtown commercial and wholesale and light industry zoning districts: C-1, C-2A, C-2, R-C and C-3.

- (A) *Purpose of district.* The commercial land use district is established for the purpose of providing areas of commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. Conventional residential use is allowed as well as residential uses on upper floors above ground floor commercial or office uses and in other types of mixed-use development. New development and redevelopment projects are strongly encouraged to follow the city's design standards and guidelines contained in section 12-2-82.

The C-1 zoning district's regulations are intended to provide for conveniently supplying the immediate needs of the community where the types of services rendered, and the commodities sold are those which are needed frequently. The C-1 zoning district is intended to provide a transitional buffer between mixed-use neighborhood commercial areas and more intense commercial zoning. The downtown and retail commercial (C-2A and C-2) zoning districts' regulations are intended to provide for major commercial areas intended primarily for retail sales and service establishments oriented to a general community and/or regional market. The C-3 wholesale and light industry zoning district's regulations are intended to provide for general commercial services, wholesale distribution, storage and light fabrication.

The downtown retail commercial (C-2A) zoning district's regulations are intended to provide a mix of restaurants, retail sales, entertainment, and service establishments with an emphasis on pedestrian-oriented ground floor shops and market spaces.

The commercial retail (C-2) zoning district's regulations are intended to provide for major commercial areas intended primarily for retail sales and service establishments oriented to a general community and/or regional market.

The C-3 wholesale and light industry zoning district's regulations are intended to provide for general commercial services, wholesale distribution, storage and light fabrication.

- (B) *Uses permitted.*

- (1) *C-1, retail commercial zoning district.* Any use permitted in the R-NC district and the following uses, with no outside storage or repair work permitted:
 - (a) Retail sales and services.
 - (b) Motels/hotels.
 - (c) Vending machine when as accessory to a business establishment and located on the same parcel of land as the business.
 - (d) Car washes.
 - (e) Movie theaters, except drive-in theaters.
 - (f) Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
 - (g) Pet shops with all uses inside the principal building.
 - (h) Parking lots and parking garages.
 - (i) Pest extermination services.
 - (j) Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.
 - (k) Business schools.
 - (l) Trade schools.

- (m) Medical marijuana dispensary.
 - (n) Recreation or amusement places operated for profit.
 - (o) Accessory buildings and uses customarily incidental to the above uses.
- (2) *C-2A, downtown retail commercial district.* Any use permitted in the C-1 district with the exception of manufactured home parks, and Conditional Uses. The following uses with no outside storage or repair work permitted:
- (a) Bars.
 - (b) Pool halls.
 - (c) Newspaper offices and printing firms.
 - (d) Marinas.
 - (e) Major public utility buildings and structures including radio and television broadcasting station.
 - ~~(f) Amusement machine complex.~~
 - (g) Accessory buildings and uses customarily incidental to the above uses.
- (3) *C-2, commercial district (retail).* Any use permitted in the C-2A district and the following uses with no outside storage or repair work permitted:
- (a) Cabinet shops and upholstery shops.
 - (b) Electric motor repair and rebuilding.
 - (c) Garages for the repair and overhauling of automobiles.
 - ~~(d) Bowling alleys.~~
 - ~~(e) Skating rinks.~~
 - ~~(f) Other recreation or amusement places operated for profit.~~
 - (g) Sign shop.
 - (h) Accessory buildings and uses customarily incidental to the above uses.
- (4) *C-3, commercial zoning district (wholesale and limited industry).*
- (a) Any use permitted in the C-2 district. Outside storage and work shall be permitted for those uses and the following uses but shall be screened by an opaque fence or wall at least eight (8) feet high at installation. Vegetation shall also be used as a screen and shall provide seventy-five (75) percent opacity. The vegetative screen shall be located on the exterior of the required fence.
 - (b) Outside kennels, runs or exercise areas for animals subject to regulations in section 12-2-54.
 - (c) Growing and wholesale of retail sales of trees, shrubs and plants.
 - (d) Bakeries, wholesale.
 - (e) Ice cream factories and dairies.
 - (f) Quick-freeze plants and frozen food lockers.
 - (g) Boat sales and repair.
 - (h) Outdoor theaters.
 - (i) Industrial Research laboratories and pharmaceutical companies

- (j) Truck sales and repair.
- (k) Light metal fabrication and assembly.
- (l) Contractors shops.
- (m) Adult entertainment establishments subject to the requirements of chapter 7-3 of this Code.
- (n) Industrial laundries and dry cleaners using combustible or flammable liquids or solvents with a flash point of one hundred ninety (190) degrees Fahrenheit or less which provide industrial type cleaning, including linen supply, rug and carpet cleaning, and diaper service.
- (o) Retail lumber and building materials.
- (p) Warehouses.
- (q) Plumbing and electrical shops.
- (r) New car and used car lots, including trucks which do not exceed five thousand (5,000) pounds.
- (s) Car rental agencies and storage, including trucks which do not exceed five thousand (5,000) pounds.
- (t) Pawnshops and secondhand stores.
- (u) Mini-storage warehouses.
- (v) Advanced manufacturing and/or processing operations provided that such use does not constitute a nuisance due to emission of dust, odor, gas, smoke, fumes, or noise.
- (w) Accessory buildings and uses customarily incidental to the above uses.

(C) *Regulations.* All developments are required to comply with design standards and are strongly encouraged to follow design guidelines as established in section 12-2-82.

TABLE 12-2.7
REGULATIONS FOR THE COMMERCIAL ZONING DISTRICTS

Standards	C-1	C-2A	R-C, C-2 and C-3
Minimum Yard Requirements (Minimum Building Setbacks)	<p>There shall be no yard requirements, except that where any nonresidential use is contiguous to a residential zoning district there shall be a twenty-foot (20') yard unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width.</p> <p>Inside the C-2A District and Dense Business Area: There shall be a maximum allowed front yard setback of 10'.</p>		
Maximum Building Height	No building shall exceed forty-five (45) feet in height at the property or setback lines.	No building shall exceed one hundred (100) feet in height at the property or setback lines. (See Note 1)	

	(See Note 1)		
Lot Coverage Requirements (The maximum combined area occupied by all principal and accessory buildings)	Shall not exceed seventy-five (75) percent of the total site area for buildings up to one hundred (100) feet in height. For buildings over one hundred (100) feet in height, lot coverage shall not exceed sixty-five (65) percent.	Shall not exceed one hundred (100) percent of the total site area for buildings up to one hundred (100) feet in height. For buildings over one hundred (100) in height, lot coverage shall not exceed ninety (90) percent.	<p>Inside the dense business area: shall not exceed one hundred (100) percent of the total site area for buildings up to one hundred (100) feet in height. For buildings over one hundred (100) feet in height, lot coverage shall not exceed ninety (90) percent (with the exception of the C-2A zoning district).</p> <p>Outside the dense business area: shall not exceed seventy-five (75) percent of the total site area for buildings up to one hundred (100) feet in height. For buildings over one hundred (100) feet in height, lot coverage shall not exceed sixty-five (65) percent.</p>
Maximum Density Multiple Family Dwellings	.35 dwelling units per acre.	135 dwelling units per acre.	<p>Inside the dense business area: One hundred thirty-five (135) dwelling units per acre.</p> <p>Outside the dense business area: Thirty-</p>

			five (35) dwelling units per acre.
--	--	--	------------------------------------

Note 1: Three (3) feet may be added to the height of the building for each foot the building elevation is stair-stepped or recessed back from the property or setback lines beginning at the height permitted up to a maximum height of one hundred fifty (150) feet.

(D) Reserved.

(E) *Additional regulations.* In addition to the regulations established above in section 12-2-8(C), all developments within the commercial zoning districts will be subject to, and must comply with, the following regulations:

- Supplementary district regulations subject to regulations in sections 12-2-31 to 12-2-50.
- Off-street parking subject to regulations in Chapter 12-3.
- Signs subject to regulations in Chapter 12-4.
- Tree/landscape regulations subject to regulations in Chapter 12-6.
- Stormwater management and control of erosion, sedimentation and runoff subject to regulations in Chapter 12-9.
- Alcoholic beverages regulations subject to Chapter 7-4 of this Code.

(Ord. No. 25-92, § 1, 7-23-92; Ord. No. 6-93, § 6, 3-25-93; Ord. No. 29-93, § 6, 11-18-93; Ord. No. 3-94, § 4, 1-13-94; Ord. No. 44-94, § 1, 10-13-94; Ord. No. 33-95, § 2 (Exhibit 1), 8-10-95; Ord. No. 40-99, §§ 2, 3, 10-14-99; Ord. No. 17-06, § 1, 7-27-06; Ord. No. 11-09, § 1, 4-9-09; Ord. No. 13-12, § 1, 6-14-12; Ord. No. 12-13, § 1, 5-9-13; Ord. No. 40-13, § 1, 11-14-13; Ord. No. 01-16, § 1, 1-14-16; Ord. No. 06-17, § 1, 3-9-17)

PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

March 12, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Kurt Larson, Nina Campbell

MEMBERS ABSENT: Danny Grundhoefer, Ryan Wiggins, Laurie Murphy

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner

OTHERS PRESENT: Dottie Dubuisson, Ron Helms

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from February 12, 2019.
 1. **New Business: Amendment to LDC Section 12-2-8 Commercial Land Use District**
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:05 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Mr. Larson made a motion to approve the February 12, 2019 minutes, seconded by Ms. Campbell, and it carried unanimously.

New Business

Consider Amendment to LDC Section 12-2-8 Commercial Land Use District

On February 14, 2019, City Council referred to this Board for review and recommendation an Amendment to Land Development Code Section 12-2-8 Commercial Land Use District. More specifically, this amendment would remove the use of "Recreation and Amusement operated for profit" from the list of permitted uses within the C-2 Zoning District and add it as a permitted use within the C-1 Zoning District. Currently, the Land Development Code permits Indoor Recreation such as Bowling Alleys, Skating Rinks, Arcades and the like, beginning in the C-2 Zoning District. This amendment would allow such uses to be permitted within the C-1 Zoning District.

Chairman Ritz observed that escape rooms were good fits for C-1 and supported the change in moving the recreational uses to C-1.

However, because bowling alleys and skating rinks tended to be metal buildings, they did not represent such deviation from the otherwise permitted uses in C-1 that they would represent something onerous on the citizens that would create an adverse aspect to this change; he supported the suggested change.

Ms. Deese added that the requested uses would ordinarily go within an existing building, however, there were design standards for new construction which would prohibit a building with a full metal façade, and the uses would be indoor. She advised the C-3 Zoning District is where outside storage/work begins to be permitted.

Mr. Monk asked why the move to C-1 and not allowing it in both, and Ms. Deese stated the zoning is accumulative, so if listed in C-1, it would automatically apply to all the zones above. She also advised this revision was sponsored by Council President Terhaar and was referred to this Board. Mr. Monk asked about the putt-putt golf in Cordova Mall, and Ms. Deese explained the mall was a development plan and a different situation; she referred to Sky Zone in the county and stated C-1 property is located near it and this use would not be permitted as it currently stands.

Ms. Dubuisson advised Belmont DeVilliers has its own zoning and wanted to make sure this use did not include outdoor theaters or men's clubs. Chairman Ritz pointed out that outdoor was not allowed until C-3, and adult entertainment was still not allowed until C-3. Ms. Dubuisson felt as long as it was interior activities only, this would be a normal progression. Ms. Deese stated the LDC lists the functions of C-1, C-2 and C-3 at the beginning of each district so there is no confusion.

Mr. Larson made a motion to approve, seconded by Ms. Campbell, and it carried unanimously.

Open Forum – Ms. Dubuisson thanked the Board for their work. She informed the Board that the A-Door project was now completely filled with second and third generation residents or former residents from Belmont-DeVilliers. For the purposes of providing housing, 35 families now live in this area. Chairman Ritz appreciated the positive feedback to the Board.

Mr. Larson asked about the term limits for the Boards in the new administration, and Ms. Deese stated the Transition Report was received by the Mayor, but she was unaware how it would be executed.

Mr. Helms advised the Transition Report was distributed to Council, and they would take that issue up with the Mayor and would be looking at all the recommendations, with the Mayor setting priorities on what was pursued first.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 2:21 pm.

Respectfully Submitted,



Brandi C. Deese
Secretary to the Board

CITY CLERK'S OFFICE/LEGAL ADS
4TH FLOOR
222 W MAIN ST

PENSACOLA, FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida
County of Escambia:

Before the undersigned authority personally appeared , who on oath says that he or she is a Legal Advertising Representative of the Pensacola News Journal , a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

NOTICE OF PUBLIC HEARING

as published in said newspaper in the issue(s) of:

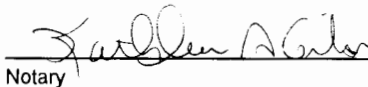
04/01/19

Affiant further says that the said Pensacola News Journal is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 1th of April 2019, by who is personally known to me



Affiant



Notary

Publication Cost: \$158.98

NOTICE OF PUBLIC HEARING

On Thursday, April 11, 2019 at 4:30 p.m. in the Council Chambers, 1st Floor of City Hall, 222 West Main Street, Pensacola, FL, the Pensacola City Council will conduct a public hearing to receive the benefit of citizen input for the purpose of considering:

PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA LAND DEVELOPMENT CODE SECTION 12-2-8 – RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT

You are not required to respond or take any action regarding this notice; but if you wish to speak before City Council on this subject, you are invited to be present at the scheduled public hearing.

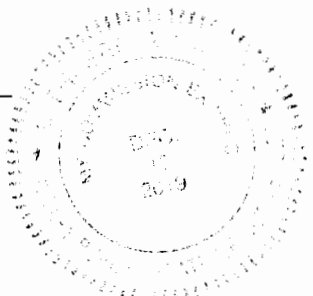
If any person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings, and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence 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. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

For additional information regarding this public hearing, please call the Community Redevelopment at 436-5650.

City of Pensacola, Florida
Ericka L. Burnett, City Clerk

Visit www.cityofpensacola.com to learn more about City activities. Council agendas posted on-line before meetings.
Legal No. 3464530, April 1, 2019



Ad No: 0003464530

Customer No: PNJ-25615500

CITY CLERK'S OFFICE/LEGAL ADS
4TH FLOOR
222 W MAIN ST

PENSACOLA, FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida
County of Escambia:

Before the undersigned authority personally appeared , who on oath says that he or she is a Legal Advertising Representative of the **Pensacola News Journal** , a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

NOTICE OF PUBLIC HEARING

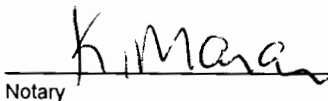
as published in said newspaper in the issue(s) of:

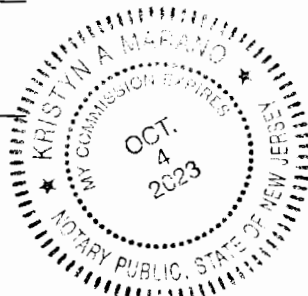
04/15/19

Affiant further says that the said **Pensacola News Journal** is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 16th of April 2019, by who is personally known to me


Affiant


Notary



Publication Cost: \$154.34

NOTICE OF PUBLIC HEARING

On Thursday, April 25, 2019 at 5:30 p.m. in the Council Chambers, 1st Floor of City Hall, 222 West Main Street, Pensacola, FL, the Pensacola City Council will conduct the second of two required public hearings to receive the benefit of citizen input for the purpose of considering:

PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE SECTION 12-2-8 – COMMERCIAL LAND USE DISTRICT - RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT

You are not required to respond or take any action regarding this notice; but if you wish to speak before City Council on this subject, you are invited to be present at the scheduled public hearing.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings, and that for such purpose, he/she 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. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

For additional information regarding this public hearing, please call Planning Services at (850) 435-1670.

City of Pensacola, Florida
Ericka L. Burnett, City Clerk

Visit www.cityofpensacola.com to learn more about City activities. Council agendas posted on-line before meetings.
Legal No. 3494590, April 15, 2019

Ad No: 0003494590

Customer No: PNJ-25615500



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 16-19

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Andy Terhaar

SUBJECT:

PROPOSED ORDINANCE NO. 16-19, AMENDMENT TO SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE - COMMERCIAL LAND USE DISTRICT - RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT.

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 16-19 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE OF THE CITY OF PENSACOLA, FLORIDA, COMMERCIAL LAND USE DISTRICT; RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Currently under Section 12-2-8 (B) - Commercial land use district, Permitted Uses, the following uses are included under C-2A and C-2 zoning districts:

Amusement machine complex (C-2A)

Bowling alleys, skating rinks, other recreation or amusement places operated for profit (C-2).

This amendment will allow for these uses within C-1 zoning under the title Recreation or amusement places operated for profit.

This item was reviewed by the Planning Board who unanimously recommended approval.

PRIOR ACTION:

March 12, 2019 - Planning Board unanimously recommended this amendment

April 11, 2019 - City Council held the first required public hearing on this matter

April 25, 2019 - City Council held the second required public hearing on this matter

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance No. 16-19
- 2) Planning Board Minutes 3-12-19 - re 12-2-8 amendment

PRESENTATION: No

PROPOSED
ORDINANCE NO. 16-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-2-8 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, COMMERCIAL LAND USE DISTRICT; RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-8 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-2-8. - Commercial land use district.

The regulations in this section shall be applicable to the retail and downtown commercial and wholesale and light industry zoning districts: C-1, C-2A, C-2, R-C and C-3.

(A) *Purpose of district.* The commercial land use district is established for the purpose of providing areas of commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. Conventional residential use is allowed as well as residential uses on upper floors above ground floor commercial or office uses and in other types of mixed use development. New development and redevelopment projects are strongly encouraged to follow the city's design standards and guidelines contained in section 12-2-82.

The C-1 zoning district's regulations are intended to provide for conveniently supplying the immediate needs of the community where the types of services rendered and the commodities sold are those which are needed frequently. The C-1 zoning district is intended to provide a transitional buffer between mixed-use neighborhood commercial areas and more intense commercial zoning. The downtown and retail commercial (C-2A and C-2) zoning districts' regulations are intended to provide for major commercial areas intended primarily for retail sales and service establishments oriented to a general community and/or regional market. The C-3 wholesale and light industry zoning district's regulations are intended to provide for general commercial services, wholesale distribution, storage and light fabrication.

The downtown retail commercial (C-2A) zoning district's regulations are intended to provide a mix of restaurants, retail sales, entertainment, and service establishments with an emphasis on pedestrian-oriented ground floor shops and market spaces.

The commercial retail (C-2) zoning district's regulations are intended to provide for major commercial areas intended primarily for retail sales and service establishments oriented to a general community and/or regional market.

The C-3 wholesale and light industry zoning district's regulations are intended to provide for general commercial services, wholesale distribution, storage and light fabrication.

(B) *Uses permitted.*

- (1) *C-1, retail commercial zoning district.* Any use permitted in the R-NC district and the following uses, with no outside storage or repair work permitted:
 - (a) Retail sales and services.
 - (b) Motels/hotels.
 - (c) Vending machine when as accessory to a business establishment and located on the same parcel of land as the business.
 - (d) Car washes.
 - (e) Movie theaters, except drive-in theaters.
 - (f) Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
 - (g) Pet shops with all uses inside the principal building.
 - (h) Parking lots and parking garages.
 - (i) Pest extermination services.
 - (j) Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.
 - (k) Business schools.
 - (l) Trade schools.
 - (m) Medical marijuana dispensary.
 - ~~(n) Recreation or amusement places operated for profit.~~
 - (o) Accessory buildings and uses customarily incidental to the above uses.

- (2) *C-2A, downtown retail commercial district.* Any use permitted in the C-1 district with the exception of manufactured home parks, and Conditional Uses. The following uses with no outside storage or repair work permitted:
 - (a) Bars.
 - (b) Pool halls.
 - (c) Newspaper offices and printing firms.
 - (d) Marinas.
 - (e) Major public utility buildings and structures including radio and television broadcasting station.
 - ~~(f) Amusement machine complex.~~
 - (g) Accessory buildings and uses customarily incidental to the above uses.

- (3) *C-2, commercial district (retail)*. Any use permitted in the C-2A district and the following uses with no outside storage or repair work permitted:
- (a) Cabinet shops and upholstery shops.
 - (b) Electric motor repair and rebuilding.
 - (c) Garages for the repair and overhauling of automobiles.
 - ~~(d) Bowling alleys.~~
 - ~~(e) Skating rinks.~~
 - ~~(f) Other recreation or amusement places operated for profit.~~
 - (g) Sign shop.
 - (h) Accessory buildings and uses customarily incidental to the above uses.
- (4) *C-3, commercial zoning district (wholesale and limited industry)*.
- (a) Any use permitted in the C-2 district. Outside storage and work shall be permitted for those uses and the following uses, but shall be screened by an opaque fence or wall at least eight (8) feet high at installation. Vegetation shall also be used as a screen and shall provide seventy-five (75) percent opacity. The vegetative screen shall be located on the exterior of the required fence.
 - (b) Outside kennels, runs or exercise areas for animals subject to regulations in section 12-2-54.
 - (c) Growing and wholesale of retail sales of trees, shrubs and plants.
 - (d) Bakeries, wholesale.
 - (e) Ice cream factories and dairies.
 - (f) Quick-freeze plants and frozen food lockers.
 - (g) Boat sales and repair.
 - (h) Outdoor theaters.
 - (i) Industrial Research laboratories and pharmaceutical companies
 - (j) Truck sales and repair.
 - (k) Light metal fabrication and assembly.
 - (l) Contractors shops.
 - (m) Adult entertainment establishments subject to the requirements of chapter 7-3 of this Code.
 - (n) Industrial laundries and dry cleaners using combustible or flammable liquids or solvents with a flash point of one hundred ninety (190) degrees Fahrenheit or less which provide industrial type cleaning, including linen supply, rug and carpet cleaning, and diaper service.
 - (o) Retail lumber and building materials.
 - (p) Warehouses.

- (q) Plumbing and electrical shops.
 - (r) New car and used car lots, including trucks which do not exceed five thousand (5,000) pounds.
 - (s) Car rental agencies and storage, including trucks which do not exceed five thousand (5,000) pounds.
 - (t) Pawnshops and secondhand stores.
 - (u) Mini-storage warehouses.
 - (v) Advanced manufacturing and/or processing operations provided that such use does not constitute a nuisance due to emission of dust, odor, gas, smoke, fumes, or noise.
 - (w) Accessory buildings and uses customarily incidental to the above uses.
- (C) *Regulations.* All developments are required to comply with design standards and are strongly encouraged to follow design guidelines as established in section 12-2-82.

TABLE 12-2.7
REGULATIONS FOR THE COMMERCIAL ZONING DISTRICTS

Standards	C-1	C-2A	R-C, C-2 and C-3
Minimum Yard Requirements (Minimum Building Setbacks)	<p>There shall be no yard requirements, except that where any nonresidential use is contiguous to a residential zoning district there shall be a twenty-foot (20') yard unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width.</p> <p>Inside the C-2A District and Dense Business Area: There shall be a maximum allowed front yard setback of 10'.</p>		
Maximum Building Height	No building shall exceed forty-five (45) feet in height at the property or setback lines. (See Note 1)	No building shall exceed one hundred (100) feet in height at the property or setback lines. (See Note 1)	
Lot Coverage Requirements (The maximum combined area occupied by all principal and accessory buildings)	Shall not exceed seventy-five (75) percent of the total site area for buildings up to one hundred (100) feet in height. For	Shall not exceed one hundred (100) percent of the total site area for buildings up to one hundred (100) feet in height. For	Inside the dense business area: shall not exceed one hundred (100) percent of the total site area for buildings up to one hundred (100) feet in height. For

	buildings over one hundred (100) feet in height, lot coverage shall not exceed sixty-five (65) percent.	buildings over one hundred (100) in height, lot coverage shall not exceed ninety (90) percent.	buildings over one hundred (100) feet in height, lot coverage shall not exceed ninety (90) percent (with the exception of the C-2A zoning district). Outside the dense business area: shall not exceed seventy-five (75) percent of the total site area for buildings up to one hundred (100) feet in height. For buildings over one hundred (100) feet in height, lot coverage shall not exceed sixty-five (65) percent.
Maximum Density Multiple Family Dwellings	.35 dwelling units per acre.	135 dwelling units per acre.	Inside the dense business area: One hundred thirty-five (135) dwelling units per acre. Outside the dense business area: Thirty-five (35) dwelling units per acre.

Note 1: Three (3) feet may be added to the height of the building for each foot the building elevation is stair-stepped or recessed back from the property or setback lines beginning at the height permitted up to a maximum height of one hundred fifty (150) feet.

(D) Reserved.

(E) *Additional regulations.* In addition to the regulations established above in section 12-2-8(C), all developments within the commercial zoning districts will be subject to, and must comply with, the following regulations:

- Supplementary district regulations subject to regulations in sections 12-2-31 to 12-2-50.
- Off-street parking subject to regulations in Chapter 12-3.
- Signs subject to regulations in Chapter 12-4.
- Tree/landscape regulations subject to regulations in Chapter 12-6.
- Stormwater management and control of erosion, sedimentation and runoff subject to regulations in Chapter 12-9.
- Alcoholic beverages regulations subject to Chapter 7-4 of this Code

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

PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

March 12, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Kurt Larson, Nina Campbell

MEMBERS ABSENT: Danny Grundhoefer, Ryan Wiggins, Laurie Murphy

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner

OTHERS PRESENT: Dottie Dubuisson, Ron Helms

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from February 12, 2019.
 1. **New Business: Amendment to LDC Section 12-2-8 Commercial Land Use District**
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:05 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Mr. Larson made a motion to approve the February 12, 2019 minutes, seconded by Ms. Campbell, and it carried unanimously.

New Business

Consider Amendment to LDC Section 12-2-8 Commercial Land Use District

On February 14, 2019, City Council referred to this Board for review and recommendation an Amendment to Land Development Code Section 12-2-8 Commercial Land Use District. More specifically, this amendment would remove the use of "Recreation and Amusement operated for profit" from the list of permitted uses within the C-2 Zoning District and add it as a permitted use within the C-1 Zoning District. Currently, the Land Development Code permits Indoor Recreation such as Bowling Alleys, Skating Rinks, Arcades and the like, beginning in the C-2 Zoning District. This amendment would allow such uses to be permitted within the C-1 Zoning District.

Chairman Ritz observed that escape rooms were good fits for C-1 and supported the change in moving the recreational uses to C-1.

However, because bowling alleys and skating rinks tended to be metal buildings, they did not represent such deviation from the otherwise permitted uses in C-1 that they would represent something onerous on the citizens that would create an adverse aspect to this change; he supported the suggested change.

Ms. Deese added that the requested uses would ordinarily go within an existing building, however, there were design standards for new construction which would prohibit a building with a full metal façade, and the uses would be indoor. She advised the C-3 Zoning District is where outside storage/work begins to be permitted.

Mr. Monk asked why the move to C-1 and not allowing it in both, and Ms. Deese stated the zoning is accumulative, so if listed in C-1, it would automatically apply to all the zones above. She also advised this revision was sponsored by Council President Terhaar and was referred to this Board. Mr. Monk asked about the putt-putt golf in Cordova Mall, and Ms. Deese explained the mall was a development plan and a different situation; she referred to Sky Zone in the county and stated C-1 property is located near it and this use would not be permitted as it currently stands.

Ms. Dubuisson advised Belmont DeVilliers has its own zoning and wanted to make sure this use did not include outdoor theaters or men's clubs. Chairman Ritz pointed out that outdoor was not allowed until C-3, and adult entertainment was still not allowed until C-3. Ms. Dubuisson felt as long as it was interior activities only, this would be a normal progression. Ms. Deese stated the LDC lists the functions of C-1, C-2 and C-3 at the beginning of each district so there is no confusion.

Mr. Larson made a motion to approve, seconded by Ms. Campbell, and it carried unanimously.

Open Forum – Ms. Dubuisson thanked the Board for their work. She informed the Board that the A-Door project was now completely filled with second and third generation residents or former residents from Belmont-DeVilliers. For the purposes of providing housing, 35 families now live in this area. Chairman Ritz appreciated the positive feedback to the Board.

Mr. Larson asked about the term limits for the Boards in the new administration, and Ms. Deese stated the Transition Report was received by the Mayor, but she was unaware how it would be executed.

Mr. Helms advised the Transition Report was distributed to Council, and they would take that issue up with the Mayor and would be looking at all the recommendations, with the Mayor setting priorities on what was pursued first.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 2:21 pm.

Respectfully Submitted,



Brandi C. Deese
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 15-19

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Ann Hill

SUBJECT:

PROPOSED ORDINANCE NO. 15-19 AMENDING SECTION 7-4-2 OF THE CODE OF THE CITY OF PENSACOLA RELATED TO THE HOURS OF OPERATION FOR BOTTLE CLUBS

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 15-19 on first reading:

AN ORDINANCE AMENDING SECTION 7-4-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RELATED TO THE HOURS OF OPERATION FOR BOTTLE CLUBS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Currently the City permits bottle club establishments within the City to remain open from 10:00 p.m. to 5:00 a.m., Monday through Sunday.

The sale of alcoholic beverages at other establishments such as saloons, barrooms, cocktail lounges and clubs as set forth in City Code 7-4-2(b) is between the hours of 7:00 a.m. to 3:00 a.m., Monday through Sunday.

A correlation has been shown between the sale, distribution and consumption of alcohol during the early morning hours and influx of crime, noise and disturbances in areas where large groups of persons gather and alcohol is consumed, such as occurs at bottle clubs.

The City's desire is to protect public welfare and reduce criminal behavior and disturbances occurring during the extended early morning hours. A reduction in criminal activity and disturbances in areas surrounding a bottle club, which draws a large number of persons after the close of other commercial businesses, will reduce the amount of law enforcement manpower required in those areas during that time and permit more officers to be available for responses to other criminal activity. This will increase the ability to conduct more proactive law enforcement activities throughout the City. The proposed amendment will put the hours for bottle clubs in line with other establishments where alcohol is served and/or consumed.

PRIOR ACTION:

March 28, 1986 - City Council amended Sections 7-4-1 through 7-4-15

June 26, 1986 - City Council amended ordinance

August 28, 1986 - City Council amended, adding Bottle Clubs and others

August 10, 1989 - City Council amended regarding hours for sale of alcoholic beverages

September 27, 2012 - City Council amended regarding hours for sale

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance No. 15-19

PRESENTATION: Yes

PROPOSED
ORDINANCE NO. 15-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 7-4-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RELATED TO THE HOURS OF OPERATION FOR BOTTLE CLUBS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pensacola (“City”) currently permits bottle club establishments in the City to remain open as set forth in City Code Section 7-4-2(c) “Hours of Operation” on Monday through Sunday between the hours of 10:00 p.m. and 5:00 a.m.; and

WHEREAS, the sale of alcoholic beverages at other social establishments such as saloons, barrooms, cocktail lounges, clubs or other places where alcoholic beverages are sold as set forth in City Code Section 7-4-2(b) is Monday through Sunday between the hours of 7:00 a.m. and 3:00 a.m. There are exceptions to those establishments such as grocery stores, restaurants and eating places, which ordinarily sell such beverages, as long as such beverages are not permitted to be sold or consumed during the prohibited hours; and

WHEREAS, Bottle clubs are defined in Florida Statute 561.01 and have been adopted to have the same meaning in the City Code Section 7-4-1:

“Bottle club” means a commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed permanent structure. This definition does not apply to sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held, bona fide restaurants licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation whose primary business is the service of full course meals, or hotels and motels licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

WHEREAS, there is a correlation between the sale, distribution and consumption of alcohol during the early morning hours and an influx of crime, noise and disturbances in areas where large groups of persons gather and alcohol is consumed such as occurs at bottle clubs; and

WHEREAS, the City desires to implement reasonable measures to discourage gangs and gang members from entering and meeting within the City, hereby lessening the occasions and opportunities for gangs and gang members to engage in criminal behavior within the City; and

WHEREAS, a reduction in criminal activity and disturbances in areas surrounding a bottle club which draws a large number of persons after the close of other commercial businesses will reduce the amount of law enforcement manpower required in those areas during that time and permit more officers to be available for responses to other criminal activity and increase the ability to conduct more proactive law enforcement activities; and

WHEREAS, the City of Pensacola has enhanced police power over alcoholic beverages pursuant to the Twenty-First Amendment to the United States Constitution and, in enacting the provisions of this Chapter, the Council is exercising the full strength of that Twenty-First Amendment power; and

WHEREAS, the City desires to protect public welfare and reduce criminal behavior and disturbances that occur during the extended early morning hours; and

WHEREAS, the City of Pensacola has determined that it is in the public interest to adopt the proposed amendments to the hours of operation for bottle clubs;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 7-4-2 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-4-2 - Hours of operation.

(a) Alcoholic beverages may be sold only on Monday through Sunday, between the hours of 7:00 a.m. and 3:00 a.m. of the following day.

(b) No saloon, barroom, cocktail lounge, club or other place where alcoholic beverages are ordinarily sold, shall remain open during such prohibited hours of sale; provided, however the provisions of this section shall not be construed as prohibiting grocery stores, restaurants or eating places, which ordinarily sell such beverages, from remaining open during the prohibited hours, so long as such beverages are not sold or permitted to be consumed upon the premises of such places during such hours.

(c) Bottle clubs may be permitted to operate on Monday through Sunday only between the hours of 10:00 p.m. and 3:00 a.m. ~~5:00 a.m.~~ of the following day. Subsections (a) and (b) of this section shall not apply to bottle clubs.

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 #: 19-00175

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

FY 19 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: STATE

RECOMMENDATION:

That City Council approve and authorize the Mayor to execute the acceptance the FY 19 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: State, agreement between the City of Pensacola and the State of Florida Department of Law Enforcement, Office of Criminal Justice Grants in the amount of \$34,348, upon award of the grant. Further, that City Council approve the supplemental budget resolution appropriating the grant funds.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Pensacola Police Department (PPD) will be submitting a grant application to the U.S. Department of Justice, Bureau of Justice Assistance, under the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula (State) to support efforts with purchasing fifteen tactical vests with rifle plates for the SWAT team.

These tactical vests will provide SWAT team members with ballistic protection while carrying out high risk operations. The current tactical vests worn by SWAT team members will expire in 08/2019, therefore new vests are required to remain in compliance with the Commission for Florida Law Enforcement Accreditation Standards and is an essential, best practice.

The JAG Program blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs (under Title XI-Department of Justice Reauthorization) to provide agencies with the flexibility to prioritize and place justice funds where they are most needed. The JAG Program provides states, tribes and local governments funding to support a broad range of activities to prevent and control crime based upon local needs and conditions. Matching funds are not required under the JAG Program.

Among the grant requirements are that the Pensacola Police Department notify City Council of its intended use of the grant and to allow the citizens an opportunity to comment prior to the application submission.

PRIOR ACTION:

None

FUNDING:

Budget: \$34,348

Actual: \$34,348

FINANCIAL IMPACT:

The estimate grant award for the FY 19 Edward Byrne Memorial Justice Assistance (JAG) Program: State is \$34,348, based on the 2019 Florida Local JAG Allocations. Projects to be funded from this grant award do not require a local match. Approval of the supplemental budget resolution will appropriate funding for this grant.

CITY ATTORNEY REVIEW: Yes

4/4/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Tommi Lyter, Chief of Police

ATTACHMENTS:

- 1) Certificate of Sub-Award
- 2) Supplemental Budget Resolution
- 3) Supplemental Budget Explanation

PRESENTATION: No

CERTIFICATE OF SUBAWARD

Subrecipient: City of Pensacola

Date of Award: March 13, 2019

Grant Period: From: 01/01/2019 TO: 06/30/2019

Project Title: SWAT BALLISTIC VESTS

Grant Number: 2019-JAGC-ESCA-3-F9-234

Federal Funds: \$34,348.00

Matching Funds: \$0.00

Total Project Cost: \$34,348.00

CFDA Number: 16.738

Federal Award Number: 2017-MU-BX-0187

Federal Awarding Agency: U.S. Department of Justice (USDOJ)

Pass-through Entity: Florida Department of Law Enforcement (FDLE)

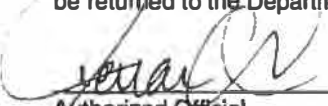
Award is hereby made in the amount and for the period shown above of a subgrant under Part E of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended Subpart 1 of such part (42 U.S.C. 3751-3759); the Consolidated Appropriations Act, 2008, Public Law 110-161; and Public Law 109-162, Title XI, Department of Justice Reauthorization, Subtitle B, Improving the Department of Justice's Grant Programs, Chapter 1, Assisting Law Enforcement and Criminal Justice Agencies, Section 1111. Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program, to the above mentioned subgrantee and subject to any attached or special conditions.

This award is subject to all applicable rules, regulations, and conditions as contained in the Office of Justice Programs (OJP) Financial Guide, Common Rule for State and Local Governments, and/or Office of Management and Budget (OMB) Uniform Grant Requirements (2 C.F.R. Part 200), in their entirety. It is also subject to the attached standard conditions and such further rules, regulations and policies as may be reasonably prescribed by the State or Federal Government consistent with the purposes and authorization of Public Law 90-351, as amended, and Public Law 100-690.

This award is a cost-reimbursement agreement for satisfactory performance of eligible activities. Requests for reimbursement may be submitted quarterly or monthly as designated in the Financial Section of the agreement. Requests for reimbursement will be processed in conjunction with receipt and review of programmatic performance reports to determine successful completion of minimum performance for deliverables. Expenditures must be supported with documentation and provided to the Department upon request.

Failure to comply with provisions of this agreement, or failure to meet minimum performance specified in the agreement will result in required corrective action up to and including project costs being disallowed, withholding of federal funds and/or termination of the project, as specified within the terms of the agreement and OMB Uniform Guidance 200.338 - 200.342.

Within thirty (30) days from the date of award, a properly executed Certificate of Acceptance of Subgrant Award must be returned to the Department.



Authorized Official
Rhona Kay Cradit
Bureau Chief



Date

() This award is subject to special conditions (attached).

**RESOLUTION
NO. 2019-21**

**A RESOLUTION
TO BE ENTITLED:**

**A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2019; 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. SPECIAL GRANTS FUND

As Reads	Federal Grants	1,660,634
To:		
Reads	Federal Grants	1,694,982
As Reads	Operating Expenses	415,849
To:		
Reads	Operating Expenses	450,197

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 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

APRIL 2019 - SUPPLEMENTAL BUDGET RESOLUTION - FY 19 JAG - SWAT BALLISTIC VEST GRANT - RES NO. 2019-21

<u>FUND</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
SPECIAL GRANTS FUND		
Estimated Revenues		
Federal Grants	<u>34,348</u>	Increase estimated revenue for Federal Grants
Total Revenues	<u>34,348</u>	
Appropriations		
Operating Expenses	<u>34,348</u>	Increase appropriation for Operating Expenses
Total Appropriations	<u>34,348</u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-21

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-21 - FY19 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: STATE

RECOMMENDATION:

That City Council adopt Supplemental Budget Resolution No. 2019-21

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Pensacola Police Department (PPD) will be submitting a grant application to the U.S. Department of Justice, Bureau of Justice Assistance, under the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula (State) to support efforts with purchasing fifteen tactical vests with rifle plates for the SWAT team.

These tactical vests will provide SWAT team members with ballistic protection while carrying out high risk operations. The current tactical vests worn by SWAT team members will expire in 08/2019, therefore new vests are required to remain in compliance with the Commission for Florida Law Enforcement Accreditation Standards and is an essential, best practice.

The JAG Program blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs (under Title XI-Department of Justice Reauthorization) to provide agencies with the flexibility to prioritize and place justice funds where they are most needed. The JAG Program provides states, tribes and local governments funding to support a broad range of activities to prevent and control crime based upon local needs and conditions. Matching funds are not required under the JAG Program.

Among the grant requirements are that the Pensacola Police Department notify City Council of its intended use of the grant and to allow the citizens an opportunity to comment prior to the application submission.

PRIOR ACTION:

None

FUNDING:

Budget: \$34,348.00

Actual: \$34,348.00

FINANCIAL IMPACT:

The estimate grant award for the FY19 Edward Byrne Memorial Justice Assistance (JAG) Program: State is \$34,348.00, based on the 2019 Florida Local JAG Allocations. Projects to be funded from this grant award do not require a local match. Approval of the supplemental budget resolution will appropriate funding for this grant.

CITY ATTORNEY REVIEW: Yes

3/31/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Tommi Lyter, Chief of Police

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 2019-21
- 2) Supplemental Budget Explanation No. 2019-21

PRESENTATION: No

**RESOLUTION
NO. 2019-21**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2019; 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. SPECIAL GRANTS FUND		
As Reads	Federal Grants	1,660,634
To:		
Reads	Federal Grants	1,694,982
As Reads	Operating Expenses	415,849
To:		
Reads	Operating Expenses	450,197

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 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

APRIL 2019 - SUPPLEMENTAL BUDGET RESOLUTION - FY 19 JAG - SWAT BALLISTIC VEST GRANT - RES NO. 2019-21

FUND	AMOUNT	DESCRIPTION
SPECIAL GRANTS FUND		
Estimated Revenues		
Federal Grants	34,348	Increase estimated revenue for Federal Grants
Total Revenues	<u>34,348</u>	
Appropriations		
Operating Expenses	<u>34,348</u>	Increase appropriation for Operating Expenses
Total Appropriations	<u>34,348</u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 14-19

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 14-19 - AUTHORIZING A SPECIAL ASSESSMENT UPON HOSPITAL PROPERTY TO GENERATE FUNDS FOR INDIGENT HEALTH CARE

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 14-19 on second reading.

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA; PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THEIR REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Representatives from Baptist Hospital and Sacred Heart Hospital requested that the City Council consider the imposition of special assessments on their real property located within the City of Pensacola to increase funding available to reimburse the hospitals for uncompensated charitable health care. In order to levy the requested special assessment, the City must adopt an ordinance that allows such a special assessment to be levied. Accordingly, the proposed ordinance provides a mechanism for levying the special assessment on their property being requested by the two hospitals.

Currently, there is a significant gap in the funds the two hospitals receive from the State of Florida and the Federal Government for indigent health care versus what they actually expend. The hospitals have advised that this gap can be decreased through a special assessment on properties within the city limits owned by Baptist Hospital and Sacred Heart Hospital. The assessment will be imposed as a set percentage of net outpatient service revenues for each hospital property subject to the special assessment. The hospitals will transmit the assessment in one lump sum to the City, which in turn would forward that same amount to the

Agency for Health Care Administration, an agency of the State of Florida. The State would then use those funds to draw down a federal match of grant dollars equal to approximately 150% of the assessment dollars collected. The total funds - the assessment amount and the federal grant dollars - then would be remitted to the hospitals by the State.

Due to deadline requirements of the State of Florida, the process to adopt the assessment ordinance and subsequent adoption of the resolution imposing the assessment rate must commence immediately, thus necessitating this Add-On item. The attached proposed ordinance has been prepared by the hospitals' attorneys for consideration by City Council. Representatives from Baptist Hospital and Sacred Heart Hospital will be in attendance at both the Agenda Conference and City Council meeting to answer questions regarding the request to the City Council.

PRIOR ACTION:

April 11, 2019 - The City Council voted to approve Proposed Ordinance No. 14-19 on first reading.

FUNDING:

N/A

FINANCIAL IMPACT:

There is no direct financial impact to the City. The special assessment will generate additional funds, estimated at several million dollars, from the federal government to pay for uncompensated care to indigent citizens.

CITY ATTORNEY REVIEW: Yes

4/5/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 14-19

PRESENTATION: No

PROPOSED
ORDINANCE NO. 14 -19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA; PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

Section. 1.01 – Findings and Intent.

In adopting this Ordinance, the City Council makes the following findings and declares the following legislative intent:

(1) Each year, Baptist and Sacred Heart Hospitals ("Hospitals") in Pensacola provide substantial uncompensated charity health care to indigent citizens of the City.

(2) The State of Florida (the "State") created a Low-Income Pool program (the "LIP Program") through its federal Medicaid waiver to help defray the uncompensated costs of providing charity care to uninsured and low-income patients.

(3) The State has not provided the full allowable LIP Program support to certain eligible hospitals.

(4) The impacted hospitals (the "Hospitals") have requested that the City of Pensacola, Florida (the "City") impose an assessment upon certain real property owned by the Hospitals to help finance that non-federal share of the State's LIP Program.

(5) The funding from the City assessment will be transferred to the State to enable the State to draw down a federal match equal to approximately 150% of the assessed funds, thereby allowing the State to pay the Hospitals a higher percentage of their uncompensated charity care costs to maintain and expand their charity care programs.

(6) The City has an interest in promoting access to healthcare to its uninsured, indigent, and low-income citizens.

(7) Imposing an assessment to help fund the provision of charity health care by the Hospitals to indigent and uninsured citizens of the City is a valid public purpose that benefits the health, safety and welfare of the citizens of Pensacola.

(8) The City Council of the City of Pensacola, Florida (the "City Council") hereby intends to adopt an ordinance, authorizing and enabling the City to levy non-ad valorem assessments on properties of the Hospitals within the jurisdictional limits of the City in accordance with state law and procedures.

Section. 1.02 – Definitions.

When used in this Ordinance, the following terms shall have the following meanings, unless the context clearly requires otherwise:

Annual Assessment Resolution means the resolution approving an Assessment Roll of Hospital properties for a specific Fiscal Year.

Assessment means the assessment on real property of providers of outpatient hospital services within Pensacola City limits, as defined herein.

Assessment Roll means the special assessment roll of Hospital properties approved by a Final Assessment Resolution or an Annual Assessment Resolution pursuant to this Ordinance.

Assessment Unit means the apportionment unit utilized to determine the Assessment for each parcel of property, as set forth in the Initial Assessment Resolution. "Assessment Units" may include, by way of example and not limitation, one or a combination of the following: front footage, land area, improvement area, or permitted land use.

City means the City of Pensacola, Florida.

Council means the City Council of the City of Pensacola, Florida.

Final Assessment Resolution means the resolution which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of an Assessment.

Fiscal Year means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City.

Initial Assessment Resolution means the resolution described herein which shall be the initial proceeding for the imposition of an Assessment.

Local Service means the provision of charity health care by the Hospitals to indigent and uninsured citizens of Pensacola .

Ordinance means this Special Assessment Ordinance enabling the City to levy non-ad valorem assessments on Hospital properties within the jurisdictional limits of the City.

Property Appraiser means the Escambia County Property Appraiser.

Resolution of Intent means the resolution expressing the Council's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act, Ch. 197, Florida Statutes.

Tax Collector means the Escambia County Tax Collector.

Tax Roll means the real property ad valorem tax assessment roll pertaining to Hospital property maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

Uniform Assessment Collection Act means Florida Statutes §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Section. 1.03 - Authority.

The Council is hereby authorized to impose, levy, and collect Assessments against Hospital property located within an Assessment Area upon which are located providers of outpatient hospital services located to fund the non-federal share of LIP payments to certain eligible Hospitals for uncompensated costs of charity care. The Assessment shall be computed in a manner that fairly and reasonably apportions the Operating Cost proportionate to the benefit among the parcels of property within the Assessment Area, based upon objectively determinable Assessment Units related to the value, use or physical characteristics of the property. When imposed by the City Council, the Assessment shall constitute a lien upon the Assessed Hospitals equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments, and failure to pay may cause foreclosure proceedings to be instituted which could result in loss of title.

Section. 1.04 - Initial Assessment Resolution.

The initial proceeding for imposition of an Assessment shall be the Council's adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall (A) describe with particularity the proposed method of fairly and reasonably apportioning the Operating Cost proportionate to the benefit among the parcels of property located within the Assessment Area, such that the owner of any parcel of property can objectively determine the amount of the Assessment, based upon its value, use or physical characteristics; (B) describe how and when the Assessments are to be paid.

Section. 1.05 - Assessment Roll.

- (A) An Assessment Roll shall be prepared that contains the following information:
- (1) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;
 - (2) the name of the owner of record of each parcel, as shown on the Tax Roll;
 - (3) Assessment attributable to each parcel;
 - (4) the estimated maximum annual Assessment to become due in any Fiscal Year; and
 - (5) the estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.

Section. 1.06 - Adoption Procedures.

The procedures utilized by the City Council in adopting an Assessment Resolution, an Assessment Roll, and notice of same to affected Hospital property owners shall be those procedures required by the Uniform Assessment Collection Act, Chapter 197, Florida Statutes, as those procedures currently exist or may be altered or amended from time to time.

Section 1.07 - Collection.

Assessments to be collected under the alternative method of collection shall attach to the property included on the Assessment Roll as of the date of Council approval of such Assessment Roll.

Section 1.08 - Method of Collection.

Assessments shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions thereof. Roll or to the Tax Collector.

Section 1.09 - Hold Harmless and Indemnification. The Hospitals which are the subject of this Ordinance have requested adoption of this Ordinance and have given assurances to the City of Pensacola that the objectives and procedures addressed in this Ordinance are proper and lawful. Accordingly, the Hospitals which are the subject of this Ordinance shall hold the City of Pensacola, its officers, employees and agents, harmless from any claim arising from the adoption and implementation of this Ordinance, and that they shall indemnify the City of Pensacola, its officers, employees and agents, from any and all claims, including the costs and fees associated with the defense of such claims, which may arise in the event that the objectives and procedures of this Ordinance may be challenged by any person, entity or government agency.

Section 1.10 - Reimbursement of Costs.

The Hospitals which are the subject of this Ordinance shall be assessed the costs incurred by the City of Pensacola in the administration and implementation of this Ordinance, such assessment to be in proportion to the assessments imposed hereunder.

Section 1.11. 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 1.12. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 1.13. 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 the City Council

Attest:

City Clerk

Robyn M. Tice
 CITY CLERK'S OFFICE, CITY OF PENSACOLA
 3RD FLOOR, 222 WEST MAIN STREET
 PENSACOLA, FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida
 County of Escambia:

Before the undersigned authority personally appeared , who on oath says that he or she is a Legal Advertising Representative of the Pensacola News Journal , a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

NOTICE OF PROPOSED ORDINA

as published in said newspaper in the issue(s) of:

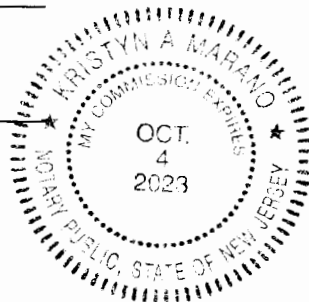
04/15/19

Affiant further says that the said Pensacola News Journal is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 16th of April 2019, by who is personally known to me

[Signature]
 Affiant

[Signature]
 Notary



Publication Cost: \$237.86

NOTICE OF PROPOSED ORDINANCES

Please be advised that Proposed Ordinance Nos. 11-19, 13-19, and 14-19 were presented to the City Council of the City of Pensacola for first reading on Thursday, April 11, 2019 and will be presented for final reading and adoption on Thursday, April 25, 2019 at 5:30 p.m., in Council Chambers on the First Floor of City Hall, 222 West Main Street, Pensacola, Florida.

The title(s) of the proposed ordinance(s) are as follows:

P.O. #11-19:

AN ORDINANCE AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RESTRICTED HOURS; PROVIDING FOR SEVERABILITY REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

P.O. #13-19:

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER OF THE CITY COUNCIL TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION. RESTRUCTURED BY ESCAMBIA COUNTY, FLORIDA, BY THE ENACTMENT OF ORDINANCE 2019-13; SETTING FORTH THE COMPOSITION AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

P.O. #14-19:

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

A copy of proposed ordinances may be inspected by the public in the City Clerk's office, located on the 3rd Floor of City Hall, 222 West Main Street, Pensacola, Florida, or on-line on the City's website: <https://pensacola.legistar.com/Calendar.aspx>. Interested parties may appear at the Council meeting and be heard with respect to the proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The 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. Requests 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, FLORIDA

By: Ericka L. Burnett, City Clerk

Visit www.cityofpensacola.com to learn more about City activities. Council agendas posted on-line before meetings.

Legal No. April 15, 2019

Ad No: 0003494789

Customer No: PNJ-25615500



Memorandum

File #: 2019-24

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

RESOLUTION NO. 2019-24 - INDIGENT HEALTH CARE SPECIAL ASSESSMENT

RECOMMENDATION:

That City Council adopt Resolution No. 2019-24.

AN ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, AUTHORIZING, LEVYING, AND IMPOSING A NON-AD VALOREM ASSESSMENT WITHIN THE AREAS OF THE CITY LIMITS DESCRIBED HEREIN FOR THE PURPOSE OF SUPPORTING THE PROVISION OF CHARITY HEALTH CARE BY THE CITY'S HOSPITALS TO INDIGENT MEMBERS OF THE NORTHWEST FLORIDA COMMUNITY; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE INCREASED SUPPORT FOR CHARITY CARE; MAKING CERTAIN OTHER FINDINGS IN RELATION THERETO; ESTABLISHING THE METHOD OF ASSESSING AND COLLECTING THE ASSESSMENT AGAINST THE REAL PROPERTY; SPECIFYING THE MAXIMUM ANNUAL ASSESSMENT AMOUNT AND THE MAXIMUM ASSESSMENT LIEN TO BE LEVIED AGAINST THE SPECIALLY BENEFITED REAL PROPERTY; CONFIRMING THE ASSESSMENT RESOLUTION; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY IN RELATION THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Representatives from Baptist Hospital and Sacred Heart Hospital requested that the City Council consider the imposition of special assessments on their real property located within the City of Pensacola to increase funding available to reimburse the hospitals for uncompensated charitable health care. In order to levy the requested special assessment, the City must adopt an ordinance that allows such a special assessment to be levied. Proposed Ordinance No. 14-19 was approved on first reading at the April 11, 2019 City Council meeting and is being presented to adoption on second reading at the April 25, 2019 City Council meeting. The proposed ordinance provides a mechanism for levying the special assessment on their property being requested by the

two hospitals.

Currently, there is a significant gap in the funds the two hospitals receive from the State of Florida and the Federal Government for indigent health care versus what they actually expend. The hospitals have advised that this gap can be decreased through a special assessment on properties within the city limits owned by Baptist Hospital and Sacred Heart Hospital. The assessment will be imposed as a set percentage of net outpatient service revenues for each hospital property subject to the special assessment. The hospitals will transmit the assessment in one lump sum to the City, which in turn would forward that same amount to the Agency for Health Care Administration, an agency of the State of Florida. The State would then use those funds to draw down a federal match of grant dollars equal to approximately 150% of the assessment dollars collected. The total funds - the assessment amount and the federal grant dollars - then would be remitted to the hospitals by the State.

Due to deadline requirements of the State of Florida, the process to adopt the assessment ordinance and subsequent adoption of the resolution imposing the assessment rate must commence immediately. The attached resolution will be the mechanism that will allow for the special assessment to be levied against properties that are owned by these two hospitals within the City of Pensacola limits. Representatives from Baptist Hospital and Sacred Heart Hospital will be in attendance at both the Agenda Conference and City Council meeting to answer questions regarding the request to the City Council.

PRIOR ACTION:

April 11, 2019 - City Council approved Proposed Ordinance No. 14-19 on first reading.

FUNDING:

N/A

FINANCIAL IMPACT:

There is no direct financial impact to the City. The special assessment will generate additional funds, estimated at several million dollars, from the federal government to pay for uncompensated care to indigent citizens.

CITY ATTORNEY REVIEW: Yes

4/15/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator

ATTACHMENTS:

- 1) Resolution No. 2019-24

PRESENTATION: No

**RESOLUTION
NO. 2019-24**

**A RESOLUTION
TO BE ENTITLED:**

AN ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, AUTHORIZING, LEVYING, AND IMPOSING A NON-AD VALOREM ASSESSMENT WITHIN THE AREAS OF THE CITY LIMITS DESCRIBED HEREIN FOR THE PURPOSE OF SUPPORTING THE PROVISION OF CHARITY HEALTH CARE BY THE CITY'S HOSPITALS TO INDIGENT MEMBERS OF THE NORTHWEST FLORIDA COMMUNITY; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE INCREASED SUPPORT FOR CHARITY CARE; MAKING CERTAIN OTHER FINDINGS IN RELATION THERETO; ESTABLISHING THE METHOD OF ASSESSING AND COLLECTING THE ASSESSMENT AGAINST THE REAL PROPERTY; SPECIFYING THE MAXIMUM ANNUAL ASSESSMENT AMOUNT AND THE MAXIMUM ASSESSMENT LIEN TO BE LEVIED AGAINST THE SPECIALLY BENEFITED REAL PROPERTY; CONFIRMING THE ASSESSMENT RESOLUTION; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY IN RELATION THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, each year, hospitals in Pensacola provide millions of dollars of uncompensated charity health care to indigent members of the Northwest Florida community; and

WHEREAS, the State of Florida (the "State") created a Low-Income Pool program (the "LIP Program") through its federal Medicaid waiver to help support the uncompensated costs of providing charity care to uninsured and low-income patients; and

WHEREAS, the State has not provided the full allowable LIP Program support to certain eligible hospitals; and

WHEREAS, the impacted hospitals (the "Hospitals") have requested that the City of Pensacola, Florida (the "City") impose an assessment upon certain real property owned by the Hospitals to help finance that non-federal share of the State's LIP Program; and

WHEREAS, the funding from the City assessment will be transferred to the State to enable the State to draw down a federal match equal to approximately 150% of the assessed funds, thereby allowing the State to pay the Hospitals a much higher percentage of their uncompensated charity care costs to maintain and even expand their charity care programs; and

WHEREAS, among the uncompensated charity care costs that the LIP payments will cover and that the Hospitals incur are the costs of operating and maintaining the assessed real property, as documented in hospital cost reports submitted to the Agency for Health Care Administration (“AHCA”) and the federal Centers for Medicare and Medicaid Services (“CMS”); and

WHEREAS, as with many local governments, it is within the City’s public purposes to promote access to healthcare to its uninsured and low-income residents as well as the broader community through support of charity care provided by local hospitals; and

WHEREAS leveraging federal support for certain eligible hospitals to continue to provide that care benefits all providers in the City who would otherwise take on a greater share of that burden; and

WHEREAS, imposing an assessment to help fund the provision of charity health care by the Hospitals to indigent and uninsured members of the Northwest Florida community is a valid public purpose that benefits the health, safety, and welfare of the citizens of Pensacola; and

WHEREAS, on April 25, 2019, the City Council of the City of Pensacola, Florida (the "City Council") adopted Ordinance _____ (the “Ordinance”), enabling the City to levy non-ad valorem assessments on properties within the jurisdictional limits of the City owned by the Hospitals that are specially benefited by this special assessment for supporting charity health care.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, THAT:

Section 1. Definitions. As used in this Resolution, the following capitalized terms, not otherwise defined herein or in the Ordinance, shall have the following meanings unless the context hereof otherwise requires:

“Assessment Area” means the Hospital facilities within City limits that provide outpatient hospital services, namely real property located at:

Sacred Heart Hospital
5151 North 9th Avenue
Pensacola, FL 32504

Sacred Heart Rehabilitation - Davis Highway
4406 North Davis Highway
Pensacola, FL 32503

Sacred Heart Occupational Health and Rehabilitation
4412 North Davis Highway
Pensacola, FL 32503

Autism Center of the Studer Children's Hospital at
Sacred Heart

5154 Bayou Boulevard
Pensacola, FL 32503

Sacred Heart Cardiac Rehabilitation Center
1601 Airport Boulevard
Pensacola, FL 32504

Sacred Heart Pulmonary Rehab Center
1601 Airport Boulevard
Pensacola, FL 32504

Ann L. Baroco Center for Breast Health &
Mammography
5147 North 9th Avenue
Suite G03
Pensacola, FL 32504

Sacred Heart Surgical Weight Loss Center
5149 North 9th Avenue,
Suite G32
Pensacola, FL 32504

Sacred Heart Kidney Transplant
5149 North 9th Avenue,
Suite 246
Pensacola, FL 32504

Sacred Heart Center for Wound Care and Hyperbaric
Medicine
1549 Airport Boulevard
Pensacola, FL 32504

Sacred Heart Medical Park at Airport Blvd
1549 Airport Boulevard
Pensacola, FL 32504

Sacred Heart Rehabilitation Center
4929 Mobile Highway
Pensacola, FL 32506

Baptist Hospital
1000 W Moreno Street
Pensacola, FL 32501

Baptist Hospital Imaging Center
5100 North 12th Avenue
Pensacola, FL 32504

Andrews Institute Rehabilitation of Baptist Hospital
165 East Intendencia St.
Suite 200
Pensacola, FL 32502

“Delinquent” means not paid within thirty (30) days of the due date.

“Designated City Official” means the Chief Financial Officer, or such other official as shall be designated by the Mayor to act as such hereunder, or such person’s designee.

“Ordinance” means the Special Assessment Ordinance adopted by City Council on April 25, 2019, enabling the City to levy non-ad valorem assessments on properties within the jurisdictional limits of the City that are specially benefited by certain local improvements or local services.

“Owner,” “Owner(s),” or “Owners” means any one or more of the owners of the real property within the Assessment Area determined by the City Council to be subject to the Assessment based on the selected methodology defined herein.

Section 2. Interpretation. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to this Resolution; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

Section 3. Authority. This Resolution is adopted pursuant to Section 2(b), Article VIII of the Constitution of the State of Florida, Parts I and III of Chapter 166, Florida Statutes, and the Ordinance (collectively the "Act").

Section 4. Findings. It is hereby ascertained, found, determined and declared by the City Council that:

(A) Article VIII of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, grant to a city all powers of local self-government to perform city functions and to render services for city purposes in a manner not inconsistent with general law, or with special law approved by vote of the electors, and such power may be exercised by enactment of ordinances and resolutions.

(B) The Ordinance was enacted to provide for the creation of a special assessment imposed on certain real property owned by the Hospitals.

(C) The City’s support of access to health care services provided through hospital charity care programs, by leveraging local funding and Medicaid federal matching funds to provide such access, constitutes Local Services as defined in the Ordinance.

(D) The City’s decision to leverage available funding to support the provision of hospital charity care programs through LIP funding serves a valid public purpose by supporting the provision of health care to indigent members of the Northwest Florida community, supporting the other providers who would otherwise take on such charity care, and supporting the viability of certain LIP eligible hospitals as important institutions to the City economy, and, therefore, the Assessment is in the best interest of the health, safety, and welfare of the citizens of Pensacola.

(E) City Council desires to create the Assessment Area to fund the Local Service as set forth herein.

(F) The Local Service will provide a special benefit to the property located within the Assessment Area by generating additional funding to cover the cost of charity health care, including costs of operating and maintaining the real property and improvements thereon in which the charity care is provided, such costs to be documented in cost reports submitted to AHCA and CMS.

(G) The Assessment to be imposed in accordance with this Resolution provides an equitable method of funding increased charity care.

(H) A reasonable methodology has been applied in determining the basis and rate of the Assessment and which hospitals are subject to the Assessment within the jurisdictional limits of the City (the Assessed Hospitals).

Section 5. Special Assessment. There is hereby authorized and imposed a non-ad valorem assessment, the amount of which shall be computed in accordance with Section 7 herein. The Assessment shall be imposed, levied, collected, and enforced against the specially benefited real property located in the Assessment Area to fund the non-federal share of LIP payments to certain eligible hospitals for uncompensated costs of charity care. When imposed by this Resolution, the Assessment shall constitute a lien upon the real property in the Assessment Area equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments, and failure to pay may cause foreclosure proceedings to be instituted that could result in loss of title. The Assessment will be billed and collected as provided in Section 9 hereof and in the Ordinance.

Section 6. Assessment Scope, Basis, and Use.

(A) The Assessment pursuant to this Resolution shall be imposed on all providers of outpatient hospital services with the City limits, which is limited to Sacred Heart Hospital and Baptist Hospital. The City will assess net outpatient service revenues of each Hospital subject to the Assessment.

(B) The amounts collected from the Assessment may only be used for the following purposes:

(1) to transfer funds to the Agency for Health Care Administration (“AHCA”) for the purposes of providing local funding for the non-federal share of LIP payments to eligible hospitals that are Regional Perinatal Intensive Care Centers; or

(2) to refund to the assessed Hospitals any overpayment or amounts otherwise collected in error with respect to the Assessment.

(C) In the event that all or a portion of the LIP payments are recouped by the federal government and the associated non-federal share funded by the Assessment is returned to the City, the City will refund such amounts to the Assessed Hospitals.

Section 7. Computation of Assessment.

(A) The annual installment of the Assessment shall equal 4.4 percent of net outpatient service revenues for each Hospital subject to the Assessment.

(B) Net outpatient hospital services revenue data for each assessed Hospital will be derived from the 2017 Florida Hospital Uniform Reporting System, as available from AHCA.

(C) The full amount of the annual assessment is payable by May 10, 2019.

(D) The maximum lien obligation of the Assessment is \$14,462,331 (the “Maximum Lien Obligation”).

Section 8. Non-Ad Valorem Assessment Roll; Certification. The Non-Ad Valorem Assessment Roll, a copy of which is attached hereto as Exhibit A, is hereby approved in accordance with Section 1.05 of the Ordinance.

Section 9. Timing and Method of Collection.

(A) The amount of the assessment is to be collected from the Hospitals as described herein.

(B) The City shall provide Assessment bills by first class mail to the owner of each affected Hospital. The bill or accompanying explanatory material shall include (1) a reference to this Resolution, (2) the total amount of the hospital's Assessment for the appropriate period, (3) the location at which payment will be accepted, (4) the date on which the Assessment is due, and (5) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(C) The Hospitals shall pay to the City the full assessment promptly upon the passing of this Resolution, but in no event later than the date set forth in Section 7(C) above.

Section 10. Public Hearing. A public hearing will be conducted by the City Council on April 25, 2019, at 5:30 p.m. or at such other time as noticed in Council Chambers at City Hall, 222 West Main Street, Pensacola, to consider adoption of this Assessment Resolution for the imposition and collection of the Assessment.

Section 11. Assessment.

(A) The methodology for computing the Assessment described herein is hereby approved. The Assessment is hereby imposed on the Assessment Area.

(B) The Assessment shall constitute a lien against the Assessment Area equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens and claims until paid. The lien shall be perfected upon adoption of this Assessment Resolution.

Section 12. Direction to Mail Copies. The City Council does hereby authorize the Mayor to send a copy of this Resolution by United States Mail to the Escambia County Property Appraiser, the Escambia County Tax Collector, and to the State of Florida Department of Revenue.

Section 13. Assessment Lien Notice. If the Assessment is not paid in full within thirty (30) days of the due date set forth in Section 7(C) hereof, City Council does hereby authorize the appropriate City official to record a general notice of the lien resulting from the imposition of the Assessment in the Official Records of Escambia County, Florida.

Section 14. Indemnification. The owners of the affected hospitals shall indemnify the City against any and all net losses incurred by the City if any clause, section or provision of this Resolution is declared unconstitutional or invalid for any reason or cause, after accounting for any funds returned by AHCA. If, notwithstanding the restricted use of the proceeds of the assessment set forth in Section 6, a creditor of the City is adjudged entitled to claim any portion of the proceeds of the assessment, the affected hospitals shall indemnify the City if it is required to pay to such creditor and AHCA an amount in excess of the assessment proceeds received. Each hospital's share of the total indemnification amount shall be equal to their share of the total assessment amount.

The Hospitals also agree to indemnify and hold the City, its subsidiaries or affiliates, elected and appointed officials, employees, volunteers, representatives, and agents harmless from any and all claims, suits, actions, damages, liability and expenses, directly or indirectly caused by, resulting from, arising out of, or occurring in connection with the adoption, implementation, or performance of the activities associated with this Resolution and Assessment and the Ordinance.

Section 15. Other Authorizations. The Mayor and his designees are hereby authorized to (a) do all things necessary to carry out the terms and conditions of this Resolution, consistent with the intent of the City Council, including, if necessary, contracting with the Escambia County Property Appraiser and the Escambia County Tax Collector to administer the levy and collection of the Assessment, provided that any such proposed agreements or contracts shall be presented to the City Council for its consideration; and (b) record a copy of this Resolution and any other necessary notice in the Public Records of Escambia County, Florida, to preserve the status of the lien created hereby on all properties in the Assessment Area against all the world, including any subsequent purchasers of the affected properties.

Section 16. Severability. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion hereof shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

Section 17. Effective Date. This Resolution shall become effective on the fifth (5th) business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
Council President

Attest:

Ericka L. Burnett, City Clerk

(SEAL)

EXHIBIT A
Non-Ad Valorem Assessment Roll

Sacred Heart Hospital:

- 4406 North Davis Highway, Pensacola, FL 32503
- 4412 North Davis Highway, Pensacola, FL 32503
- 5154 Bayou Boulevard, Pensacola, FL 32503
- 1549 Airport Boulevard, Pensacola, FL 32504
- 1601 Airport Boulevard, Pensacola, FL 32504
- 5147 North 9th Avenue, Suite G03, Pensacola, FL 32504
- 5149 North 9th Avenue, Suite G32, Pensacola, FL 32504
- 5149 North 9th Avenue, Suite 246, Pensacola, FL 32504
- 5151 North 9th Avenue, Pensacola, FL 32504

Baptist Hospital:

- 1000 W Moreno Street, Pensacola, FL 32501
- 5100 North 12th Avenue, Pensacola, FL 32504
- 165 East Intendencia Street, Suite 200, Pensacola, FL 32502

**RESOLUTION
NO. 2019-24**

**A RESOLUTION
TO BE ENTITLED:**

AN ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, AUTHORIZING, LEVYING, AND IMPOSING A NON-AD VALOREM ASSESSMENT WITHIN THE AREAS OF THE CITY LIMITS DESCRIBED HEREIN FOR THE PURPOSE OF SUPPORTING THE PROVISION OF CHARITY HEALTH CARE BY THE CITY'S HOSPITALS TO INDIGENT MEMBERS OF THE NORTHWEST FLORIDA COMMUNITY; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE INCREASED SUPPORT FOR CHARITY CARE; MAKING CERTAIN OTHER FINDINGS IN RELATION THERETO; ESTABLISHING THE METHOD OF ASSESSING AND COLLECTING THE ASSESSMENT AGAINST THE REAL PROPERTY; SPECIFYING THE MAXIMUM ANNUAL ASSESSMENT AMOUNT AND THE MAXIMUM ASSESSMENT LIEN TO BE LEVIED AGAINST THE SPECIALLY BENEFITED REAL PROPERTY; CONFIRMING THE ASSESSMENT RESOLUTION; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY IN RELATION THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, each year, hospitals in Pensacola provide millions of dollars of uncompensated charity health care to indigent members of the Northwest Florida community; and

WHEREAS, the State of Florida (the "State") created a Low-Income Pool program (the "LIP Program") through its federal Medicaid waiver to help support the uncompensated costs of providing charity care to uninsured and low-income patients; and

WHEREAS, the State has not provided the full allowable LIP Program support to certain eligible hospitals; and

WHEREAS, the impacted hospitals (the "Hospitals") have requested that the City of Pensacola, Florida (the "City") impose an assessment upon certain real property owned by the Hospitals to help finance that non-federal share of the State's LIP Program; and

WHEREAS, the funding from the City assessment will be transferred to the State to enable the State to draw down a federal match equal to approximately 150% of the assessed funds, thereby allowing the State to pay the Hospitals a much higher percentage of their uncompensated charity care costs to maintain and even expand their charity care programs; and

WHEREAS, among the uncompensated charity care costs that the LIP payments will cover and that the Hospitals incur are the costs of operating and maintaining the assessed real property, as documented in hospital cost reports submitted to the Agency for Health Care Administration (“AHCA”) and the federal Centers for Medicare and Medicaid Services (“CMS”); and

WHEREAS, as with many local governments, it is within the City’s public purposes to promote access to healthcare to its uninsured and low-income residents as well as the broader community through support of charity care provided by local hospitals; and

WHEREAS leveraging federal support for certain eligible hospitals to continue to provide that care benefits all providers in the City who would otherwise take on a greater share of that burden; and

WHEREAS, imposing an assessment to help fund the provision of charity health care by the Hospitals to indigent and uninsured members of the Northwest Florida community is a valid public purpose that benefits the health, safety, and welfare of the citizens of Pensacola; and

WHEREAS, on April 25, 2019, the City Council of the City of Pensacola, Florida (the "City Council") adopted Ordinance _____ (the “Ordinance”), enabling the City to levy non-ad valorem assessments on properties within the jurisdictional limits of the City owned by the Hospitals that are specially benefited by this special assessment for supporting charity health care.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA:

Section 1. Definitions. As used in this Resolution, the following capitalized terms, not otherwise defined herein or in the Ordinance, shall have the following meanings unless the context hereof otherwise requires:

“Assessment Area” means the Hospital facilities within City limits that provide outpatient hospital services, namely real property located at:

Sacred Heart Hospital
5151 North 9th Avenue
Pensacola, FL 32504

Sacred Heart Rehabilitation - Davis Highway
4406 North Davis Highway
Pensacola, FL 32503

Sacred Heart Occupational Health and Rehabilitation
4412 North Davis Highway
Pensacola, FL 32503

Autism Center of the Studer Children's Hospital at
Sacred Heart

5154 Bayou Boulevard
Pensacola, FL 32503

Sacred Heart Cardiac Rehabilitation Center
1601 Airport Boulevard
Pensacola, FL 32504

Sacred Heart Pulmonary Rehab Center
1601 Airport Boulevard
Pensacola, FL 32504

Ann L. Baroco Center for Breast Health &
Mammography
5147 North 9th Avenue
Suite G03
Pensacola, FL 32504

Sacred Heart Surgical Weight Loss Center
5149 North 9th Avenue,
Suite G32
Pensacola, FL 32504

Sacred Heart Kidney Transplant
5149 North 9th Avenue,
Suite 246
Pensacola, FL 32504

Sacred Heart Center for Wound Care and Hyperbaric
Medicine
1549 Airport Boulevard
Pensacola, FL 32504

Sacred Heart Medical Park at Airport Blvd
1549 Airport Boulevard
Pensacola, FL 32504

Baptist Hospital
1000 W Moreno Street
Pensacola, FL 32501

Baptist Hospital Imaging Center
5100 North 12th Avenue
Pensacola, FL 32504

Andrews Institute Rehabilitation of Baptist Hospital
165 East Intendencia St.
Suite 200
Pensacola, FL 32502

“Delinquent” means not paid within thirty (30) days of the due date.

“Designated City Official” means the Chief Financial Officer, or such other official as shall be designated by the Mayor to act as such hereunder, or such person’s designee.

“Ordinance” means the Special Assessment Ordinance adopted by City Council on April 25, 2019, enabling the City to levy non-ad valorem assessments on properties within the jurisdictional limits of the City that are specially benefited by certain local improvements or local services.

“Owner,” “Owner(s),” or “Owners” means any one or more of the owners of the real property within the Assessment Area determined by the City Council to be subject to the Assessment based on the selected methodology defined herein.

Section 2. Interpretation. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to this Resolution; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

Section 3. Authority. This Resolution is adopted pursuant to Section 2(b), Article VIII of the Constitution of the State of Florida, Parts I and III of Chapter 166, Florida Statutes, and the Ordinance (collectively the "Act").

Section 4. Findings. It is hereby ascertained, found, determined and declared by the City Council that:

(A) Article VIII of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, grant to a city all powers of local self-government to perform city functions and to render services for city purposes in a manner not inconsistent with general law, or with special law approved by vote of the electors, and such power may be exercised by enactment of ordinances and resolutions.

(B) The Ordinance was enacted to provide for the creation of a special assessment imposed on certain real property owned by the Hospitals.

(C) The City’s support of access to health care services provided through hospital charity care programs, by leveraging local funding and Medicaid federal matching funds to provide such access, constitutes Local Services as defined in the Ordinance.

(D) The City’s decision to leverage available funding to support the provision of hospital charity care programs through LIP funding serves a valid public purpose by supporting the provision of health care to indigent members of the Northwest Florida community, supporting the other providers who would otherwise take on such charity care, and supporting the viability of certain

LIP eligible hospitals as important institutions to the City economy, and, therefore, the Assessment is in the best interest of the health, safety, and welfare of the citizens of Pensacola.

(E) City Council desires to create the Assessment Area to fund the Local Service as set forth herein.

(F) The Local Service will provide a special benefit to the property located within the Assessment Area by generating additional funding to cover the cost of charity health care, including costs of operating and maintaining the real property and improvements thereon in which the charity care is provided, such costs to be documented in cost reports submitted to AHCA and CMS.

(G) The Assessment to be imposed in accordance with this Resolution provides an equitable method of funding increased charity care.

(H) A reasonable methodology has been applied in determining the basis and rate of the Assessment and which hospitals are subject to the Assessment within the jurisdictional limits of the City (the Assessed Hospitals).

Section 5. Special Assessment. There is hereby authorized and imposed a non-ad valorem assessment, the amount of which shall be computed in accordance with Section 7 herein. The Assessment shall be imposed, levied, collected, and enforced against the specially benefited real property located in the Assessment Area to fund the non-federal share of LIP payments to certain eligible hospitals for uncompensated costs of charity care. When imposed by this Resolution, the Assessment shall constitute a lien upon the real property in the Assessment Area equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments, and failure to pay may cause foreclosure proceedings to be instituted that could result in loss of title. The Assessment will be billed and collected as provided in Section 9 hereof and in the Ordinance.

Section 6. Assessment Scope, Basis, and Use.

(A) The Assessment pursuant to this Resolution shall be imposed on all providers of outpatient hospital services with the City limits, which is limited to Sacred Heart Hospital and Baptist Hospital. The City will assess net outpatient service revenues of each Hospital subject to the Assessment.

(B) The amounts collected from the Assessment may only be used for the following purposes:

(1) to transfer funds to the Agency for Health Care Administration (“AHCA”) for the purposes of providing local funding for the non-federal share of LIP payments to eligible hospitals that are Regional Perinatal Intensive Care Centers; or

(2) to refund to the assessed Hospitals any overpayment or amounts otherwise collected in error with respect to the Assessment.

(C) In the event that all or a portion of the LIP payments are recouped by the federal government and the associated non-federal share funded by the Assessment is returned to the City, the City will refund such amounts to the Assessed Hospitals.

Section 7. Computation of Assessment.

(A) The annual installment of the Assessment shall equal 4.4 percent of net outpatient service revenues for each Hospital subject to the Assessment.

(B) Net outpatient hospital services revenue data for each assessed Hospital will be derived from the 2017 Florida Hospital Uniform Reporting System, as available from AHCA.

(C) The full amount of the annual assessment is payable by May 10, 2019.

(D) The maximum lien obligation of the Assessment is \$14,462,331 (the “Maximum Lien Obligation”).

Section 8. Non-Ad Valorem Assessment Roll; Certification. The Non-Ad Valorem Assessment Roll, a copy of which is attached hereto as Exhibit A, is hereby approved in accordance with Section 1.05 of the Ordinance.

Section 9. Timing and Method of Collection.

(A) The amount of the assessment is to be collected from the Hospitals as described herein.

(B) The City shall provide Assessment bills by first class mail to the owner of each affected Hospital. The bill or accompanying explanatory material shall include (1) a reference to this Resolution, (2) the total amount of the hospital's Assessment for the appropriate period, (3) the location at which payment will be accepted, (4) the date on which the Assessment is due, and (5) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(C) The Hospitals shall pay to the City the full assessment promptly upon the passing of this Resolution, but in no event later than the date set forth in Section 7(C) above.

Section 10. Public Hearing. A public hearing will be conducted by the City Council on April 25, 2019, at 5:30 p.m. or at such other time as noticed in Council Chambers at City Hall, 222 West Main Street, Pensacola, to consider adoption of this Assessment Resolution for the imposition and collection of the Assessment.

Section 11. Assessment.

(A) The methodology for computing the Assessment described herein is hereby approved. The Assessment is hereby imposed on the Assessment Area.

(B) The Assessment shall constitute a lien against the Assessment Area equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens and claims until paid. The lien shall be perfected upon adoption of this Assessment Resolution.

Section 12. Direction to Mail Copies. The City Council does hereby authorize the Mayor to send a copy of this Resolution by United States Mail to the Escambia County Property Appraiser, the Escambia County Tax Collector, and to the State of Florida Department of Revenue.

Section 13. Assessment Lien Notice. If the Assessment is not paid in full within thirty (30) days of the due date set forth in Section 7(C) hereof, City Council does hereby authorize the appropriate City official to record a general notice of the lien resulting from the imposition of the Assessment in the Official Records of Escambia County, Florida.

Section 14. Indemnification. The owners of the affected hospitals shall indemnify the City against any and all net losses incurred by the City if any clause, section or provision of this Resolution is declared unconstitutional or invalid for any reason or cause, after accounting for any funds returned by AHCA. If, notwithstanding the restricted use of the proceeds of the assessment set forth in Section 6, a creditor of the City is adjudged entitled to claim any portion of the proceeds of the assessment, the affected hospitals shall indemnify the City if it is required to pay to such creditor and AHCA an amount in excess of the assessment proceeds received. Each hospital's share of the total indemnification amount shall be equal to their share of the total assessment amount.

The Hospitals also agree to indemnify and hold the City, its subsidiaries or affiliates, elected and appointed officials, employees, volunteers, representatives, and agents harmless from any and all claims, suits, actions, damages, liability and expenses, directly or indirectly caused by, resulting from, arising out of, or occurring in connection with the adoption, implementation, or performance of the activities associated with this Resolution and Assessment and the Ordinance.

Section 15. Other Authorizations. The Mayor and his designees are hereby authorized to (a) do all things necessary to carry out the terms and conditions of this Resolution, consistent with the intent of the City Council, including, if necessary, contracting with the Escambia County Property Appraiser and the Escambia County Tax Collector to administer the levy and collection of the Assessment and executing a Low Income Pool Letter of Agreement with the Agency for Health Care Administration (AHCA); and (b) record a copy of this Resolution and any other necessary notice in the Public Records of Escambia County, Florida, to preserve the status of the lien created hereby on all properties in the Assessment Area against all the world, including any subsequent purchasers of the affected properties.

Section 16. Severability. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion hereof shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

Section 17. Effective Date. This resolution shall become effective on the fifth (5th) business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
Council President

Attest:

Ericka L. Burnett, City Clerk

(SEAL)

EXHIBIT A
Non-Ad Valorem Assessment Roll

Sacred Heart Hospital:

- 4406 North Davis Highway, Pensacola, FL 32503
- 4412 North Davis Highway, Pensacola, FL 32503
- 5154 Bayou Boulevard, Pensacola, FL 32503
- 1549 Airport Boulevard, Pensacola, FL 32504
- 1601 Airport Boulevard, Pensacola, FL 32504
- 5147 North 9th Avenue, Suite G03, Pensacola, FL 32504
- 5149 North 9th Avenue, Suite G32, Pensacola, FL 32504
- 5149 North 9th Avenue, Suite 246, Pensacola, FL 32504
- 5151 North 9th Avenue, Pensacola, FL 32504

Baptist Hospital:

- 1000 W Moreno Street, Pensacola, FL 32501
- 5100 North 12th Avenue, Pensacola, FL 32504
- 165 East Intendencia Street, Suite 200, Pensacola, FL 32502

From: Susan Woolf

Sent: Monday, April 22, 2019 10:58 AM

To: Grover C. Robinson, IV <GRobinson@cityofpensacola.com>; Andy Terhaar <aterhaar@cityofpensacola.com>; P.C. Wu <pcwu@cityofpensacola.com>; Ann Hill <AHill@cityofpensacola.com>; Jared Moore <JMoore@cityofpensacola.com>; Gerald Wingate <gwingate@cityofpensacola.com>; Sherri Myers <smyers@cityofpensacola.com>; Jewel Cannada-Wynn <jcannada-wynn@cityofpensacola.com>

Cc: Don Kraher <DKraher@cityofpensacola.com>; Ericka Burnett <EBurnett@cityofpensacola.com>; Dick Barker Jr <RBarker@cityofpensacola.com>; Christopher L. Holley <CHolley@cityofpensacola.com>; William "Rusty" Wells <RWells@cityofpensacola.com>; Laura Picklap <lpicklap@cityofpensacola.com>

Subject: special assessment resolution - Sacred Heart and Baptist Hospitals

Mayor Robinson, President Terhaar, and Councilmembers:

I have attached a revised version of the Resolution for the special assessment for the hospitals, which is on the agenda for today. This revised Resolution will substitute for the version of the Resolution in your agenda packet. The revision is in Section 15 (Other Authorizations) of the Resolution (highlighted with the changes as indicated). The reason for the revision is that there is a letter of agreement that must be entered between the City and the Agency for Health Care Administration (AHCA) for the transfer of the special assessment funds from the City to AHCA. The letter of agreement is being finalized but not on this agenda, and I want to ensure that there is no delay in the transfer of the funds. Because the next City Council meeting is not until May 16th, I want to ensure that the Mayor is authorized by the City Council at this April meeting to take the steps required to complete the special assessment and funding for the hospitals as has been discussed and contemplated.

Copies of the revised Resolution will be at your seats for the Agenda Conference today. Please let me know if you have any questions.

Sincerely,
Susan

Susan A. Woolf

City Attorney

Visit us at <http://cityofpensacola.com>

City of Pensacola

222 W Main St.

Pensacola, FL 32502

Office: 850.435.1615

Cell: 850.378.6243

swolf@cityofpensacola.com



Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

**RESOLUTION
NO. 2019-24**

**A RESOLUTION
TO BE ENTITLED:**

AN ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, AUTHORIZING, LEVYING, AND IMPOSING A NON-AD VALOREM ASSESSMENT WITHIN THE AREAS OF THE CITY LIMITS DESCRIBED HEREIN FOR THE PURPOSE OF SUPPORTING THE PROVISION OF CHARITY HEALTH CARE BY THE CITY'S HOSPITALS TO INDIGENT MEMBERS OF THE NORTHWEST FLORIDA COMMUNITY; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE INCREASED SUPPORT FOR CHARITY CARE; MAKING CERTAIN OTHER FINDINGS IN RELATION THERETO; ESTABLISHING THE METHOD OF ASSESSING AND COLLECTING THE ASSESSMENT AGAINST THE REAL PROPERTY; SPECIFYING THE MAXIMUM ANNUAL ASSESSMENT AMOUNT AND THE MAXIMUM ASSESSMENT LIEN TO BE LEVIED AGAINST THE SPECIALLY BENEFITED REAL PROPERTY; CONFIRMING THE ASSESSMENT RESOLUTION; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY IN RELATION THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, each year, hospitals in Pensacola provide millions of dollars of uncompensated charity health care to indigent members of the Northwest Florida community; and

WHEREAS, the State of Florida (the "State") created a Low-Income Pool program (the "LIP Program") through its federal Medicaid waiver to help support the uncompensated costs of providing charity care to uninsured and low-income patients; and

WHEREAS, the State has not provided the full allowable LIP Program support to certain eligible hospitals; and

WHEREAS, the impacted hospitals (the "Hospitals") have requested that the City of Pensacola, Florida (the "City") impose an assessment upon certain real property owned by the Hospitals to help finance that non-federal share of the State's LIP Program; and

WHEREAS, the funding from the City assessment will be transferred to the State to enable the State to draw down a federal match equal to approximately 150% of the assessed funds, thereby allowing the State to pay the Hospitals a much higher percentage of their uncompensated charity care costs to maintain and even expand their charity care programs; and

WHEREAS, among the uncompensated charity care costs that the LIP payments will cover and that the Hospitals incur are the costs of operating and maintaining the assessed real property, as documented in hospital cost reports submitted to the Agency for Health Care Administration (“AHCA”) and the federal Centers for Medicare and Medicaid Services (“CMS”); and

WHEREAS, as with many local governments, it is within the City’s public purposes to promote access to healthcare to its uninsured and low-income residents as well as the broader community through support of charity care provided by local hospitals; and

WHEREAS leveraging federal support for certain eligible hospitals to continue to provide that care benefits all providers in the City who would otherwise take on a greater share of that burden; and

WHEREAS, imposing an assessment to help fund the provision of charity health care by the Hospitals to indigent and uninsured members of the Northwest Florida community is a valid public purpose that benefits the health, safety, and welfare of the citizens of Pensacola; and

WHEREAS, on April 25, 2019, the City Council of the City of Pensacola, Florida (the "City Council") adopted Ordinance _____ (the “Ordinance”), enabling the City to levy non-ad valorem assessments on properties within the jurisdictional limits of the City owned by the Hospitals that are specially benefited by this special assessment for supporting charity health care.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA:

Section 1. Definitions. As used in this Resolution, the following capitalized terms, not otherwise defined herein or in the Ordinance, shall have the following meanings unless the context hereof otherwise requires:

“Assessment Area” means the Hospital facilities within City limits that provide outpatient hospital services, namely real property located at:

Sacred Heart Hospital
5151 North 9th Avenue
Pensacola, FL 32504

Sacred Heart Rehabilitation - Davis Highway
4406 North Davis Highway
Pensacola, FL 32503

Sacred Heart Occupational Health and Rehabilitation
4412 North Davis Highway
Pensacola, FL 32503

Autism Center of the Studer Children's Hospital at
Sacred Heart

5154 Bayou Boulevard
Pensacola, FL 32503

Sacred Heart Cardiac Rehabilitation Center
1601 Airport Boulevard
Pensacola, FL 32504

Sacred Heart Pulmonary Rehab Center
1601 Airport Boulevard
Pensacola, FL 32504

Ann L. Baroco Center for Breast Health &
Mammography
5147 North 9th Avenue
Suite G03
Pensacola, FL 32504

Sacred Heart Surgical Weight Loss Center
5149 North 9th Avenue,
Suite G32
Pensacola, FL 32504

Sacred Heart Kidney Transplant
5149 North 9th Avenue,
Suite 246
Pensacola, FL 32504

Sacred Heart Center for Wound Care and Hyperbaric
Medicine
1549 Airport Boulevard
Pensacola, FL 32504

Sacred Heart Medical Park at Airport Blvd
1549 Airport Boulevard
Pensacola, FL 32504

Sacred Heart Rehabilitation Center
4929 Mobile Highway
Pensacola, FL 32506

Baptist Hospital
1000 W Moreno Street
Pensacola, FL 32501

Baptist Hospital Imaging Center
5100 North 12th Avenue
Pensacola, FL 32504

Andrews Institute Rehabilitation of Baptist Hospital
165 East Intendencia St.
Suite 200
Pensacola, FL 32502

“Delinquent” means not paid within thirty (30) days of the due date.

“Designated City Official” means the Chief Financial Officer, or such other official as shall be designated by the Mayor to act as such hereunder, or such person’s designee.

“Ordinance” means the Special Assessment Ordinance adopted by City Council on April 25, 2019, enabling the City to levy non-ad valorem assessments on properties within the jurisdictional limits of the City that are specially benefited by certain local improvements or local services.

“Owner,” “Owner(s),” or “Owners” means any one or more of the owners of the real property within the Assessment Area determined by the City Council to be subject to the Assessment based on the selected methodology defined herein.

Section 2. Interpretation. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to this Resolution; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

Section 3. Authority. This Resolution is adopted pursuant to Section 2(b), Article VIII of the Constitution of the State of Florida, Parts I and III of Chapter 166, Florida Statutes, and the Ordinance (collectively the "Act").

Section 4. Findings. It is hereby ascertained, found, determined and declared by the City Council that:

(A) Article VIII of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, grant to a city all powers of local self-government to perform city functions and to render services for city purposes in a manner not inconsistent with general law, or with special law approved by vote of the electors, and such power may be exercised by enactment of ordinances and resolutions.

(B) The Ordinance was enacted to provide for the creation of a special assessment imposed on certain real property owned by the Hospitals.

(C) The City’s support of access to health care services provided through hospital charity care programs, by leveraging local funding and Medicaid federal matching funds to provide such access, constitutes Local Services as defined in the Ordinance.

(D) The City’s decision to leverage available funding to support the provision of hospital charity care programs through LIP funding serves a valid public purpose by supporting the provision of health care to indigent members of the Northwest Florida community, supporting the other providers who would otherwise take on such charity care, and supporting the viability of certain LIP eligible hospitals as important institutions to the City economy, and, therefore, the Assessment is in the best interest of the health, safety, and welfare of the citizens of Pensacola.

(E) City Council desires to create the Assessment Area to fund the Local Service as set forth herein.

(F) The Local Service will provide a special benefit to the property located within the Assessment Area by generating additional funding to cover the cost of charity health care, including costs of operating and maintaining the real property and improvements thereon in which the charity care is provided, such costs to be documented in cost reports submitted to AHCA and CMS.

(G) The Assessment to be imposed in accordance with this Resolution provides an equitable method of funding increased charity care.

(H) A reasonable methodology has been applied in determining the basis and rate of the Assessment and which hospitals are subject to the Assessment within the jurisdictional limits of the City (the Assessed Hospitals).

Section 5. Special Assessment. There is hereby authorized and imposed a non-ad valorem assessment, the amount of which shall be computed in accordance with Section 7 herein. The Assessment shall be imposed, levied, collected, and enforced against the specially benefited real property located in the Assessment Area to fund the non-federal share of LIP payments to certain eligible hospitals for uncompensated costs of charity care. When imposed by this Resolution, the Assessment shall constitute a lien upon the real property in the Assessment Area equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments, and failure to pay may cause foreclosure proceedings to be instituted that could result in loss of title. The Assessment will be billed and collected as provided in Section 9 hereof and in the Ordinance.

Section 6. Assessment Scope, Basis, and Use.

(A) The Assessment pursuant to this Resolution shall be imposed on all providers of outpatient hospital services with the City limits, which is limited to Sacred Heart Hospital and Baptist Hospital. The City will assess net outpatient service revenues of each Hospital subject to the Assessment.

(B) The amounts collected from the Assessment may only be used for the following purposes:

(1) to transfer funds to the Agency for Health Care Administration (“AHCA”) for the purposes of providing local funding for the non-federal share of LIP payments to eligible hospitals that are Regional Perinatal Intensive Care Centers; or

(2) to refund to the assessed Hospitals any overpayment or amounts otherwise collected in error with respect to the Assessment.

(C) In the event that all or a portion of the LIP payments are recouped by the federal government and the associated non-federal share funded by the Assessment is returned to the City, the City will refund such amounts to the Assessed Hospitals.

Section 7. Computation of Assessment.

(A) The annual installment of the Assessment shall equal 4.4 percent of net outpatient service revenues for each Hospital subject to the Assessment.

(B) Net outpatient hospital services revenue data for each assessed Hospital will be derived from the 2017 Florida Hospital Uniform Reporting System, as available from AHCA.

(C) The full amount of the annual assessment is payable by May 10, 2019.

(D) The maximum lien obligation of the Assessment is \$14,462,331 (the “Maximum Lien Obligation”).

Section 8. Non-Ad Valorem Assessment Roll; Certification. The Non-Ad Valorem Assessment Roll, a copy of which is attached hereto as Exhibit A, is hereby approved in accordance with Section 1.05 of the Ordinance.

Section 9. Timing and Method of Collection.

(A) The amount of the assessment is to be collected from the Hospitals as described herein.

(B) The City shall provide Assessment bills by first class mail to the owner of each affected Hospital. The bill or accompanying explanatory material shall include (1) a reference to this Resolution, (2) the total amount of the hospital's Assessment for the appropriate period, (3) the location at which payment will be accepted, (4) the date on which the Assessment is due, and (5) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(C) The Hospitals shall pay to the City the full assessment promptly upon the passing of this Resolution, but in no event later than the date set forth in Section 7(C) above.

Section 10. Public Hearing. A public hearing will be conducted by the City Council on April 25, 2019, at 5:30 p.m. or at such other time as noticed in Council Chambers at City Hall, 222 West Main Street, Pensacola, to consider adoption of this Assessment Resolution for the imposition and collection of the Assessment.

Section 11. Assessment.

(A) The methodology for computing the Assessment described herein is hereby approved. The Assessment is hereby imposed on the Assessment Area.

(B) The Assessment shall constitute a lien against the Assessment Area equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens and claims until paid. The lien shall be perfected upon adoption of this Assessment Resolution.

Section 12. Direction to Mail Copies. The City Council does hereby authorize the Mayor to send a copy of this Resolution by United States Mail to the Escambia County Property Appraiser, the Escambia County Tax Collector, and to the State of Florida Department of Revenue.

Section 13. Assessment Lien Notice. If the Assessment is not paid in full within thirty (30) days of the due date set forth in Section 7(C) hereof, City Council does hereby authorize the appropriate City official to record a general notice of the lien resulting from the imposition of the Assessment in the Official Records of Escambia County, Florida.

Section 14. Indemnification. The owners of the affected hospitals shall indemnify the City against any and all net losses incurred by the City if any clause, section or provision of this Resolution is declared unconstitutional or invalid for any reason or cause, after accounting for any funds returned by AHCA. If, notwithstanding the restricted use of the proceeds of the assessment set forth in Section 6, a creditor of the City is adjudged entitled to claim any portion of the proceeds of the assessment, the affected hospitals shall indemnify the City if it is required to pay to such creditor and AHCA an amount in excess of the assessment proceeds received. Each hospital's share of the total indemnification amount shall be equal to their share of the total assessment amount.

The Hospitals also agree to indemnify and hold the City, its subsidiaries or affiliates, elected and appointed officials, employees, volunteers, representatives, and agents harmless from any and all claims, suits, actions, damages, liability and expenses, directly or indirectly caused by, resulting from, arising out of, or occurring in connection with the adoption, implementation, or performance of the activities associated with this Resolution and Assessment and the Ordinance.

Section 15. Other Authorizations. The Mayor and his designees are hereby authorized to (a) do all things necessary to carry out the terms and conditions of this Resolution, consistent with the intent of the City Council, including, if necessary, contracting with the Escambia County Property Appraiser and the Escambia County Tax Collector to administer the levy and collection of the Assessment and executing a Low Income Pool Letter of Agreement with the Agency for Health Care Administration (AHCA), provided that any such proposed agreements or contracts shall be presented to the City Council for its consideration; and (b) record a copy of this Resolution and any other necessary notice in the Public Records of Escambia County, Florida, to preserve the status of the lien created hereby on all properties in the Assessment Area against all the world, including any subsequent purchasers of the affected properties.

Section 16. Severability. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion hereof shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

Section 17. Effective Date. This resolution shall become effective on the fifth (5th) business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
Council President

Attest:

Ericka L. Burnett, City Clerk

(SEAL)

EXHIBIT A
Non-Ad Valorem Assessment Roll

Sacred Heart Hospital:

- 4406 North Davis Highway, Pensacola, FL 32503
- 4412 North Davis Highway, Pensacola, FL 32503
- 5154 Bayou Boulevard, Pensacola, FL 32503
- 1549 Airport Boulevard, Pensacola, FL 32504
- 1601 Airport Boulevard, Pensacola, FL 32504
- 5147 North 9th Avenue, Suite G03, Pensacola, FL 32504
- 5149 North 9th Avenue, Suite G32, Pensacola, FL 32504
- 5149 North 9th Avenue, Suite 246, Pensacola, FL 32504
- 5151 North 9th Avenue, Pensacola, FL 32504

Baptist Hospital:

- 1000 W Moreno Street, Pensacola, FL 32501
- 5100 North 12th Avenue, Pensacola, FL 32504
- 165 East Intendencia Street, Suite 200, Pensacola, FL 32502



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-22

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-22 - INDIGENT HEALTH CARE SPECIAL ASSESSMENT

RECOMMENDATION:

That City Council adopt Supplemental Budget Resolution No. 2019-22.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Representatives from Baptist Hospital and Sacred Heart Hospital requested that the City Council consider the imposition of special assessments on their real property located within the City of Pensacola to increase funding available to reimburse the hospitals for uncompensated charitable health care. In order to levy the requested special assessment, the City must adopt an ordinance that allows such a special assessment to be levied. Accordingly, the proposed ordinance provides a mechanism for levying the special assessment on their property being requested by the two hospitals.

Currently, there is a significant gap in the funds the two hospitals receive from the State of Florida and the Federal Government for indigent health care versus what they actually expend. The hospitals have advised that this gap can be decreased through a special assessment on properties within the city limits owned by Baptist Hospital and Sacred Heart Hospital. The assessment will be imposed as a set percentage of net outpatient service revenues for each hospital property subject to the special assessment. The hospitals will transmit the assessment in one lump sum to the City, which in turn would forward that same amount to the Agency for Health Care Administration, an agency of the State of Florida. The State would then use those funds to draw down a federal match of grant dollars equal to approximately 150% of the assessment dollars collected. The total funds - the assessment amount and the federal grant dollars - then would be remitted to the hospitals by the State.

Due to deadline requirements of the State of Florida, the process to adopt the assessment ordinance and subsequent adoption of the resolution imposing the assessment rate must commence immediately, thus necessitating an Add-On item at the April 11, 2019 City Council Meeting to approve the Proposed Ordinance. The second reading of this ordinance will be held at the April 25, 2019 City Council Meeting.

PRIOR ACTION:

April 11, 2019 - City Council approved Proposed Ordinance No. 14-19 on first reading.

FUNDING:

N/A

FINANCIAL IMPACT:

Based on estimations from the two hospitals, combined assessments will total approximately \$14.5 million. Adoption of the supplemental budget resolution will appropriate the assessment funds.

CITY ATTORNEY REVIEW: Yes

4/15/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 2019-22
- 2) Supplemental Budget Explanation No. 2019-22

PRESENTATION: No

**RESOLUTION
NO. 2019-22**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2019; 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. HOSPITAL SPECIAL ASSESSMENT FUND

To:	Special Assessment - Baptist Hospital	6,559,835
To:	Special Assessment - Sacred Heart Hospital	7,902,796
To:	Grants & Aids	14,462,331

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 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

APRIL 2019 - SUPPLEMENTAL BUDGET RESOLUTION - INDIGENT HEALTH CARE SPECIAL ASSESSMENT - RES NO. 2019-22

<u>FUND</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
HOSPITAL SPECIAL ASSESSMENT FUND		
Estimated Revenues		
Special Assessment - Baptist Hospital	6,559,835	Appropriate estimated revenue from Special Assessment -
Special Assessment - Sacred Heart Hospital	7,902,496	Appropriate estimated revenue from Special Assessment -
		Sacred Heart Hospital
Total Revenues	<u>14,462,331</u>	
Appropriations		
Grants & Aids	14,462,331	Appropriate funding for Grants & Aids
Total Appropriations	<u>14,462,331</u>	



Memorandum

File #: 13-19

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Jewel Cannada-Wynn

SUBJECT:

PROPOSED ORDINANCE NO. 13-19 - AN ORDINANCE OF THE CITY OF PENSACOLA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 13-19 on second and final reading:

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER OF THE CITY COUNCIL TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION, RESTRUCTURED BY ESCAMBIA COUNTY, FLORIDA BY THE ENACTMENT OF ORDINANCE 2019-13; SETTING FORTH THE COMPOSITION AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City Council and Escambia County Board of County Commissioners have agreed to terminate the Interlocal Agreement allowing for the Escambia-Pensacola Human Relations Commission. Through Escambia County Ordinance 2019-13, the Commission will be reorganized and re-established in 30 days.

As part of this reorganization, two (2) Ex Officio members will be appointed; one (1) County Commissioner appointed by the County Commission and one (1) City Council member appointed by the City Council. These Ex Officio positions will sunset in two (2) years.

As part of the requirements, it is necessary for the City Council to pass an ordinance authorizing the Council participation of the Ex Officio member.

PRIOR ACTION:

April 11, 2019 -- City Council approved this ordinance on first reading

March 28, 2019 - City Council approved the cancellation of the current Interlocal Agreement
March 7, 2019 - Escambia County Board of County Commissioners passed Ordinance 2019-13

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance No. 13-19

PRESENTATION: No

PROPOSED
ORDINANCE NO. 13-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER OF THE CITY COUNCIL TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION, RESTRUCTURED BY ESCAMBIA COUNTY, FLORIDA, BY THE ENACTMENT OF ORDINANCE 2019-13; SETTING FORTH THE COMPOSITION AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the authority granted in § 163.01, Florida Statutes, Escambia County, Florida, and the City of Pensacola previously entered into an Interlocal Agreement creating the Escambia-Pensacola Human Relations Commission to serve both the incorporated and unincorporated areas of Escambia County; and

WHEREAS, effective April 1, 2019, the Agreement was terminated by the parties and operation of the Escambia-Pensacola Human Relations Commission suspended to allow for a restructuring of the organization; and

WHEREAS, the City of Pensacola recognizes and reaffirms the need for the Escambia-Pensacola Human Relations Commission to provide the community with local assistance to review and resolve employment and fair housing discrimination complaints and improve community relations for all persons in Escambia County, regardless of race, color, religion, national origin, sex, pregnancy, age, disability or handicap, familial status, or marital status; and

WHEREAS, the City of Pensacola agrees with the Escambia Board of County Commissioners that it is in the best interest of the citizens of Escambia County and the City of Pensacola to reestablish the Escambia-Pensacola Human Relations Commission allowing for, among other provisions, the appointment of a City Council member as an *ex officio* member to the Escambia-Pensacola Human Relations Commission for a period to be determined through an Interlocal Agreement; and

WHEREAS, the City Council acknowledges that the Escambia Board of County Commissioners has restructured the Escambia-Pensacola Human Relations Commission by Escambia County Ordinance No. 2019-13 (the "EPHRC Ordinance"); and

WHEREAS, the City Council and Escambia Board of County Commissioners intend to enter into an Interlocal Agreement to further effectuate the Escambia-Pensacola Human Relations Commission;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA,
AS FOLLOWS:

SECTION 1. Findings; membership; terms of office:

- (1) The City Council hereby finds and determines that it is in the best interest of the City of Pensacola and its residents to participate in the membership of the Escambia-Pensacola Human Relations Commission for the purpose of providing the community with local assistance to review and resolve employment and fair housing discrimination complaints and improve community relations for all persons in the City of Pensacola regardless of race, color, religion, national origin, sex, pregnancy, age, disability or handicap, familial status, or marital status.
- (2) One (1) member of the City Council will be appointed by a majority vote of the existing membership of the City Council to perform *ex officio* functions of an additional office.
- (3) The term of this appointment will be for two (2) years as described in the EPHRC Ordinance.
- (4) The City Council shall appoint three (3) members to the Escambia-Pensacola Human Relations Commission for terms as described in the EPHRC Ordinance.

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 that 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

Robyn M. Tice
 CITY CLERK'S OFFICE, CITY OF PENSACOLA
 3RD FLOOR, 222 WEST MAIN STREET
 PENSACOLA, FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida
 County of Escambia:

Before the undersigned authority personally appeared , who on oath says that he or she is a Legal Advertising Representative of the Pensacola News Journal , a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

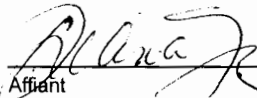
NOTICE OF PROPOSED ORDINA

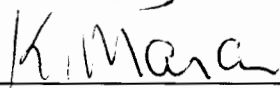
as published in said newspaper in the issue(s) of:

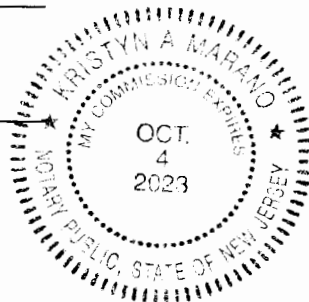
04/15/19

Affiant further says that the said Pensacola News Journal is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 16th of April 2019, by who is personally known to me


 Affiant


 Notary



Publication Cost: \$237.86

NOTICE OF PROPOSED ORDINANCES

Please be advised that Proposed Ordinance Nos. 11-19, 13-19, and 14-19 were presented to the City Council of the City of Pensacola for first reading on Thursday, April 11, 2019 and will be presented for final reading and adoption on Thursday, April 25, 2019 at 5:30 p.m., in Council Chambers on the First Floor of City Hall, 222 West Main Street, Pensacola, Florida.

The title(s) of the proposed ordinance(s) are as follows:

P.O. #11-19:

AN ORDINANCE AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RESTRICTED HOURS; PROVIDING FOR SEVERABILITY REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

P.O. #13-19:

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER OF THE CITY COUNCIL TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION. RESTRUCTURED BY ESCAMBIA COUNTY, FLORIDA, BY THE ENACTMENT OF ORDINANCE 2019-13; SETTING FORTH THE COMPOSITION AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

P.O. #14-19:

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

A copy of proposed ordinances may be inspected by the public in the City Clerk's office, located on the 3rd Floor of City Hall, 222 West Main Street, Pensacola, Florida, or on-line on the City's website: <https://pensacola.legistar.com/Calendar.aspx>. Interested parties may appear at the Council meeting and be heard with respect to the proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The 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. Requests 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, FLORIDA

By: Ericka L. Burnett, City Clerk

Visit www.cityofpensacola.com to learn more about City activities. Council agendas posted on-line before meetings.

Legal No. April 15, 2019

Ad No: 0003494789

Customer No: PNJ-25615500



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 11-19

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Jared Moore

SUBJECT:

PROPOSED ORDINANCE NO. 11-19 - AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA - RESTRICTED HOURS

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 11-19 on its second and final reading:

AN ORDINANCE AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RESTRICTED HOURS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Within the City Code exists Title VII - Business Licenses & Regulations; Article II - House to House Soliciting & Canvassing; Section 7-9-17 - Restricted Hours.

Currently Section 7-9-17 states:

Soliciting and canvassing in residential areas in the City of Pensacola, Florida, between the hours of 9:00 p.m. and 8:00 a.m. of the following morning are hereby prohibited. This prohibition shall be enforced in accordance with the provisions of Section 1-1-8 of the Code of the City of Pensacola.

This amendment seeks to replace the 9:00 p.m. time with the following:

5:30 p.m. CST and 8:00 a.m. CST of the following morning are hereby prohibited. When daylight savings time is in effect, the prohibition against soliciting and canvassing in residential areas shall be between the hours of 7:00 p.m. CDT and 8:00 a.m. CDT.

PRIOR ACTION:

February 22, 1990 - Ordinance No. 14-90 adopted by City Council - An Ordinance repealing and replacing

Section 7-9-16 through 7-9-22 of the City Code.

April 11, 2019 - City Council approved this proposed ordinance on First Reading.

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance No. 11-19

PRESENTATION: No

PROPOSED
ORDINANCE NO. 11-19

ORDINANCE NO.

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RESTRICTED HOURS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 7-9-17 – Restricted Hours, of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-9-17. - Restricted hours.

Soliciting and canvassing in residential areas in the City of Pensacola, Florida, between the hours of ~~9:00 p.m.-5:30 p.m. CST~~ and 8:00 a.m. ~~CST~~ of the following morning are hereby prohibited. When daylight savings time is in effect, the prohibition against soliciting and canvassing in residential areas shall be between the hours of 7:00 p.m. CDT and 8:00 a.m. CDT. This prohibition shall be enforced in accordance with the provisions of Section 1-1-8 of the Code of the City of Pensacola, Florida.

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

Robyn M. Tice
 CITY CLERK'S OFFICE, CITY OF PENSACOLA
 3RD FLOOR, 222 WEST MAIN STREET
 PENSACOLA, FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida
 County of Escambia:

Before the undersigned authority personally appeared , who on oath says that he or she is a Legal Advertising Representative of the Pensacola News Journal , a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

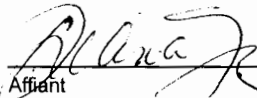
NOTICE OF PROPOSED ORDINA

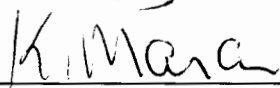
as published in said newspaper in the issue(s) of:

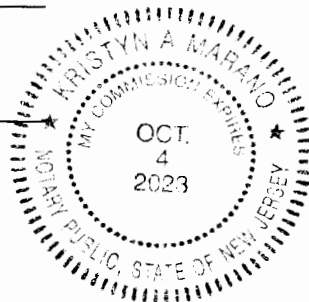
04/15/19

Affiant further says that the said Pensacola News Journal is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 16th of April 2019, by who is personally known to me


 Affiant


 Notary



Publication Cost: \$237.86

NOTICE OF PROPOSED ORDINANCES

Please be advised that Proposed Ordinance Nos. 11-19, 13-19, and 14-19 were presented to the City Council of the City of Pensacola for first reading on Thursday, April 11, 2019 and will be presented for final reading and adoption on Thursday, April 25, 2019 at 5:30 p.m., in Council Chambers on the First Floor of City Hall, 222 West Main Street, Pensacola, Florida.

The title(s) of the proposed ordinance(s) are as follows:

P.O. #11-19:

AN ORDINANCE AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RESTRICTED HOURS; PROVIDING FOR SEVERABILITY REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

P.O. #13-19:

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER OF THE CITY COUNCIL TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION. RESTRUCTURED BY ESCAMBIA COUNTY, FLORIDA, BY THE ENACTMENT OF ORDINANCE 2019-13; SETTING FORTH THE COMPOSITION AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

P.O. #14-19:

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

A copy of proposed ordinances may be inspected by the public in the City Clerk's office, located on the 3rd Floor of City Hall, 222 West Main Street, Pensacola, Florida, or on-line on the City's website: <https://pensacola.legistar.com/Calendar.aspx>. Interested parties may appear at the Council meeting and be heard with respect to the proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The 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. Requests 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, FLORIDA

By: Ericka L. Burnett, City Clerk

Visit www.cityofpensacola.com to learn more about City activities. Council agendas posted on-line before meetings.

Legal No. April 15, 2019

Ad No: 0003494789

Customer No: PNJ-25615500