



City of Pensacola

Agenda Conference

Agenda

Monday, April 22, 2019, 3:30 PM

Hagler-Mason Conference Room,
2nd Floor

ROLL CALL

PRESENTATION ITEMS

1. [19-00148](#) TREE AND GREEN SPACE PRESENTATION

Recommendation: That City Council be given a tree and green space presentation by Michael Wolf in reference to a potential project within District 2.

Sponsors: Sherri Myers
2. [19-00194](#) ADA SIDEWALKS - A CIVIL RIGHT

Recommendation: That City Council receive a presentation from Sherri Myers regarding ADA Sidewalks - A Civil Right.

Sponsors: Sherri Myers
3. [19-00200](#) RECOMMENDATION FROM ENVIRONMENTAL ADVISORY BOARD (EAB) REGARDING RENEWABLE ENERGY GOAL.

Recommendation: That City Council receive a presentation from Neal Richards, Chairman of the EAB regarding a recommendation made by the EAB.

Sponsors: Ann Hill

REVIEW OF CONSENT AGENDA ITEMS

4. [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](#)

5. [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](#)

6. [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](#)

REVIEW OF REGULAR AGENDA ITEMS (Sponsor)

7. [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](#)

8. [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](#)

9. [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](#)

10. [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](#)

11. [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](#)

12. [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](#)

13. [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](#)

14. [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](#)

15. [2019-01](#) RESOLUTION NO. 2019-01 - AMENDING AND RESTATING
RESOLUTION NO. 4-94 IN ITS ENTIRETY PERTAINING TO THE
ISSUANCE BY THE CITY OF GAS SYSTEM REVENUE BONDS.

Recommendation: That City Council adopt Resolution No. 2019-01.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY; PROVIDING FOR THE ISSUANCE OF GAS SYSTEM REVENUE BONDS TO PAY THE COST OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S GAS SYSTEM AND TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; PLEDGING THE NET REVENUES OF THE GAS SYSTEM TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Resolution No. 2019-01](#)

16. [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](#)

17. [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](#)

FOR DISCUSSION

18. [19-00201](#) ORDINANCE PROHIBITING THE OBSTRUCTION OF SIDEWALKS

Sponsors: Sherri Myers

19. [19-00202](#) CITY COUNCIL HIRING AN ARBORIST

Sponsors: Sherri Myers

CONSIDERATION OF ANY ADD-ON ITEMS

READING OF ITEMS FOR COUNCIL AGENDA

COMMUNICATIONS

City Administrator's Communication

20. [19-00189](#) STRATEGIC PLANNING PRESENTATION - JOHN STREITMATTER,
LEADERSHIP RESEARCH INSTITUTE

Sponsors: Grover C. Robinson, IV

City Attorney's Communication

City Council Communication

ADJOURNMENT

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00148

City Council

4/25/2019

PRESENTATION ITEM

FROM: City Council Member Sherri Myers

SUBJECT:

TREE AND GREEN SPACE PRESENTATION

REQUEST:

That City Council be given a tree and green space presentation by Michael Wolf in reference to a potential project within District 2.

SUMMARY:

With potential projects within District 2, this presentation will speak to the issue of tree planting / placement as well as the use of green space within this potential project.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: Yes



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00194

City Council

4/25/2019

PRESENTATION ITEM

FROM: City Council Member Sherri Myers

SUBJECT:

ADA SIDEWALKS - A CIVIL RIGHT

REQUEST:

That City Council receive a presentation from Sherri Myers regarding ADA Sidewalks - A Civil Right.

SUMMARY:

Sidewalks within the City of Pensacola are required to be ADA compliant. This presentation will discuss that issue.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: Yes



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00200

City Council

4/25/2019

PRESENTATION ITEM

FROM: City Council Member Ann Hill

SUBJECT:

RECOMMENDATION FROM ENVIRONMENTAL ADVISORY BOARD (EAB) REGARDING RENEWABLE ENERGY GOAL.

REQUEST:

That City Council receive a presentation from Neal Richards, Chairman of the EAB regarding a recommendation made by the EAB.

SUMMARY:

At the April 4, 2019 meeting of the EAB, the following recommendation was made:

That the upcoming City Strategic Plan include an element to assess the feasibility of joining the FPL SolarTogether program or other feasible alternates, as a method to reach the 100% renewable energy goal recommended by the Climate Mitigation and Adaptation Task Force and the Mayor's Transition Committee and an implementation plan developed, if joining is feasible.

This presentation will discuss this recommendation.

PRIOR ACTION:

April 4, 2019 - Meeting of the EAB where the recommendation was approved

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: Yes



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:

Signed, sealed and delivered
in the presence of:

ECKO AIR, LLC,
A Florida limited liability company

Print Name: _____

By: _____
Managing Member

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)

<u>5,000.00</u>	Construction Testing and Misc. (Estimate)
<u>\$ 398,686.69</u>	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. Derrik 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

Opening Date: 02/15/19

Bid No.: 19-012

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	

Opening Date: 02/15/19

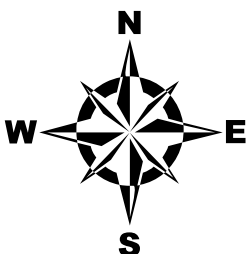
Bid No.: 19-012

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**



City of Pensacola

222 West Main Street
Pensacola, FL 32502

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.
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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,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a long horizontal line extending to the right.

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

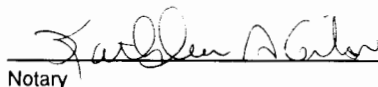
as published in said newspaper in the issue(s) of:

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.

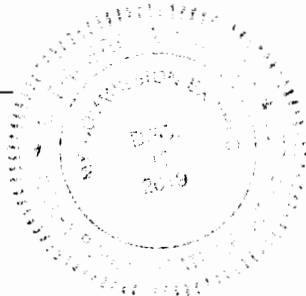
If any person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings, and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence 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 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.

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

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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,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a long horizontal line extending to the right.

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



City of Pensacola

222 West Main Street
Pensacola, FL 32502

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)

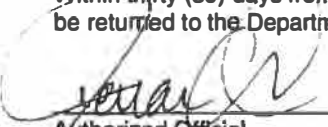
Award is hereby made in the amount and for the period shown above of a subgrant under Part E of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended Subpart 1 of such part (42 U.S.C. 3751-3759); the Consolidated Appropriations Act, 2008, Public Law 110-161; and Public Law 109-162, 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
Mona 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

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	34,348	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



City of Pensacola

222 West Main Street
Pensacola, FL 32502

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



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**

FUND	AMOUNT	DESCRIPTION
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	<u>14,462,331</u>	Appropriate funding for Grants & Aids
Total Appropriations	<u>14,462,331</u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-01

City Council

4/25/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

RESOLUTION NO. 2019-01 - AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY PERTAINING TO THE ISSUANCE BY THE CITY OF GAS SYSTEM REVENUE BONDS.

RECOMMENDATION:

That City Council adopt Resolution No. 2019-01.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY; PROVIDING FOR THE ISSUANCE OF GAS SYSTEM REVENUE BONDS TO PAY THE COST OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S GAS SYSTEM AND TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; PLEDGING THE NET REVENUES OF THE GAS SYSTEM TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On February 16, 1994 City Council adopted Resolution No. 4-94, as amended and supplemented (the "Original Bond Resolution") providing for the issuance of Gas System Revenue Bonds. This Original Bond Resolution acts as the master resolution for all subsequent debt issuances. The Original Bond Resolution has two sections in particular that would prove beneficial to the City to update, Section 15C of the Original Resolution with respect to the funding of a Renewal and Replacement Fund and Section 15T(a) of the Original Resolution to revise the requirements for the issuance of Additional Parity Obligations.

Section 15C(7) of the Original Bond Resolution requires funding of a Renewal and Replacement Fund which is to be used to pay for the cost of extensions, enlargements or additions to, or the replacement of capital assets of the Gas System. Such funding is now built into the rates and charges therefore the Renewal and Replacement Fund is no longer relevant. The primary reason for the amendment to Section 15C is to remove the requirement

of the Renewal and Replacement Fund.

Section 15T(a) of the Original Bond Resolution requires, as a condition to the issuance of parity debt obligations, an audit of the collection and receipt of revenues derived from the operation of the Gas System for the fiscal year immediately preceding the date of sale of the proposed additional parity obligations or for any twelve (12) consecutive month period out of the eighteen (18) consecutive months immediately preceding the date of sale of the proposed additional parity obligations. The primary reason for the amendment to Section 15T(a) is to allow the Chief Financial Officer of the City of Pensacola to certify the collection and receipt of revenues derived from the operation of the Gas System for any twelve (12) consecutive months out of the twenty four (24) consecutive months immediately preceding the date of sale of the proposed additional parity obligations. This amendment will allow the City of Pensacola to save on professional fees should Pensacola Energy wish to issue additional parity obligations in the future and to use the most recent audited numbers to apply the coverage test.

In addition, the City's bond counsel Randy Clement, Esq. with Bryant Miller Olive, has reviewed the document in whole and updated language throughout the document in order to make it current with present day terminology and practice. The City of Pensacola currently has the Gas System Revenue Note, Series 2011 and the Gas System Revenue Note, Series 2016 outstanding. Julie Santamaria, the City's Financial Advisor with RBC Capital Markets, LLC, has contacted both noteholders and received their consent to the amendments.

PRIOR ACTION:

February 16, 1994 - City Council adopted Resolution No. 4-94, as amended and supplemented (the "Original Bond Resolution") providing for the issuance of Gas System Revenue Bonds.

December 15, 2011 - City Council adopted Resolution No. 33-11 issuing the Gas System Revenue Note, Series 2011, constituting an Additional Parity Obligation under the Original Bond Resolution.

November 29, 2016 - City Council adopted Resolution No. 48-16 issuing the Gas System Revenue Note, Series 2016, constituting an Additional Parity Obligation under the Original Bond Resolution.

FUNDING:

N/A

FINANCIAL IMPACT:

N/A

CITY ATTORNEY REVIEW: Yes

4/15/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer

Don Suarez, Pensacola Energy Director

ATTACHMENTS:

- 1) Resolution No. 2019-01

PRESENTATION: No

RESOLUTION NO. 2019-01

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY; PROVIDING FOR THE ISSUANCE OF GAS SYSTEM REVENUE BONDS TO PAY THE COST OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S GAS SYSTEM AND TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; PLEDGING THE NET REVENUES OF THE GAS SYSTEM TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pensacola, Florida (the "Issuer") previously adopted Resolution No. 4-94 on February 16, 1994, as amended and supplemented (the "Original Bond Resolution") providing for the issuance by the Issuer of its Gas System Revenue Bonds; and

WHEREAS, pursuant to Resolution No. 33-11 adopted by the City Council of the Issuer (the "City Council") on December 15, 2011, the Issuer previously issued and there is currently outstanding the City of Pensacola, Florida Gas System Revenue Note, Series 2011 (the "2011 Note"), constituting an Additional Parity Obligation under the Original Resolution; and

WHEREAS, pursuant to Resolution No. 48-16 adopted by the City Council on November 29, 2016, the Issuer previously issued and there is currently outstanding the City of Pensacola, Florida Gas System Revenue Note, Series 2016 (the "2016 Note"), constituting an Additional Parity Obligation under the Original Resolution; and

WHEREAS, the Issuer deems it necessary and advisable for convenience of reference to amend and restate the Original Resolution in its entirety and desires to amend, in particular, Section 15C of the Original Resolution with respect to the funding of a Renewal and Replacement Fund and Section 15T(a) of the Original Resolution to revise the requirements for the issuance of Additional Parity Obligations under the Original Resolution; and

WHEREAS, the 2011 Note and the 2016 Note are the only "Bonds" of the Issuer outstanding under the Original Resolution and the registered owners thereof have consented to the herein described amendments to the Original Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Pensacola, Florida, that Resolution No. 4-94 is hereby amended and restated in its entirety to read as follows:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to the provisions of the Act, hereinafter defined, and the Original Resolution.

SECTION 2. DEFINITIONS. The following terms in this Resolution shall have the following meanings unless the text otherwise expressly requires:

“Act” means Chapter 166, Part II, Florida Statutes, as amended, the Charter of the Issuer effective January 1, 2010, and other applicable provisions of law.

“Additional Parity Obligations” shall mean any additional obligations hereafter issued in compliance with the terms, conditions and limitations contained herein and which shall have an equal lien upon the Pledged Revenues, and rank equally in all respects with the outstanding Parity Obligations.

“Amortization Installments” with respect to any Term Bonds of a series, shall mean an amount so designated which is established for the Term Bonds of such series, provided that (i) each such installment shall be deemed to be due on such interest or principal maturity date of each applicable year as is fixed by resolution of the Issuer, and (ii) the aggregate of such installments for such series shall equal the aggregate principal amount of Term Bonds of such series authenticated and delivered on original issuance.

“Authorized Investments” shall mean any of the following which at the time are legal investments for the Issuer under applicable laws, for the moneys held under this Resolution then proposed to be invested therein: (a) United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest, and/or (b) obligations of Federal Farm Credit Banks, or their predecessor issuers, which are Federal Land Banks, the Banks for Cooperatives, and the Federal Intermediate Credit Banks, and/or (c) obligations of the Federal National Mortgage Association, and/or (d) time (including savings accounts) or demand deposits in any bank or trust company authorized to accept deposits of public funds, which are fully insured by FDIC, and/or (e) repurchase agreements with a financial institution or recognized dealer which are fully secured at all times by obligations described in (a) through (c) of this definition, and/or (f) Municipal Obligations, and/or (g) investments under the Investment of Local Government Surplus Funds Act, Chapter 218, Part IV, Florida Statutes or any successor law, and/or Resolution Funding Corp. (REFCORP) only the interest component of REFCORP strips which have been stripped by request to the Federal Reserve Bank of New York in book entry form are acceptable.

“Average Bond Service Requirement” shall mean for any series of Bonds the sum of the Bond Service Requirements in each year in which such series of Bonds is outstanding divided by the number of years such series of Bonds is scheduled to remain outstanding.

“Bond Insurer” shall mean the Municipal Insurer.

“Bond Service Requirement” for any Bond Year, as applied to the Bonds of any series, shall mean the sum of:

(1) The amount required to pay the interest becoming due on the Bonds of such series during such Bond Year, except to the extent that such interest shall have been provided by payments into the Sinking Fund out of bond proceeds for a specified period of time. In computing the amount of interest becoming due on any series of Bonds which bear interest at a variable rate, the amount of interest to become due on such series of Bonds at such variable rate shall be assumed to be the rate of interest per annum equal to the higher of (1) the actual rate of interest per annum borne by such Bonds on the date the Bond Service Requirement for such series is computed, or (2) the maximum variable interest rate borne by such series of Bonds for the last twelve months preceding the month of computation of the Bond Service Requirement for such series or such lesser period as such Bonds may have actually been outstanding; provided, however, that in determining the Bond Service Requirement on such variable rate Bonds for purposes of establishing the initial deposit into the Reserve Account for such Bonds and for purposes of Section 15(T) in the issuance of such Bonds as Additional Parity Obligations, such variable rate shall be assumed to be equal to the 20-year Bond Buyer Revenue Bonds Index rate per annum prevailing on the date of issuance, or such other rate as the Municipal Insurers, if any, of the then Outstanding Bonds shall approve.

(2) The amount required to pay the principal of Serial Bonds of such series maturing in such Bond Year.

(3) The Amortization Installment for the Term Bonds of such series for such Bond Year. In computing the Bond Service Requirement for any Bond Year for Bonds of any series, the Issuer shall assume that an amount of the Term Bonds of such series equal to the Amortization Installment for the Term Bonds of such series for such Bond Year will be retired by purchase or redemption in such Bond Year or that payment of such amount of Term Bonds at maturity will be fully provided for in such Bond Year. When determining the amount of principal of and interest on the Bonds which mature in any year, for purposes of this Resolution or the issuance of any Additional Parity Obligations, the stated maturity date of Term Bonds shall be disregarded, and the Amortization Installment, if any, applicable to Term Bonds in such year shall be deemed to mature in such year. In the event the Issuer has purchased or entered into an agreement to purchase Federal Securities from moneys in the Bond Amortization Account, then the income received or to be received on such Federal Securities from the date of acquisition thereof to the date of maturity thereof, shall be taken into consideration in calculating the payments which will be required to be made into the Sinking Fund.

The Bond Service Requirement for any Bond Year shall be adjusted to reflect any amounts on deposit in the Sinking Fund in excess of current requirements (including amounts required to cure any deficiencies in prior deposits) and available for the payment of the Bond Service Requirement in such Bond Year.

“Bond Year” shall mean the annual period ending on a principal maturity date, or, with respect to the Rebate Fund, the period defined by the Code.

“Bonds” shall mean the outstanding Parity Obligations and all Additional Parity Obligations hereafter issued.

“Capital Appreciation Bonds” shall mean Bonds of a series so designated, the interest on which shall be compounded semiannually and payable only at maturity or earlier redemption.

“Chief Financial Officer” means the Chief Financial Officer of the Issuer, or his or her designee.

“City” shall mean the City of Pensacola, Florida, a municipal corporation of the State.

“City Administrator” means the City Administrator of the Issuer, or any acting or interim City Administrator, or his or her designee.

“City Attorney” means the City Attorney of the Issuer, or his or her designee.

“Clerk” means the Clerk of the Issuer, any acting, deputy, or assistant Clerk, or his or her designee.

“Code” shall mean the Internal Revenue Code of 1986, as amended.

“Consulting Engineer” shall mean such qualified and recognized independent consulting engineer, having favorable repute or skill and experience, with respect to the acts and duties to be provided to the Issuer, as employed or retained by the Issuer to perform the acts and carry out the duties herein provided.

“Cost of Operation and Maintenance” of the System shall mean all current expenses, paid or accrued, for the operation, maintenance and repair of all facilities of the System, as calculated in accordance with generally accepted accounting principles, and shall include, without limiting the generality of the foregoing, insurance premiums, Issuer's overhead expenses allocable to the System, labor, cost of materials and supplies used for current operation, and charges for the accumulation of appropriate reserves for current expenses not annually recurrent but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice, but excluding any reserve for renewals or replacements, for extraordinary repairs or any allowance for renewal, replacements and depreciation.

“Federal Securities” shall mean direct obligations of the United States of America and obligations the principal of and interest on which are fully guaranteed by the United States of America, none of which permit redemption prior to maturity at the option of the obligor.

“Fiscal Year” shall mean the period commencing on October 1 of each year and continuing to and including the succeeding September 30, or such other annual period as may be established by law as the Issuer’s fiscal year.

“Fitch” means Fitch Ratings, Inc., a corporation organized and existing under the laws of the State of New York, its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Fitch” shall be deemed to refer to any other nationally recognized securities rating agency designated by Issuer.

“Gross Revenues” or “Revenues” shall mean all moneys, received or receivable by the Issuer or accruing to it in the operation or ownership of the System, from rates, fees, rentals, or other charges for the services or facilities of the System, and income derived from the investment of funds held pursuant to this Resolution (other than amounts on deposit in the Rebate Fund), excluding any franchise fees and state and federal grants and grants in aid of construction, unless otherwise provided herein, all calculated in accordance with generally accepted accounting principles, and shall also include amounts deposited in the Revenue Fund established pursuant to Section 15A hereof representing reimbursements of advances of System Revenues or Bond proceeds for any projects not constituting a part of the System. “Gross Revenues” or “Revenues” shall not be deemed to include any amounts received by the Issuer as Special Assessments or Impact Fees for any projects not financed in whole or in part, directly or indirectly, with the proceeds of any Bonds.

“Holder of Bonds,” “Bondholders,” “Registered Owner” or “Owner” or any similar term shall mean the owner of any registered Bond, as shown on the Bond Register. The Issuer may deem and treat the person in whose name any Bond is registered as the absolute owner thereof for the purpose of receiving payment of, or on account of, the principal or redemption price thereof and interest due thereon, and for all other purposes.

“Impact Fees” shall mean fees or charges imposed by the Issuer representing allocations of capital costs of the System, but only to the extent such fees or charges cannot legally be used to pay operating or maintenance costs of the System or debt service on the Bonds.

“Issuer” shall mean the City of Pensacola, Florida.

“Maximum Bond Service Requirement” for any series of Bonds shall mean, as of any particular date of calculation, the greatest amount of aggregate Bond Service Requirements for the then current or any future Bond Year.

“Mayor” means the Mayor of the Issuer or the City Administrator or the Chief Financial Officer on behalf of the Mayor.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a

securities rating agency, "Moody's" shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

"Municipal Bond Insurance Policy" shall mean a bond purchase agreement, letter or line of credit, surety bond, insurance policy, credit facility or guaranty issued by a Municipal Insurer at the request of the Issuer in connection with a series of Bonds, securing the timely payment of principal of and interest on the Bonds of such Series.

"Municipal Insurer" shall mean any nationally recognized financial institution or insurer of principal and interest on the Bonds whose bond purchase agreement, letter or line of credit, surety bond, insurance policy, credit facility or guaranty would result in such Bonds being rated at the time of issuance thereof in one of the highest two categories by Standard & Poor's, Moody's or Fitch.

"Municipal Obligations" shall mean obligations, the interest on which is exempt from Federal income tax under Section 103(a) of the Internal Revenue Code of 1954, as amended, or which is excluded from individual gross income pursuant to Section 103 of the Code.

"Net Revenues" shall mean Gross Revenues less Cost of Operation and Maintenance and amounts required to be deposited in the Rebate Fund as provided herein.

"Parity Obligations" shall mean the outstanding 2011 Note and 2016 Note.

"Paying Agent" shall mean the bank or trust company or such other person, firm or corporation as may, from time to time be designated by the Issuer as the Paying Agent for the Bonds.

"Pledged Revenues" shall mean the Net Revenues.

"Project" shall mean the acquisition and construction of additions, extensions and improvements to the System pursuant to the plans and specifications on file, or to be on file, with the Issuer.

"Rebate Fund" shall mean the fund as designated and created pursuant to Section 15(U) hereof.

"Registrar" shall mean the paying agent for the Bonds, or such other person, firm or corporation as may, from time to time be designated by the Issuer as the Registrar for the Bonds.

"Reserve Account Insurance Policy" shall mean, with respect to any Series of Bonds, a policy of insurance, surety bond, credit facility, line of credit or letter of credit issued by a Municipal Insurer providing for the payment of an amount equal to the Reserve Requirement to the Paying Agent in lieu of payment from the Reserve Account, provided, however, that if such Series of Bonds shall be secured by a Municipal Bond Insurance Policy, such Reserve Account

Insurance Policy shall have been approved by the Municipal Insurer issuing such Municipal Bond Insurance Policy.

“Reserve Requirement” shall mean the amount, if any, designated by the Issuer as the Reserve Requirement with respect to a Series of Bonds.

“Resolution” shall mean this resolution of the Issuer as hereafter amended and supplemented from time to time in accordance with the provisions hereof.

“Serial Bonds” shall mean the Bonds of a series which shall be stated to mature in annual installments.

“Special Assessments” shall mean revenues derived by the Issuer from special assessments or other charges imposed upon benefitted property in connection with the acquisition or construction of a project of additions, extensions or improvements to the System.

“Standard & Poor’s” shall mean means S&P Global Ratings, a division of S&P Global Inc., a corporation organized and existing under the laws of the State of New York, its successors and their assigns, and, if such organization shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “S&P” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” shall mean the State of Florida.

“System” shall mean the gas utility system now owned, operated and maintained by the Issuer, together with any and all assets, improvements, extensions and additions thereto hereafter constructed or acquired.

“Term Bonds” shall mean the Bonds of a series all of which shall be stated to mature on one date and which shall be subject to retirement by operation of the Bond Amortization Account.

"2011 Note" shall mean the City of Pensacola, Florida Gas System Revenue Note, Series 2011, authorized pursuant to the 2011 Note Resolution.

"2011 Note Resolution" shall mean Resolution No. 33-11 adopted by the City Council of the Issuer on December 15, 2011.

"2016 Note" shall mean the City of Pensacola, Florida Gas System Revenue Note, Series 2016, authorized pursuant to the 2016 Note Resolution.

"2016 Note Resolution" shall mean Resolution No. 48-16 adopted by the City Council on November 29, 2016.

SECTION 3. FINDINGS. It is hereby found, determined and declared that:

A. The Issuer now owns, operates and maintains the System and derives revenues from rates, fees, rentals and other charges made and collected for the services of such System.

B. The Pledged Revenues are not now pledged or encumbered in any manner, except for the payment of the Parity Obligations.

C. The principal of and interest on the Bonds and all required Sinking Fund, Reserve and other payments shall be limited obligations of the Issuer, payable solely from and secured by an irrevocable lien upon and pledge of the Pledged Revenues, as provided herein. The Bonds shall not constitute an indebtedness, liability, general or moral obligation, or a pledge of the faith, credit or taxing power of the Issuer, the State, or any political subdivision thereof, within the meaning of any constitutional or statutory provisions. Neither the State, nor any political subdivision thereof, nor the Issuer shall be obligated (1) to levy ad valorem taxes on any property to pay the principal of the Bonds, the interest thereon, the reserves therefor, or other costs incidental thereto or (2) to pay the same from any other funds of the Issuer, except from the Pledged Revenues, on a parity with the Parity Obligations.

The Bonds shall not constitute a lien upon the System, or any part thereof, or on any other property of the Issuer, but shall constitute a lien only on the Pledged Revenues in the manner provided herein.

SECTION 4. THIS RESOLUTION TO CONSTITUTE CONTRACT. In consideration of the acceptance of the Bonds authorized to be issued hereunder by those who shall hold the same from time to time, this Resolution shall be deemed to be and shall constitute a contract between the Issuer and the Registered Owners thereof. The covenants and agreements herein set forth to be performed by the Issuer shall be for the equal benefit, protection and security of the owners of any and all of the Bonds, all of which shall be of equal rank and without preference, priority or distinction of any of the Bonds over any other thereof, except as expressly provided therein and herein.

The provisions hereof shall also be deemed to be for the benefit of each Municipal Insurer, subject only to the rights of the owners of the Bonds.

SECTION 5. RESERVED.

SECTION 6. AUTHORIZATION OF BONDS. Subject and pursuant to the provisions hereof, obligations of the Issuer to be known generally as "Gas System Revenue Bonds, Series _____" are authorized to be issued in the aggregate principal amounts set forth in resolutions adopted from time to time by the Issuer in accordance with, and upon compliance with the requirements of the provisions hereof.

SECTION 7. DESCRIPTION OF BONDS. The Bonds shall be dated as of such date, shall be numbered consecutively, from one upward, shall be in the denomination of \$5,000 each

or integral multiples thereof or such other denominations as specified by the Issuer; shall bear interest at such rate or rates not exceeding the maximum rate allowed by law, such interest to be payable on such dates and in such years and amounts and shall mature on such dates, all as provided by subsequent resolution of the Issuer, duly adopted prior to the issuance of such Bonds.

The Bonds shall be issued in fully registered form, shall be payable with respect to both principal and premium, if any, upon presentation and surrender on the date fixed for maturity or redemption thereof at the corporate trust office of the Paying Agent named by resolution of the Issuer adopted prior to the delivery of any Bonds, and shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public or private debts, all in accordance with and pursuant to the terms of this Resolution. No Bond issued in fully registered form shall be or become valid or binding for any purpose unless the same shall have been duly executed by the manual signature of an authorized signatory of the Registrar.

Except as may otherwise be provided for a series of Bonds by the resolution authorizing such Bonds, interest on Bonds in registered form, when due and payable, shall be paid by check or draft mailed to the person in whose name the Bond is registered, at the address shown in the Bond Register, at the close of business on the 15th day of the month (whether or not a business day) next preceding the interest payment date for the Bonds (the "Record Date") irrespective of any transfer of the Bonds subsequent to such Record Date and prior to such interest payment date, unless the Issuer shall be in default in the payment of interest due on such interest payment date: provided, however, that the Registrar will, at the request of any Registered Owner of One Million Dollars (\$1,000,000) or more in aggregate principal amount of Bonds, make payments of interest on such Bonds by wire transfer to the account within the United States designated by such Registered Owner to the Registrar in writing at least five (5) days before the Record Date of such payments. In the event of any such default, such defaulted interest shall be payable to the persons in whose names the Bonds are registered at the close of business on a special record date for the payment of defaulted interest as established by notice mailed by the Bond Registrar to the Registered Owners of the Bonds not less than fifteen days preceding such special record date. Such notice shall be mailed to the persons in whose names such Bonds are registered at the close of business on the fifth (5th) day preceding the date of mailing.

Except as may otherwise be provided for a series of the Bonds in the resolution of the Issuer authorizing such Bonds, if the date for payment of the principal of, premium, if any, or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which the banking institutions in the city where the corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday or legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

SECTION 8. EXECUTION OF BONDS. The Bonds shall be executed in the name of the Issuer by its Mayor, such execution to be attested under seal by the City Clerk, approved as to substance by the Chief Financial Officer and designated as legal in form and valid as drawn by the City Attorney, and its official seal or a facsimile thereof shall be affixed thereto or reproduced thereon. The facsimile signature of such officers may be imprinted or reproduced on the Bonds in lieu of manual signatures. The Certificate of Authentication of the Bond Registrar, hereinafter described, shall appear on the Bonds, and no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Resolution unless such certificate shall have been duly executed on such Bond. The authorized signature for the Bond Registrar shall at all times be a manual signature. In case any officer whose signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Any Bonds may be signed and sealed on behalf of the Issuer by such person who at the actual time of the execution of such Bonds shall hold the proper office with the Issuer, although at the date of adoption of this Resolution such person may not have held such office or may not have been so authorized.

SECTION 9. NEGOTIABILITY, REGISTRATION AND EXCHANGE.

A. Subject to the provisions hereof respecting registration and transfer, the Bonds shall be and shall have all the qualities and incidents of negotiable instruments under the laws of the State, and each successive holder, in accepting any of the Bonds, shall be conclusively deemed to have agreed that the Bonds shall be and have all of such qualities and incidents of negotiable instruments under the Uniform Commercial Code - Investment Securities of the State.

B. Except as otherwise specified for a series of Bonds by resolution adopted by the Issuer prior to the issuance of such Bonds, there shall be a Bond Registrar for the Bonds which shall be a bank or trust company located within or without the State. The Bond Registrar shall maintain the registration books of the Issuer and be responsible for the transfer and exchange of the Bonds. The Bond Registrar shall maintain the books for the registration of the transfer and exchange of the Bonds in compliance with the Florida Registered Public Obligations Act and the system of registration as established by the Issuer pursuant thereto.

Such Bonds may be transferred upon the registration books, upon delivery to the Registrar, together with written Instructions as to the details of the transfer of such Bonds, along with the social security number or federal employer identification number of such transferee and, if such transferee is a trust, the name and social security or federal employee identification numbers of the settlor and beneficiaries of the trust, the date of the trust and the name of the trustee. No transfer of any Bond shall be effective until entered on the registration books maintained by the Bond Registrar.

Upon surrender for transfer or exchange of any Bond, the Issuer shall execute and the Bond Registrar shall authenticate and deliver in the name of the registered owner or the

transferee or transferees, as the case may be, a new fully registered Bond or Bonds of authorized denominations of the same maturity and interest rate for the aggregate principal amount which the registered owner is entitled to receive at the earliest practicable time in accordance with the provisions of this Resolution. The Issuer or the Bond Registrar may charge the owner of such Bond for every such transfer or exchange an amount sufficient to reimburse them for their reasonable fees and for any tax, fee, or other governmental charge required to be paid with respect to such transfer, and may require that such charge be paid before any such new Bond shall be delivered.

All Bonds presented for transfer, exchange, redemption or payment (if so required by the Bond Registrar), shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and with guaranty of signature satisfactory to the Bond Registrar, duly executed by the registered owner or by his duly authorized attorney in fact or legal representative.

All Bonds delivered upon transfer or exchange shall be dated and shall bear interest from such date that neither gain nor loss in interest shall result from the transfer or exchange. New Bonds delivered upon any transfer or exchange shall be valid obligations of the Issuer, evidencing the same debt as the Bond surrendered, shall be secured by this Resolution and shall be entitled to all of the security and the benefits hereof to the same extent as the Bonds surrendered.

The Issuer and the Bond Registrar may treat the registered owner of any Bond as the absolute owner thereof for all purposes, whether or not such Bonds shall be overdue, and shall not be bound by any notice to the contrary. The person in whose name any Bond is registered may be deemed the registered owner thereof by the Issuer and the Bond Registrar, and any notice to the contrary shall be binding upon the Issuer and the Bond Registrar.

C. Whenever any Bonds shall be delivered to the Bond Registrar for cancellation, upon payment of the principal amount thereof, or for replacement, transfer or exchange, such Bonds shall be cancelled and, upon request of the Issuer, destroyed by the Bond Registrar. Counterparts of the certificate of destruction evidencing any such destruction shall be furnished to the Issuer.

D. BOOK ENTRY SYSTEM. Prior to the delivery of a series of Bonds, the Mayor, on behalf of the Issuer and with the consent of the underwriters, may enter into an agreement in usual and customary form (the "Book Entry Agreement") with the Registrar and Paying Agent and with Depository Trust Company ("DTC") or any successor thereto, or other securities depository, with such changes in the Book Entry Agreement as may be approved by the Mayor, his execution thereof to be conclusive proof of his approval, and make such other provision and perform such further acts as may be necessary or convenient to provide for the distribution of the Bonds in book entry form. In connection therewith, the Mayor shall be authorized to execute and deliver an appropriate letter of representations regarding the book-entry system.

The Book Entry Agreement may provide that the Bonds shall be immobilized in the custody of DTC, with the beneficial owners of the Bonds having no right to receive the Bonds in the form of physical securities or certificates. In such event, ownership of the Bonds shall be shown by book entry on the system maintained and operated by DTC and its participants, and transfers of ownership of beneficial interests shall be made only by DTC and its participants, by book entry, the Issuer having no responsibility therefor. The Bonds in book entry form as set forth herein shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Issuer.

SECTION 10. BONDS MUTILATED, DESTROYED, STOLEN OR LOST. Except as otherwise provided for a series of Bonds by resolution of the Issuer authorizing such Bonds, in case any Bond shall become mutilated, or be destroyed, stolen or lost, the Issuer may in its discretion issue and deliver a new Bond of like tenor as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond upon surrender and cancellation of such mutilated Bond or in lieu of and substitution for the Bond destroyed, stolen or lost, and upon the owner furnishing the Issuer proof of his ownership thereof and satisfactory indemnity and complying with such other reasonable regulations and conditions as the Issuer may prescribe and paying such expenses as the Issuer may incur. All Bonds so surrendered shall be cancelled by the Registrar for the Bonds. If any of the Bonds shall have matured or be about to mature, instead of issuing a substitute Bond, the Issuer may pay the same, upon being indemnified as aforesaid, and if such Bonds be lost, stolen or destroyed, without surrender thereof.

Any such duplicate Bonds issued pursuant to this section shall constitute original, additional contractual obligations on the part of the Issuer whether or not the lost, stolen or destroyed Bonds be at any time found by anyone, and such duplicate Bonds shall be entitled to equal and proportionate benefits and rights as to lien on the source and security for payment from the funds, as hereinafter pledged, to the same extent as all other Bonds issued hereunder.

SECTION 11. PROVISIONS FOR REDEMPTION. The Bonds shall be subject to such provisions regarding redemption by operation of the Bond Amortization Account and at the option of the Issuer, as provided by subsequent resolution of the Issuer duly adopted prior to the issuance of each series or subseries of the Bonds.

Bonds in denominations greater than an authorized denomination (or authorized Maturity Amount in the case of Capital Appreciation Bonds) shall be deemed to be an equivalent number of Bonds in the denomination of an authorized denomination (or Maturity Amount). If a Bond is of a denomination (or Maturity Amount) larger than an authorized denomination (or Maturity Amount), a portion of such Bond may be redeemed, in the amount of an authorized denomination (or Maturity Amount) or integral multiples thereof.

Except as may be otherwise provided with respect to a series of Bonds in the resolution authorizing such series, notice of the redemption of any Bonds or portions thereof are called for redemption as aforesaid, shall be given as follows:

Notice will be given by the Registrar in the name of the City, of the redemption of such Bonds, which notice shall specify the series and maturities and interest rates within maturities, if any, of the Bonds to be redeemed, the date of issue of such Bonds as originally issued, the redemption date and the place or places where amounts due upon such redemption will be payable and, if fewer than all of the Bonds of any like series, maturity and interest rate within maturities are to be redeemed, the letters and numbers or other distinguishing marks of such Bonds so to be redeemed, the CUSIP numbers of such Bonds to be redeemed, and, in the case of the Bonds to be redeemed in part only, such notice shall also specify the respective portions of the principal amount thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the redemption price thereof, or the redemption price of the specified portions of the principal thereof in the case of Bonds to be redeemed in part only, together with interest accrued to the redemption date, and that from and after such date interest thereon shall cease to accrue and be payable. Such notice shall be mailed by the Registrar, by first class mail postage prepaid, not less than 30 nor more than 60 days before the redemption date, to the registered owners of any Bonds (including Bonds registrable only as to principal) or portions of Bonds which are to be redeemed, at their last addresses appearing upon the Bond Register at the close of business on the last business day of the month preceding the month for which notice is mailed. In the event of any redemption of Bonds at the option of the Issuer, such notice shall be mailed in like manner to the applicable Municipal Insurer, if any, of such Bonds. In the event that any series of Bonds is issuable in bearer form, such notice shall also be published in the manner set forth in the supplemental trust indenture authorizing the issuance of such series. Failure to give such notice, to the registered owner of any Bonds or any defect therein shall not affect the validity of the proceedings for the redemption of Bonds.

In addition to the foregoing notice requirements, the Issuer shall give notice and make redemptions in accordance with Securities and Exchange Commission Release No. 34-3856, if then in effect, or any other release, regulation, procedure, ruling, decision or statute modifying or superseding that release then in effect: provided that if notice complying with the other requirements of this Section is given, neither the failure to comply with this paragraph nor any defect in the giving of any notice pursuant to this paragraph shall affect or invalidate the proceedings for such redemption.

Any notice of optional redemption given pursuant to this Section 11 may state that it is conditional upon receipt by the Paying Agent of moneys sufficient to pay the redemption price, plus interest accrued to such redemption date, or upon the satisfaction of any other condition, and that it may be rescinded upon the occurrence of any such condition, and any conditional notice so given may be rescinded at any time before payment of such redemption price and accrued interest if any such condition so specified is not satisfied. Notice of such rescission

shall be given by the Paying Agent to affected Registered Owners as promptly as practicable upon the failure of such condition or the occurrence of such other event.

Notice having been mailed to the Registered Owners in the manner and under the conditions hereinabove provided and any conditions provided in such notice having been satisfied, the Bonds or portions of Bonds so called for redemption shall, on the redemption date designated in such notice, become and be due and payable at the redemption price provided for redemption of such Bonds or portions of Bonds on such date. On the date so designated for redemption, notice having been mailed and filed and moneys for payment of the redemption price being held in separate accounts in trust for the holders of the Bonds or portions thereof to be redeemed, all as provided in this Resolution, interest on the Bonds or portions of Bonds so called for redemption shall cease to accrue, such Bonds and portions of Bonds shall cease to be entitled to any lien, benefit or security under this Resolution, and the Owners of such Bonds or portions of Bonds, shall have no rights in respect thereof except to receive payment of the redemption price thereof.

Upon surrender of any Bond for redemption in part only, the Issuer shall issue and deliver to the Registered Owners thereof, the costs of which shall be paid by the Issuer, a new Bond or Bonds of authorized denominations in aggregate principal amount equal to the unredeemed portion surrendered.

Section 12. FORM OF BONDS. The text of the Bonds shall be in substantially the following form with such omissions, insertions and variations as may be necessary and desirable and authorized and permitted by this Resolution or by any subsequent resolution adopted prior to the issuance thereof:

[Remainder of page intentionally left blank]

(Form of Bonds)

Registered
No. R-[__]

Registered
\$_____

UNITED STATES OF AMERICA
STATE OF FLORIDA

CITY OF PENSACOLA, FLORIDA
GAS SYSTEM REVENUE [REFUNDING] BONDS, SERIES [__]

Rate of Interest

Maturity Date

Dated Date

CUSIP

Registered Owner:

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS, that the City of Pensacola, Florida, a municipal corporation of the State of Florida (hereinafter called "Issuer") for value received, hereby promises to pay to the Registered Owner set forth above, or registered assigns, on the Maturity Date set forth above, upon presentation and surrender hereof, the Principal Amount set forth above, solely from the revenues hereinafter mentioned, and to pay solely from such revenues, interest on said sum from the Dated Date of this Bond or from the most recent interest payment date to which interest has been paid, at the Rate of Interest per annum set forth above, until the payment of such principal sum, such interest being payable [____], and [semiannually] thereafter on the first days of [____] and [____] of each year. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof on the date fixed for maturity or redemption at the principal office of [____] (the "Paying Agent" and "Registrar") in [____, ____], or at the office designated for such payment of any successor thereof. The interest on this Bond, when due and payable, shall be paid by check or draft mailed to the Registered Owner, at his address as it appears on the Bond Register, at the close of business on the 15th day of the month (whether or not a business day) next preceding the interest payment date (the "Record Date"), irrespective of any transfer of this Bond subsequent to such Record Date and prior to such interest payment date, unless the Issuer shall be in default in payment of interest due on such interest payment date: except that the Registrar will, at the request of any Registered Owner of one million dollars (\$1,000,000) or more in aggregate principal amount of Bonds, make payments of interest on such Bonds by wire transfer to the account within the United States designated by such Registered Owner to the Registrar in writing at least five (5) days before the Record Date of such payments. In the event the Issuer shall be in default in the payment of interest due on such interest payment date, such defaulted interest shall be payable to the Registered Owner at the close of business on a special record date for the payment of defaulted interest as established by notice mailed by the

Bond Registrar to the Registered Owner of this Bond not less than fifteen days preceding such special record date. Such notice shall be mailed to the person in whose name this Bond is registered at the close of business on the fifth (5th) day preceding the date of mailing. All amounts due hereunder shall be payable in any coin or currency of the United States, which is, at the time of payment, legal tender for the payment of public or private debts.

This Bond is one of a duly authorized issue of Bonds in the aggregate principal amount of \$[_____], of like date, tenor and effect, except as to number, installment, redemption provisions, maturity and interest rate, authorized for the purposes of financing the [refunding of certain outstanding revenue bonds of the Issuer] [the cost of the acquisition and construction of additions, extensions and improvements to the complete gas system (the "System")] now owned, operated and maintained by the Issuer, pursuant to the authority of and in full compliance with the Constitution and laws of the State of Florida, including particularly Chapter 166, Part II, Florida Statutes, as amended, the Charter of the Issuer effective January 1, 2010, and other applicable provisions of law, and Resolution No. 4-94 duly adopted by the City Council of the Issuer on February 16, 1994, as amended and restated by Resolution 2019-01 duly adopted by the City Council of the Issuer on April 25, 2019 (collectively, the "Gas System Revenue Bond Resolution"), and as particularly amended and supplemented by Resolution No. __-__ (the "____ Supplemental Resolution") duly adopted by the Issuer on _____, 20__ (collectively, the "Resolution"), This Bond is subject to all the terms and conditions of such Resolution, a copy of which is on file with the Issuer. All capitalized undefined terms used herein shall have the meaning set forth in the Resolution.

This Bond, and the issue of Bonds of which it is a part, are limited obligations of the Issuer payable solely from and secured by an irrevocable lien upon and pledge of the Pledged Revenues, as defined in the Resolution, which consist of the Net Revenues of the System, all as defined and described in the Resolution. This Bond does not constitute an indebtedness, liability, general or moral obligation, or a pledge of the faith, credit or taxing power of the Issuer, the State of Florida, or any political subdivision thereof, within the meaning of any constitutional or statutory provisions. Neither the State of Florida, nor any political subdivision thereof, nor the Issuer shall be obligated (1) to levy ad valorem taxes on any property to pay the principal of the Bonds, the interest thereon, the reserves therefor or other costs incidental thereto or (2) to pay the same from any other funds of the Issuer, except from the Pledged Revenues, on a parity with the Parity Obligations, in the manner provided in the Resolution. It is further agreed between the Issuer and the registered owner of this Bond that this Bond and the indebtedness evidenced hereby shall not constitute a lien upon the System, or any part thereof, or on any other property of the Issuer, but shall constitute a lien only on the Pledged Revenues, in the manner provided in the Resolution.

In and by the Resolution, the Issuer has covenanted and agreed with the Registered Owners of the Bonds of this issue that it will fix, establish, revise from time to time whenever necessary, maintain and collect always, such fees, rates, rentals and other charges for the use of the product, services and facilities of the System which will always provide gross revenues in each year sufficient to pay, and out of such funds pay, 100% of all costs of operation and

maintenance of the System in such year and all reserve and other payments provided for in the Resolution and 115% of the bond service requirement due in such year on the Bonds of this issue, and on all other obligations payable on a parity therewith, and that such fees, rates, rentals and other charges shall not be reduced so as to be insufficient to provide adequate revenues for such purposes. The Issuer has entered into certain further covenants with the Registered Owners of the Bonds of this issue for the terms of which reference is made to the Resolution. Pursuant to the Resolution, the Issuer has reserved the right to amend the Resolution and to issue Additional Bonds, payable on a parity with the Bonds of this issue, in the manner, and upon the terms and conditions provided in the Resolution.

Optional Redemption.

[Insert Redemption Provisions] Any such redemption, either in whole or in part, shall be made in the manner and upon the terms and conditions provided in the Resolution.

Bonds in denominations greater than \$5,000 shall be deemed to be an equivalent number of Bonds of the denomination of \$5,000. In the event a Bond is of a denomination larger than \$5,000, a portion of such may be redeemed, but Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. In the event any of the Bonds or portions thereof are called for redemption as aforesaid, notice thereof identifying the Bonds or portions thereof to be redeemed will be given by the Registrar (who shall be the Paying Agent for the Bonds, or such other person, firm or corporation as may from time to time be designated by the Issuer as the Registrar for the Bonds) by mailing a copy of the redemption notice by first-class mail to the Registered Owner of each Bond to be redeemed in whole or in part at the address shown on the registration books in the manner provided in the Resolution. Failure to give such notice by mailing to any Registered Owner of Bonds, or any defect therein, shall not affect the validity of any proceeding for the redemption of the Bonds. All Bonds so called for redemption will cease to bear interest after the specified redemption date provided funds for their redemption are on deposit at the place of payment at that time. Upon surrender of any Bond for redemption in part only, the Issuer shall issue and deliver to the Registered Owner thereof, the costs of which shall be paid by the Issuer, a new Bond or Bonds of authorized denominations in aggregate principal amount equal to the unredeemed portion surrendered.

If the date for payment of the principal of, premium, if any, or interest on this Bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

It is hereby certified and recited that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond exist, have happened and have been performed in regular and due form and time as required by the laws and

Constitution of the State of Florida applicable thereto, and that the issuance of the Bonds of this issue does not violate any constitutional or statutory limitations or provisions.

Subject to the provisions set forth herein for registration and transfer, this Bond is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code - investment Securities of the State of Florida.

The Bonds are issued in the form of fully registered bonds without coupons in denominations of \$5,000 or any integral multiple of \$5,000. Subject to the limitations and upon payment of the charges provided in the Resolution, Bonds may be exchanged for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations. This Bond is transferable by the Registered Owner hereof in person or by his attorney duly authorized in writing, at the principal office of the duly appointed Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. Any Bonds delivered for transfer shall be accompanied by written instrument of transfer, in form and with guaranty of signature satisfactory to the Registrar, specifying the details of the transfer of such Bonds, along with the social security number or federal employer identification number of such transferee and, if such transferee is a trust, the name and social security or federal employer identification numbers of the settlor and beneficiaries of the trust, the federal employer identification number and date of the trust and the name of the trustee. In all cases of the transfer of a Bond, the Registrar shall enter the transfer of ownership in the registration books and shall authenticate and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of authorized denominations of the same maturity and interest rate for the aggregate principal amount which the Registered Owner is entitled to receive at the earliest practicable time in accordance with the provisions of the Resolution. No transfer of any Bond shall be effective until entered on the registration books maintained by the Bond Registrar. The Issuer may deem and treat the Registered Owner hereof as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the Issuer shall not be affected by any notice to the contrary.

This Bond shall not be deemed valid or obligatory for any purpose unless it shall have been duly executed by the manual signature of an authorized officer of the Registrar.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the City of Pensacola, Florida, has issued this Bond and has caused the same to be executed by the manual or facsimile signature of the Mayor, attested under seal by the City Clerk, approved as to substance by the Chief Financial Officer, and designated legal in form and valid as drawn by the City Attorney, as of the Dated Date set forth above.

CITY OF PENSACOLA, FLORIDA

[SEAL]

By: _____
[_____] , Mayor

ATTEST:

By: _____
[_____] , City Clerk

Approved as to Substance:

By: _____
[_____]
Chief Financial Officer

Legal in Form and Valid as Drawn:

By: _____
[_____]
City Attorney

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned _____

_____ (the "Transferor"),

hereby sells, assigns, and transfers unto _____

_____ (Please insert name and Social

Security or Federal Employer Identification number of assignee) the within Bond and all rights

thereunder, and hereby irrevocably constitutes and appoints _____

_____ (the "Transferee") as attorney to

register the transfer of the within Bond on the books kept for registration thereof, with full

power of substitution in the premises.

Date: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or a trust company.

NOTICE: No transfer will be registered and no new Bond will be issued in the name of the Transferee, unless the signature(s) to this assignment corresponds with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever and the Social Security or Federal Employer Identification Number of the Transferee is supplied.

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Issue of the within described Bonds. The Dated Date, the Principal Amount, Rate of Interest, Maturity Date and Registered Owner shown above are correct in all respects and have been recorded, along with the applicable federal taxpayer identification number and the address of the Registered Owner, in the Register maintained for such purposes at the principal offices of the undersigned.

[REGISTRAR]

By: _____
Authorized Signature

Date of Authentication

The following abbreviations, when used in the inscription on the face of the within bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

TEN ENT -- as tenants by the entireties

JT TEN -- as joint tenants with right of
survivorship and not as tenants
in common

UNIF TRANS MIN ACT -- _____
(Cust.)

Custodian for _____

under Uniform Transfers to Minors Act of _____
(State)

Additional abbreviations may also be used though not in list above.

SECTION 13. [RESERVED].

SECTION 14. SPECIAL OBLIGATIONS OF ISSUER. The Bonds shall be limited obligations of the Issuer, payable solely from the Pledged Revenues as herein provided. The Bonds do not constitute an indebtedness, liability, general or moral obligation, or a pledge of the faith, credit or taxing power of the Issuer, the State or any political subdivision thereof, within the meaning of any constitutional or statutory provisions. Neither the State, nor any political subdivision thereof, nor the Issuer shall be obligated (1) to levy ad valorem taxes on any property to pay the principal of the Bonds, the interest thereon, the reserves therefor or other costs incidental thereto or (2) to pay the same from any other funds of the Issuer, except from the Pledged Revenues, on a parity with the Parity Obligations, in the manner provided herein. The acceptance of the Bonds by the Owners from time to time thereof shall be deemed an agreement between the Issuer and such Owners that the Bonds and the indebtedness evidenced thereby shall not constitute a lien upon the System, or any part thereof, or any other property of the Issuer, but shall constitute a lien only on the Pledged Revenues, in the manner hereinafter provided.

The payment of the principal of and the interest on the Bonds shall be secured forthwith equally and ratably by an irrevocable lien on the Pledged Revenues, as defined herein, and the Issuer does hereby irrevocably pledge such Pledged Revenues to the payment of the principal of and the interest on the Bonds, for the reserves therefor and for all other required payments, on a parity with the Parity Obligations, as provided herein.

SECTION 15. COVENANTS OF THE ISSUER. For as long as any of the principal of and interest on any of the Bonds shall be outstanding and unpaid, or until payment has been provided for as herein permitted, or until there shall have been set apart in the Sinking Fund, herein established, including the Reserve Account therein, a sum sufficient to pay when due the entire principal of the Bonds remaining unpaid, together with interest accrued and to accrue thereon, the Issuer covenants with the Holder of any and all Bonds as follows:

A. **REVENUE FUND.** Subject to the provisions of Section 15(V) hereof, the entire Gross Revenues, except the income from investments (hereinafter provided for), shall upon receipt thereof be deposited in the "City of Pensacola Gas System Revenue Bonds Revenue Fund" (hereinafter called the "Revenue Fund"), hereby created and established. Such Revenue Fund shall constitute a trust fund for the purposes herein provided, and shall be kept separate and distinct from all other funds of the Issuer and used only for the purposes and in the manner and order herein provided.

B. **SINKING FUND.** There is hereby created and established a separate fund to be designated "City of Pensacola Gas System Revenue Bonds Sinking Fund" (hereinafter called "Sinking Fund"). There are also hereby created and established in the Sinking Fund four accounts to be known as the "Interest Account", "Principal Account", "Reserve Account" and "Bond Amortization Account".

C. DISPOSITION OF REVENUES. All Revenues at any time remaining on deposit in the Revenue Fund shall be disposed of on or before the fifteenth (15th) day of each month commencing in the month immediately following the delivery of the Bonds, first to deposit to the Rebate Fund established under Section 15(U) of this Resolution an amount estimated to be sufficient to timely provide for the Rebate Deposit required thereunder, and then only in the following manner and in the following order of priority:

(1) Revenues shall first be used to deposit in the "City of Pensacola Gas System Operation and Maintenance Fund" (the "Operation and Maintenance Fund") which fund is hereby created and established, such sums as are necessary for the Cost of Operation and Maintenance, as hereinabove defined, for the next ensuing month.

(2) Revenues shall next be used for deposit into the Interest Account, such sums as will be sufficient to pay one-sixth (1/6) of all interest becoming due on the Bonds on the next semiannual interest payment date; provided, however, if the period to elapse between interest payment dates will be other than six (6) months, the monthly deposits to the Interest Account will be adjusted as appropriate.

(3) Revenues shall next be used for deposit into the Principal Account, in any Bond Year in which a Serial Bond matures, such sums as will be sufficient to pay one-twelfth (1/12) of the principal maturing on Serial Bonds in such Bond Year; provided, however, if the period between delivery of any Bonds issued hereunder and the first principal maturity date or the period between the principal maturity dates will be other than twelve (12) months, the monthly deposits to the Principal Account will be adjusted as appropriate.

(4) Revenues shall be used for deposit into the Bond Amortization Account, on a parity with the deposits under paragraph (3) above, in any Bond Year in which an Amortization Installment is due, such sums as will be sufficient to pay one-twelfth (1/12) of the Amortization Installment required to be made in such Bond Year; provided however, that such deposits shall be subject to adjustment, as appropriate, if the period between Amortization Installments is less than twelve (12) months. Such payments shall be credited to a separate special account for each series of Term Bonds outstanding, and if there shall be more than one stated maturity for Term Bonds of a series, then into a separate special account in the Bond Amortization Account for each such separate maturity of Term Bonds. The funds and investments in each such separate account shall be pledged solely to the payment of principal of the Term Bonds of the series or maturity within a series for which it is established and shall not be available for payment, purchase or redemption of Term Bonds of any other series or within a series, or for transfer to any other account in the Sinking Fund to make up any deficiencies in required payments therein. Upon the sale of any series of Term Bonds, the Issuer shall, by resolution, establish the amounts and maturities of such Amortization Installments for each series, and if there shall be more than one maturity of Term Bonds within a series, the Amortization Installments for the Term Bonds of each maturity. In the event the moneys deposited for retirement of a maturity of Term Bonds are required to be invested, in the manner provided below, then the Amortization Installments may be stated in terms of either the

principal amount of the investments to be purchased on, or the cumulative amounts of the principal amount of investments required to have been purchased by, the payment date of such Amortization Installment.

Moneys on deposit in each of the separate special accounts or subaccounts in the Bond Amortization Account shall be used for the open market purchase or the redemption of Term Bonds of the series or maturity of Term Bonds within a series for which such separate special account is established or may remain in said separate special account and be invested until the stated date of maturity of the Term Bonds. The resolution establishing the Amortization Installments for any series or maturity of Term Bonds may limit the use of moneys to any one or more of the uses set forth in the preceding sentence.

The required deposits to the Principal Account, Interest Account and Bond Amortization Account shall be adjusted in order to take into account the amount of money currently on deposit therein and as necessary to fund amounts payable on the next principal or interest payment date.

(5) (a) Revenues shall next be applied by the Issuer to maintain in the Reserve Account, or any subaccount created therein, a sum equal to the Reserve Requirement with respect thereto, if any, which sum shall initially be deposited therein from the proceeds of the sale of the Bonds unless a Reserve Account Insurance Policy has been established therefor as provided herein. The amount required to be on deposit in the Reserve Account shall be recomputed not less than annually, and any surplus may be transferred to the Revenue Fund. In the event any separate subaccounts have been created in the Reserve Account as provided in paragraph (d) below, the Revenues shall be applied pro-rata to the Reserve Account and the subaccounts therein, in proportion to the deficiencies therein.

(b) Any withdrawals from the Reserve Account which reduce the balance below the then applicable Reserve Requirement shall be subsequently restored from the first moneys available in the Revenue Fund after all required current payments for the Operation and Maintenance Fund and Sinking Fund (including all deficiencies in prior payments to those Funds) have been made in full.

(c) Moneys in the Reserve Account shall be used only for the purpose of the payment of maturing principal of or interest on the Bonds, or maturing Amortization Installments, if any, when the other moneys in the Sinking Fund are insufficient therefor with respect to the applicable Series of Bonds, and for no other purpose.

(d) Pursuant to the 2011 Note Resolution and the 2016 Note Resolution, the Issuer has determined that neither the 2011 Note nor the 2016 Note shall be secured by the Reserve Account and that there shall be no Reserve Requirement with

respect thereto. Neither the 2011 Note nor the 2016 Note shall have any claim upon or right to payment from the Reserve Account or any subaccount established therein.

(6) Upon the issuance of any Additional Parity Obligations under the terms, limitations and conditions as are herein provided, the payments into the several accounts in the Sinking Fund shall be increased in such Amounts as shall be necessary to make the payments for the principal of, interest on and reserves for such Additional Parity Obligations and, if Term Bonds are issued, the Amortization Installments, on the same basis as hereinabove provided with respect to the Bonds initially issued under this Resolution: provided, however, that if such Additional Parity Obligations bear interest at a variable rate, the amount, if any, required to be on deposit in the Reserve Account with respect to such Additional Parity Obligations shall be equal to the Reserve Requirement on such Additional Parity Obligations.

The Issuer shall not be required to make any further payments into the Sinking Fund when the aggregate amount of money in the Sinking Fund is at least equal to the total Bond Service Requirement of the Bonds then outstanding, plus the amount of redemption premium, if any, then due and thereafter to become due on such Bonds then outstanding by operation of the Bond Amortization Account.

(7) Notwithstanding the foregoing deposit requirements of this Section 15C, so long as (1) the Issuer is not in default in the payment of principal, premium, if any, and interest on the Bonds, and (2) all amounts required to be on deposit in the Debt Service Reserve Fund pursuant to Section 15C(5) hereof are then current, and (3) the Issuer has not been notified of its default under the provisions of any applicable Reserve Account Insurance Policy, then the failure to deposit the Revenues into the Revenue Fund and Sinking Fund in the amounts required hereunder shall not be deemed a default hereunder so long as the full amount of such deposits necessary to make all such payments with respect to the Bonds then outstanding are deposited with the Paying Agent on or prior to the date such payments are due.

(8) The balance of any moneys remaining in the Revenue Fund after the above required payments have been made may be used by the Issuer for any lawful purpose.

(9) The Operation and Maintenance Fund, the Sinking Fund, the Revenue Fund, and all accounts therein and any other special funds herein established and created shall constitute trust funds for the purposes provided herein for such funds. All such funds shall be continuously secured in the same manner as deposits of governmental funds are authorized to be secured by the laws of the State.

Monies on deposit in the Revenue Fund and the Sinking Fund (except the Reserve Account therein) may be invested and reinvested in the manner provided by law provided such investments either mature or are redeemable at not less than par at the option of the Issuer not later than the dates on which the moneys on deposit therein will be needed for the purpose of such fund. The moneys in the Reserve Account in the Sinking Fund may be invested and reinvested only in Authorized Investments, in the manner provided by law. All

income on such investments shall be deposited into the Revenue Fund, except however that investment income earned in the Bond Amortization Account shall remain therein or be transferred to the Principal Account or the Interest Account and used to pay maturing principal, Amortization Installments and interest on the Bonds.

(10) The cash required to be accounted for in each of the foregoing funds established herein may be deposited in a single bank account, provided that adequate accounting records are maintained to reflect and control the restricted allocation of the cash on deposit therein for the various purposes of such Funds as herein provided.

The designation and establishment of the various funds in and by this Resolution shall not be construed to require the establishment of any completely independent, self-balancing funds as such term is commonly defined and used in governmental accounting, but rather is intended solely to constitute an earmarking of certain revenues and assets of the System for certain purposes and to establish certain priorities for application of such revenues and assets as herein provided.

The gross amount required to pay principal or interest and Amortization Installments on the Bonds on any payment date shall be deposited in trust for such purposes with the Paying Agent in immediately available funds on such payment date. Any provision hereof to the contrary notwithstanding, so long as the Issuer is not in default in the payment of principal, premium, if any, and interest on the Bonds, then the failure to deposit the Pledged Revenues into the Revenue and Sinking Funds created herein in the amounts required hereunder shall not be deemed a default hereunder so long as the full amount of such deposits necessary to make all such payments with respect to the Bonds are deposited in such Funds on or prior to the date such payments are due.

D. OPERATION OF BOND AMORTIZATION ACCOUNT. Money held for the credit of the Bond Amortization Account shall be applied to the retirement of term obligations as follows:

(1) Subject to the provisions of Paragraph 3 below, the Issuer shall endeavor to purchase Term Bonds then outstanding at the most advantageous price obtainable with reasonable diligence, such price not to exceed the principal of such Term Bonds plus the accrued interest to the date of delivery thereof. The Issuer shall pay the interest accrued on such Term Bonds to the date of delivery thereof from the Interest Account and the purchase price from the Bond Amortization Account, but no such purchase shall be made by the Issuer within the period of 45 days immediately preceding any interest payment date on which Term Bonds are subject to call for redemption, except from money in excess of the amounts set aside or deposited for the redemption of Term Bonds.

(2) Subject to the provisions of Paragraph 3 below, whenever sufficient money is on deposit in the Bond Amortization Account to redeem \$5,000 or more principal amount of Term Bonds, the Issuer shall call for redemption from money in the Bond

Amortization Account such amount of Term Bonds then subject to redemption as, with the redemption premium, if any, will exhaust the money then held in the Bond Amortization Account as nearly as may be practicable. Prior to calling Term Bonds for redemption, the Issuer shall withdraw from the Interest Account and from the Bond Amortization Account and set aside in separate accounts or deposit with the Paying Agent the respective amounts required for paying the interest on and the principal of and redemption premium applicable to the Term Bonds so called for redemption.

(3) Money in the Bond Amortization Account shall be applied by the Issuer in each fiscal year to the retirement of Term Bonds then outstanding in the following order:

(a) The Term Bonds of each series of Bonds, to the extent of the Amortization Installment, if any, for such Fiscal Year for the Term Bonds of each such series then outstanding, plus the applicable premium, if any, and, if the amount available in such Fiscal Year shall not be sufficient therefor, then in proportion to the Amortization Installment, if any, for such Fiscal Year for the Term Bonds of each such series then outstanding, plus the applicable premium, if any: provided, however, that if the Term Bonds of any such series shall not then be subject to redemption from money in the Bond Amortization Account and if the Issuer shall at any time be unable to exhaust the money applicable to the Term Bonds of such series under the provisions of this clause or in the purchase of such Term Bonds under the provisions of Paragraph 1 above, such money or the balance of such money, as the case may be, shall be retained in the Bond Amortization Account and, as soon as it is feasible, applied to the Term Bonds of such series: and

(b) Any balance then remaining, other than money retained under the first clause of this paragraph 3, shall be applied to the retirement of such Term Bonds as the Issuer in its sole discretion shall determine, but only, in the case of the redemption of Term Bonds of any series, in such amounts and on such terms as may be provided in the resolution authorizing the issuance of the obligations of such series.

(4) The Issuer shall deposit into the Bond Amortization Account Amortization Installments for the amortization of the principal of the Term Bonds, together with any deficiencies for prior required deposits, such Amortization Installments to be in such amounts and to be due in such years as shall be determined by resolution of the governing body of the Issuer prior to the delivery of the Bonds.

The Issuer shall pay from the Sinking Fund all expenses in connection with any such purchase or redemption.

E. OPERATION AND MAINTENANCE. The Issuer will maintain the System and all parts thereof in good condition and will operate the same in an efficient and economical manner making such expenditures for equipment and for renewals, repairs and replacements as may be proper for the economical operation and maintenance thereof.

F. ANNUAL BUDGET. The Issuer shall annually prepare and adopt prior to the beginning of each of its Fiscal Years, a detailed budget of the estimated expenditures for operation and maintenance of the System during such next succeeding Fiscal Year. The Issuer shall make available copies of such annual budgets and good and sufficient evidence of all official action authorizing increased expenditures for operation and maintenance to each Bond Insurer, any nationally recognized bond rating services which, upon application of the Issuer prior to the issuance of the Bonds have published a rating on the Bonds (the "Rating Services"), and any Holder or Holders of Bonds.

G. RATE ORDINANCE. The Issuer covenants to fix, establish, revise from time to time whenever necessary, maintain and collect always such fees, rates, rentals and other charges for the use of the product, services and facilities of the System which will always provide Gross Revenues in each year sufficient to pay, and out of such funds pay, 100% of all Costs of Operation and Maintenance of the System in such year and all reserve and other payments provided for in this Resolution, other than principal and interest, and 115%, of the Bond Service Requirement due in such year on all outstanding Bonds. Such rates, fees, rentals or other charges shall not be reduced so as to be insufficient to provide Gross Revenues for such purposes.

The Issuer further covenants and agrees that the Issuer will annually within ninety (90) days after adoption of the budget described in the preceding Subsection F revise such fees, rates, rentals and other charges for the use of the product, services and facilities of the System to the extent necessary for the estimated Gross Revenues to be derived from the operation of the System during the next succeeding Fiscal Year to increase so as to be sufficient to pay the estimated expenditures for operation and maintenance of the System during such next succeeding Fiscal year and otherwise comply with all covenants in this Resolution.

H. BOOKS AND RECORDS. The Issuer shall also keep books and records of the Pledged Revenues of the System which shall be kept separate and apart from all other books, records and accounts of the Issuer.

I. ANNUAL AUDIT. The Issuer shall also, at least once a year, within 180 days after the close of its Fiscal Year, cause the financial statements relating to the Issuer to be properly audited by a recognized independent firm of certified public accountants and shall make generally available the report of such audits to any Holder or Holders of Bonds. Such audits shall contain the audited financial statements of the Issuer prepared in accordance with auditing standards generally accepted in the United States of America.

J. NO MORTGAGE OR SALE OF THE SYSTEM. The Issuer will not sell, lease, mortgage, pledge or otherwise encumber the System, or any substantial part thereof, or any revenues to be derived therefrom, except as herein provided.

The foregoing provision notwithstanding, the Issuer shall have and hereby reserves the right to sell, lease or otherwise dispose of any of the property comprising a part of

the System which the Issuer shall hereafter determine, to be no longer necessary, useful or profitable in the operation of the System.

K. INSURANCE. For so long as any of the Bonds are outstanding, the Issuer will carry adequate fire and windstorm insurance on all buildings and structures of the works and properties of the System which are subject to loss through fire or windstorm, and will otherwise carry insurance of all kinds and in the amounts normally carried in the operation of similar facilities and properties in Florida: provided, however, that in lieu of such insurance the Issuer may establish a qualified plan of self-insurance in accordance with the laws of the State. Any such insurance shall be carried for the benefit of the holders of the Bonds. All moneys received for losses under any of such insurance, except public liability, are hereby pledged by the Issuer as security for the Bonds, until and unless such proceeds are used to remedy the loss or damage for which such proceeds are received, either by repairing the property damaged or replacing the property destroyed as soon as practicable.

L. NO FREE SERVICE. The Issuer will not render or cause to be rendered any free services of any nature by its System, nor will any preferential rates be established for users of the same class. This covenant shall not prevent individual contract with other governmental entities for the wholesale delivery of services of the System. Whenever the Issuer, including its departments, agencies and instrumentalities, shall avail itself of the product, facilities or services provided by the System, or any part thereof, the same rates, fees or charges applicable to other customers receiving like services under similar circumstances shall be charged to the Issuer and any such department, agency or instrumentality.

M. MANDATORY CUT OFF. The Issuer will, under reasonable rules and regulations, to the full extent permitted by law, shut off and discontinue the supplying of gas services to any users of the System for the non-payment of fees, rentals or other charges for such gas services, and will not restore such services until all delinquent charges for the same, together with interest and reasonable penalties, have been paid in full or arrangement for payment thereof satisfactory to the Issuer has been made.

N. ENFORCEMENT OF COLLECTIONS. The Issuer will diligently impose, assess, enforce and collect the rates, fees and other charges for the services and facilities of the System herein pledged: will take all reasonable steps, actions and proceedings for the imposition, assessment, enforcement and collection of such rates, charges and fees as shall become delinquent to the full extent permitted or authorized by law: and will maintain accurate records with respect thereof. All such fees, rates, charges and revenues herein pledged shall, as collected, be held in trust to be applied as herein provided and not otherwise.

O. REMEDIES. Any Holder of Bonds or any coupons appertaining thereto, issued under the provision hereof or any trustee acting for the Holders of such Bonds, may either at law or in equity, by suit, action, mandamus or other proceedings in any court of competent jurisdiction, protect and enforce any and all rights, including the right to the appointment of a receiver, existing under the laws of the State, or granted and contained herein, and may enforce

and compel the performance of all duties required herein or by any applicable statutes to be performed by the Issuer or by any officer thereof.

Nothing herein, however, shall be construed to grant to any Holder of the Bonds any lien on the System or any real or personal property of the Issuer.

P. CONSULTING ENGINEER. The Issuer shall retain a Consulting Engineer capable of providing the Issuer with competent counsel affecting the proper, efficient and economical operation and maintenance of the System and in connection with the making of capital improvements and renewals and replacements to the System. The Consulting Engineer shall advise the Issuer with respect to the management of the properties of the System, the sufficiency of the rates and charges for services, the proper maintenance of the properties of the System, and the necessity for capital improvements and recommendations therefor.

If any report or survey of the Consulting Engineer shall set forth that the provisions hereof have not been complied with, the Issuer shall immediately take such reasonable steps as are necessary to comply with such requirements and recommendations.

Q. COMPLIANCE WITH FRANCHISE. The Issuer shall comply with all provisions of the franchise agreements applicable to the service area of the System outside the territorial limits of the Issuer, and shall take no action which would adversely affect its ability to operate the System within such service area; provided, however, that nothing herein shall require the Issuer to provide new service in such franchised area if the Consulting Engineers shall determine that it would not be feasible for the Issuer to provide such services to any specific area within the three years succeeding a request to provide such service, the Issuer may authorize or allow or consent to the granting of a franchise or permit for such area to other utility providers upon such terms and conditions as it may approve.

R. NO COMPETING SYSTEM. To the full extent permitted by law, the Issuer will not hereafter grant, or cause, consent to, or allow the granting of, any franchise or permit to any person, firm, corporation or body, or agency or instrumentality whatsoever, for the furnishing of gas utility services to or within the boundaries of the Issuer: provided, however, that if the Consulting Engineer renders an opinion that it would not be feasible for the Issuer to provide such services to any specific area within the three years succeeding a request to provide such service, the Issuer may authorize or allow the granting of such franchise or permit for such area upon such terms and conditions as it may approve.

S. ISSUANCE OF OTHER OBLIGATIONS. The Issuer will not hereafter issue any other obligations payable from the Revenues of the System nor voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the Bonds and the interest thereon upon said Revenues except under the conditions and in the manner provided herein. Any obligations issued by the Issuer other than the Parity Obligations and any Additional Parity Obligations provided for in Subsection T below, payable from such Revenues, shall contain an express statement that such

obligations are junior and subordinate in all respects to the Bonds, as to lien on and source and security for payment from such Revenues.

T. ISSUANCE OF ADDITIONAL PARITY OBLIGATIONS. Additional Parity Obligations, payable on a parity from the Net Revenues of the System with the Bonds, may be issued for the Project, or the construction and acquisition of additions, extensions and improvements to the System or for refunding purposes and upon the conditions and in the manner herein provided:

(a) There shall have been obtained and filed with the Issuer a certificate of the Chief Financial Officer of the Issuer, or his or her designee: (i) setting forth the amount of Net Revenues, as defined herein, received by the Issuer for any twelve (12) consecutive months out of the twenty four (24) consecutive months immediately preceding the date of sale of the proposed Additional Parity Obligations, (ii) stating that the Net Revenues described in (i) above, as may be adjusted as permitted in paragraph (b)(i) below, equal at least 1.00 times the Maximum Bond Service Requirement on all Bonds then outstanding and on the proposed Additional Parity Obligations with respect to which such certificate is made and (iii) stating that the projected Net Revenues described in (ii) above, adjusted as permitted in subparagraph (b) below, equal at least 1.15 times the Maximum Bond Service Requirement on all Bonds then outstanding and on the proposed Additional Parity Obligations with respect to which such certificate is made.

(b) If determined by the Chief Financial Officer to be desirable, the Net Revenues may be adjusted by the Consulting Engineers as follows: (i) to reflect for such period new customers actually connected to the System, and changes made and actually in effect in the rates, fees, rentals or other charges from the services of the System, subsequent to the commencement of such preceding audited period referred to in (a) above: (it) to reflect any change made in the rates, fees, rentals or other charges for the services of the System which have been adopted but not yet implemented at the time of calculation, commencing after their scheduled effective dates; (iii) to include for such period an amount equal to the Net Revenues estimated to be derived from the operation of any project the cost of which has been funded (from Bond proceeds or otherwise) but not yet completed, provided that such projects will serve existing, occupied businesses and dwellings for which there are binding agreements to connect to the System when service is made available, but such Net Revenues may be taken into account only from and after the date on which service from such projects is projected to become available.

(c) Each resolution authorizing the issuance of Additional Parity Obligations will recite that the applicable covenants herein contained will be applicable to such Additional Parity Obligations.

(d) Immediately following the issuance of such Additional Parity Obligations, the Issuer shall not be in default in performing any of the covenants and

obligations assumed hereunder, and all payments herein required to have been made into the accounts and funds, as provided hereunder, shall have been made to the full extent required.

(e) The requirements of Section 15T(a) above shall not apply to any Additional Parity Obligations issued to refund and defease any outstanding Bonds but only if the Average Bond Service Requirement on such Additional Parity Obligations is less than the Average Bond Service Requirement on the Bonds so refunded and defeased and such Additional Parity Obligations do not mature later than such Bonds so refunded.

(f) As to any series of Bonds, the payment of principal and interest on which is guaranteed by a Municipal Insurer, the Municipal Insurer may consent to the issuance of Additional Parity Obligations upon terms not contemplated in this Section 15, in the manner provided in Section 16 hereof. Any such consent shall be deemed the consent of the Owners of such series of Bonds to the issuance of such Additional Parity Obligations.

U. TAX COMPLIANCE.

(1) The Issuer at all times while the Bonds and the interest thereon are outstanding will comply with all applicable provisions of the Code, in order to ensure that the interest on the Bonds will be excluded from gross income for Federal income tax purposes, except that the provisions of this Section 15U shall not apply to any Bonds issued as taxable Bonds. The Issuer hereby covenants with the Registered Owners of the Bonds that it will make no investment or other use of the proceeds of the Bonds or any other series of Additional Parity Obligations issued under the Resolution, the income on which is excluded from gross income for federal income tax purposes, which would cause such series of Bonds to be "arbitrage bonds" as that term is defined in Section 148 of the Code and that it will comply with the requirements of that Section of the Code and regulations promulgated thereunder throughout the term of such series of Bonds.

(2) Rebate Fund. (A) The Issuer shall establish a Rebate Fund, outside the lien of this Resolution, which shall be a separate trust fund held by the Issuer, solely for the purposes hereof, and the amounts therein shall be applied solely as specified herein or in a letter of instructions in connection with the Issuer's certification of compliance with the provisions of Section 148 of the Code at the time of issuance of the Bonds. The Issuer shall engage an accountant or other person or firm of suitable experience to make such periodic calculations of the Issuer's rebate liability on the Bonds as shall be required to comply with Section 148(e) of the Code and shall deposit to the credit of the Rebate Fund, hereby created, the full amount of the Issuer's accrued and unpaid rebate liability under Section 148(e) of the Code. The Issuer shall keep such records of the computations made pursuant to this Section as are required under Section 148(e) and other applicable provisions of the Code. The Issuer shall keep such records concerning the investments of the gross proceeds of the Bonds subject to Rebate

and the investments of earnings from those investments as may be required in order to make the aforesaid computations. This subsection (2) may be superseded or amended by new calculations accompanied by an opinion of nationally recognized bond counsel addressed to the Issuer to the effect that the use of the new calculations are in compliance with this Resolution and will not cause the interest on the Bonds to become included in gross income for Federal income tax purposes.

(3) The Issuer covenants that upon request it will make all filings of reports or other documents as may be required by Section 149(e) of the Code and regulations promulgated thereunder throughout the term of the Bonds of such series.

(4) The Issuer covenants that it will not take any action or allow any action which would cause the Bonds to become private activity bonds as described in Section 141 of the Code.

(5) The Issuer covenants to take all actions reasonable and necessary to maintain the exclusion of the interest on the Bonds (other than Bonds issued as taxable Bonds) from gross income for federal income tax purposes, including compliance with the letter of instructions received by the Issuer in connection with its certification regarding arbitrage at the time of delivery of any series of Bonds. The Issuer covenants to budget and appropriate in each fiscal year in which any deposit to the Rebate Fund may be required pursuant hereto, from Revenues of the System, an amount sufficient to make such deposit.

(6) The provisions of this Subsection U may be modified or amended by resolution of the Issuer without the consent of any Municipal Insurer or Registered Owner of any Bonds, upon receipt of an opinion of nationally recognized bond counsel to the effect that such modification or amendment will not adversely affect the exclusion from gross income of interest on the Bonds for purposes of federal income taxation.

SECTION 16. MODIFICATION OR AMENDMENT. No material modification or amendment of this Resolution or of any resolution amendatory hereof or supplemental hereto, may be made without the consent in writing of the owners of not less than a majority of the principal amount of Bonds then outstanding and affected thereby; provided, however, no modification or amendment shall permit a change in the maturity of such Bonds or a reduction in the rate of interest thereon, or in the amount of the principal obligation or affect the unconditional promise of the Issuer to pay the principal of and interest on the Bonds as the same shall come or reduce the percentage of the holders of the Bonds required to consent to any material modification or amendment hereof, without the consent in writing of the holder or holders of all such Bonds; provided, further, that no such modification or amendment shall allow or permit any acceleration of the payment of principal of or interest on the Bonds upon any default in the payment thereof whether or not the holders of the Bonds consent thereto.

In addition to the other provisions of this Resolution permitting amendments and modifications, this Resolution may be amended, changed, modified and altered without the

consent of the Holders of Bonds (i) to cure any ambiguity, correct or supplement any provision contained herein which may be defective or inconsistent with any other provisions contained herein, (ii) to provide any technical or mechanical provision necessary or desirable for the issuance of Capital Appreciation Bonds or Bonds bearing interest at a variable rate, (iii) to provide other changes which will not adversely affect the interest of such Holder of Bonds, (iv) to provide for the issuance of Bonds in coupon form if, in the opinion of a nationally recognized bond counsel, such issuance will not affect the exemption from federal income taxation of interest on the Bonds, and (v) to provide for the issuance of Bonds, the interest on which is not excluded from gross income for federal tax purposes.

SECTION 17. DEFEASANCE. If, at any time, the Issuer shall have paid, or shall have made provision for payment of, the principal, interest and redemption premiums, if any, with respect to the Bonds, then, and in that event, the pledge of and lien on the Pledged Revenues in favor of the Holders of the Bonds shall be no longer in effect. For purposes of the preceding sentence, deposit of Federal Securities or bank certificates of deposit fully secured as to principal and interest by Federal Securities or Municipal Obligations fully insured as to principal and interest by a Municipal Insurer (or deposit of any other securities or investments which may be authorized by law from time to time and sufficient under such law to effect such a defeasance) in irrevocable trust with a banking institution or trust company, for the sole benefit of the Bondholders, in respect to which such Federal Securities or certificates of deposit (or such other securities or investments), the principal of which, together with the income thereon, will be sufficient to make timely payment of the principal, interest, and redemption premiums, if any, on the outstanding Bonds, shall be considered "provision for payment." Nothing herein shall be deemed to require the Issuer to call any of the outstanding Bonds for redemption prior to maturity pursuant to any applicable optional redemption provisions, or to impair the discretion of the Issuer in determining whether to exercise any such option for early redemption.

In the event that the principal and/or interest due on the Bonds shall be paid by the Bond Insurer pursuant to the Municipal Bond Insurance Policy, the Bonds shall remain outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the Issuer, and the assignment and pledge of the Pledged Revenues and all covenants, agreements and other obligations of the Issuer to the registered owners of the Bonds shall continue to exist and shall run to the benefit of the Bond Insurer, and the Bond Insurer shall be subrogated to the rights of such registered owners.

SECTION 18. ARBITRAGE. No use will be made of the proceeds of the Bonds which would cause the same to be "arbitrage bonds" within the meaning of the Code. The Issuer at all times while the Bonds are outstanding will comply with the requirements of Section 148 of the Code and any valid and applicable rules and regulations promulgated thereunder.

SECTION 19. RESERVED.

SECTION 20. USE OF ADDITIONAL FUNDS FOR DEBT PAYMENT. Subject to the provisions of the Florida Constitution, nothing herein contained shall preclude the Issuer from using any legally available funds, in addition to the Pledged Revenues herein provided, which may come into its possession, including but not limited to the proceeds of sale of the Bonds, contributions or grants, for the purpose of payment of principal of and interest on the Bonds, or the payment of Amortization Installments, if any, or the purchase or redemption of such Bonds in accordance with the provisions of this Resolution.

SECTION 21. SEVERABILITY. If any one or more of the covenants, agreements, or provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this Resolution or of the Bonds or coupons issued hereunder.

SECTION 22. REPEAL OF INCONSISTENT INSTRUMENTS. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 23. EFFECTIVE DATE. 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: April 25, 2019

[SEAL]

Approved: _____
Council President

ATTEST:

Ericka L. Burnett, City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

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



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



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00201

City Council

4/25/2019

DISCUSSION ITEM

FROM: City Council Member Sherri Myers

SUBJECT:

ORDINANCE PROHIBITING THE OBSTRUCTION OF SIDEWALKS

SUMMARY:

This discussion will surround the need for a City Ordinance or amendment of current City Ordinance that would prohibit the obstruction of sidewalks.

Currently the Council Executive is working with Code Enforcement and the City's Office of the City Attorney in bringing something forward for Council consideration.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00202

City Council

4/25/2019

DISCUSSION ITEM

FROM: City Council Member Sherri Myers

SUBJECT:

CITY COUNCIL HIRING AN ARBORIST

SUMMARY:

This item will discuss the possibility and need for the City Council to hire an Arborist to assist them with tree and vegetation related issues.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00189

City Council

4/25/2019

SUBJECT:

STRATEGIC PLANNING PRESENTATION - JOHN STREITMATTER, LEADERSHIP RESEARCH INSTITUTE