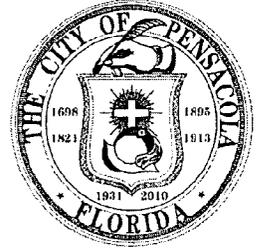


Report of City Council Action Items

February 13, 2014



Members Present: Council President Jewel Cannada-Wynn, Council, Charles Bare, Larry B. Johnson, Sherri Myers, Brian Spencer, Andy Terhaar, and Gerald Wingate

Absent: Megan B. Pratt and P. C. Wu

CONSENT AGENDA ITEMS

1. REQUEST FOR LICENSE TO USE – 7 & 15 WEST MAIN STREET

That City Council approve the request for a license to use a 4' x 106.63" portion of the West Main Street right of way.

The motion passed 6 - 0. Council Member Spencer abstaining from the vote.

REGULAR AGENDA ITEMS

2. GABERONNE SWAMP STORMWATER – PENSACOLA BAY WATERSHED IMPROVEMENTS GRANT ACCEPTANCE

That City Council authorize the Mayor to accept and execute the Florida Department Environmental Protection (FDEP) Total Maximum Daily Load (TMDL) Award of \$1,584,118.17 and Section 319 FY13 Grant Award in the amount of \$2000,000. Further, that City Council adopt the attached supplemental budget resolution to appropriate the grant funds.

The motion passed unanimously.

SUPPLEMENTAL BUDGET RESOLUTION NO. 01-14 – **MOTION TO APPROVE**

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously.

3. PUBLIC HEARING – AMENDMENT TO THE LAND DEVELOPMENT CODE – MINOR LICENSE TO USE APPROVALS – **MOTION TO APPROVE**

That City Council conduct a public hearing on February 13, 2014 to consider the proposed amendment to the Land Development Code.

The motion passed unanimously.

PROPOSED ORDINANCE NO. 06-14 – *1st Reading* - **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 12-12-7 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE LICENSE TO USE RIGHT OF WAY REGULATIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

4. PUBLIC HEARING – REQUEST TO VACATE ALLEY – 2900 EAST CERVANTES STREET – A.K. SUTER SCHOOL – **MOTION TO APPROVE**

That City Council conduct a public hearing on February 13, 2014 to consider the request to vacate the alleyway adjacent to 2900 East Cervantes Street.

The motion passed unanimously.



COUNCIL MEMORANDUM

Council Meeting Date: February 13, 2014

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor *ASHTON J. HAYWARD*

SUBJECT: Gaberonne Swamp Stormwater – Pensacola Bay Watershed Improvements Grant Acceptance

RECOMENDATION:

That City Council authorize the Mayor to accept and execute the Florida Department Environmental Protection (FDEP) Total Maximum Daily Load (TMDL) Award of \$1,584,118.17 and Section 319 FY13 Grant Award in the amount of \$200,000. Further, that City Council adopt the attached supplemental budget resolution to appropriate the grant funds.

AGENDA: _____ Regular X Consent
Hearing Required: Public _____ Quasi-Judicial _____ No Hearing Required X

SUMMARY:

The City of Pensacola is one of the oldest cities in the state of Florida, with a history of urban settlement dating back 300 years. Urbanization has put substantial pressure on both the natural and man-made hydrologic systems to accommodate increasing amounts of runoff carrying ever more complex pollutants. All of the runoff from the City discharges into the Pensacola Bay watershed and the City has moved on several fronts within the last decade to address stormwater impacts on local area waters. The Scenic Heights area in Northeast Pensacola has been identified as an area of concern regarding pollutant loadings as it is a large single family residential development that has a direct discharge to Pensacola Bay. Most of this area was developed prior to water quality regulations and consists of a 72" main trunk line that runs down Langley Avenue to the east and discharges directly to the bay.

In August 2006, City Council authorized the preparation of a grant application under the Florida Forever Competitive Grant and Section 319 Grant Programs for the Gaberonne Swamp Stormwater Enhancement Project. In September 2007, the grant application was prepared by the Engineering consultant and submitted to the Northwest Florida Water Management District (NFWFMD) and the Florida Department of Environmental Protection (FDEP) for evaluation and consideration. The NFWFMD through several programs has identified the preservation of bottomland hardwood habitats, which includes the Gaberonne Swamp, as an essential element with regard to the long term health of the Pensacola Bay System.

This project will serve as a means to provide stormwater treatment for over 760 acres of untreated runoff into Pensacola Bay and help restore the sensitive ecology of the Gaberonne Swamp system. This will primarily take place through the construction of an advanced treatment train process that will remove approx. 96,000 lbs. of pollutants annually utilizing a large stormwater retention pond uphill and adjacent to the swamp, where stormwater will be routed for treatment prior to replenishing the swamp and ultimately discharging into the bay.

Council Memorandum

Gaberonne Swamp Stormwater – Pensacola Bay Watershed Improvements Grant Acceptance

February 13, 2014

Page #2

As part of this, the Emerald Coast Utilities Authority (ECUA) has agreed to partner with the City to relocate a sanitary sewer lift-station facility that currently occupies the area where the new stormwater pond is Proposed and is part of the grant scope. ECUA will oversee the relocation and the City will reimburse them for 50% of the costs up to \$350,000. Funding for the reimbursement will come from the City matching Funds identified in the Funding portion of this memorandum. The existing pond at the intersection of Langley Avenue and Scenic Highway will also be retrofitted to provide treated stormwater to the swamp and will function in a much more effective and efficient manner. This overall project will be phased out over approximately five (5) years with each phase represented as a “sub” or smaller stand-alone project that will ultimately all tie together.

Education of the public about personal impacts on stormwater, changing city field operating procedures, increasing land development code requirements, and addressing water quality in all city construction projects have been instituted for the protection and improvement of water quality. As part of the grant scope, an educational kiosk explaining the importance of stormwater management to enhance bay water quality will be placed at the Pensacola Bay Bluffs Park, a popular destination for city residents and visitors of all ages.

PRIOR ACTION:

JUL 2013 - Award of Professional Engineering Design Services to Atkins, N.A. for the preparation of 60% construction documents to retrofit the existing stormwater management pond at the intersection of Langley Avenue and Scenic Highway to increase pollutant removal efficiencies and restore the natural hydrology to the northern portion of Gaberonne Swamp.

FUNDING:

Revenues:

FDEP TMDL Grant Award	\$1,584,118.17
Section 319 FY13 Grant Award	\$ 200,000.00
Matching Funds (City)	\$ 976,381.04 (Stormwater Capital Fund)
Matching Funds (ECUA)	<u>\$ 350,000.00</u>
Total	\$3,110,499.21

Expenditures*:

Construction	\$2,275,499.21
Engineering Design/Permitting	\$ 250,000.00
Project Administration	\$ 150,000.00
Other/Misc.	\$ 85,000.00
Payment to ECUA	<u>\$ 350,000.00</u>
Total	\$3,110,499.21

*Approximate estimates only

Council Memorandum

Gaberonne Swamp Stormwater – Pensacola Bay Watershed Improvements Grant Acceptance

February 13, 2014

Page #3

FINANCIAL IMPACT:

Funding is currently available for the required City “match” within the Stormwater Capital Projects Fund for the Scenic Heights Discharge Project in the amount of \$656,861.89 with the remaining \$319,519.15 available in the FY 2015 Stormwater Capital Projects Fund for the same project. Per ECUA, funding in the amount of \$350,000 is available from them to provide their required match. Approval of the attached supplemental budget resolution will appropriate the grant funds.

STAFF CONTACT:

Colleen M. Castille, City Administrator
L. Derrik Owens, P. E., Director of Public Works and Facilities/City Engineer
Richard Barker, Chief Financial Officer

ATTACHMENTS:

- 1) FDEP FY13 Award Letter Authorization
- 2) ECUA Letter of Commitment
- 3) Supplemental Budget Resolution
- 4) Supplemental Budget Resolution Explanation

PRESENTATION:

No.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Via e-mail: dowens@cityofpensacola.com

August 20, 2013

Mr. Derrik Owens, P.E.
Public Works Director
2757 North Palafox Street
Pensacola, FL 32501

RE: Section 319(h) Grant Proposal Status

Dear Mr. Owens:

The previous award letter informing you that your proposal entitled "Gaberonne Swamp Stormwater- Pensacola Bay Watershed" was selected for funding this year did not include the total amount awarded. In fact it is our pleasure to report that, you will be awarded a total grant amount of \$1,784,118.17. The City will be providing match dollars in the amount of 1,246,381.04 with additional funds in the amount of \$50,000.00 for a total project cost of \$3,080,499.21. The draft work plan was submitted to EPA on September 30, 2012. While we have selected this project for inclusion in the draft work plan, please be aware that funding cannot be guaranteed until EPA approves the draft work plan and the federal funds are received by the state. We would expect to receive EPA's approval and the federal funds by September 2013. Upon receipt of the federal funds, we will contact you to initiate contracting. For planning purposes, if approved by EPA, you should expect contract initiation to occur between September 2013 and January 2014. In the interim (starting October 1, 2012) any non-federal expenditures made for the project can be counted towards the required minimum 40% match.

So that we may better plan our restoration efforts across the state, please respond to this letter by August 23, 2013 and indicate that you accept this grant. You may either email me at Connie.L.Becker@dep.state.fl.us or mail to the address in this letterhead. If we do not hear from you by that date, we will assume you do not intend to accept that grant and will reallocate the grant funds as needed.



Mr. Derrick Owens
August 20, 2013
Page Two

We look forward to working with you on this project and value your commitment to restoring Florida's waters. In addition to the federal section 319(h) grant, please accept this as notification of the TMDL Award which is included in the total grant award in Paragraph 2 above. If you have any questions, please do not hesitate to call me at (850) 245-8505 or e-mail at Connie.L.Becker@dep.state.fl.us or contact Mike Scheinkman at (850) 245-8521 or Michael.Scheinkman@dep.state.fl.us.

Sincerely,

Connie Becker
Division of Environmental Assessment and Restoration

XC: Lee Marchman, Non-Point Source Section
Mike Scheinkman, Contract Manager



**RESOLUTION
NO. 01-14**

**A RESOLUTION
TO BE ENTITLED:**

**A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2014; 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 Grant Contributions	256,559
Amended		
To Read	Federal Grant Contributions	1,840,679
As Reads:	Federal Grant Contributions	256,559
Amended		
To Read	Federal Grant Contributions	456,559
As Reads:	Operating Expenses	1,399,162
Amended		
To Read	Operating Expenses	1,459,056
As Reads:	Capital Outlay	840,808
Amended		
To Read	Capital Outlay	2,565,034

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

Legal in form and valid as drawn:

City Attorney

THE CITY OF PENSACOLA
 FEBRUARY 2014 - SUPPLEMENTAL BUDGET RESOLUTION - GABERONNE SWAMP STORMWATER GRANT

FUND	ACCOUNT NUMBER	AMOUNT	DESCRIPTION
SPECIAL GRANTS FUND	102		
Estimated Revenues			
Federal Grant Contributions		1,584,120	Increase estimated revenue for Federal Grant Contributions
State Grant Contributions		200,000	Increase estimated revenue for State Grant Contributions
Total Revenues		<u>1,784,120</u>	
Appropriations			
Operating Expenses		59,894	Increase appropriation for Operating Expenses
Capital Outlay		1,724,226	Increase appropriation for Capital Outlay
Total Appropriations		<u>1,784,120</u>	

Report of City Council Action Items

February 13, 2014



Members Present: Council President Jewel Cannada-Wynn, Council, Charles Bare, Larry B. Johnson, Sherri Myers, Brian Spencer, Andy Terhaar, and Gerald Wingate

Absent: Megan B. Pratt and P. C. Wu

CONSENT AGENDA ITEMS

1. REQUEST FOR LICENSE TO USE – 7 & 15 WEST MAIN STREET

That City Council approve the request for a license to use a 4' x 106.63" portion of the West Main Street right of way.

The motion passed 6 - 0. Council Member Spencer abstaining from the vote.

REGULAR AGENDA ITEMS

2. GABERONNE SWAMP STORMWATER – PENSACOLA BAY WATERSHED IMPROVEMENTS GRANT ACCEPTANCE

That City Council authorize the Mayor to accept and execute the Florida Department Environmental Protection (FDEP) Total Maximum Daily Load (TMDL) Award of \$1,584,118.17 and Section 319 FY13 Grant Award in the amount of \$2000,000. Further, that City Council adopt the attached supplemental budget resolution to appropriate the grant funds.

The motion passed unanimously.

SUPPLEMENTAL BUDGET RESOLUTION NO. 01-14 – **MOTION TO APPROVE**

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously.

3. PUBLIC HEARING – AMENDMENT TO THE LAND DEVELOPMENT CODE – MINOR LICENSE TO USE APPROVALS – **MOTION TO APPROVE**

That City Council conduct a public hearing on February 13, 2014 to consider the proposed amendment to the Land Development Code.

The motion passed unanimously.

PROPOSED ORDINANCE NO. 06-14 – *1st Reading* - **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 12-12-7 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE LICENSE TO USE RIGHT OF WAY REGULATIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

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4. PUBLIC HEARING – REQUEST TO VACATE ALLEY – 2900 EAST CERVANTES STREET – A.K. SUTER SCHOOL – **MOTION TO APPROVE**

That City Council conduct a public hearing on February 13, 2014 to consider the request to vacate the alleyway adjacent to 2900 East Cervantes Street.

The motion passed unanimously.

COUNCIL MEMORANDUM

Council Meeting Date: February 13, 2014



LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor *Ashton*

SUBJECT: Gaberonne Swamp Stormwater – Pensacola Bay Watershed Improvements Grant Acceptance

RECOMENDATION:

That City Council authorize the Mayor to accept and execute the Florida Department Environmental Protection (FDEP) Total Maximum Daily Load (TMDL) Award of \$1,584,118.17 and Section 319 FY13 Grant Award in the amount of \$200,000. Further, that City Council adopt the attached supplemental budget resolution to appropriate the grant funds.

AGENDA: _____ Regular X Consent
Hearing Required: Public _____ Quasi-Judicial _____ No Hearing Required X

SUMMARY:

The City of Pensacola is one of the oldest cities in the state of Florida, with a history of urban settlement dating back 300 years. Urbanization has put substantial pressure on both the natural and man-made hydrologic systems to accommodate increasing amounts of runoff carrying ever more complex pollutants. All of the runoff from the City discharges into the Pensacola Bay watershed and the City has moved on several fronts within the last decade to address stormwater impacts on local area waters. The Scenic Heights area in Northeast Pensacola has been identified as an area of concern regarding pollutant loadings as it is a large single family residential development that has a direct discharge to Pensacola Bay. Most of this area was developed prior to water quality regulations and consists of a 72" main trunk line that runs down Langley Avenue to the east and discharges directly to the bay.

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Council Memorandum

Gaberonne Swamp Stormwater – Pensacola Bay Watershed Improvements Grant Acceptance

February 13, 2014

Page #2

As part of this, the Emerald Coast Utilities Authority (ECUA) has agreed to partner with the City to relocate a sanitary sewer lift-station facility that currently occupies the area where the new stormwater pond is Proposed and is part of the grant scope. ECUA will oversee the relocation and the City will reimburse them for 50% of the costs up to \$350,000. Funding for the reimbursement will come from the City matching Funds identified in the Funding portion of this memorandum. The existing pond at the intersection of Langley Avenue and Scenic Highway will also be retrofitted to provide treated stormwater to the swamp and will function in a much more effective and efficient manner. This overall project will be phased out over approximately five (5) years with each phase represented as a “sub” or smaller stand-alone project that will ultimately all tie together.

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PRIOR ACTION:

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FUNDING:

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Total	\$3,110,499.21

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*Approximate estimates only

Council Memorandum

Gaberonne Swamp Stormwater – Pensacola Bay Watershed Improvements Grant Acceptance

February 13, 2014

Page #3

FINANCIAL IMPACT:

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STAFF CONTACT:

Colleen M. Castille, City Administrator

L. Derrik Owens, P. E., Director of Public Works and Facilities/City Engineer

Richard Barker, Chief Financial Officer

ATTACHMENTS:

- 1) FDEP FY13 Award Letter Authorization
- 2) ECUA Letter of Commitment
- 3) Supplemental Budget Resolution
- 4) Supplemental Budget Resolution Explanation

PRESENTATION:

No.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Via e-mail: dowens@cityofpensacola.com

August 20, 2013

Mr. Derrik Owens, P.E.
Public Works Director
2757 North Palafox Street
Pensacola, FL 32501

RE: Section 319(h) Grant Proposal Status

Dear Mr. Owens:

The previous award letter informing you that your proposal entitled "Gaberonne Swamp Stormwater- Pensacola Bay Watershed" was selected for funding this year did not include the total amount awarded. In fact it is our pleasure to report that, you will be awarded a total grant amount of \$1,784,118.17. The City will be providing match dollars in the amount of 1,246,381.04 with additional funds in the amount of \$50,000.00 for a total project cost of \$3,080,499.21. The draft work plan was submitted to EPA on September 30, 2012. While we have selected this project for inclusion in the draft work plan, please be aware that funding cannot be guaranteed until EPA approves the draft work plan and the federal funds are received by the state. We would expect to receive EPA's approval and the federal funds by September 2013. Upon receipt of the federal funds, we will contact you to initiate contracting. For planning purposes, if approved by EPA, you should expect contract initiation to occur between September 2013 and January 2014. In the interim (starting October 1, 2012) any non-federal expenditures made for the project can be counted towards the required minimum 40% match.

So that we may better plan our restoration efforts across the state, please respond to this letter by August 23, 2013 and indicate that you accept this grant. You may either email me at Connie.L.Becker@dep.state.fl.us or mail to the address in this letterhead. If we do not hear from you by that date, we will assume you do not intend to accept that grant and will reallocate the grant funds as needed.

Mr. Derrick Owens
August 20, 2013
Page Two

We look forward to working with you on this project and value your commitment to restoring Florida's waters. In addition to the federal section 319(h) grant, please accept this as notification of the TMDL Award which is included in the total grant award in Paragraph 2 above. If you have any questions, please do not hesitate to call me at (850) 245-8505 or e-mail at Connie.L.Becker@dep.state.fl.us or contact Mike Scheinkman at (850) 245-8521 or Michael.Scheinkman@dep.state.fl.us .

Sincerely,

Connie Becker
Division of Environmental Assessment and Restoration

XC: Lee Marchman, Non-Point Source Section
Mike Scheinkman, Contract Manager

**RESOLUTION
NO. 01-14**

**A RESOLUTION
TO BE ENTITLED:**

**A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2014; 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:

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As Reads:	Federal Grant Contributions	256,559
Amended		
To Read	Federal Grant Contributions	1,840,679
As Reads:	Federal Grant Contributions	256,559
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To Read	Federal Grant Contributions	456,559
As Reads:	Operating Expenses	1,399,162
Amended		
To Read	Operating Expenses	1,459,056
As Reads:	Capital Outlay	840,808
Amended		
To Read	Capital Outlay	2,565,034

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

Legal in form and valid as drawn:

City Attorney

THE CITY OF PENSACOLA
 FEBRUARY 2014 - SUPPLEMENTAL BUDGET RESOLUTION - GABERONNE SWAMP STORMWATER GRANT

FUND	ACCOUNT NUMBER	AMOUNT	DESCRIPTION
SPECIAL GRANTS FUND	102		
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Total Revenues		<u>1,784,120</u>	
Appropriations			
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