



# City of Pensacola

## *CITY COUNCIL*

### Agenda Conference Minutes

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March 6, 2017

3:30 P.M.

Hagler/Mason Conference Room

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#### **ROLL CALL**

Members Present: Brian Spencer, Gerald Wingate, Jewel Cannada-Wynn, Larry B. Johnson, Andy Terhaar, and P.C. Wu (arrived 3:42)

Members Absent: Sherri Myers

#### **PRESENTATION ITEMS**

1. [17-00140](#) PRESENTATION FROM FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) BRIEFING THE CITY COUNCIL ON THE FDOT PROJECT IN PENSACOLA - GREGORY STREET and BAYFRONT PARKWAY AT 17TH AVE INTERSECTION IMPROVEMENT PD&E STUDY.

**Recommendation:** That City Council have a presentation at the March 9, 2017 City Council meeting from FDOT, briefing the City Council on the Gregory Street and Bayfront Parkway at 17th Ave intersection improvement PD&E Study.

**Place on regular agenda.**

#### **REVIEW OF CONSENT AGENDA ITEMS**

2. [16-00284](#) AWARD OF CONTRACT - BID #17-002 GABERONNE SWAMP STORMWATER PENSACOLA BAY WATERSHED IMPROVEMENTS - SPANISH TRAIL RETENTION POND PROJECT

**Recommendation:** That City Council award a contract for construction of the Gaberonne Swamp Stormwater Pensacola Bay Watershed Improvements Spanish Trail Retention Pond Project to BKW, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$966,865.55 plus a 10% contingency of \$96,686.56 for a total amount of \$1,063,552.11.

**Place on Consent Agenda.**

**REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)**

3. [17-00012](#) AWARD OF CONTRACT - BID #17-006 BAYOU CHICO "R" STREET AT MAGGIE'S DITCH STORMWATER TREATMENT ENHANCEMENT PROJECT

**Recommendation:** That City Council award a contract for construction of the Bayou Chico "R" Street at Maggie's Ditch Stormwater Treatment Project to Williams Industrial & Marine, Inc., of Westville, Florida, the lowest and most responsible bidder with a base bid of \$597,719.00, plus 10% contingency of \$59,771.90 for a total amount of \$657,490.90.

**Withdrawn by sponsor.**

4. [17-00054](#) AIRPORT - APPROVAL OF AMENDMENT NO. 4 TO THE LEASE AND OPERATING AGREEMENT WITH ECKO AIR LLC

**Recommendation:** That City Council authorize the Mayor to execute Amendment No. 4 to the Lease and Operating Agreement between the City of Pensacola and ECKO Air LLC at the Pensacola International Airport. Further that City Council authorize the Mayor to take all necessary actions to execute Amendment No. 4.

**Place on Consent Agenda.**

5. [17-00070](#) Transfer of Surplus Vehicles - George Stone Technical Center

**Recommendation:** That City Council declare four (4) City Police Vehicles (Unit Numbers SO9006, S31906, S35406, and S82906 2006 Ford Crown Victoria marked patrol vehicles) surplus and authorize the transfer of these vehicles to George Stone Technical Center.

**Place on Consent Agenda.**

6. [17-00163](#) APPOINTMENT - WEST FLORIDA PUBLIC LIBRARY BOARD OF GOVERNANCE

**Recommendation:** That City Council appoint one individual, who is an elector of Escambia County, to the West Florida Public Library Board of Governance for a term of two years, expiring February 28, 2019.

**Place on Consent Agenda.**

**REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)**

7. [17-00187](#) ADDITIONAL APPOINTMENTS TO THE CLIMATE MITIGATION AND ADAPTATION TASK FORCE

**Recommendation:** That City Council appoint Dr. Haris Alibasic and Ms. Carrie Stevenson to the Climate Mitigation and Adaptation Task Force.

**Place on Consent Agenda.**

8. [17-00125](#) APPOINTMENT TO THE POLICE OFFICERS' RETIREMENT FUND BOARD OF TRUSTEES

**Recommendation:** That City Council ratify the appointment of Rodney Randle as the fifth member trustee of the Police Officers' Retirement Fund.

**Place on Consent Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS**

9. [17-00107](#) FY 2016 COMPREHENSIVE ANNUAL FINANCIAL (CAFR)

**Recommendation:** That City Council accept the City of Pensacola Comprehensive Annual Financial Report for the year ended September 30, 2016 as prepared by the Financial Services Department and the Independent Auditors Report issued thereupon.

**Place on Regular Agenda.**

10. [17-00177](#) SIX-CENT LOCAL OPTION FUEL (GASOLINE) TAX SETTLEMENT

**Recommendation:** That City Council authorize the Mayor to take all actions necessary to settle the Six-Cent Local Option Fuel (Gasoline) Tax Appeal with Escambia County.

**Place on Regular Agenda.**

11. [17-00189](#) MORATORIUM ON ENCUMBERING ANY FURTHER LOCAL OPTION SALES TAX (LOST) IV FUNDS

**Recommendation:** That City Council place a moratorium on encumbering any further LOST IV funds until the City Council and the Mayor have set priorities for expenditures and/or projects for these funds.

City Administrator advised if this item is approved by Council, it will affect funding for Item 24 and 25 (supplemental budget resolution), *Award of Invitation to Bid (ITB) #17-015 Osceola Clubhouse Renovation Project*.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

12. 17-00167 MORATORIUM ON THE CONTINUATION OF ANY AND ALL STREET RESURFACING PROJECTS CURRENTLY UNDERWAY OR BEGINNING IN THE NEAR FUTURE.

**Recommendation:** That City Council place a moratorium of no more than 45 days on any street resurfacing projects currently underway or planned within the moratorium time frame pending plans to reconstruct certain streets that are experiencing severe storm water issues.

**Withdrawn by sponsor.**

13. 17-00138 PRESENTATION FROM THE CHAIRMAN OF THE COMMUNITY MARITIME PARK ASSOCIATES (CMPA)

**Recommendation:** That City Council request a presentation be given at the April 13, 2017 City Council meeting by the Chairman of the Board of Trustees of the CMPA to update the Council on the financial and maintenance aspects of the park as well as an update on the marketing of the private parcels within the park.

**Place on Regular Agenda.**

14. 17-00190 REQUEST FOR LEGAL OPINION REGARDING ENFORCEMENT OF ANIMAL CONTROL ORDINANCES

**Recommendation:** That City Council request a legal opinion from the City Attorney to the following question:

Are Escambia County's animal control ordinances enforceable within the City of Pensacola minus an interlocal agreement or an agreement of some type?

**Place on Regular Agenda.**

15. 04-17 PROPOSED ORDINANCE NO. 04-17 - REPEALING SECTION 10-4-16(c) OF THE CITY CODE - INSTALLATION OF SERVICES

**Recommendation:** That City Council approve Proposed Ordinance No. 04-17 repealing Section 10-4-16(c) of the city code on first reading.

AN ORDINANCE REPEALING SECTION 10-4-16(c) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, INSTALLATION OF SERVICES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

**Place on Regular Agenda**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

16. [17-00175](#) CREATION OF SECTION 8-1-28 OF THE CITY CODE - PROHIBITING SOLICITATION OF DONATIONS UPON PUBLIC SIDEWALKS AND RIGHTS-OF-WAY IN THE DOWNTOWN VISITORS' DISTRICT

**Recommendation:** That City Council adopt an ordinance creating Section 8-1-28 of the City Code - Prohibiting solicitation of donations upon public sidewalks and rights-of-way in the Downtown Visitors' District.

**Place on Regular Agenda.**

17. [09-17](#) PROPOSED ORDINANCE NO. 09-17 - CREATING SEC. 8-1-28 OF THE CITY CODE - PROHIBITING SOLICITATION OF DONATIONS UPON PUBLIC SIDEWALKS AND RIGHTS-OF-WAY IN THE DOWNTOWN VISITORS' DISTRICT

**Recommendation:** That City Council approve Proposed Ordinance No. 09-17 on first reading.

AN ORDINANCE CREATING SECTION 8-1-28 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; DEFINING THE DOWNTOWN VISITORS' DISTRICT AND REGULATING THE CONDUCT OF CITIZENS ON SIDEWALKS AND PUBLIC RIGHTS-OF-WAY THEREIN; PROVIDING DEFINITIONS; PROHIBITING SOLICITATION OF DONATIONS; PROVIDING PENALTIES THEREFOR; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Place on Regular Agenda.**

18. [17-00114](#) AMENDMENT TO CITY COUNCIL RULES AND PROCEDURES; SECTION 2.07 - CONSENT AGENDA

**Recommendation:** That City Council amend Section 2.07 - Consent Agenda - of the City Council Rules and Procedures to allow the movement of items from the Regular Agenda to the Consent Agenda at the Agenda Conference.

**Place on Regular Agenda.**

19. [17-00186](#) BUDGET ANALYST TO THE CITY COUNCIL

**Recommendation:** That City Council begin the process of hiring a Budget Analyst in accordance with Section 4.02(6) of the City Charter.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

20. [17-00184](#) SCHEDULE A WORKSHOP REGARDING A PROPOSED ORDINANCE ESTABLISHING A BUSINESS LICENSING PROCESS FOR PERMITTING OF ALL RENTAL PROPERTY.

**Recommendation:** That City Council schedule a workshop for June 2017 for the purpose of establishing an ordinance allowing for establishing a business licensing process for permitting of all rental property within the city limits. The Council also authorizes the Council staff to provide assistance in the research of this topic.

**Place on Regular Agenda.**

21. [17-00185](#) SCHEDULE WORKSHOP REGARDING THE REVIEW OF ORDINANCES AND POLICIES GOVERNING ABANDONED DWELLINGS, VACANT LOTS AND UNKEPT PROPERTIES.

**Recommendation:** That City Council schedule a workshop for June 2017 to review all ordinances and policies that govern abandoned dwellings, vacant lots and unkempt properties within the city limits. The review would include state statues that protect the property rights of citizens.

**Place on Regular Agenda.**

22. [17-00143](#) SOUTH PALAFOX RESIDENTIAL CONDOMINIUM BUILDING DEVELOPMENT PLAN

**Recommendation:** That the City Council conceptually approve a proposed South Palafox residential condominium building development plan and authorize the Mayor to enter into negotiations for a long term lease for such development.

**Place on Regular Agenda.**

23. [17-17](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-17 - APPROPRIATING FUNDING FOR ADDITIONAL PARKING AT CHAPPIE JAMES PROJECT

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-17 appropriating funding for additional parking at the General Daniel "Chappie" James Jr., Museum & Youth Flight Academy.

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

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

24. 17-00011 AWARD OF CONTRACT FOR INVITATION TO BID (ITB) #17-015 OSCEOLA CLUBHOUSE RENOVATION PROJECT

**Recommendation:** That City Council award a contract to Joy Gordon Construction, LLC for ITB #17-015 Osceola Clubhouse, for \$590,652.00 plus a 15% contingency of \$88,597.80 for a total amount of \$679,249.80. Further that City Council approve the supplemental budget resolution appropriating LOST IV funding for this project. Finally that City Council authorize the Mayor to execute all contracts, related documents, and take all related actions necessary to complete the project.

**Place on Regular Agenda.**

25. 17-18 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-18 - OSCEOLA CLUBHOUSE RENOVATION PROJECT

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-18.

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

**Place on Regular Agenda.**

26. 05-17 PROPOSED ORDINANCE NO. 05-17 - AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-2-10 - HISTORIC & PRESERVATION LAND USE DISTRICT, (A)(4) PROCEDURE FOR REVIEW

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

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

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

27. 06-17 PROPOSED ORDINANCE NO. 06-17 - PROPOSED AMENDMENT TO SECTION 12-2-8 (B) (1) OF THE LAND DEVELOPMENT CODE - ADDITION OF MEDICAL MARIJUANA DISPENSARY

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

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

**Place on Regular Agenda.**

28. 07-17 PROPOSED ORDINANCE NO. 07-17 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-14-1 DEFINITIONS - BUILDING HEIGHT

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

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

**Place on Regular Agenda.**

29. 03-17 PROPOSED ORDINANCE NO. 03-17 - AMENDMENT TO SECTION 3-1-13, COUNCIL RESERVE (GENERAL FUND) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA

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

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

**Place on Regular Agenda.**



**FOR DISCUSSION**

30. [17-00188 DISCUSSION OF REQUEST FOR LETTER OF SUPPORT FOR HB 6019 AND SB 214 REGARDING PRESERVATION OF ARCHAEOLOGICAL SITES.](#)

**Recommendation:** That City Council have a discussion regarding the submission of a letter of support for HB 6019 and SB 214 regarding the preservation of archeological sites.

**Place for Discussion.**

**INFORMATIONAL ITEMS**

None.

**CONSIDERATION OF ANY ADD-ON ITEMS**

None.

**READING OF ITEMS FOR COUNCIL AGENDA**

As presented above.

Council Member Wingate asked follow-up questions regarding the funding of Item 24, *Award of Invitation to Bid (ITB) #17-015 Osceola Clubhouse Renovation Project*, with Chief Financial Officer responding accordingly.

*No objections to the order of agenda items as read.*

**COMMUNICATIONS**

31. [17-00152 CITY ADMINISTRATOR COMMUNICATION - ERIC W. OLSON](#)

**Departmental Update: Sanitation Services & Fleet Management Director Moore**

An overhead presentation updating Council on recent operations and events was provided by Sanitation Services & Fleet Mgmt. Director Moore (on file with agenda materials); and he responded to questions accordingly. Some discussion focused on failed negotiations with ECUA for recycling.

City Administrator Olson provided a verbal update on various initiatives and projects.

**CITY ATTORNEY'S COMMUNICATION**

None.

**COMMUNICATIONS (CONT'D.)****32. [17-00191 MONTHLY CRIME REPORT, POLICE CHIEF DAVID ALEXANDER, III](#)**

February 2017 report was presented (on file with agenda materials). Police Chief Alexander responded accordingly to questions of Council Members.

**33. [17-00088 MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.](#)**

February 2017 report was presented (on file with agenda materials). Chief Financial Officer Barker responded accordingly to questions of Council Members.

**34. [17-00144 QUARTERLY FINANCIAL REPORT - THREE MONTHS ENDING DECEMBER 31, 2016 - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.](#)**

Quarterly Financial report was presented (on file with agenda materials). Chief Financial Officer Barker responded accordingly to questions of Council Members. Some discussion focused on non-payments at the Port of Pensacola.

**CITY COUNCIL COMMUNICATION**

Council Executive Kraher advised he will be forthcoming with a calendar listing of upcoming workshops.

Council Member Wingate made follow-up remarks regarding Item 27, P.O. No. 06-17 on second reading, regarding adding “medical marijuana dispensary” as an allowable use in Commercial Zoning Districts, with Council Member Terhaar as sponsor responding accordingly.

**ADJOURNMENT**

5:41 P.M.