



City of Pensacola

City Council

Agenda - Final

Thursday, February 23, 2023, 5:30 PM

Council Chambers, 1st Floor

The meeting can be watched via live stream at cityofpensacola.com/video.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

Council Vice President Casey Jones

FIRST LEROY BOYD FORUM

AWARDS

APPROVAL OF MINUTES

1. [23-00196](#) APPROVAL OF MINUTES: REGULAR MEETING DATED FEBRUARY 9, 2023

Attachments: [Draft: Regular Meeting Dated 2/9/2023](#)

APPROVAL OF AGENDA

CONSENT AGENDA

2. [23-00094](#) AWARD COOPERATIVE GSA PURCHASE CONTRACT TO
CYCLOMEDIA FOR DATA COLLECTION AND PLAN COMPLETION
FOR DESIGN OF THE CITY'S PAVEMENT MANAGEMENT PROGRAM

Recommendation: That City Council award this contract to CYCLOMEDIA, the lowest and best responsible bidder, for a base price of \$177,040.00 plus 0% contingency in the amount of \$0.00 for a total contract price of \$177,040.00. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete this work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter. Finally, that City Council approve the transfer of \$202,040 from the Pavement Management Program project in LOST IV to the Roger Scott Pool/Bathroom project in LOST IV AND to approve the transfer of \$202,040 from the General Fund allocation for the Roger Scott Pool/Bathroom project for the award of the CYCLOMEDIA and Central Square contracts.

Sponsors: D.C. Reeves

Attachments: [Cyclomedia Quote City of Pensacola FL ASTM 20230201](#)
[Central Square Q-123734 Services for EAM Expansion](#)

3. [23-00117](#) AWARD OF QUOTE FOR THE COLLEGE PARKWAY SIDEWALK
PROJECT

Recommendation: That City Council award the contract for the College Parkway Sidewalk Project to Gulf Beach Construction of Gulf Breeze, Florida, the lowest and most responsible bidder, for a base price of \$ 53,170.00 plus a bid alternate of \$12,560 for the total contract value of \$65,730.00 along with a 10% contingency amount of \$ 6,573.00. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete the work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

Sponsors: D.C. Reeves

Attachments: [Contract for College Parkway Sidewalk Project](#)
[Quote Tabulation- College Parkway Sidewalk Project](#)
[Location Map & Scope of Work for College Parkway Sidewalk Projec](#)

4. [23-00122](#) APPROVAL OF THE LOCALLY FUNDED AND THREE-PARTY ESCROW AGREEMENTS BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF PENSACOLA, FLORIDA FOR THE CONSTRUCTION OF THE PALAFOX STREET ROAD DIET FROM CERVANTES STREET TO SCOTT STREET
- Recommendation:** That City Council approve the Locally Funded and Three-Party Escrow Agreements between the City of Pensacola and FDOT. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this agreement, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.
- Sponsors:** D.C. Reeves
- Attachments:** [432568-1 SR 95-US29 Palafox St-Locally Funded Agreement](#)
[432568-1 SR 95-US29 Palafox St-Three Party Escrow Agreement](#)
[Palafox Road Diet Map](#)
[Resolution No. 2022-029 FDOT](#)
5. [23-00134](#) AWARD OF MASTER AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR AIRPORT IMPROVEMENTS AT PENSACOLA INTERNATIONAL AIRPORT
- Recommendation:** That City Council award contracts to Garver Engineers, LLC dba Garver, LLC, Atkins North America, Inc., and RS&H, Inc. for professional engineering and architectural services related to airport improvements at the Pensacola International Airport requested through RFQ #22-056 for an initial term of three years. Further, that Council authorize the Mayor take the actions necessary to negotiate, execute, and administer the necessary contracts, including the two one-year renewal options specified in the RFQ, consistent with the terms of the contracts and the Mayor's Executive Powers as granted in the City Charter.
- Sponsors:** D.C. Reeves
- Attachments:** [Tabulation of Respondents to RFQ No. 22-056](#)
[Selection Committee Scoring Matrix](#)
6. [23-00149](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL VICE PRESIDENT CASEY JONES - DISTRICT 3
- Recommendation:** That City Council approve funding of \$1,000 for the Pensacola High School Baseball Boosters, Inc. from the City Council Discretionary Funds for District 3.
- Sponsors:** Casey Jones

7. [23-00145](#) APPOINTMENTS - WESTSIDE COMMUNITY REDEVELOPMENT BOARD
- Recommendation:** That City Council appoint two (2) individuals to the Westside Community Redevelopment Board that are either a redevelopment area resident, member of an area neighborhood association or owner or operator of a business located in the redevelopment area, to fill two (2) unexpired terms ending January 31, 2024.
- Sponsors:** Delarian Wiggins
- Attachments:** [Member List](#)
[Nomination Form - Michelle Press](#)
[Application of Interest - Michelle Press](#)
[Resume - Michelle Press](#)
[Nomination Form - Karl Schwelm](#)
[Application of Interest - Karl Schwelm](#)
[Ballot](#)
8. [23-00167](#) APPOINTMENT - BOARD OF TRUSTEES - POLICE OFFICERS' RETIREMENT FUND
- Recommendation:** That City Council reappoint Bryan Ball to the Board of Trustees - Police Officers' Retirement Fund for a term two (2) years expiring December 31, 2024.
- Sponsors:** Delarian Wiggins
- Attachments:** [Member List](#)
[Application of Interest - Bryan Ball](#)
[Ballot](#)
9. [23-00089](#) CONTINUING SERVICES CONTRACTS FOR RFQ # 23-003 PROFESSIONAL ENGINEERING CONSULTING SERVICES
- Recommendation:** That City Council authorize the Public Works and Facilities Department to negotiate contracts with Atkins North America, Inc., AVCON Inc., Baskerville-Donovan, Inc., Geosyntec Consultant Inc., HDR Engineering, Inc., Jacobs Engineering Group Inc., McKim & Creed Inc., and Volkert Inc. for continuing professional engineering consulting services requested through RFQ #23-003 for an initial term of three years. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer these contracts, consistent with the terms of the contracts and the Mayor's Executive Powers as granted in the City Charter.
- Sponsors:** D.C. Reeves
- Attachments:** [Tabulation of Qualifications, RFQ No. 23-003](#)
[Selection Committee Scoring Matrix](#)

REGULAR AGENDA

10. [23-00125](#) HOME INVESTMENT PARTNERSHIPS PROGRAM INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY
- Recommendation:* That City Council approve the HOME Investment Partnerships Program (HOME) interlocal agreement with Escambia County providing for the City of Pensacola's participation in the HOME program to implement Homebuyer Assistance activities. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer the agreement, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.
- Sponsors:* D.C. Reeves
- Attachments:* [Interlocal Agreement for HOME Investment Partnerships Program](#)
11. [23-00085](#) PUBLIC HEARING: REQUEST FOR FUTURE LAND USE MAP AND ZONING MAP AMENDMENT - 2401,2409,2421,2431 CREIGHTON ROAD AND 6880 TIPPIN AVENUE
- Recommendation:* That City Council conduct a Public Hearing on February 23, 2023, to consider the request to amend the Future Land Use Map and Zoning Map for 2401, 2409,2421,2431 Creighton Road and 6880 Tippin Avenue.
- Sponsors:* D.C. Reeves
- Attachments:* [Planning Board Rezoning Application](#)
 [Planning Board Minutes January 10 2023 - DRAFT](#)
 [Future Land Use Map](#)
 [Zoning Map](#)
 [Proposed Ordinance No. 02-23](#)
 [Proposed Ordinance No. 03-23](#)

12. [02-23](#) PROPOSED ORDINANCE NO. 02-23 - REQUEST FOR FUTURE LAND
USE MAP AMENDMENT- 2401, 2409, 2421, 2431 CREIGHTON ROAD
AND 6880 TIPPIN AVENUE

Recommendation: That City Council approve Proposed Ordinance No. 02-23 on first
reading:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND
FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA;
PROVIDING FOR SEVERABILITY; REPEALING CLAUSE;
PROVIDING AN EFFECTIVE DATE.

Sponsors: D.C. Reeves

Attachments: [Proposed Ordinance No. 02-23](#)
[Planning Board Rezoning Application](#)
[Planning Board Minutes January 10 2023 - DRAFT](#)
[FLUM Map 2023](#)

13. [03-23](#) PROPOSED ORDINANCE NO. 03-23 - REQUEST FOR ZONING MAP
AMENDMENT - 2401, 2409, 2421, 2431 CREIGHTON ROAD AND 6880
TIPPIN AVENUE

Recommendation: That City Council approve Proposed Ordinance No. 03-23 on first
reading.

AN ORDINANCE AMENDING THE ZONING
CLASIFICATION FOR CERTAIN PROPERTY
PURSUANT TO AND CONSISTENT WITH THE
COMPREHENSIVE PLAN OF THE CITY OF
PENSACOLA, FLORIDA; AMENDING THE ZONING
MAP OF THE CITY OF PENSACOLA; REPEALING
CLAUSE AND EFFECTIVE DATE.

Sponsors: D.C. Reeves

Attachments: [Proposed Ordinance No. 03-23](#)
[Planning Board Rezoning Application](#)
[Planning Board Minutes January 10 2023 - DRAFT](#)
[Zoning Map 2023](#)

14. [23-00156](#) REFERRAL TO THE ENVIRONMENTAL ADVISORY BOARD (EAB) REGARDING PROPOSED AMENDMENTS TO CITY CODE SECTION 12-6-10(C) - TREE PLANTING TRUST FUND
- Recommendation:* That City Council refer to the EAB, proposed amendments to Section 12-6-10(c) of the City Code - Tree Planting Trust Fund, for review and recommendation.
- Sponsors:* Charles Bare
- Attachments:* [Proposed Amendment to 12-6-10\(c\) -- Tree Planting Trust Fund](#)
[EAB Recommendation Regarding Use of Tree Planting Trust Fund f](#)
15. [2023-014](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2023-014 - TREE REMOVAL
- Recommendation:* That City Council adopt Supplemental Budget Resolution No. 2023-014.
- A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING AN EFFECTIVE DATE.
- Sponsors:* Charles Bare
- Attachments:* [Supplemental Budget Resolution No. 2023-014](#)
[Supplemental Budget Explanation No. 2023-014](#)
[Letter From The EAB Chairperson](#)
16. [07-23](#) PROPOSED ORDINANCE NO. 07-23 - AMENDING SECTIONS 6-3-10, 6-3-12, 6-3-15 AND 6-3-19 OF THE CODE OF THE CITY OF PENSACOLA - ALLOWING DOWNTOWN IMPROVEMENT BOARD (DIB) TO OPERATE PALAFOX MARKET WITHIN PLAZA FERDINAND
- Recommendation:* That City Council adopt Proposed Ordinance No. 07-23 on second reading.
- AN ORDINANCE AMENDING SECTIONS 6-3-10, 6-3-12, 6-3-15 AND 6-3-19 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ALLOWING DOWNTOWN IMPROVEMENT BOARD (DIB) TO OPERATE PALAFOX MARKET WITHIN PLAZA FERDINAND; REQUIRING INTERLOCAL AGREEMENT BETWEEN DIB AND CITY TO GOVERN OPERATION OF PALAFOX MARKET; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
- Sponsors:* D.C. Reeves
- Attachments:* [Proposed Ordinance No. 07-23](#)
[PROOF OF PUBLICATION](#)

COUNCIL EXECUTIVE'S REPORT**MAYOR'S COMMUNICATION****COUNCIL COMMUNICATIONS & CIVIC ANNOUNCEMENTS****SECOND LEROY BOYD FORUM****ADJOURNMENT**

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

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

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



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00196

City Council

2/23/2023

SUBJECT:

APPROVAL OF MINUTES: REGULAR MEETING DATED FEBRUARY 9, 2023



City of Pensacola

CITY COUNCIL

Regular Meeting Minutes

February 9, 2023

5:30 P.M.

Council Chambers

Council President Wiggins called the meeting to order at 5:31 P.M.

ROLL CALL

Council Members Present: Delarian Wiggins, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Jared Moore, Allison Patton

Council Members Absent: None

INVOCATION

Moment of Silence

PLEDGE OF ALLEGIANCE

Council Member Teniade Broughton

FIRST LEROY BOYD FORUM

Sherri Myers: Addressed Council referencing a letter she sent to Council regarding Tippin Park/proposed Tippin resource center which Council addressed at the January 19th regular meeting. She also provided a handout to Council of *City of Pensacola 2019 Legislative Priorities* with a request for state appropriation of funds for a “special needs universal designed-boundless-all-inclusive park” for Tippin Park (on file). Finally, she addressed Council in American Sign Language.

Larry Downs, Jr.: Addressed Council regarding policies and vaccinations related to COVID-19.

Daryn Flanders: Addressed Council commending Pensacola Police officers working the downtown area and regarding issues of homelessness and panhandling.

FIRST LEROY BOYD FORUM (CONT'D.)

Margaret Hostetter: Addressed Council regarding the use of Tree Trust Fund monies for removal of trees which was approved by Council at the January 19th regular meeting. She provided a handout to Council of a letter dated 2/6/2023 (on file) from the Environmental Advisory Board (EAB) which found that it would be inappropriate to use such funds for tree removal; and further, that EAB recommends that the \$100,000 be reallocated by to the Tree Trust Fund. Additionally, she referenced Resolution No. 2023-004 and highlighted (alternate) sources of funding for tree removal instead of the Tree Trust Fund.

AWARDS

None

APPROVAL OF MINUTES

1. [23-00143](#) **APPROVAL OF MINUTES: REGULAR MEETING DATED JANUARY 19, 2023**

A motion to approve was made by Council Member Jones and seconded by Council Member Moore.

The motion carried by the following vote:

Yes: 7	Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton, Jared Moore, Allison Patton
No: 0	None

APPROVAL OF AGENDA

A motion to approve the agenda as presented was made by Council Member Brahier and seconded by Council Member Bare.

The motion carried by the following vote:

Yes: 7	Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton, Jared Moore, Allison Patton
No: 0	None

CONSENT AGENDA

2. [23-00090](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL PRESIDENT DELARIAN WIGGINS - DISTRICT 7

Recommendation: That City Council approve funding of \$650 to the General Daniel "Chappie" James, Jr. Museum of Pensacola and \$1,000 to Warrington Youth Sports for the Pensacola Youth Basketball League from the City Council Discretionary Funds for District 7.

3. [23-00113](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER ALLISON PATTON - DISTRICT 6

Recommendation: That City Council approve funding of \$500 to Youths Left Behind from the City Council Discretionary Funds for District 6.

4. [23-00101](#) TENTATIVE AGREEMENT WITH AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) AND MEMORANDA OF UNDERSTANDING AGREEMENT WITH THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE, INC. (FOP SERGEANTS AND LIEUTENANTS) REGARDING JUNETEENTH.

Recommendation: That City Council approve the Tentative Agreement with AFSCME (subject to ratification of tentative agreement by the union) and the Memoranda of Understanding Agreement between the City of Pensacola and the Florida State Lodge Fraternal Order of Police, Inc. (FOP Sergeants and Lieutenants).

5. [23-00112](#) APPOINTMENT: BOARD OF TRUSTEES - POLICE OFFICERS' RETIREMENT FUND

Recommendation: That City Council reappoint Stephanie Taylor to the Board of Trustees - Police Officers' Retirement Fund for a term of two (2) years, expiring December 31, 2024.

6. [23-00103](#) MAYORAL APPOINTMENT - DOWNTOWN IMPROVEMENT BOARD (DIB)

Recommendation: That City Council affirm the Mayor's appointment of Chris McKean to the Downtown Improvement Board to fill an unexpired term ending June 30, 2024.

CONSENT AGENDA (CONT'D.)

A motion to approve consent agenda items 2, 3, 4, 5, and 6 was made by Council Member Moore and seconded by Council Member Patton.

The motion carried by the following vote:

Yes: 7	Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton, Jared Moore, Allison Patton
No: 0	None

REGULAR AGENDA

7. [23-00124 CITY COUNCIL CONSENT TO THE MAYOR'S APPOINTMENT OF ERICA GRANCAGNOLO AS ECONOMIC & NEIGHBORHOOD DEVELOPMENT DIRECTOR](#)

Recommendation: That City Council consent to the Mayor's appointment of Erica Grancagnolo as Economic & Neighborhood Development Director in accordance with City Charter Section 4.01 (a)(7).

A motion to approve was made by Council Member Moore and seconded by Council Member Patton.

Mayor Reeves (sponsor) introduced Ms. Grancagnolo and she was provided an opportunity to address Council.

There being no discussion, the vote was called.

The motion carried by the following vote:

Yes: 7	Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton, Jared Moore, Allison Patton
No: 0	None

REGULAR AGENDA (CONT'D.)

8. [23-00045](#) APPROVAL OF AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN ESCAMBIA COUNTY, FLORIDA AND THE CITY OF PENSACOLA REGARDING THE ROGER SCOTT TENNIS CENTER IMPROVEMENTS PROJECT

Recommendation: That City Council approve the Amendment to the Interlocal Agreement between Escambia County, Florida and the City of Pensacola regarding the Roger Scott Tennis Improvements Project. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this Amended Interlocal Agreement, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

A motion to approve was made by Council Member Bare and seconded by Council Member Jones.

Mayor Reeves (sponsor) addressed Council regarding the amendments to the interlocal agreement. Council Members Bare and Moore made comments with follow-up remarks from Mayor Reeves.

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote:

Yes: 7	Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton, Jared Moore, Allison Patton
No: 0	None

REGULAR AGENDA (CONT'D.)**9. [23-00006](#) AWARD OF BID #23-004 ROGER SCOTT TENNIS CENTER IMPROVEMENTS**

Recommendation: That City Council award Bid #23-004 Roger Scott Tennis Center Improvements to Biggs Construction Company, Inc., of Pensacola Florida, the lowest and most responsible bidder with a base bid of \$3,090,559.44 plus Bid Alternate in the amount of \$68, 907.00 plus 10% contingency in the amount of \$315,946.64 for a total amount of \$3,475,413.08. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete this work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

A motion to approve was made by Council Member Jones and seconded by Council Member Moore.

Mayor Reeves (sponsor) addressed Council regarding staff's collaboration on this project.

Public input was heard from the following individuals:

Brock Sakey
Xiaobo Dong

Donna Underdonk
Dakota Dellafera

There being no discussion, the vote was called.

The motion carried by the following vote:

Yes: 7	Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton, Jared Moore, Allison Patton
No: 0	None

REGULAR AGENDA (CONT'D.)**10. [23-00081 PURCHASE AND INSTALLATION OF BLEACHERS AND SHADE STRUCTURES AT MAGEE FIELD](#)**

Recommendation: That City Council approve the purchase and installation of bleachers and shade structures for Magee Field from GameTime C/O Struthers Recreation, LLC through Omini Partners cooperative purchasing (Contract #2017001135) for \$34,771.89. Further that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete this work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

A motion to approve was made by Council Member Moore and seconded by Council Member Jones.

Mayor Reeves (sponsor) explained this is the final phase of improvements for Magee Field.

There being no discussion, the vote was called.

The motion carried by the following vote:

Yes: 7 Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier,
 Teniade Broughton, Jared Moore, Allison Patton
No: 0 None

11. [2023-006 SUPPLEMENTAL BUDGET RESOLUTION NO. 2023-006 - FEDERAL LAW ENFORCEMENT TRUST FUND PURCHASE FOR THE PENSACOLA POLICE DEPARTMENT](#)

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2023-006.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Moore and seconded by Council Member Jones.

The motion carried by the following vote:

Yes: 7 Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier,
 Teniade Broughton, Jared Moore, Allison Patton
No: 0 None

REGULAR AGENDA (CONT'D.)

12. [23-00046](#) PORT OF PENSACOLA - FLORIDA SEAPORT TRANSPORTATION ECONOMIC DEVELOPMENT (FSTED) GRANT #422354-3-94-04- SEAPORT SECURITY GRANT

Recommendation: That City Council accept Florida Seaport Transportation Economic Development (FSTED) Grant #422354-3-94-04 for seaport security in the amount of \$34,680 with a \$11,560 local match for a total grant value of \$46,240. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this grant, consistent with the terms of the grant and the Mayor's Executive Powers as granted in the City Charter. Also, that City Council adopt a supplemental budget resolution appropriating the funds.

A motion to approve was made by Council Member Bare and seconded by Council Member Jones.

The motion carried by the following vote:

Yes: 7 Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier,
 Teniade Broughton, Jared Moore, Allison Patton
No: 0 None

13. [2023-007](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2023-007 - PORT OF PENSACOLA - FLORIDA SEAPORT TRANSPORTATION ECONOMIC DEVELOPMENT (FSTED) GRANT #422354-3-94-04 - SEAPORT SECURITY GRANT

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2023-007.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Moore and seconded by Council Member Bare.

The motion carried by the following vote:

Yes: 7 Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier,
 Teniade Broughton, Jared Moore, Allison Patton
No: 0 None

REGULAR AGENDA (CONT'D.)

14. [23-00074](#) FY2023 FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION LIFESAVING EQUIPMENT GRANT

Recommendation: That City Council accept FY 2023 Firehouse Subs Public Safety Foundation Lifesaving Equipment Grant in the amount of \$27,900.00. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this grant, consistent with the terms of the grant and the Mayor's Executive Powers as granted in the City Charter. Also, that City Council adopt a supplemental budget resolution allocating the funds.

A motion to approve was made by Council Member Bare and seconded by Council Member Jones.

The motion carried by the following vote:

Yes: 7 Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier,
 Teniade Broughton, Jared Moore, Allison Patton
No: 0 None

15. [2023-009](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2023-009 - FY2023 FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION LIFESAVING EQUIPMENT GRANT

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2023-009

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Patton and seconded by Council Member Bare.

The motion carried by the following vote:

Yes: 7 Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier,
 Teniade Broughton, Jared Moore, Allison Patton
No: 0 None

REGULAR AGENDA (CONT'D.)

16. [2023-010](#) RESOLUTION NO. 2023-010 - INTERLOCAL AGREEMENT: PARTICIPATION IN A LOCAL GOVERNMENT INVESTMENT POOL

Recommendation: That City Council approve Resolution Number 2023-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA; APPROVING THE ENTRANCE INTO AN INTERLOCAL AGREEMENT WITH OTHER GOVERNMENTAL PARTICIPANTS FOR THE PURPOSE OF EXERCISING INVESTMENT POWER JOINTLY TO INVEST FUNDS IN CONCERT WITH OTHER PARTICIPANTS; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Bare and seconded by Council Member Patton.

The motion carried by the following vote:

Yes: 7 Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier,
 Teniade Broughton, Jared Moore, Allison Patton
No: 0 None

17. [07-23](#) PROPOSED ORDINANCE NO. 07-23 - AMENDING SECTIONS 6-3-10, 6-3-12, 6-3-15 AND 6-3-19 OF THE CODE OF THE CITY OF PENSACOLA - ALLOWING DOWNTOWN IMPROVEMENT BOARD (DIB) TO OPERATE PALAFOX MARKET WITHIN PLAZA FERDINAND

Recommendation: That City Council approve Proposed Ordinance No. 07-23 on first reading.

AN ORDINANCE AMENDING SECTIONS 6-3-10, 6-3-12, 6-3-15 AND 6-3-19 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ALLOWING DOWNTOWN IMPROVEMENT BOARD (DIB) TO OPERATE PALAFOX MARKET WITHIN PLAZA FERDINAND; REQUIRING INTERLOCAL AGREEMENT BETWEEN DIB AND CITY TO GOVERN OPERATION OF PALAFOX MARKET; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading was made by Council Member Bare and seconded by Council Member Moore.

Public input was heard from the following individuals:

Walker Wilson (DIB Executive Director)
Katie Bosso

REGULAR AGENDA (CONT'D.)

Mayor Reeves (sponsor) addressed Council regarding the use of the plaza for extension of the market (Item 17, P.O. No. 07-23).

There being no further discussion, the vote was called.

The motion carried by the following vote:

Yes: 7 Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier,
 Teniade Broughton, Jared Moore, Allison Patton
No: 0 None

18. [2023-012 RESOLUTION NO. 2023-012 - SUPPORT OF NATIONAL ESTUARY PROGRAM DESIGNATION FOR THE PENSACOLA AND PERDIDO BAYS ESTUARY PROGRAM](#)

Recommendation: That City Council adopt Resolution No. 2023-012 - Support of National Estuary Program Designation for the Pensacola and Perdido Bays Estuary Program.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA; IN SUPPORT OF NATIONAL ESTUARY PROGRAM DESIGNATION FOR THE PENSACOLA AND PERDIDO BAYS ESTUARY PROGRAM; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Bare and seconded by Council Member Moore.

The motion carried by the following vote:

Yes: 7 Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier,
 Teniade Broughton, Jared Moore, Allison Patton
No: 0 None

COUNCIL EXECUTIVE'S REPORT

Council Executive Kraher reminded Council of an upcoming workshop scheduled for February 15th beginning at 5:00 P.M. to discuss: 1) a proposed Handbook for Appointed Boards, Commissions, and Authorities; and 2) Short-term Rentals. He also advised the third-party audit of Re-Entry Alliance Pensacola (REAP) has been released and he will provide copies following adjournment.

MAYOR'S COMMUNICATION

Mayor Reeves addressed Council regarding recent hirings for positions of a grant writer and grant coordinator, along with tonight's appointment of an Economic & Neighborhood Development Director.

COUNCIL COMMUNICATIONS & CIVIC ANNOUNCEMENTS

Council Member Brahier announced an upcoming Bike Rodeo event to be held this Saturday at Hitzman Optimist Park.

Council Member Bare referenced materials sent by Council's staff for the upcoming workshop discussion regarding short-term rentals. He also advised he will be bringing forward an ordinance for Council's consideration to refer to the EAB for amendments to the Tree Trust Fund.

Council President Wiggins highlighted safety concerns in light of a city council member in a town in New Jersey who was recently killed and relayed his personal experience with him, his family, and home being surveilled.

Council Member Broughton shared about a recent book she received entitled *Standing Against Dragons: Three Southern Lawyers in an Era of Fear* by Sarah Hart Brown.

SECOND LEROY BOYD FORUM

Larry Downs, Jr.: Addressed issues related to the COVID-19 shutdown and made a public records request for records pertaining to the City's incentive pay to employees who received vaccination against COVID-19.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 6:33 P.M.

Adopted: _____

Approved: _____
Delarian Wiggins, President of City Council

Attest:

Ericka L. Burnett, City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00094

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: D.C. Reeves, Mayor

SUBJECT:

AWARD COOPERATIVE GSA PURCHASE CONTRACT TO CYCLOMEDIA FOR DATA COLLECTION AND PLAN COMPLETION FOR DESIGN OF THE CITY'S PAVEMENT MANAGEMENT PROGRAM

RECOMMENDATION:

That City Council award this contract to CYCLOMEDIA, the lowest and best responsible bidder, for a base price of \$177,040.00 plus 0% contingency in the amount of \$0.00 for a total contract price of \$177,040.00. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete this work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter. Finally, that City Council approve the transfer of \$202,040 from the Pavement Management Program project in LOST IV to the Roger Scott Pool/Bathroom project in LOST IV AND to approve the transfer of \$202,040 from the General Fund allocation for the Roger Scott Pool/Bathroom project for the award of the CYCLOMEDIA and Central Square contracts.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Public Works is implementing a pavement management plan for the previously programmed Pavement Management Program in LOST IV. The plan will incorporate Lidar field data collected by CYCLOMEDIA on existing roadway failures and defects and use that information to provide a rating score for each street in the Pavement Management Program. This information will be used to prioritize which roadway segments can be rehabilitated under LOST versus those which require programming for larger CIP projects. Additionally, this plan is the first step in setting the baseline for Public Work's new asset management strategy using the City's work order and asset management software named Lucity.

The City's software vendor for Lucity, Central Square, will take the data collected by CYCLOMEDIA and enter it into Lucity. The cost for Central Square to enter the data into Lucity will be \$24,999.07. Having that data in Lucity will allow Public Works to track the condition of City streets so that each year our paving budgets can be put towards what will provide the most benefit.

To facilitate the award of the contracts to CYCLOMEDIA and Central Square a total of \$202,040 will be reallocated from the funding General Fund's portion of the Roger Scott Pool/Bathroom project for the award of these contracts. A total of \$202,040 will also be reallocated from the Pavement Management Program project in LOST IV to the Roger Scott Pool/Bathroom project; so that there is no net change in total funding for either project.

PRIOR ACTION:

January 9, 2023 - City Council allocated \$600,000 in General Fund monies as well as \$600,000 in LOST IV monies for the Roger Scott Pool/Bathroom project.

September 7, 2022 - City Council tentatively approved the FY2023 budget that included the current year's allocation in LOST IV for the Pavement Management Program project in the amount of \$500,000

September 14, 2022 - City Council finally approved the FY2023 budget that included the current year's allocation in LOST IV for the Pavement Management Program project in the amount of \$500,000

FUNDING:

Budget: \$202,040 - General Fund monies reallocated from the Roger Scott Pool/Bathroom project

Actual: \$177,040.00 CYCLOMEDIA
\$ 24,999.07 Lucity
\$202,039.07

FINANCIAL IMPACT:

The City Council has allocated \$600,000 in the General Fund and \$600,000 in LOST IV monies for the Roger Scott Pool/Bathroom project for a total allocation of \$1,200,000. The existing balance appropriated by Council for the Pavement Program in LOST IV is \$1,841,101.

If this Council item is approved the total project budget for Roger Scott Pool/Bathrooms will remain \$1,200,000 with \$397,960 funded from the General Fund and \$802,040 funded from LOST IV.

The existing balance in the allocation in LOST IV for the Pavement Management Program will decrease to \$1,639,061, and \$202,040 in General Fund monies will be used to award the contracts to CYCLOMEDIA and Lucity.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

2/3/2023

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator
Amy Tootle, Public Works Director

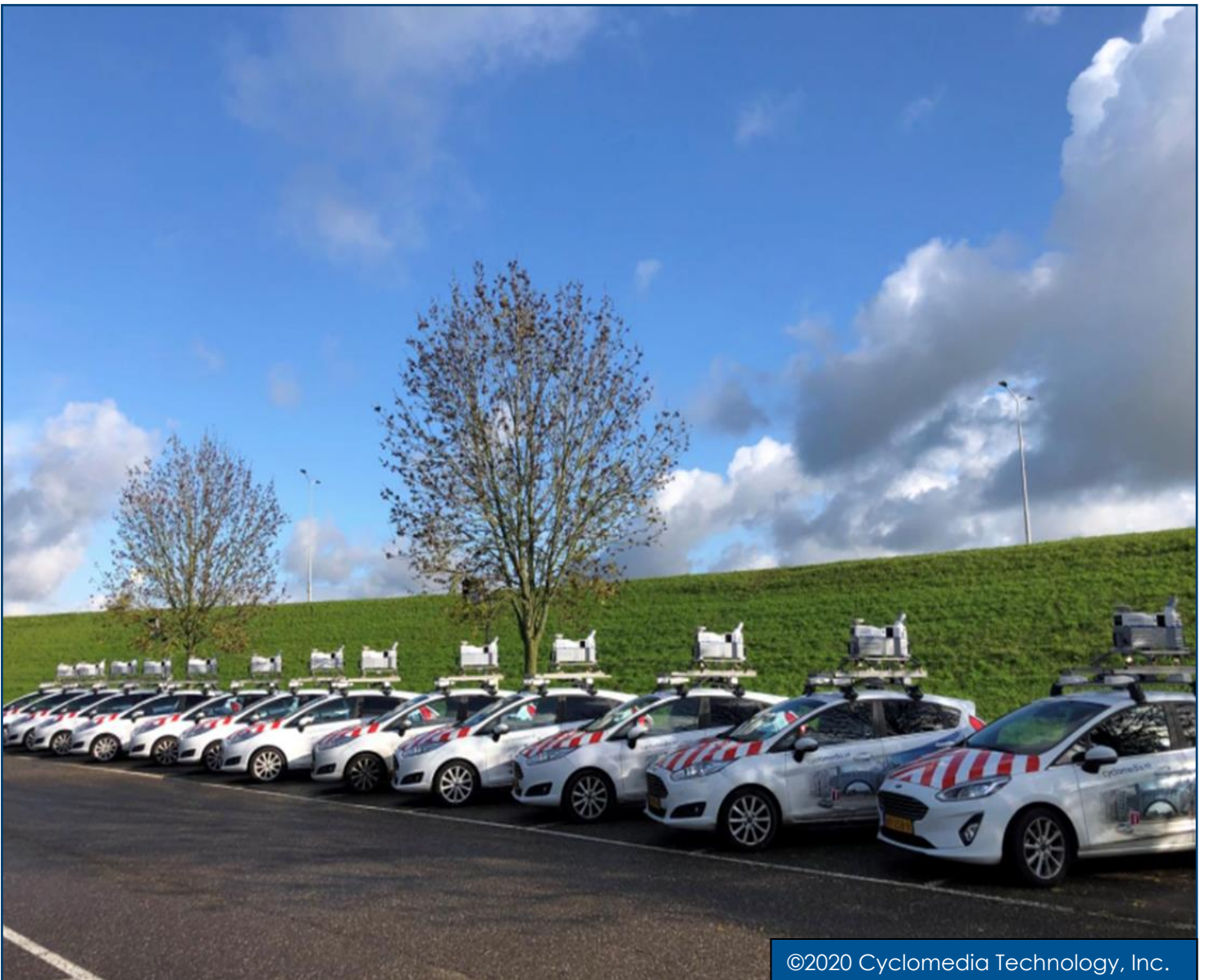
ATTACHMENTS:

- 1) CYCLOMEDIA Quote City of Pensacola FL ASTM 20230201
- 2) Central Square Q-123734 Services for EAM Expansion

PRESENTATION: No



City of Pensacola, FL Street Level Data Collection ASTM Pavement Analysis and MUTCD Sign Inventory



Cyclomedia Technology Inc.

Corporate Office: Madison, WI

Document prepared by: Danny Hendren, Director, Local Government Sales
502-609-5175 dhendren@cyclomedia.com

Price Proposal for the Area of Proposed Data Analytics:

Professional Services: 360° GeoCycloramas™ and mobile LiDAR will be captured for approximately **360 total miles** (which will include imagery capture and processing), that will be generated from the shapefiles provided by the city.

- Prices include cloud-based storage and access for the duration of the one year license term.
- All standard license terms and agreements apply. License agreement provided in link below
- The Client's access to and use of the Professional Services is subject to the City accepting and agreeing to the Cyclomedia End User Terms and Service Schedule (to be provided with License Agreement).
- Elevation Visualization Tool – tool generated from the LiDAR point cloud that allows users to rapidly visualize change in elevations and make measurements within the solution (i.e. water issues, slopes, crowns, potholes, etc.)
- ESRI integrations and add-ins for ArcGIS Pro and ArcGIS Online
- Privacy blurring of faces and license plates
- ASTM PCI pavement analysis – condition of roadways, segmented by the City's street centerline shapefile
- MUTCD traffic sign inventory and additional street name sign inventory
 - **This estimate is based on the following assumptions:**
 - Assets to be extracted
 - ASTM PCI road surface analysis (product spec included)
 - Sign inventory with MUTCD code (product spec included)
 - Street name sign inventory with MUTCD code (not street name)
 - Quantity - 360 miles of city maintained roadways

Software: One year license with unlimited logins for City staff to access GeoCycloramas using the Street Smart web application and API for the duration of the license term. Cyclomedia Street Smart API to be included with project to allow City to publish services using Cyclomedia 360° imagery in public web mapping applications.

Fee Schedule: Prices valid for 60 days from 11/04/2022

GeoCycloramas™ Imagery with LiDAR for 360 miles @ \$135.00 per mile = \$48,600.00

Privacy Filter Blurring for 360 miles = included with GeoCycloramas imagery

ASTM PCI pavement analysis for 360 miles @ \$170.00 per mile = \$61,200.00

MUTCD Sign inventory for 360 miles @ \$110.00 per mile = \$39,600.00

Street name addition for 360 miles @ \$54.00 per mile = \$19,440.00

Technical Support and Training for two years @ \$4,100.00 = \$8,200.00

Project Total: \$177,040.00

A mobilization fee of 30% of the imagery collection fee (\$16,200.00) will be invoiced on signing of the license agreement. The remaining 70% of the imagery collection fee (\$37,800.00) will be invoiced when imagery and LiDAR datasets are published and accessible to the city. The ASTM pavement evaluation, MUTCD / street name sign inventory and ESRI tools (\$123,040.00) will be invoiced when pavement analysis is delivered to the city.

This Budgetary Quote is an expression of intent only and is meant solely to be used as a negotiation aid by the parties. The parties acknowledge that they must complete negotiations, including negotiations on points beyond the scope hereof, which negotiations may also cause the terms set forth in this Budgetary Quote to be changed. Accordingly, the parties do not intend to be bound until they enter into definitive agreements regarding the subject matter of this Budgetary Quote. Cyclomedia's standard license agreement and terms and conditions of Cyclomedia services found at:

[LA SAAS USA Cyclomedia Technology 2020_200722.pdf](#)

DATA EXTRACTION SPECIFICATIONS

Detection distance of objects:

- Objects > 25cm x 25 cm: up to 10 meters from the car
- Objects > 50cm x 50 cm: up to 30 meters from the car
- Both only when the object is visible in at least 1 image.
- Objects beyond 30 meters do not have a quality specification.

Positional accuracy (absolute):

- The average standard deviation of all the measured points is 10 cm or 4" inches (1- σ) in all directions, except in long tunnels, woody areas, occluded areas and urban canyons where the positional accuracy is not specified.

Standard completeness/correctness of delivery:

- Goal is 95% of all the specified objects that are visible on the GeoCyclorama, and within distance spec. from the Cyclorama recording locations, are inventoried. Of the objects detected, 95% are expected to be accurately extracted and attributed.
- In tunnels, the objects are only inventoried if there is enough light to take photographs. Also, the positional accuracy will decrease inside tunnels.
- Quality control is done via a statistical process where the number of checks depends on the size of the dataset, based on the AQL method. 100% QA is not performed.

CONFIRMING DATA QUALITY

Cyclomedia will evaluate a random sample of data and if the quality is within the specifications, the data set is deemed accepted. Any correction of detected errors is at the sole option of Cyclomedia and does not change the acceptance of the entire data set. If the client does not provide written documentation of quality outside of specification within 15 days of delivery to the client, that data is deemed acceptance. Cyclomedia has 15 days from the receipt of any such documentation to respond, including if considered necessary by Cyclomedia, a plan to address the issues documented.

OTHER

Unless specified elsewhere, hosting of delivered data in a GIS environment is not included or is provided at additional cost.

If tax cutouts are included in the scope, there are additional requirements from the client to provide acceptable data to Cyclomedia to perform the project.

*Please refer to the two product specification manuals provided with this budgetary estimate

Pensacola, FL
Cyclomedia Estimate 10/21/2022

Map showing the city of Pensacola, FL, with major roads and highways. The map includes a scale bar (0 to 2 miles) and a north arrow.

Quote #: Q-123734**Primary Quoted Solution:** Enterprise Asset Mgmt**Quote expires on:** April 05, 2023**Quote prepared for:**

Paul Kelly

City of Pensacola

222 W. Main Street

Pensacola, FL 32502

(850) 436-5630

Thank you for your interest in CentralSquare. CentralSquare provides software that powers over 8,000 communities. More about our products can be found at www.centralsquare.com.

WHAT SERVICES ARE INCLUDED?

DESCRIPTION	TOTAL
1. Public Administration Consulting Services - As Incurred	12,780.00
2. Public Administration GIS Services - As Incurred	3,600.00
3. Public Administration Project Management Services - As Incurred	4,140.00
4. Public Administration Training Services - As Incurred	4,680.00
Services Subtotal	25,200.00 USD
Discount	- 200.93 USD
Services Total	24,999.07 USD

QUOTE SUMMARY

Services Subtotal

25,200.00 USD

Quote Subtotal	25,200.00 USD
-----------------------	---------------

Discount	- 200.93 USD
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Quote Total	24,999.07 USD
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WHAT ARE THE RECURRING FEES?

TYPE	AMOUNT
FIRST YEAR MAINTENANCE TOTAL	0.00
FIRST YEAR SUBSCRIPTION TOTAL	0.00

The amount totals for Maintenance and/or Subscription on this quote include only the first year of software use and maintenance. Renewal invoices will include this total plus any applicable uplift amount as outlined in the relevant purchase agreement.

BILLING INFORMATION

Fees will be payable within 30 days of invoicing.

Please note that the Unit Price shown above has been rounded to the nearest two decimal places for display purposes only. The actual price may include as many as five decimal places. For example, an actual price of \$21.37656 will be shown as a Unit Price of \$21.38. The Total for this quote has been calculated using the actual prices for the product and/or service, rather than the Unit Price displayed above.

Prices shown do not include any taxes that may apply. Any such taxes are the responsibility of Customer. This is not an invoice.

For customers based in the United States or Canada, any applicable taxes will be determined based on the laws and regulations of the taxing authority(ies) governing the "Ship To" location provided by Customer on the Quote Form.

PAYMENT TERMS

License Fees & Annual Subscriptions

- 100% Due Upon Contract Execution

Contract Startup

- 100% Due Upon Contract Execution

Hardware & Third-Party Software

- 100% Due Upon Contract Execution

Services

- Fixed Fee: 100% Due Upon Completion
- Time & Material: Due as Incurred
- Services Bundle: Fixed Fee, 100% Due Contract Execution

Third-Party Services

- Fixed Fee: 50% Due Upon Contract Execution; 50% Due Upon Completion

Travel & Living Expenses

- Due as Incurred

PURCHASE ORDER INFORMATION

Is a Purchase Order (PO) required for the purchase or payment of the products on this Quote Form? (Customer to complete)

Yes [] No []

Customer's purchase order terms will be governed by the parties' existing mutually executed agreement, or in the absence of such, are void and will have no legal effect.

PO Number: _____

Initials: _____

City of PensacolaSignature:

Name:

Date:

Title:



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00117

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: D.C. Reeves, Mayor

SUBJECT:

AWARD OF QUOTE FOR THE COLLEGE PARKWAY SIDEWALK PROJECT

RECOMMENDATION:

That City Council award the contract for the College Parkway Sidewalk Project to Gulf Beach Construction of Gulf Breeze, Florida, the lowest and most responsible bidder, for a base price of \$ 53,170.00 plus a bid alternate of \$12,560 for the total contract value of \$65,730.00 along with a 10% contingency amount of \$ 6,573.00. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete the work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The purpose of this project is the installation of ADA-compliant 4' wide sidewalks at College Parkway from the entrance to Broadview Farms subdivision to Langley Avenue.

The bid alternative work includes installation of ADA ramps, which currently don't exist as well as removal and replacement of 280 linear feet of existing non-ADA compliant sidewalks in the vicinity of College Parkway. The City solicited quotes from SBE's for this project due to its construction cost estimate coming in under the \$100,000 threshold. However, since Gulf Beach Construction now qualifies as a Tier 2 SBE, the award of quote must be approved by City Council.

PRIOR ACTION:

None.

FUNDING:

Budget:	\$ 138,093.00	LOST IV- College Blvd School Safety
	\$ 200,000.00	General Fund- Sidewalk Repairs

Actual:	\$ 53,170.00	Construction Cost- Base Bid
	\$ 12,560.00	Bid Alternate Cost
	\$ 6,573.00	Required Contingency
	\$ 11,906.72	Engineering Allocation
		(Survey, Design and Plans Production)
	<u>\$ 6,815.00</u>	<u>Engineering Management/Inspections (Estimate)</u>
	\$ 91,024.72	Total

FINANCIAL IMPACT:

The total budget for this project started as \$150,000.00. Of the \$150,000.00, \$11,906.72 has been spent on survey, engineering design, plans production, and bidding. The bid alternate portion of this project will be paid for from the General Fund - Sidewalk Repairs. The remainder will be paid for out of the LOST IV - College Blvd. School Safety funds.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

1/27/2023

STAFF CONTACT:

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator- Community Development

Amy Tootle, PE - Director of Public Works & Facilities

ATTACHMENTS:

- 1) Contract for College Parkway Sidewalk Project
- 2) Quote Tabulation - College Parkway Sidewalk Project
- 3) Location Map & Scope of Work for College Parkway Sidewalk Project

PRESENTATION: No

**CONTRACT BETWEEN CITY OF PENSACOLA AND
GULF BEACH CONSTRUCTION
BASED UPON QUOTE REQUEST**

THIS CONTRACT (“Contract”) is made this __day of _____, 20__, by and between the City of Pensacola (“City”), a Florida municipal corporation created and existing under the laws of the State of Florida, located at 222 W. Main Street, Pensacola, Florida 32502, and GULF BEACH CONSTRUCTION, (“Contractor”), a corporation authorized to do business in Florida, located at 1308 UPLAND CREST COURT, GULF BREEZE, FL 32563, (the City and Contractor collectively referred to hereinafter as the “Parties”).

WITNESSETH:

WHEREAS, the City requested quotes on January 17, 2023, as described in a project manual, scope of work, statement of work, or other document, and any applicable addenda, all such documents collectively referred to as the “Quote Documents” and attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, in response to the Quote Documents, the Contractor submitted to the City a proposal dated January 15, 2023, (“Proposal”) attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the City has accepted the Proposal; and

WHEREAS, the Parties desire the Contractor to perform the Contract as described in the Quote Documents and the Proposal and pursuant to the terms and conditions of this Contract; and

WHEREAS, the Parties desire to enter into this Contract;

NOW, THEREFORE, in consideration of the work to be performed and the payment for the performance of the work, of the mutual covenants and benefits contained herein, and for other good and valuable consideration, the Parties agree as follows:

Section 1. Recitals.

The recitals contained above are true and correct and are incorporated into this Contract.

Section 2. Contractor’s Obligations.

The Contractor shall perform all work and services described in, and in accordance with, the Contract. The Contractor warrants that all equipment, materials, and workmanship furnished, whether furnished by Contractor or its subcontractors or sub-suppliers, will comply with the Contract and any City specifications, drawings, and other descriptions supplied or adopted. The Contractor further warrants that the supplies and workmanship

will be new, fit, and sufficient for the purpose for which they are intended, of good materials, design, and workmanship, and free from defects or failure. The City or its duly authorized representative shall at all times have full opportunity to inspect the materials to be furnished and the work to be done under this Contract. The Contractor shall comply with all applicable federal, state, and local laws, ordinances, rules, and regulations pertaining to the performance of this Contract. The Contractor is responsible for and shall indemnify the City against all damage or loss caused by fire, theft, or otherwise to materials, tools, equipment, and consumables left on City property by the Contractor.

Section 3. Term of Contract.

Subject to the right of termination for cause or convenience, the term of this Contract shall be as specified in the attached Quote Documents and Proposal.

Section 4. Payment.

The Contractor agrees to perform all work and services in Section 2 and to furnish all necessary labor, materials, equipment, machinery, tools, apparatus, and means of transportation related to such work and services at Contractor's sole cost and expense, in consideration of the total amount of SIXTY-FIVE THOUSAND SEVEN HUNDRED THIRTY DOLLARS AND ZERO CENTS (\$65,730.00) to be paid by the City in accordance with the Contract upon the complete performance by Contractor, or based on unit prices if applicable, or based on partial payments approved by the City, only after written acceptance by the City pursuant to the Contract, and such payment in accordance with the Florida Prompt Payment Act. In the event that the Contractor does not fully perform its obligations under the Contract, the City reserves the right to withhold payments for work not performed, to engage an alternative contractor to complete work not performed, and to withhold such amounts as may be required to hold the City harmless from any claims or damages, direct, indirect or consequential, that may be sustained on account of the Contractor's acts or omissions in the performance of this Contract.

Section 5. Bond.

Is a bond required? ☐ Yes ☒ No

If yes: Contractor shall provide all bond(s) as required in the Contract. Should the City in the City's sole discretion at any time deem any of the sureties upon such bond to be unsatisfactory or if for any reason such bond shall cease to be adequate security for the City, the Contractor shall within five (5) days of written notice from the City furnish a new or additional bond in full sum and satisfactory to the City. No payment shall be deemed to be due or to be made to the Contractor unless and until such new or additional bond shall be furnished and approved in writing by the City. The premium and all expenses associated with such new or additional bond shall be paid by, and the sole responsibility of, the Contractor.

Section 6. Performance Schedule.

The Contractor shall commence and complete all work and services pursuant to the Contract.

Section 7. Necessary Approvals.

Contractor shall procure all permits, licenses, and certificates and any approvals in performance and completion of this Contract as may be required by federal, state, and local laws, ordinances, rules, and regulations, and in accordance with the Contract.

Section 8. No Waiver.

No waiver, alterations, consent, or modification of any of the provisions of the Contract shall be binding unless in writing and signed by the Mayor or his/her designee.

Section 9. Governing Law.

This Contract is governed and construed in accordance with the laws of the State of Florida. The law of the State of Florida shall be the law applied in the resolution of any claim, actions, or proceedings arising out of this Contract.

Section 10. Venue.

Venue for any claim, actions, or proceedings arising out of this Contract shall be Escambia County, Florida.

Section 11. No Discrimination.

Contractor shall not discriminate on the basis of any class protected by federal, state, or local law in the performance of this Contract.

Section 12. Assignment.

The rights and privileges conferred by this Contract shall not be assigned or transferred without the written consent of the City, which consent shall not be unreasonably withheld.

Section 13. No Other Agreements.

The Parties agree the Contract contains all the terms and conditions agreed upon by the Parties. No other agreements, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind either Party.

Section 14. Remedies for Failure to Perform or Breach of Contract.

The City reserves the right to seek all remedies available under law in the event of a failure to perform or other breach of this Contract by the Contractor, and the failure of the City to employ a particular remedy shall not be regarded by the Parties as a waiver of that or any other available remedy.

Section 15. Termination for Convenience.

The City may terminate this Contract without cause upon thirty (30) days prior written notice.

Section 16. Public Records Act.

The parties acknowledge and agree to fulfill all obligations respecting required contract provisions in any contract entered into or amended after July 1, 2016, in full compliance pursuant to Section 119.0701, *Florida Statutes*, and obligations respecting termination of a contract for failure to provide public access to public records. The parties expressly agree specifically that the contracting parties hereto shall comply with the requirements within Attachment "A" attached hereto and incorporated by reference.

Section 17. Mandatory Use of E-Verify System.

In compliance with the provisions of F.S. 448.095, the parties to this contract and any subcontractors engaged in the performance of this contract hereby certify that they have registered with and shall use the E-Verify system of the United States Department of Homeland Security to verify the work authorization status of all newly hired employees, within the meaning of the statute.

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

CONTRACTOR

CITY OF PENSACOLA, FLORIDA

GULF BEACH CONSTRUCTION
(Contractor's Name)

Mayor, D. C. Reeves

By [Signature]
President

Attest: City Clerk, Ericka L. Burnett

PAUL DORLING
(Printed President's Name)

Approved as to Substance:

Attest [Signature]
Corporate Secretary

Department Director

Legal in form and execution:

(CORPORATE SEAL)

City Attorney



Attachment "A"

PUBLIC RECORDS: Contractor shall comply with Chapter 119, Florida Statutes. Specifically, Contractor shall:

- A.** Keep and maintain public records required by the City to perform the service.
- B.** Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- C.** Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Contract term and following the completion of the Contract if Contractor does not transfer the records to the City.
- D.** Upon completion of the Contract, transfer, at no cost, to the City, all public records in possession of Contractor or keep and maintain public records required by the City to perform the service. If Contractor transfers all public records to the City upon completion of the Contract, Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Contractor keeps and maintains public records upon completion of the Contract, Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request of the City's custodian of public records, in a format that is compatible with the information technology systems of the City.

Failure by Contractor to comply with Chapter 119, Florida Statutes, shall be grounds for immediate unilateral cancellation of this Contract by the City.

IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE PUBLIC RECORDS COORDINATOR AT:

THE OFFICE OF THE CITY CLERK, (850) 435-1715

PUBLCRECORDS@CITYOFPENSACOLA.COM

222 WEST MAIN STREET, PENSACOLA, FL 32502

EXHIBIT A

QUOTE DOCUMENTS ON FILE IN PUBLIC WORKS & FACILITIES, Engineering & Construction Services

EXHIBIT B

PROPOSAL

The pages following Exhibit B are the documents comprising the Proposal dated, January 15, 2023, which Contractor submitted in response to the Bid Documents, are hereby incorporated by reference into this Contract. The Proposal includes all attachments and addenda submitted by Contractor in response to the Bid Documents, which are also hereby incorporated into this Contract by reference.

DATE 1/15/2023

PROPOSAL

THE MAYOR
CITY OF PENSACOLA
PENSACOLA, FLORIDA

RECEIVED

JAN 17 2023

ENGINEERING

SUBMITTED: Gulf Beach Construction
Name of Company

The undersigned, as quoter hereby declares that the only person or persons interested in the Proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this Proposal or in the Contract to be entered into; that this Proposal is made without connection with any other person, company or parties making a quote or proposal; and that it is in all respect fair and in good faith without collusion or fraud.

The quoter further declares that he has examined the site of the work and has informed himself fully in regard to all conditions pertaining to the place where the work is to be done; that he has examined the plans and specifications for the work and the contractual documents relative thereto, including the Advertisement, Proposal Form, Form of Contract, General Conditions, and all specific conditions; and that he has satisfied himself relative to the work to be performed.

The quoter proposes and agrees, if this Proposal is accepted, that it will not discriminate on the basis of race, creed, color, national origin, sex, age or disability and to contract with the City of Pensacola in the form of contract specified, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation, and labor necessary to complete the:

COLLEGE PARKWAY NEW SIDEWALK PROJECT

for the total base quote of Sixty Five Thousand Seven Hundred Thirty

(\$ 65,730.00)

***A Signed Quantity Sheet must also be submitted for quote to be considered.**

The quoter further proposes and agrees hereby to commence the work with an adequate force and equipment within (10) consecutive calendar days after being notified by the City of Pensacola to do so; and to complete the work and testing within (60) calendar days after the commencement date set by the City of Pensacola and to pay a delay penalty the sum of (\$500.00) for each and every calendar day used for the final completion of the work in excess of that heretofore stated.

The undersigned further agrees that in case of failure on his part to execute the said Contract within ten (10) calendar days after written notice being given of the award of the Contract, the City reserves the right to award the contract to the next lowest quoter.

Signature Paul Dorlag

Printed Name: Paul Dorlag

Company: Gulf Beach Construction

Address: 1308 Upland Crest Ct

City: Gulf Breeze

State: Florida ZIP 32563

Telephone: 850-341-5035

Email: gulfbeachconstruction@hotmail.com

Florida Department of Professional Regulation
Contractor's Certification or Registration
No. 72732, Expiration Date 9/30/2023

RECEIVED

JAN 17 2023

ENGINEERING

CITY OF PENSACOLA - ENGINEERING AND CONSTRUCTION SERVICES

QUANTITY SHEET

COLLEGE PARKWAY SIDEWALK PROJECT

12-12-2022

BASE BID LINE ITEMS

No	Category	Quantity	Units	Unit Price	Total Cost
1	Demolition/Layout (incl. clearing, grubbing)	1	LS	10250.00	10250.00
2	Tree Removal	5	EA	2750.00	13750.00
3	Mobilization and Demobilization	1	LS	2550.00	2550.00
4	Erosion Control* (incl. silt fence, outlet protection, haybales, sediment sump, etc.)	1	LS	1500.00	1500.00
5	4" Thick by 4' Wide Fiber Reinforced Concrete Sidewalk	574	LF	30.00	17220.00
6	ADA-compliant curb ramp with mat included (per FDOT index 304)	2	EA	800.00	1600.00
7	Relocate Traffic Signs	1	EA	550.00	550.00
8	Adjust Existing Water Valves (Rings and Boxes To Be Provided By Contractor) includes concrete collar	1	EA	425.00	425.00
9	Remove and Relocate Landscaping (incl. shrubs, bushes, crepe myrtles, etc.)	1	LS	1450.00	1450.00
10	Restore Private Irrigation Found in the Right of Way	1	LS	675.00	675.00
11	Sod to Match Existing Species	400	SY	7.00	2800.00
12	3" Top Soil	400	SY	1.00	400.00
				BASE BID TOTAL:	53170.00

BID ALTERNATE LINE ITEMS

No	Category	Quantity	Units	Unit Price	Total Cost
1	Remove and Replace Broken Concrete Sidewalk	280	LF	42.00	11760.00
2	ADA-compliant curb ramp with mat included (per FDOT index 304) at College and Palisade	1	EA	800.00	800.00
				BID ALTERNATE TOTAL:	12560.00
				BASE BID PLUS BID ALTERNATE TOTAL:	65730.00

NOTES

1. Bid shall include all associated earthwork and necessary back-sloping as determined by the City of Pensacola
2. This bid proposal contains line items which may not be called out on the plans. Such items have been included to address potential unforeseen conditions.

Bidder: Gulf Beach Construction
 Name of Company (Please Print)
 By: Paul Dorlag
 Authorized Representative (Please Print)
 Title: President
 Address: 1308 Upland Crest Court
 Telephone: 850-341-5035

Date: 1/15/2023
Paul Dorlag
 Signature
Gulf Breeze Florida 32563
 City/State/Zip Code
 Email address: gulfbeachconstruction@hotmail.com

DRUG-FREE WORKPLACE CERTIFICATE**ENGINEERING**

IDENTICAL TIE QUOTES - Pursuant to Section 287.087, Florida Statutes, preference shall be given to business with Drug-Free Work Place Programs. Whenever two or more quotes which are equal with respect to price, quality, and service are received for the procurement of commodities or contractual services, a quote received from a business that certifies that it has implemented a drug-Free Work Place Program shall be given preference in the award process. Established procedures for processing tie quotes will be followed if none of the tied vendors have a Drug-Free Work Place Program. In order to have a Drug-Free Work Place Program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the work place and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the work place, the business' policy of maintaining a Drug-Free Work Place, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nob contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the work place no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free work place through implementation of this section.

AS THE PERSON AUTHORIZED TO SIGN THE STATEMENT, I CERTIFY THAT THIS FIRM COMPLIES FULLY WITH THE ABOVE REQUIREMENTS.

Paul Dorlag

VENDOR'S SIGNATURE

RECEIVED

JAN 17 2023

ENGINEERING

City of Pensacola
Florida

CERTIFICATION
for
EROSION AND SEDIMENTATION COMPLIANCE

All site excavation and site disturbance shall comply with the following federal, state and local regulations related to erosion and sedimentation:

- A. Federal Clean Water Act as amended in 1987
- B. State Florida Statutes, Chapter 373 and 403, and the rules promulgated thereunder
- C. Local Code of the City of Pensacola, Chapter 12-9

By signature of its undersigned authorized representative, the Bidder hereby assures the City of Pensacola that any soil-disturbing activities performed by the Bidder will comply with all applicable federal, state, and local regulations.

The cost of compliance with applicable erosion and sedimentation regulations is estimated by the Bidder to be \$ 1500.00, which cost is included in the amount of the bid.

The specific methods of compliance with applicable federal, state, and local regulations and the associated costs are as follows:

Install silt fence and inlet protection systems where needed

Paul Dorlag

Authorized Official

**52.209-5 FAR Certification Regarding Debarment, Suspension,
Proposed Debarment, and Other Responsibility Matters**

ENGINEERING

1. The Offeror certifies, to the best of its knowledge and belief, that the Offeror and/or any of its Principals:
 - A. Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency.
 - B. Have not, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
 - C. Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph 1-B of this provision.
2. The Offeror has not, within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.
 - A. "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under Section 1001, Title 18, United States Code.

- B. The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- C. A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.

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JAN 17 2023

- D. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- E. The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

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**52.209-6 FAR Protecting the Government's Interest When Subcontracting
with Contractors Debarred, Suspended, or Proposed for Debarment**

ENGINEERING

1. The Government suspends or debars Contractors to protect the Government's interests. The Contractor shall not enter into any subcontract in excess of \$25,000 with a Contractor that is debarred, suspended, or proposed for debarment unless there is a compelling reason to do so.
2. The Contractor shall require each proposed first-tier subcontractor, whose subcontract will exceed \$25,000, to disclose to the Contractor, in writing, whether as of the time of award of the subcontract, the subcontractor, or its principals, is or is not debarred, suspended, or proposed for debarment by the Federal Government.
3. A corporate officer or a designee of the Contractor shall notify the Contracting Officer, in writing, before entering into a subcontract with a party that is debarred, suspended, or proposed for debarment (see FAR 9.404 for information on the Excluded Parties List System). The notice must include the following:
 - A. The name of the subcontractor.
 - B. The Contractor's knowledge of the reasons for the subcontractor being in the Excluded Parties List System.
 - C. The compelling reason(s) for doing business with the subcontractor notwithstanding its inclusion in the Excluded Parties List System.
 - D. The systems and procedures the Contractor has established to ensure that it is fully protecting the Government's interests when dealing with such subcontractor in view of the specific basis for the party's debarment, suspension, or proposed debarment.

Gulf Beach Construction

Company Name

Paul Dorlag

Authorized Signature

Paul Dorlag

Printed Name

1/15/2023

Date

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JAN 17 2023

ENGINEERING

VETERAN BUSINESS ENTERPRISE PARTICIPATION FORM

In order to foster economic development and business opportunities for service-disabled veterans and wartime veterans who have made extraordinary sacrifices on behalf of the nation, the City of Pensacola has adopted a Veteran Business Enterprise (“VBE”) Preference. For further information regarding this program, please refer to Section 3-3-12 AND 3-3-13 of the Code of the City of Pensacola.

In order for a respondent to receive credit for being VBE vendor, it must perform useful business functions on the contract, have its principal place of business in Escambia or Santa Rosa County and be certified as a veteran business enterprise by the State of Florida Department of Management Services (“DMS”) as set forth in Section 295.187 of the Florida Statutes as of the date set for submittal of bids. For purposes of the City’s VBE Program, the respondent’s principal place of business must be within Escambia County, FL, or Santa Rosa County, FL.

There shall be no third party beneficiaries of the Veteran Business Enterprise Preference provisions of this solicitation or resulting contract. The City of Pensacola shall have the exclusive means of enforcement of the Veteran Business Enterprise Preference Ordinance and any contract terms. The City of Pensacola is the sole judge of compliance. All solicitations and submittals awarded will be evaluated in accordance with the Code of the City of Pensacola.

If the Respondent is a qualifying VBE, please complete the boxes below:

Respondent’s Name:	Respondent’s Principle Place of Business	Florida Certification Number as issued by State of Florida DMS:
NA		

TABULATION OF QUOTES



TITLE: COLLEGE PARKWAY SIDEWALK PROJECT

Submittals Due:	GULF BEACH CONSTRUCTION INC	
January 17,2023 2:30 P.M.		
Department:	Gulf Breeze, FL	
Engineering		FUND SOURCE
Base Bid	\$53,170.00	LOST IV- College Blvd School Safety
Bid Alternate	\$12,560.00	GENERAL FUND- ADA Curb Repair

Location Map For

College Parkway Sidewalk Project

Legend

-  New Sidewalk
-  Sidewalk Repair



**COLLEGE PARKWAY
NEW SIDEWALK PROJECT**

**City of Pensacola
Scope of Work – November 2022**

The work under this contract consist of installation of new sidewalk on the east side of College Parkway. The limits of the proposed work are detailed in the table below.

BASE BID LIST:

Street Name	From	To	Length
College Parkway	Entrance to Broadview Farms Subdivision	Langley Avenue	574'

Specifically, the scope of this project is the installation of ADA-compliant 4' wide sidewalks. The efforts associated with this project include, but are not limited to, excavation, removal/replacement of existing landscaping, site grading, installation of form work, restoration of irrigation, and concrete work. All work shall be in accordance with the general notes, specifications, and construction plans included as part of this project manual. The contractor shall bid this project according to the constraints of the general notes, specifications, and construction plans. A site visit to determine any unforeseen issues it strongly recommended. No night work shall be permitted on this project.

The bid alternate work include installation of one ADA ramp, at Langley and Palisades, which currently doesn't exist. In addition, removal and replacement of 280lf of sidewalk which is currently not ADA compliant. The locations of sidewalks needing replacing are as follows:

Street Name	From	To	Length
College Parkway	Entrance to First City Drugs	Northern Entrance to Broadview Oaks Apartments	240'
Langley Avenue	Goodrich Dr	Sanders Ave	40'

Contractor's work shall include the necessary coordination of all irrigation and landscaping with respective owners and to timely address any potential conflicts with required work. All sod placed shall be properly watered and maintained until permanently rooted/established to the satisfaction of the City.

Maximum access shall be provided to the property owners at all times during construction. Care shall be exercised to not cause any damage to adjacent infrastructure being left in-place during reconstruction. Any such damage shall be the responsibility of the contractor.



Memorandum

File #: 23-00122

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: D.C. Reeves, Mayor

SUBJECT:

APPROVAL OF THE LOCALLY FUNDED AND THREE-PARTY ESCROW AGREEMENTS BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF PENSACOLA, FLORIDA FOR THE CONSTRUCTION OF THE PALAFOX STREET ROAD DIET FROM CERVANTES STREET TO SCOTT STREET

RECOMMENDATION:

That City Council approve the Locally Funded and Three-Party Escrow Agreements between the City of Pensacola and FDOT. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this agreement, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Florida Department of Transportation (FDOT) is completing the design phase of their planned Resurfacing, Restoration and Rehabilitation (RRR) project from approximately Scott Street to Brent Lane, which is programmed for construction solicitation Spring 2023. Following multiple conversations between FDOT and the City attempting to identify funding for a road diet of Palafox Street from Cervantes north to the City limit, FDOT agreed to incorporate our request into the aforementioned RRR project with the understanding that FDOT will cover the costs for the road diet design and oversee project management, whereas the City will cover the costs for the road diet construction.

On 02/24/2022, City Council approved a Resolution supporting the extension of the limits of the RRR project to include the road diet (4 lanes to 2 lanes) from Cervantes Street to Scott Street. The extended limits will incorporate the road diet design (four travel lanes to two travel lanes) to only include (2) 11-foot travel lanes, 7-foot bicycle lanes with 6-foot buffered bicycle lanes (striped), re-striping and high emphasis crosswalks at the signalized intersections. Due to existing roadway width constraints, buffered bicycle lane widths may be reduced where turn lanes exist. Resurfacing, restoration, and rehabilitation of this segment of Palafox Street is not part of the scope.

FDOT agreed to cover the design costs and provided a preliminary construction cost estimate of \$1,171,720, with the understanding that when they had a more developed plan and updated cost

estimate, the City would enter into a Locally Funded Agreement with the FDOT. FDOT has come back to the City with an anticipated construction cost estimate of \$1,144,298, which is \$27,422 less than the original estimate. By entering into this agreement with FDOT, if the accepted construction bid amount comes in over the current construction cost estimate of \$1,144,298, the City will be responsible for the additional amount. If the accepted construction bid amount comes in under the current construction cost estimate, the City can request a refund from the FDOT in that amount. The City currently has an allocated amount of \$1,200,000 of LOST IV Funding dedicated to this project.

PRIOR ACTION:

City Council approved Resolution No. 2022-029 on February 24, 2022, to support FDOT extending the limits of their RRR project to include additional road diet design on Palafox Street, from Scott Street south to Cervantes Street.

FUNDING:

Budget: \$ 1,200,000.00 LOST IV - Palafox Road Diet

Actual: \$ 1,144,298.00 FDOT Construction Cost Estimate

FINANCIAL IMPACT:

The total budget for this project is \$1,200,000 and is available through the LOST IV Plan.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

2/13/2023

STAFF CONTACT:

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator - Community Development

Amy Tootle, PE - Director Public Works and Facilities

ATTACHMENTS:

- 1) 432568-1 SR 95-US29 Palafox St-Locally Funded Agreement
- 2) 432568-1 SR 95-US29 Palafox St-Three Party Escrow Agreement
- 3) Palafox Road Diet Map
- 4) Resolution No. 2022-029 FDOT

PRESENTATION: No

**LOCALLY FUNDED AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF PENSACOLA, FLORIDA**

Project No: 432568-1-52-02

This Locally Funded Agreement (“AGREEMENT”) is between the State of Florida, Department of Transportation (“DEPARTMENT”), and the City of Pensacola, Florida (“PARTICIPANT”).

RECITALS

1. The DEPARTMENT is preparing to reduce the Four (4) Lane Typical Roadway to a Two (2) Lane/Two (2) Way Roadway with left turn lanes at various intersections and add two (2), seven (7) foot bicycle lanes with varying width buffer zones from Cervantes Street to West Scott Street in Escambia County, Florida, under Financial Project Number 432568-1-52-02 programmed in the Department’s Fiscal Year 2023. The construction phase shall be called the PROJECT for purposes of this AGREEMENT; and
2. The DEPARTMENT will undertake and administer the PROJECT, and PARTICIPANT will pay for the costs of the PROJECT.
3. DEPARTMENT is authorized to enter into this AGREEMENT by Section 339.12, Florida Statutes, F.S., and other sections of the Florida Transportation Code, and PARTICIPANT has approved this AGREEMENT and authorized its duly authorized representative to sign on its behalf as set forth in the attached Resolution No: _____, dated _____.

Therefore, the DEPARTMENT and the PARTICIPANT agree as follows:

4. The facts stated in the recitals above in Paragraphs 1 through 3 are true and correct and are incorporated into and made a part of this AGREEMENT.
5. The PARTICIPANT agrees that it will, within fourteen (14) calendar days from the DEPARTMENT’s written notice to the PARTICIPANT, furnish the DEPARTMENT an advance deposit in the amount of **ONE MILLION ONE HUNDRED FORTY-FOUR THOUSAND TWO HUNDRED NINETY-EIGHT and 00/100 DOLLARS \$1,144,298.00** for payment of the estimated PROJECT costs. The DEPARTMENT may utilize this deposit for payment of the costs of the PROJECT.
6. The DEPARTMENT may, in its discretion, decide to delay or cancel the PROJECT without liability to the DEPARTMENT if the PARTICIPANT fails to furnish the advance deposit as provided for in Paragraph 5.
7. If the accepted bid amount is in excess of the advance deposit amount, the PARTICIPANT will provide an additional deposit within fourteen (14) calendar days of notification from the

DEPARTMENT or prior to posting of the accepted bid, whichever is earlier, so that the total deposit is equal to the bid amount. The DEPARTMENT will notify the PARTICIPANT as soon as it becomes apparent the accepted bid amount is in excess of the advance deposit amount. However, failure of the DEPARTMENT to so notify the PARTICIPANT shall not relieve the PARTICIPANT from its obligation to pay for its full participation on final accounting as provided herein below. If the PARTICIPANT cannot provide the additional deposit within fourteen (14) days, a letter must be submitted to and approved by the DEPARTMENT's project manager indicating when the deposit will be made. The PARTICIPANT understands the request and approval of the additional time could delay the PROJECT, and additional costs may be incurred due to a delay of the PROJECT.

8. If the accepted bid amount is less than the advance deposit amount, the DEPARTMENT will refund the amount that the advance deposit exceeds the bid amount if such refund is requested by the PARTICIPANT in writing.
9. Should PROJECT modifications or changes occur that increase the PARTICIPANT's share of total PROJECT costs, the PARTICIPANT will be notified by the DEPARTMENT accordingly. The PARTICIPANT agrees to provide, without delay, in advance of the additional work being performed, adequate funds to ensure that cash on deposit with the DEPARTMENT is sufficient to fully fund the PROJECT. The DEPARTMENT shall notify the PARTICIPANT as soon as it becomes apparent the actual costs will overrun the award amount. However, failure of the DEPARTMENT to so notify the PARTICIPANT shall not relieve the PARTICIPANT from its obligation to pay for the PROJECT during the PROJECT and on final accounting as provided herein below. Funds due from the PARTICIPANT during the PROJECT not paid within forty (40) calendar days from the date of the invoice are subject to an interest charge at a rate established pursuant to Section 55.03, F.S.
10. The DEPARTMENT intends to have its final and complete accounting of all costs incurred in connection with the work performed hereunder within three hundred and sixty (360) days of final payment to the Contractor. The DEPARTMENT considers the PROJECT complete when the final payment has been made to the Contractor, not when the construction work is complete. All PROJECT cost records and accounts shall be subject to audit by a representative of the PARTICIPANT for a period of three (3) years after final close out of the PROJECT. The PARTICIPANT will be notified of the final cost. Both parties agree that in the event the final accounting of total project costs pursuant to the terms of this AGREEMENT is less than the total deposits to date, a refund of the excess will be made by the DEPARTMENT to the PARTICIPANT. If the final accounting is not performed within three hundred and sixty (360) days, the PARTICIPANT is not relieved from its obligation to pay.
11. In the event the final accounting of total project costs is greater than the total deposits to date, the PARTICIPANT will pay the additional amount within forty (40) calendar days from the date of the invoice from the DEPARTMENT. The PARTICIPANT agrees to pay interest at a rate as established pursuant to Section 55.03, F.S., on any invoice not paid within forty (40) calendar days until the invoice is paid.

12. The payment of funds under this AGREEMENT will be made directly to the DEPARTMENT for deposit and as provided in the attached Three-Party Escrow Agreement between PARTICIPANT, DEPARTMENT and the State of Florida, Department of Financial Services, Division of Treasury.

13. Notices pursuant to this AGREEMENT shall be sent by U.S. Mail to the following:

FOR THE PARTICIPANT:

City of Pensacola, Florida
Attn: Amy Tootle, Director of Public Works and Facilities
2757 North Palafox Street
Pensacola, Florida 32501
Phone: (850) 435-1755
Federal Employer ID No (FEIN): 59-6000406

FOR THE DEPARTMENT:

Florida Department of Transportation
Attn: District Three Local Programs Administrator
1074 Highway 90
Chipley, Florida 32428
Phone: (850) 330-1227

14. The following provisions of Section 339.135(6)(a), F.S., are incorporated:

The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection shall be null and void, and no money may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of \$25,000.00 and which have a term for a period of more than 1 year.

15. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understanding applicable to the matters contained in this agreement and the parties agree that there are no commitments, agreements or understanding concerning the subject matter of this AGREEMENT that are not contained in this document. Accordingly, it is agreed that no deviation from the terms of this AGREEMENT shall be predicated upon any prior representation or agreements whether oral or written. It is further agreed that no modification, amendment, or alteration in the terms or conditions contained in this AGREEMENT shall be effective unless contained in a written properly executed document.

16. This AGREEMENT shall not be more strictly construed against either party because one party drafted or prepared any or all of the terms and provisions.
17. This AGREEMENT shall be governed by and interpreted in accordance with the laws of the State of Florida.
18. This AGREEMENT may be executed in two or more counterparts, each of which shall be an original but all of which shall be deemed to be but one agreement.
19. The PARTICIPANT:
 - (a) Shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the PARTICIPANT during the term of the contract; and
 - (b) Shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.
20. This AGREEMENT shall become effective when all Parties have signed it. The date this AGREEMENT is signed by the last party to sign it, as indicated by the date set out under that party's signature, shall be deemed the date of this AGREEMENT.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the PARTICIPANT and the DEPARTMENT have executed this AGREEMENT by their authorized representatives.

PARTICIPANT:

CITY OF PENSACOLA, FLORIDA

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____
(SEAL)

Legal in Form and Valid as Drawn:

Participant Attorney

DEPARTMENT:

STATE OF FLORIDA,
DEPARTMENT OF TRANSPORTATION

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____
Executive Secretary (SEAL)

Department Legal Review:

Office of the General Counsel

THREE-PARTY ESCROW AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of Florida, Department of Transportation ("FDOT"), City of Pensacola, Florida, a political subdivision of the State of Florida ("Participant"), and the State of Florida, Department of Financial Services, Division of Treasury ("Escrow Agent"), and shall become effective upon the Agreement's execution by Escrow Agent.

WHEREAS, FDOT and Participant are engaged in the following project ("Project"):

Project Name:	Construction of Four (4) Lane Typical Roadway to a Two (2) Lane/Two (2) Way Roadway with left turn lanes at various intersections and add two (2), seven (7) foot bicycle lanes with varying width buffer zones from Cervantes Street to West Scott Street
Project No:	432568-1-52-02
County:	Escambia

WHEREAS, FDOT and Participant desire to establish an escrow account for the project.

NOW THEREFORE, in consideration of the premises and the covenants contained herein, the Parties agree to the following:

1. An initial deposit will be made into an interest-bearing escrow account established hereunder for the purposes of the Project. The escrow account will be opened with the Escrow Agent on behalf of FDOT upon Escrow Agent's receipt and execution of this Agreement.
2. Other deposits to the escrow account may be made during the life of this agreement.
3. Deposits will be delivered in accordance with instructions provided by the Escrow Agent to the FDOT for deposit into the escrow account. A wire transfer or ACH deposit is the preferred method of payment and should be used whenever possible.
4. FDOT's Comptroller or designee shall be the sole signatory on the escrow account with the Escrow Agent and shall have sole authority to authorize withdrawals from the account. Withdrawals will only be made to FDOT or the Participant in accordance with the instructions provided to the Escrow Agent by FDOT's Comptroller or designee.
5. Moneys in the escrow account will be invested in accordance with section 17.61, Florida Statutes. The Escrow Agent will invest the moneys expeditiously. Income is only earned on the moneys while invested. There is no guaranteed rate of return. Investments in the escrow account will be assessed a fee in accordance with Section 17.61(4)(b), Florida Statutes. All income of the investments shall accrue to the escrow account.
6. Unless instructed otherwise by FDOT, all interest accumulated in the escrow account shall remain

in the account for the purposes of the Project.

7. The Escrow Agent agrees to provide written confirmation of receipt of funds to FDOT. FDOT agrees to provide a copy of such written confirmation to Participant upon request.
8. The Escrow Agent further agrees to provide quarterly reports to FDOT concerning the escrow account. FDOT agrees to provide a copy of such quarterly reports to Participant upon request.
9. The Escrow Agent shall not be liable for any error of judgment or for any act done or omitted by it in good faith, or for anything which it may in good faith do or refrain from doing in connection herewith.
10. Escrow Agent shall have no liability for any claim, cost, expense, damage or loss due to the acts or omissions of FDOT and Participant, nor from any separate agreements between FDOT and Participant and shall have no responsibility to monitor or enforce any responsibilities herein or in any separate agreements associated with this Agreement between FDOT and Participant.
11. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Florida.
12. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
13. This Agreement shall terminate upon disbursement by the Escrow Agent of all money held by it in the escrow account in accordance with the instructions given by FDOT's Comptroller or designee and notification from FDOT to Escrow Agent that the account is to be closed.

The remainder of this page is intentionally blank.

IN WITNESS WHEREOF, the PARTICIPANT and the DEPARTMENT have executed this THREE-PARTY ESCROW AGREEMENT by their authorized representatives.

PARTICIPANT:

PENSACOLA, FLORIDA
FEIN: 59-6000406

By: _____

Name: _____

Title: _____

Date: _____

Attest:

(SEAL) _____
Deputy Clerk

Legal in Form and Valid as Drawn:

DEPARTMENT:

STATE OF FLORIDA,
DEPARTMENT OF TRANSPORTATION
FEIN: 59-3024028

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____

Executive Secretary (SEAL)

Department Legal Review:

Office of the General Counsel

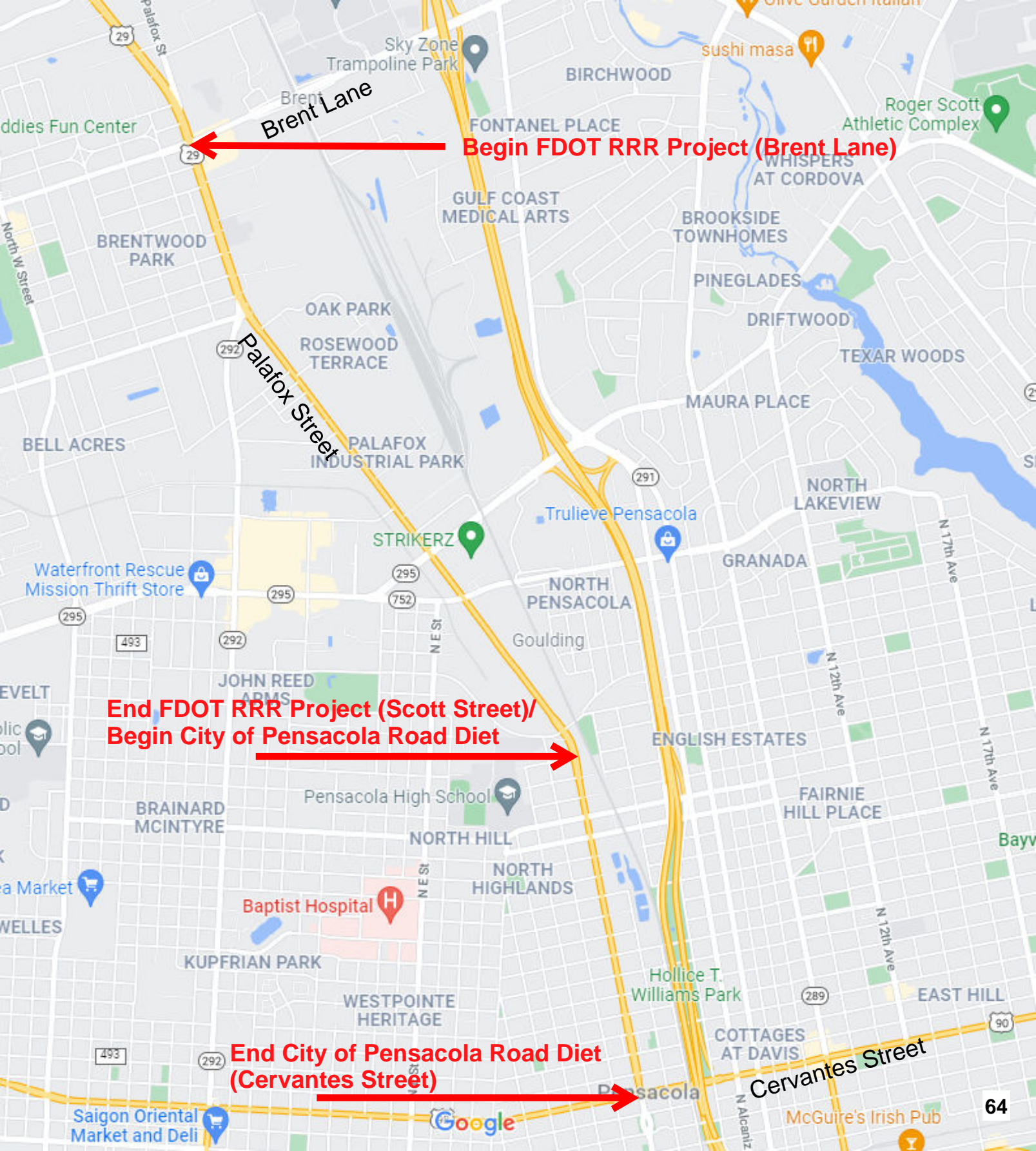
ESCROW AGENT:

By: _____

Name: _____

Title: _____

Date: _____



Begin FDOT RRR Project (Brent Lane)

**End FDOT RRR Project (Scott Street)/
Begin City of Pensacola Road Diet**

**End City of Pensacola Road Diet
(Cervantes Street)**

RESOLUTION
NO. 2022-029

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, EXPRESSING SUPPORT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION TO INCORPORATE ADDITIONAL ROAD DIET DESIGN ON PALAFOX STREET, FROM SCOTT STREET SOUTH TO CERVANTES STREET, INTO THEIR PLANNED RESURFACING, RESTORATION, AND REHABILITATION PROJECT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pensacola looks for opportunities to become a more bicycle and pedestrian friendly community; and

WHEREAS, the Florida Department of Transportation previously evaluated the section of Palafox Street from Scott Street to Cervantes Street and determined a Road Diet was acceptable; and

WHEREAS, the Florida Department of Transportation currently has a Resurfacing, Restoration and Rehabilitation (RRR) project in design for Palafox Street from Brent Lane to Scott Street; and

WHEREAS, the Florida Department of Transportation agrees to extend the limits of its RRR design project to include a Road Diet design from Scott Street south to Cervantes Street, specifically, a re-striping on Palafox Street to incorporate parking and bicycle elements; and

WHEREAS, the City of Pensacola agrees to enter into a Local Funding Agreement after the design completion, which would include the City of Pensacola contributing the funding necessary for the construction phase of the Road Diet design on Palafox Street from Scott Street south to Cervantes Street;

WHEREAS, the Florida Department of Transportation's design project will only include re-striping on Palafox Street and will not include any other resurfacing, restoration, or rehabilitation in relation to the Road Diet contemplated herein;

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

SECTION 1. That the above-stated recitals are true and correct and incorporated herein by reference.


SECTION 2. That the Road Diet Project is endorsed by the City Council of the City of Pensacola as serving an unmet vital transportation need for the public health, safety, and welfare of the citizens of Pensacola.

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: February 24, 2022

Approved: 
President of City Council

Attest:


City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00134

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: D.C. Reeves, Mayor

SUBJECT:

AWARD OF MASTER AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR AIRPORT IMPROVEMENTS AT PENSACOLA INTERNATIONAL AIRPORT

RECOMMENDATION:

That City Council award contracts to Garver Engineers, LLC dba Garver, LLC, Atkins North America, Inc., and RS&H, Inc. for professional engineering and architectural services related to airport improvements at the Pensacola International Airport requested through RFQ #22-056 for an initial term of three years. Further, that Council authorize the Mayor take the actions necessary to negotiate, execute, and administer the necessary contracts, including the two one-year renewal options specified in the RFQ, consistent with the terms of the contracts and the Mayor's Executive Powers as granted in the City Charter.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The ongoing maintenance and operation of the Pensacola International Airport requires the services of professional architectural and engineering firms to provide general design, construction administration, and inspection services for various Airport projects planned over the next five years. Rather than soliciting for an engineering firm for each individual project, the Airport contracts with several firms to provide the necessary services over a five-year period. This approach is more efficient, has less impact on the Airport, and is endorsed by both the Federal Aviation Administration and the Florida Department of Transportation.

Due to the number and diversity of anticipated projects over the next five years, Airport Staff proposes to employ three firms which have developed teams to provide architectural and engineering services for the development of construction plans and specifications, construction contract documents, cost estimates, periodic resident project representative services, and construction administration. Additionally, the firms will be able to advise Staff on minor repair and maintenance items, permitting concerns, and other administrative issues that may arise during the term of the contract. The services for each individual project will come to the City for approval in the form of Work Orders.

In September 2022, staff issued Request for Qualifications No. 22-056 for the services. Seven

responses were received and opened on September 21, 2022. A review panel comprised of Mr. Ken Ibold, Deputy Airport Director; Mr. Byron Burkhart, Assistant Airport Director - Operations; and Mr. Michael Laven, Airport Administration & Contracts Manager, reviewed the qualification packages submitted and requested that the top four firms and their respective teams make oral presentations. After hearing oral presentations on January 18, 2023 and evaluating the firms, the panel ranked the firms in the following order:

1. Garver Engineers, LLC dba Garver, LLC
2. Atkins North American, Inc.
3. RS&H, Inc.

All three are all nationally recognized firms providing a full spectrum of services, including necessary airport/aviation specific experience. The committee recommends pursuits of contracts with all three firms.

Once the continuing services contracts are executed and in effect, individual Service Authorizations (SA's) can be generated detailing scope, fees, and terms for any proposed projects with approved funding by City Council. These contracts will provide for the efficient engagement of engineering services by outside firms.

PRIOR ACTION:

September 2003 - City Council approved a five-year engineering services contract with Reynolds, Smith & Hills, Inc. for engineering services at Pensacola Airport.

July 19, 2012 - City Council approved a five-year engineering services contract with Atkins North America, Inc. and Hatch Mott MacDonald, LLC.

February 08, 2018 - City Council approved a five-year engineering services contract with Atkins North America, Inc., Mott MacDonald Florida, LLC, and RS&H, Inc.

FUNDING:

N/A

FINANCIAL IMPACT:

Award of contracts to Garver Engineers, LLC dba Garver, LLC, Atkins North America, Inc., and RS&H, Inc. does not have a financial impact. Once the contracts are executed, staff will obtain appropriate authorization of the individual work orders with provide detailed cost information for the subject project.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

2/10/2023

STAFF CONTACT:

Kerrith Fiddler, City Administrator
Matt Coughlin, Airport Director

ATTACHMENTS:

- 1) Tabulation of Respondents to RFQ No. 22-056
- 2) Selection Committee Scoring Matrix

PRESENTATION: No

TABULATION OF QUALIFICATIONS

RFQ NO: 22-056**TITLE: MASTER CONTRACT FOR ARCHITECTURAL AND ENGINEERING SERVICES
FOR AIRPORT IMPROVEMENTS**

Submittals Due:

10/20/22, 2:30 P.M.

Department:

Airport

Atkins North America, Inc.
Darin R. Larson, PE, LEED AP, Vice President
2065 Airport Boulevard, Suite 400
Pensacola, FL 32504
239-271-3411
Fax: 239-334-7277
darin.larson@atkinsglobal.com

AVCON, Inc.
Sandeep Singh, PE, President
3298 Summit Boulevard
Pensacola, FL 32503
401-599-1122
Fax: 407-59-1133
ssingh@avconinc.com

DAG Architects, Inc.
David C. Luttrell, Principal
40 South Palafox Place, Suite 201
Pensacola, FL 32502
850-429-9004
dluttrell@dagarchitects.com

Garver Engineers, LLC dba Garver, LLC
Patrick R. Sisemore, Vice President
4830 West Kennedy Boulevard, Suite 600
Tampa, FL 33609
615-627-4692
prsisemore@garverusa.com

Halff Associates, Inc.
David Hutcheson, PE, PSM, Sr V. Pres. Public Works
130 North Richard Jackson Blvd, Suite 103
Panama City Beach, FL 32407
850-689-4428
dhutcheson@halff.com

Mott MacDonald Florida, LLC
David Skipper, PE, Senior Vice President
220 West Garden Street, Suite 700
Pensacola, FL 32571
850-484-6011
david.skipper@mottmac.com

RS&H, Inc.
Dale Stubbs, Vice President
10748 Deerwood Park Boulevard South
Jacksonville, FL 32256
678-528-7240
Fax: 800-464-4358
dale.stubbs@rsandh.com

RFQ NO. 22-056

**Master Contract for Architectural and Engineering Services
For Airport Improvements**

Selection Committee Meeting (11/21/22)
Written Presentation Evaluations

FIRMS	Byron Burkhardt	Ken Ibold	Michael Laven	TOTAL SCORE
Atkins	96	88	95	279
Garver	97	93	87	277
RS&H	97	79	96	272
Mott MacDonald	86	69	95	250
Halff	90	43	69	202
DAG	83	43	57	183

Motion: Michael Laven moved to invite the top 4 ranked firms: Atkins,
Garver, Mott, RS&H

Second: Ken Ibold

Vote: 3-0

RFQ NO. 22-056

**Master Contract for
Architectural and Engineering Services for Airport Improvements**

Selection Committee Meeting (01/18/23)
Oral Presentation Evaluations

FIRMS	Byron Burkhardt	Ken Ibold	Michael Laven	TOTAL SCORE	RANKING ORDER
Garver Engineers, LLC	1	1	1	3	1
Atkins North America, Inc.	2	2	3	7	2
RS&H, Inc.	3	3	2	8	3
Mott MacDonald Florida, LLC	4	4	4	12	4

Motion: Ken moved to approve scores and rankings
Second: Bryon seconded the motion
Vote: 3-0

Motion: Ken moved to award contract to each of the top 3 ranked firms - Garver, Atkins, RS&H
Second: Bryon seconded the motion
Vote: 3-0



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00149

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Vice President Casey Jones

SUBJECT:

DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL VICE PRESIDENT CASEY JONES - DISTRICT 3

RECOMMENDATION:

That City Council approve funding of \$1,000 for the Pensacola High School Baseball Boosters, Inc. from the City Council Discretionary Funds for District 3.

HEARING REQUIRED: No Hearing Required

SUMMARY:

In accordance with the Section 3.28-3.33 of the Policies of the City Council, prior to any distribution of grant or sponsorship funds from the City Council Discretionary Funds, approval by City Council is required.

Pensacola High School is one of the two high schools within the City of Pensacola limits. The majority of the student athletes in the Pensacola High School Baseball Program do not come from households that can afford to contribute financially and therefore most money that is raised has been used for uniforms, equipment, field maintenance and game-day staffing rather than needed projects to rehab, repair and enhance the facilities. In addition to uniforms and equipment, game-day meals for the student athletes are also provided by the booster club as this meal sometimes being the primary meal outside of meals provided at school for some of the athletes. Funding will be used to offset some of the costs for the baseball program allowing those student athletes the opportunity to participate in the program as well as freeing up other funding for facility repairs and upgrades.

PRIOR ACTION:

July 21, 2022 - City Council adopted Resolution No. 2022-065 establishing the City Council Discretionary Fund Policy

FUNDING:

Budget: \$33,367 Current Balance - District 3 Discretionary Funds

Actual: \$ 1,000 Pensacola High School Baseball Boosters, Inc.

FINANCIAL IMPACT:

A balance of \$33,367 is currently within the District 3 Discretionary Fund Account. Upon approval by City Council, a balance of \$32,367 will remain in the District 3 Discretionary Fund Account.

STAFF CONTACT:

Don Kraher, Council Executive

Yvette McLellan, Special Assistant to the Council Executive

ATTACHMENTS:

None

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00145

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Delarian Wiggins

SUBJECT:

APPOINTMENTS - WESTSIDE COMMUNITY REDEVELOPMENT BOARD

RECOMMENDATION:

That City Council appoint two (2) individuals to the Westside Community Redevelopment Board that are either a redevelopment area resident, member of an area neighborhood association or owner or operator of a business located in the redevelopment area, to fill two (2) unexpired terms ending January 31, 2024.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Westside Community Redevelopment Board was established pursuant to the requirements of Florida Statute 163.2517(2)(a) and (b) regarding a neighborhood participation process that provides for the ongoing involvement of stakeholder groups in urban infill and redevelopment areas.

The Westside Community Redevelopment Board shall have the following authority and duties:

- (a) To prepare and recommend to the City Council five-year implementation plans for the implementation of the Westside Community Redevelopment Action Plan.
- (b) To prepare and recommend to the City Council an annual list of projects for funding from the Westside Community Redevelopment Trust Fund.
- (c) To monitor progress in the implementation of the Westside Community Redevelopment Plan and to make an annual report to the City Council on such progress.

The board shall consist of seven (7) members appointed by the City Council. One member shall be a member of City Council, and six (6) members shall be redevelopment area residents, members of area neighborhood associations or owners or operators of businesses located in the redevelopment area. No member shall be a paid employee of the City. Members of the board shall serve for terms of three (3) years or thereafter until their successors are appointed.

The following have been nominated:

Nominee**Nominated by**

Michelle Press

Wiggins

Karl Schwelm

Wiggins

PRIOR ACTION:

City Council appoints members to this board every three years.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Member List
- 2) Nomination Form - Michelle Press
- 3) Application of Interest - Michelle Press
- 4) Resume - Michelle Press
- 5) Nomination Form - Karl Schwelm
- 6) Application of Interest - Karl Schwelm
- 7) Ballot

PRESENTATION: No

Westside Community Redevelopment Board

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
Baldwin, Sr., Doug	Area Business Owner	Council	1	2022	1/31/2024	7/13/2017	3	
Brahier, Jennifer	Council Member Rep	Council	0	2022	11/26/2024	12/15/2022	2	
Brown, Lamar	Area Resident	Council	0	2022	1/31/2024	7/15/2021	3	
Davis (Pastor), C. Marcel	Area Pastor	Council	2	2022	1/31/2024	1/15/2015	3	
Gulley, James L.	Area Resident	Council	2	2022	1/31/2024	1/15/2015	3	
VACANT, VACANT	Area Resident	Council	0	2022	1/31/2024	7/18/2019	3	
VACANT, VACANT	Area Pastor	Council	1	2022	1/31/2024	4/12/2018	3	

Term Length: Three (3) Years

The Westside Community Redevelopment Board was established pursuant to the requirements of F.S. 163.2517(2)(a) and (b) regarding a neighborhood participation process that provides for the ongoing involvement of stakeholder groups in urban infill and redevelopment area. (Ordinance No. 33-14 adopted by Council on 9/11/14)

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Delarian Wiggins, do nominate Michelle Press
(Nominee)

708 N. F Street (01)

(Home Address)

(Phone)

(813) 298-7111

(Business Address)

(Phone)

mpress2576@gmail.com

(Email Address)

City Resident: YES NO


Property Owner within the City: YES NO

for appointment by the City Council for the position of:

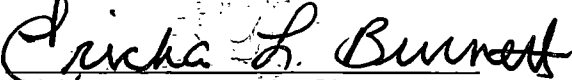
***REDEVELOPMENT AREA RESIDENT, MEMBER OF AREA NEIGHBORHOOD ASSOCIATION,
OR OWNERS OR OPERATORS OF BUSINESS LOCATED IN THE REDEVELOPMENT AREA
WESTSIDE COMMUNITY REDEVELOPMENT BOARD
(Unexpired term ending 01/31/2024)***

Provide a brief description of nominee's qualifications:

Please see attached application of interest.


City Council Member

I hereby certify that the above
nomination was submitted to my
office within the time limitations
prescribed by the Rules and
Procedures of Council.


Ericka L. Burnett, City Clerk

From: noreply@civicplus.com
Sent: Friday, January 27, 2023 10:17 AM
To: [Ericka Burnett](#); [Robyn Tice](#)
Subject: [EXTERNAL] Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT

Application for Boards, Authorities, and Commissions - City Council Appointment

This application will be utilized in considering you for appointment to a City Council board, authority, or commission. Pursuant to Florida Statutes, Chapter 119, all information provided on or with this form becomes a public record and is subject to disclosure, unless otherwise exempted by law.

Completed applications will be kept on file for a period of one (1) year from the date received in the Office of the City Clerk.

It is necessary to contact a member of Council to obtain a nomination in order to be placed on the ballot for consideration. Please go to cityofpensacola.com/council for Council Member contact information. If you have any questions, contact the City Clerk's Office.

(Section Break)

Personal Information

Name	Michelle Press
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Home Address	708 N F Street Pensacola, FL 32501
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Business Address	Field not completed.
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To which address do you prefer we send correspondence regarding this application?	Home
---	------

Preferred Contact Phone Number(s)	813-298-7111
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Email Address	mpress2576@gmail.com
---------------	--

Upload Resume (optional)	Press Resume 2022.pdf
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(Section Break)

Details

Are you a City resident?	Yes
--------------------------	-----

If yes, which district?	7
-------------------------	---

If yes, how long have you been a City resident?	2
---	---

Do you own property within the City limits?	Yes
---	-----

Are you a registered voter in the city?	Yes
---	-----

Board(s) of interest:	Westside CRA
-----------------------	--------------

Please list the reasons for your interest in this position:	I am the Westside Garden District Neighborhood Association president and I committed to getting city information out to the residents of my neighborhood.
---	---

Do you currently serve on a board?	No
------------------------------------	----

If yes, which board(s)?	<i>Field not completed.</i>
-------------------------	-----------------------------

Do you currently hold a public office?	No
--	----

If so, what office?	<i>Field not completed.</i>
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Would you be willing to resign your current office for the appointment you now seek?	N/A
--	-----

(Section Break)

Diversity

In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.

Gender	Female
--------	--------

Race	Caucasian
------	-----------

Physically Disabled	No
---------------------	----

(Section Break)

Acknowledgement of Terms I accept these terms.

Email not displaying correctly? [View it in your browser.](#)

MICHELLE S. PRESS

813-298-7111

mpress2576@gmail.com

Top-performing and results-driven professional and United States Coast Guard (USCG) Reservist with diverse experience.

- Significant experience in managing multiple priorities independently and/or in a team environment to achieve goals;
- Advanced organizational, planning and time management skills;
- Advanced verbal and written communication skills;
- Expert skill interacting tactfully and effectively in difficult situations;
- Expert active listening skills;
- Recognized for excellent problem-solving capabilities;
- Commitment to safety; and
- Willingness to go above and beyond to deliver optimal project outcomes and meet organizational goals.

Strengths include: Project Management; Policy & Procedure Enforcement; Regulatory Compliance; Database Management; Staff Training & Development; Computer Skills: MS Office Suite (Excel, Outlook), ArcGIS Suite (ArcView, ArcMap)

EDUCATION

Masters in Science, Environmental Resource Management, Charles Darwin University, Darwin, Australia (2005)

Bachelors of Science, Marine Biology, University of West Florida, Pensacola, FL (1999)

- Dean's List

Marine Science Technician "A School", USCG Training Center Yorktown, Yorktown, VA (2011)

- Graduated with Honors

Pensacola State College, Pensacola, FL (2018)

- Business Administration Certificate

EXPERIENCE & ACHIEVEMENTS

Aylstock, Witkin, Kreis & Overholtz, Pensacola, FL.

March 2019 to Present

Virtual Communications Coordinator, Team Trainer, Assistant Referral Coordinator, Legal Assistant

- Project management
 - Created and updated all procedures and manuals for the largest multi-district litigation in U.S. history (3M Combat Earplug Product Liability Litigation)
 - Developed the training program for the 3M litigation
 - Train new employees and assist current staff members with training and/or questions
 - Record and cascade weekly meeting
 - Work independently and efficiently
 - Build a relationship and coordinate with all referral firms to ensure accurate transfer of client data and documents
 - Outreach to unhappy clients to resolve issues in a timely manner
 - Maintain and update the company website and social media with relevant and timely content
 - Review, analyze, and recommend modifications to company website
 - Analyzing client survey data to understand frustrations and complaints and work toward resolution
 - Run daily and weekly reports to catch errors, inconsistencies and operational project issues
 - Review Daily scans to ensure client documentation is titled, typed and uploaded according to procedures
 - Spot check team work to ensure consistency and accuracy

Escambia County Animal Services, Pensacola, FL

Oct 2018 to Feb 2019

Animal Control Officer

- Project management
 - Demonstrate active listening by receiving and responding to animal control dispatch instructions
 - Process and prioritize complaints in order to delegate assets appropriately and efficiently
 - Build relationships with citizens and business in areas of re-occurring animal control issues
 - Mediate hostile and/or combative interactions between neighbors
 - Demonstrate knowledge and understanding of animal control laws and ordinances for City and County

- Counsel the general public on County ordinances utilizing strong interpersonal, verbal, and written communication skills
- Presented findings and conclusions of a dangerous dog investigation clearly and concisely to the accused and management
- Respond to and investigate complaints (documenting witness statements, collecting evidence, etc.)
- Prepare and maintain records and statistics

USCG Reserves, Mobile, AL

Jan 2018 to Present

Marine Science Technician 2nd Class Petty Officer, E-5

- Project management
 - Investigate pollution incidents and monitor cleanups;
 - Responsible for coordinating with local, state, and federal agencies on behalf of the Captain of the Port;
 - Analyze, research and resolve problems and discrepancies related to proper labeling/marketing, segregation, and storage of hazardous materials;
 - Participate in ongoing training/professional development programs to increase qualifications;
 - Effective relationship building, negotiation and facilitation skills;
 - Understand and comply with federal and other regulations relating to hazardous material shipments over water.

Kelly Services, Pensacola, FL

Mar 2018 to Oct 2018

Comptroller office clerk, Part time

- Sort and collate checks and back-up material;
- Scan checks and file checks and other accounting documents; -
- Conduct basic office tasks (answer telephone, photocopying, filing, sorting mail, etc.);
- Other assigned duties as required.

United States Coast Guard/ Active Duty, Washington DC

Apr 2017 to Dec 2017

Watch Stander, National Response Center

- Receive phone notifications of all oil, chemical, radiological, biological and etiological discharges into the environment, and security incidents anywhere in the United States and its territories from the public, industry, and local, state or federal agencies;
- Proficient at extracting relevant and sensitive information from customers that are unfamiliar with the process and may be angry/hostile/stressed;
- Maintain a professional and customer- oriented work environment in the midst of multiple distractions and while multi-tasking;
- Process reports utilizing a specialized in-house database system;
- Ensure proper notification to the appropriate federal, state and local agencies.

Virginia Department of Environmental Protection, Virginia Beach, VA

Aug 2016 to June 2017

Environmental Specialist II, Virginia Water Protection Program (VWPP)

- Evaluate simple and complex permit applications for completeness;
- Develop technically accurate and appropriate internal reports and permits in a timely manner and in accordance with applicable laws, regulations, written policies, and procedures;
- Provide superior customer service to facilitate compliance with regulations and effectively communicate departmental programs and procedures to the public;
- Demonstrate knowledge of state & federal regulations, policies & procedures;
- Good interpersonal skills, and public speaking ability;
- Ability to read, interpret and properly apply complex policies, guidelines and regulations;
- Sensitive to public attitudes and concerns while effectively carrying out the agency mission.

USCG Reserves, Portsmouth, VA

Oct 2016 to Dec 2017

Marine Science Technician 2nd Class Petty Officer, E-5

- See skills listed in USCG Reserves, Mobile, AL, above

Endangered Species Consultation Biologist, Protected Resource Division (PRD)

- Understand and comply with federal and other regulations relating to the Endangered Species Act, Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection;
- Analyze, research, and resolve problems and discrepancies related to applications;
- Determine regulatory jurisdiction and project compliance;
- Collaborate with consulting biologists and species experts;
- Conduct literature reviews;
- Coordinate meetings with Federal agencies;
- Prepare and submit legally defensible reports and agency documents;
- Responsible for establishing and maintaining effective and personal dialog with federal agencies;
- Enlisted with no prior Section 7 or consultation experience and achieved promotion within 4 weeks of hiring.

USCG Reserves Davis Island, FL

2010 to 2012

Marine Science Technician 2nd Class Petty Officer, E-5

Investigate pollution incidents and monitor cleanups. Serve as Federal On Scene Coordinator Representative (FOSCR) with local, state, and federal agencies. Complete hazardous materials inspections for proper labeling/marketing, segregation, and storage. Participate in ongoing training/professional development programs to increase qualifications.

- Receive high marks in all performance evaluations; recommended for "positive page 7" honor by fellow shipmate.
- Earned numerous awards to date including National Defense Service Medal, CG Meritorious Unit Commendation Ribbon, Mobilization Device Medal, Armed Forces Reserve Medal and Good Conduct Award.
- Qualified Pollution Investigator and Marine Transportation System Recovery Unit Leader
- Attended a Leadership and Management Development Course (April 2016)

Field Observer (FO)/Shoreline Cleanup Assessment Team Member (SCAT), FOSCR - BP Deepwater Horizon Oil Spill, Biloxi, MS

2011 to present

Temporarily deployed in MS and AL to coordinate, direct, and support oil spill cleanup response efforts. Oversee monitoring operations at 5 barrier islands and Coast of MS and AL mainland; manage all contractors. Work closely with federal, state, and local officials encompassing National Resource Adviser (NRA), National Parks Service (NPS), Fish and Wildlife, Mississippi Department of Environmental Quality (MDEQ), and other agencies. Regularly use Incident Command System (ICS), generate status reports/project briefings, review/respond to vessel pollution reports, and participate in vessel decontamination verifications. Liaise daily between senior leadership, field personnel, and branch office. Perform audits/spot checks on contract team to confirm adherence to safety guidelines and work permits; respond appropriately to safety incidents and resolve field issues.

- Aided New Orleans scientists with oil sample collection on West Ship Island resulting from adjacent dredging project.
- Served as FOSCR and supported monitoring operations during beach survey with NPS in AL.
- Rapidly completed Pollution Investigator Qualification packet and earned Pollution Responder Qualification within 6 months of deployment.

Florida Department of Environmental Protection ■ Temple Terrace, FL

2006 to 2012

Environmental Specialist II, Environmental Resource Permitting Section

Employed wetland ecology/delineation knowledge to support application review and permit writing efforts. Processed environmental resource permits and ensured strict adherence to all relevant environmental regulations, Florida Statutes (FS), and Florida Administrative Code (FAC). Led pre-application meetings and attended public outreach programs. Trained/mentored junior staff. Reviewed stormwater designs specifically relating to methods, soils, plant selection, and permit compliance. Reviewed restoration and mitigation plans.

- Enlisted with no prior wetland biology or permitting experience and achieved promotion from Environmental Specialist I to Environmental Specialist II within 9 months of hiring.
- Led well-received presentation on agenda item before Tallahassee Board of Trustees; personally commended by Secretary of the Department of Environmental Protection for organization and writing abilities.
- Successfully orchestrated 2 charitable campaigns/fundraising events benefiting multiple area organizations.

Florida Program for Shark Research, University of Florida ■ Gainesville, FL

2006 to 2007

Field Technician

Enlisted to participate in shark behavior and biology studies. Measured and tagged all sharks captured alive during long line trips; removed skin, organs, jaws, and pups of dead sharks for future scientific research. Entered data, performed statistical analyses, and maintained databases. Oversaw public outreach and volunteer programs, leading team of 5 and coordinating activities.

- Improved organization of Shark Attack Files database.

- Presented poster at 2007 American Elasmobranch Society Meeting, "Sexual Dimorphism in Tooth Morphology of the Roundel Skate, *Raja texana*, from the Gulf of Mexico, USA."

Florida Fish & Wildlife Conservation Commission ■ St. Petersburg, FL

2002 to 2003, 2005 to 2006

Biological Scientist I, Fisheries Independent Monitoring Section

Hired following successful tenure as volunteer with Fisheries Program and Mote Marine Lab. Contributed to stratified-random sampling efforts to estimate fish abundance and population trends in 7 FL regions. Scheduled/organized sampling trips, designed and managed databases, and conducted statistical analyses. Cleaned and repaired sampling gear and calibrated field equipment including YSI. Assisted with public outreach initiatives.

- Developed new training documents including FL Fish Field Guide and revised data QA/QC procedures.

- Coordinated annual meeting attended by all field lab associates and collected donations from community members.

- Created engaging game for children to play during annual open house involving matching juvenile to adult species and learning about fish.

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Delarian Wiggins, do nominate Karl Schwelm
(Nominee)

2041 W. Romana Street (02)

(Home Address)

(Phone)

770-377-5618

(Business Address)

(Phone)

Karlschwelm@gmail.com

(Email Address)

City Resident: YES NO

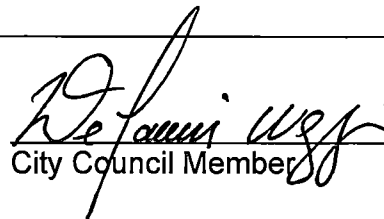
Property Owner within the City: YES NO

for appointment by the City Council for the position of:

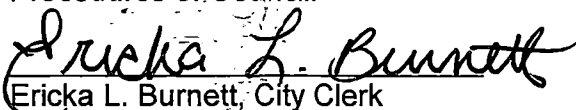
***REDEVELOPMENT AREA RESIDENT, MEMBER OF AREA NEIGHBORHOOD ASSOCIATION,
OR OWNERS OR OPERATORS OF BUSINESS LOCATED IN THE REDEVELOPMENT AREA
WESTSIDE COMMUNITY REDEVELOPMENT BOARD
(Unexpired term ending 01/31/2024)***

Provide a brief description of nominee's qualifications:

Please see attached application of interest.


City Council Member

I hereby certify that the above
nomination was submitted to my
office within the time limitations
prescribed by the Rules and
Procedures of Council.


Ericka L. Burnett, City Clerk

From: noreply@civicplus.com
Sent: Friday, January 27, 2023 5:28 PM
To: [Ericka Burnett](#); [Robyn Tice](#)
Subject: [EXTERNAL] Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT

Application for Boards, Authorities, and Commissions - City Council Appointment

This application will be utilized in considering you for appointment to a City Council board, authority, or commission. Pursuant to Florida Statutes, Chapter 119, all information provided on or with this form becomes a public record and is subject to disclosure, unless otherwise exempted by law.

Completed applications will be kept on file for a period of one (1) year from the date received in the Office of the City Clerk.

It is necessary to contact a member of Council to obtain a nomination in order to be placed on the ballot for consideration. Please go to cityofpensacola.com/council for Council Member contact information. If you have any questions, contact the City Clerk's Office.

(Section Break)

Personal Information

Name	Karl Schwelm
------	--------------

Home Address	2041 W Romana Street Pensacola 32502
--------------	---

Business Address	<i>Field not completed.</i>
------------------	-----------------------------

To which address do you prefer we send correspondence regarding this application?	Home
---	------

Preferred Contact Phone Number(s)	7703775618
-----------------------------------	------------

Email Address	Karlschwelm@gmail.com
---------------	--

Upload Resume (optional)	<i>Field not completed.</i>
--------------------------	-----------------------------

(Section Break)

Details

Are you a City resident?	Yes
--------------------------	-----

If yes, which district?	7
-------------------------	---

If yes, how long have you been a City resident?	3
---	---

Do you own property within the City limits?	Yes
---	-----

Are you a registered voter in the city?	Yes
---	-----

Board(s) of interest:	Westside CRA
-----------------------	--------------

Please list the reasons for your interest in this position:	Community activist
---	--------------------

Do you currently serve on a board?	No
------------------------------------	----

If yes, which board(s)?	<i>Field not completed.</i>
-------------------------	-----------------------------

Do you currently hold a public office?	No
--	----

If so, what office?	<i>Field not completed.</i>
---------------------	-----------------------------

Would you be willing to resign your current office for the appointment you now seek?	N/A
--	-----

(Section Break)

Diversity

In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.

Gender	Male
--------	------

Race	Caucasian
------	-----------

Physically Disabled	No
---------------------	----

(Section Break)

Acknowledgement of Terms I accept these terms.

Email not displaying correctly? [View it in your browser.](#)

Ballot – Westside Community Redevelopment Board

February 23, 2023

Unexpired term ending January 31, 2024

***Redevelopment area resident, member of area neighborhood association,
or owner or operator of a business located in the redevelopment area***

_____ Michelle Press

_____ Karl Schwelm

Vote for Two

Signed: _____
Council Member



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00167

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Delarian Wiggins

SUBJECT:

APPOINTMENT - BOARD OF TRUSTEES - POLICE OFFICERS' RETIREMENT FUND

RECOMMENDATION:

That City Council reappoint Bryan Ball to the Board of Trustees - Police Officers' Retirement Fund for a term two (2) years expiring December 31, 2024.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The board oversees administration of the Police Pension Fund and investment of pension funds. The board is composed of five members, two appointed by City Council, two elected by police officers, and one appointed by the other four members.

The following is an incumbent that would like to be considered for reappointment:

Nominee: **Nominated by:**
Bryan Ball Incumbent

PRIOR ACTION:

City Council makes appointments to this board biennially.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Member List
- 2) Application of Interest - Bryan Ball
- 3) Ballot

PRESENTATION: No

Board of Trustees - Police Officers' Retirement Fund

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
Ball, Bryan		Council	3	2022	12/31/2022	1/12/2017	2	
Bradley, Patrick	Police	elected-police officers	2	2022	6/30/2023	4/17/2015	2	
Randle, Rodney C.		Other 4 Members	2	2022	12/31/2022	2/11/2010	2	
Taylor, Stephanie	Attorney	Council	6	2022	12/31/2022	12/16/2010	2	
Thompson, Shawn	Police	elected-police officers	2	2022	6/30/2023	8/27/2014	2	

Term Length: TWO YEAR TERMS

COMPOSED OF FIVE MEMBERS OF WHICH TWO ARE APPOINTED BY THE CITY COUNCIL. COUNCIL APPOINTEES MUST BE CITY RESIDENT; NO QUALIFICATIONS.

From: noreply@civicplus.com
Sent: Wednesday, February 1, 2023 2:27 PM
To: [Ericka Burnett](#); [Robyn Tice](#)
Subject: [EXTERNAL] Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT

Application for Boards, Authorities, and Commissions - City Council Appointment

This application will be utilized in considering you for appointment to a City Council board, authority, or commission. Pursuant to Florida Statutes, Chapter 119, all information provided on or with this form becomes a public record and is subject to disclosure, unless otherwise exempted by law.

Completed applications will be kept on file for a period of one (1) year from the date received in the Office of the City Clerk.

It is necessary to contact a member of Council to obtain a nomination in order to be placed on the ballot for consideration. Please go to cityofpensacola.com/council for Council Member contact information. If you have any questions, contact the City Clerk's Office.

(Section Break)

Personal Information

Name	Bryan Ball
------	------------

Home Address	1990 Drake Rd Pensacola, FL 32503
--------------	--------------------------------------

Business Address	<i>Field not completed.</i>
------------------	-----------------------------

To which address do you prefer we send correspondence regarding this application?	Home
---	------

Preferred Contact Phone Number(s)	8505724847
-----------------------------------	------------

Email Address	bryan.a.ball@gmail.com
---------------	--

Upload Resume (optional)	<i>Field not completed.</i>
--------------------------	-----------------------------

(Section Break)

Details

Are you a City resident? Yes

If yes, which district? 4

If yes, how long have you been a City resident? 15

Do you own property within the City limits? Yes

Are you a registered voter in the city? Yes

Board(s) of interest: Pensacola Police Dept Pension Board of Trustees

Please list the reasons for your interest in this position: Board of Trustees member

Do you currently serve on a board? Yes

If yes, which board(s)? Pensacola Police Dept Pension

Do you currently hold a public office? No

If so, what office? *Field not completed.*

Would you be willing to resign your current office for the appointment you now seek? N/A

(Section Break)

Diversity

In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.

Gender Male

Race Caucasian

Physically Disabled No

(Section Break)

Acknowledgement of Terms I accept these terms.

Email not displaying correctly? [View it in your browser.](#)

Ballot – **Board of Trustees - Police Officers' Retirement Fund**

February 23, 2023

Two-year term expiring December 31, 2024

Member

_____ Bryan Ball

Vote for One

Signed: _____
Council Member



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00089

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: D.C. Reeves, Mayor

SUBJECT:

CONTINUING SERVICES CONTRACTS FOR RFQ # 23-003 PROFESSIONAL ENGINEERING CONSULTING SERVICES

RECOMMENDATION:

That City Council authorize the Public Works and Facilities Department to negotiate contracts with Atkins North America, Inc., AVCON Inc., Baskerville-Donovan, Inc., Geosyntec Consultant Inc., HDR Engineering, Inc., Jacobs Engineering Group Inc., McKim & Creed Inc., and Volkert Inc. for continuing professional engineering consulting services requested through RFQ #23-003 for an initial term of three years. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer these contracts, consistent with the terms of the contracts and the Mayor's Executive Powers as granted in the City Charter.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Historically, professional continuing engineering services have been contracted to aid the City in addressing annual capital project lists, special grant projects, and emergency situations related to public infrastructure. In October 2022, a Request for Qualifications (RFQ) was issued for continuing professional engineering and design services to replace the soon to be expired engineering continuing services contracts. Sixteen responses to the RFQ were received. A selection committee was formed and comprised of James Cook, Assistant Public Works & Facilities Director; Brad Hinote, City Engineer; and Rick Bates, Building Construction & Facilities Division Manager. The selection committee reviewed the written qualifications for all 16 firms, and selected the eight firms listed below to proceed with contract award:

- Atkins North America, Inc.
- AVCON Inc.
- Baskerville-Donovan, Inc.
- Geosyntec Consultant Inc.
- HDR Engineering, Inc.
- Jacobs Engineering Group Inc.

- McKim & Creed Inc.
- Volkert, Inc.

The RFQ allowed a maximum of eight firms to be selected and the committee recommends contracts for all eight firms for an initial term of three years, with the option of (2) one-year renewals.

Once the continuing services contracts are executed and in effect, individual Service Authorizations (SA's) can be generated detailing scope, fees, and terms for any proposed projects that have approved funding by City Council. These contracts will be executed for the efficient engagement of engineering services by outside firms to help deliver the City's work program.

PRIOR ACTION:

December 10, 2019, City Council authorized RFQ #19-023 Engineering Continuing Services Contracts for Professional Engineering Consulting Services.

November 12, 2015 - City Council reauthorized ongoing professional service agreements for Transportation and Stormwater design project.

May 9, 2014 - Mayor's office extended for one-year ongoing professional service agreements dated May 12, 2009 for transportation and stormwater design project.

May 12, 2009 - City Council reauthorized ongoing professional service agreements for Transportation and Stormwater design project.

December 13, 2007 - City Council extended for one-year ongoing professional service agreements dated August 19, 2004 for Transportation and Stormwater design project.

August 19, 2004 - City Council reauthorized ongoing professional service agreements for Transportation and Stormwater design project.

April 12, 2001 - City Council first authorized ongoing professional service agreements for Transportation and Stormwater design project.

FUNDING:

N/A

FINANCIAL IMPACT:

Approval of the award of contracts to Atkins North America, Inc., AVCON Inc., Baskerville-Donovan, Inc., Geosyntec Consultant Inc., HDR Engineering, Inc., Jacobs Engineering Group Inc., McKim & Creed Inc., and Volkert Inc. has no financial impact. Once the contracts are executed, staff will obtain appropriate service authorizations for the individual work/task orders, which will provide

detailed cost information, for the specific projects that have been previously approved by City Council.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

2/1/2023

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator
Amy Tootle, Director of Public Works and Facilities
George Maiberger, City Purchasing Manager

ATTACHMENTS:

- 1) Tabulation of Qualifications, RFQ No. 23-003
- 2) Selection Committee Scoring Matrix

PRESENTATION: No

TABULATION OF QUALIFICATIONS

RFQ NO.: 23-003

TITLE: PROFESSIONAL ENGINEERING CONSULTING SERVICES

DRAFT

 Submittal Due Date:

December 6, 2022

Department:

Engineering

Atkins North America, Inc.
 Matthew Taylor, PE, Vice President
 2065 Airport Boulevard, Suite 400
 Pensacola, FL 32504
 407-806-4239
matthew-taylor@atkinsglobal.com

AVCON, Inc.
 Sandeep Singh, PE, President
 3298 Summit Boulevard
 Pensacola, FL 32503
 401-599-1122
 Fax: 407-599-1133
ssingh@avconinc.com

Baskerville-Donovan, Inc.
 T. Keith Hill, PE, President/CEO
 449 West Main Street
 Pensacola, FL 32502
 (850) 438-9661
khill@baskervilledonovan.com

Bowman Consulting Group Ltd.
 Bill Pfeffer, PE, Principal - FL Bus. Unit. Mgr
 12355 Sunrise Valley Drive, Suite 520
 Reston, VA 20191
 954-314-8466
bpfeffer@bowman.com

Columbia Engineering and Services, Inc.
 DBA HAS Columbia
 Randy Strunk, PE, Vice President
 1315 Country Club Road
 Gulf Breeze, FL 32563
 502-418-6565
rstrunk@columbia-engineering.com

Dewberry Engineers, Inc.
 David Maxwell, PE, Exec. Vice President
 139 East Government Street
 Pensacola, FL 32502
 85-435-7424
 Fax: 850-760-0345
dmaxwell@dewberry.com

 NOTATIONS: *Small Business Enterprise vendor

TABULATION OF QUALIFICATIONS

RFQ NO.: 23-003

TITLE: PROFESSIONAL ENGINEERING CONSULTING SERVICES

DRAFT

 Submittal Due Date:

December 6, 2022

Department:

Engineering

DRMP, Inc.
 Ben Faust, PE, Vice President
 700 South Palafox Street, Suite 160
 Pensacola, FL 32502
 850-387-1261
 Fax: 850-640-3102
bfaust@drmp.com

Geosyntec Consultants, Inc.
 Mark Ellard, PE, CFM, D.WRE, ENV SP, Sr Principal
 1120 North 12th Avenue
 Pensacola, FL 32501
 321-249-9360
mellard@geosyntec.com

Goodwyn Mills & Cawood, LLC
 Scott Hutchison, PE, Client Mgr/VP Eng.
 720 Bayfront Parkway, Suite 200
 Pensacola, FL 32502
 251-68-2555
 Fax: 850-433-0508
scott.hutchinson@gmnetwork.com

Greenman-Pedersen, Inc.
 Dustin Evans, PE, Asst Vice Pres./Proj. Mgr
 1590 Village Square Boulevard
 Tallahassee, FL 32309
 850-297-2940
 Fax: 850-559-3504
devans@gpinet.com

HDR Engineering, Inc.
 John Wimberly, PE, Vice President
 25 West Cedar Street, Suite 200
 Pensacola, FL 32502
 850-429-8926
 Fax: 850-432-8010
john.wimberly@hdrinc.com

Jacobs Engineering Group, Inc.
 David Stejskal, PE, Vice President
 25 West Cedar Street, Suite 350
 Pensacola, FL 32502
 251-591-9248
david.stejskal@jacobs.com

 NOTATIONS: *Small Business Enterprise vendor

TABULATION OF QUALIFICATIONS

RFQ NO.: 23-003

TITLE: PROFESSIONAL ENGINEERING CONSULTING SERVICES

DRAFT

 Submittal Due Date:

December 6, 2022

Department:

Engineering

*Kenneth Horne & Associates, Inc.
 Kenneth C. Horne, PE, President
 7201 North 9th Avenue, Suite 6
 Pensacola, Florida 32504
 850-471-9005
 Fax: 850-471-0093
ken@kh-a.com

Kimley-Horn
 Richard Barr, PE, Sr Vice President
 2619 Centennial Boulevard, Suite 200
 Tallahassee, FL 32308
 850-553-3500
richard.barr@kimley-horn.com

McKim & Creed, Inc.
 D. Patrick Jehle, Jr., PE, Regional Manager
 1206 North Palafox Street
 Pensacola, FL 32501
 850-994-9503
pjehle@mckimcreed.com

Mott MacDonald Florida, LLC
 David Skipper, PE, Sr Vice President
 220 West Garden Street, Suite 700
 Pensacola, FL 32502
 850-484-6011
david.skipper@mottmac.com

Volkert, Inc.
 Mike Warnke, PE, ENV SP
 215 Fairpoint Drive
 Gulf Breeze, FL 32561
 850-512-8935
mike.warnke@volkert.com

 NOTATIONS: *Small Business Enterprise vendor

RFQ NO. 23-003

Professional Engineering Consulting Services

Selection Committee Meeting (01/17/23)

Written Submittals Evaluation

FIRMS <i>Raw Score</i>	Rick Bates	James Cook	Brad Hinote	TOTAL SCORE	RANKING ORDER
HDR Engineering, Inc.	98	91	98	287	1
Jacobs Engineering Group, Inc.	99	92	95	286	2
Geosyntec Consultants, Inc.	95	83	91	269	3
Atkins North America, Inc.	88	84	89	261	4
McKim & Creed, Inc.	86	90	85	261	4
Avcon, Inc.	84	84	87	255	5
Baskerville-Donovan, Inc.	90	87	75	252	6
Volkert, Inc.	83	91	78	252	6
Kenneth Horne & Associates, Inc.	82	88	80	250	7
Dewberry Engineers, Inc.	79	92	77	248	8
Kimley-Horn	73	85	89	247	9
Bowman Consulting Group Ltd.	90	80	75	245	10
DRMP, Inc.	71	84	89	244	11
Greenman-Pedersen, Inc.	78	88	77	243	12
CE&S, Inc. DBA HSA Columbia	88	81	68	237	13
Goodwyn Mills Cawood, LLC	61	70	72	203	14

Motion: Brad Hinote Interview top 8 firms

Seconded: James Cook

Vote: 3-0



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00125

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: D.C. Reeves, Mayor

SUBJECT:

HOME INVESTMENT PARTNERSHIPS PROGRAM INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY

RECOMMENDATION:

That City Council approve the HOME Investment Partnerships Program (HOME) interlocal agreement with Escambia County providing for the City of Pensacola's participation in the HOME program to implement Homebuyer Assistance activities. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer the agreement, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Cranston-Gonzalez National Affordable Housing Act of 1990 authorized contiguous local jurisdictions to enter a consortium for purposes of receiving funds and administering activities allowed under the HOME Investment Partnerships Program's regulations. The City of Pensacola and Escambia County originally entered into the HOME Consortium Interlocal Agreement in 1993. A new HOME Consortium Interlocal Agreement including the City, Santa Rosa County, and the City of Milton was executed on June 22, 1999, which has been automatically renewed every three years, most recently in June 2020. HOME funds are used to support the production and preservation of affordable rental and owner-occupied housing as outlined in the Consortium's Consolidated and Annual Action Plans. Allocations to each local government within the HOME Consortium are prescribed by HUD.

The Agreement includes \$169,428, which is allocated to support the program year 2022 Homebuyer Assistance activity within the City of Pensacola. Additionally, the Agreement specifies allocations for program years 2022 (\$125,000), 2021 (\$100,000), and 2020 (\$150,000); respectively, for the Homebuyer Assistance activity administered by the City county-wide. Homebuyer Assistance Activities include down payment/closing cost assistance, second mortgage assistance, or new construction as well as program administration expenses. These activities enable low-income homebuyers to purchase an attainable home.

The City of Pensacola is responsible for assuring compliance with all regulatory, statutory, and administrative requirements associated with HOME activities undertaken in the City. Escambia County, as the lead entity, acts as fiscal agent, provides limited administrative authority for the program's implementation, and maintains final approval authority with regard to the expenditure of HOME activity and administrative funds. Both jurisdictions cooperatively develop program policies, procedures, and actions required to implement the program.

PRIOR ACTION:

None

FUNDING:

Budget: \$164,900

Actual: \$169,428

FINANCIAL IMPACT:

The difference in the budgeted and actual funding levels is due to the U.S. Department of Housing and Urban Development allocating additional funding to the program. The additional funding will be allocated through the budget process.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

1/31/2023

STAFF CONTACT:

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator - Community Development

Marcie Whitaker, Housing Director

ATTACHMENTS:

- 1) Interlocal Agreement for HOME Investment Partnerships Program

PRESENTATION: No

**INTERLOCAL AGREEMENT
FOR HOME INVESTMENT PARTNERSHIPS PROGRAM**

THIS AGREEMENT is made and entered into by and between the **COUNTY OF ESCAMBIA**, a political subdivision of the State of Florida ("**ESCAMBIA COUNTY**"), with an administrative address of 221 Palafox Place, Suite 420, Pensacola, Florida 32502 and the **CITY OF PENSACOLA**, a municipal corporation created and existing under the laws of the State of Florida ("**CITY OF PENSACOLA**"), with an administrative address of 222 West Main Street, Pensacola, Florida 32502, for the purpose of receiving and administering activities in accordance with Title 24, Subtitle A, Part 92, Code of Federal Regulations, regulating funding provided through the federal HOME Investment Partnerships Program (hereinafter referred to as the "HOME Program" or the "Program") and the terms under which the City of Pensacola shall provide HOME Program eligible services and assistance to eligible families residing within the City of Pensacola and Escambia County.

WITNESSETH:

WHEREAS, Escambia County and the City of Pensacola have legal authority to perform general governmental services within their respective jurisdictions; and

WHEREAS, both jurisdictions are authorized by §163.01, Florida Statutes, to enter into interlocal agreements and, thereby, cooperatively utilize their powers and resources in the most efficient manner possible; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990 authorizes geographically contiguous local jurisdictions to form a consortium for purposes of receiving funds and administering activities in accordance with the HOME Investment Partnerships Program Regulations found at 24 C.F.R. Part 92 (CFDA # 14.239); and

WHEREAS, after executing the Escambia HOME Consortium Agreement on June 22, 1999, as extended by mutual agreement in June 2020, Escambia County and the City of Pensacola have determined that the provision of **Homebuyer** assistance authorized by 24 C.F.R. §§92.205, 92.250, 92.251, and 92.252 is a high priority need in the City of Pensacola and Escambia County; and

WHEREAS, Escambia County desires to provide necessary limited administrative authority related to the delivery of HOME Program financed activities to the City of Pensacola, where the Pensacola Housing Department shall administer homebuyer activities under the HOME Program.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and of the mutual benefits and for other good and valuable consideration, Escambia County and the City of Pensacola agree as follows:

SECTION 1. Purpose of the Agreement.

This Agreement provides the Mayor of the City of Pensacola the authority and concurrent responsibility required to implement Homebuyer Assistance activities in the City of Pensacola and Escambia County ("HOME Activities"), as provided for in the **2022, 2021, and 2020 Escambia Consortium HOME Program Description** approved by the U.S. Department of Housing and Urban Development ("HUD"); and attached hereto as **EXHIBIT I** of this agreement and incorporated herein by reference. The City of Pensacola shall have direct responsibility for ensuring full and complete compliance with all regulatory, statutory, and administrative requirements associated with the HOME Activities undertaken in the City of Pensacola according to provisions articulated in the National Affordable Housing Act of 1990 (Public Law 101-625), as amended, the HOME Program regulations (24 C.F.R. Part 92), and all HOME Activities related administrative directives as amended and published under authorization of HUD.

SECTION 2. Coordination.

The City of Pensacola agrees to cooperate fully with Escambia County and the Neighborhood Enterprise Division ("NED") of the Escambia County Neighborhood & Human Services Department in all actions related to the HOME Program and related HOME Activities. With regard to HOME Program fiscal matters, the City of Pensacola and its Housing Department, in cooperation with NED, shall provide detailed cost documentation and other information pertaining to the payment of HOME Activities assistance on behalf of eligible clients to the Office of the Clerk of the Circuit Court/Finance Division as required to fully establish the eligibility and validity of Program-funded expenditures.

SECTION 3. HOME Program Policies, Procedures and Requirements.

The City of Pensacola, the Pensacola Housing Department, Escambia County, and NED shall cooperate in the development of the policies, procedures and actions required to implement the HOME Activities in the City of Pensacola, and both parties agree that Escambia County shall have the final local approval authority as designated in the HOME Consortium Agreement currently in effect between the two jurisdictions with regard to the expenditure of HOME Program activity and administrative funds. The City of Pensacola shall ensure that the HOME Activities provided through the HOME Program funding referenced herein are administered in accordance with the governing regulations found at 24 C.F.R. Part 92, which have been provided to the City as evidenced by the acknowledgement included in EXHIBIT II of this Agreement and incorporated herein by reference, the Consortium HOME Program Policies and Procedures Manual, and the HUD 2020 Consolidated Plan and 2021 and 2022 Annual Action Plans. The City of Pensacola and Escambia County and their designated agents agree to cooperate and communicate fully with each other during the term of this Agreement to ensure the provision of HOME Activities for qualified lower income families, including the execution of any documents necessary to carry out the purposes of this Agreement.

Escambia County and the City of Pensacola shall adhere to all applicable federal, state, and county rules, regulations, and policies for the full duration of this Agreement. All parties shall fully conform to the provisions and requirements of the HOME Investment Partnerships Program Regulations. In the event of conflict between the governing regulations, the stricter interpretation shall govern. The City of Pensacola shall fully comply with the uniform administrative, fiscal, and project requirements stipulated in the above cited laws and regulations, and in such laws and regulations as may be referenced therein, to the extent applicable. Specific compliance with applicable provisions of Subpart H and Subpart K of 24 C.F.R. Part 92 shall be required at all times with respect to HOME Program funded aspects of the development. The County assumes Environmental Review obligations under 24 C.F.R. §92.352. The City will complete the Tier 2 Site Specific Checklist prior to commitment of funds to an eligible project.

Escambia County and the City of Pensacola agree that all actions related to this Agreement shall be undertaken in accordance with applicable provisions of federal laws and regulations *with regard to HOME Program assisted units*. Such federal requirements include, but are not limited to: Equal Employment Opportunity laws, fair and equal access to housing, provisions prohibiting discrimination, "Section 3" program compliance, MBE/WBE utilization goals, affirmative marketing measures, Davis-Bacon Act labor standards provisions (for individual projects exceeding eleven HOME Program-assisted units), Contract Work Hours and Safety Standards Act, lead-based paint inspection and treatment requirements, conflict of interest provisions, anti-nepotism provisions, displacement and relocation assistance requirements, prohibition against the use of federally debarred or suspended contractors or sub-contractors, and flood insurance provisions. In executing this Agreement, the City of Pensacola certifies that it shall take all actions required to fully comply with said provisions of law. Federal Davis-Bacon Act prevailing wage rates and all related payroll reporting and compliance requirements shall not apply to this Agreement as each housing unit will be processed as a single unit.

SECTION 4. Funding.

a) City of Pensacola HOME Activities:

The maximum **2022** HOME Program funding available to provide assistance to documented eligible, low income clients through HOME Activities in the City of Pensacola shall be **\$ 169,428.00**. Said funds are allocated between approved and eligible HOME Activities denoted as follows:

Homebuyer Assistance	\$169,428.00
----------------------	--------------

EXHIBITS I and II further detail the requirements associated with the project categories cited above, and regulations referenced therein shall at all times govern the expenditure of funds referenced in this Agreement. HOME Activities funds shall be utilized within these designated categories unless the funds are reallocated by formal amendment as mutually approved by Escambia County and the City of Pensacola.

b) Escambia County HOME Activities:

The maximum 2022, 2021, and 2020 HOME Program funding available to provide assistance to documented eligible low income clients through HOME activities in Escambia County shall be **\$375,000.00**. Said funds are allocated between approved and eligible HOME Activities denoted as follows:

2022 Homebuyer Assistance	\$125,000.00
2021 Homebuyer Assistance	\$100,000.00
2020 Homebuyer Assistance	\$150,000.00
Total:	<u>\$375,000.00</u>

EXHIBITS I and II further detail the requirements associated with the project categories cited above, and regulations referenced therein shall at all times govern the expenditure of funds referenced in this Agreement. Project delivery costs may be expended from these activities as further outlined in Section 4(e). HOME Activities funds shall be utilized within these designated categories unless the funds are reallocated by formal amendment as mutually approved by Escambia County and the City of Pensacola.

c) City of Pensacola/Escambia County HOME Activities Payment Processing:

Escambia County, through coordination with NED, shall issue HOME Program related payments from the Escambia Consortium HOME Trust Fund (Fund 147) for HOME Homebuyer Activities as based upon clear and proper documentation of individual HOME Program client eligibility and of all costs to be paid or reimbursed by Escambia County in support of Pensacola and Escambia HOME Activities and HOME Program client eligibility. Payments shall either be made directly to the approved vendor by Escambia County or to the City of Pensacola to reimburse costs that are advanced by the City of Pensacola, as based upon voucher and supporting documentation provided to the Clerk of the Circuit Court/Finance Division. The City of Pensacola Housing Department shall be programmatically and fiscally responsible for the accuracy, completeness and proper documentation of Pensacola HOME Activities, the eligibility of clients assisted in the City of Pensacola, and all related payments; and further, the City of Pensacola shall be responsible for the repayment of any disallowed costs related to the Pensacola HOME Activities.

d) HOME Program Local Match Requirement:

HUD HOME Program regulations require local cash matching in a minimum amount equal to twenty-five percent (25%) of the HOME Program allocation, excluding administrative funds. Based upon the Pensacola HOME Activities funding cited in Section 4(a) above, the City of Pensacola shall provide a minimum local match of **\$42,357.00** in non-federal funds. Based upon the Escambia County HOME activities cited in Section 4(b) above, Escambia County shall provide a minimum local match of **\$93,750.00**. Local match may be provided through the Escambia/Pensacola State Housing Initiatives Partnership (SHIP) Program as fiscally administered by Escambia County. Said matching funds shall be expended to provide homebuyer assistance for eligible units completed by the City of Pensacola under the terms and conditions of this Agreement and/or affordable housing for families with incomes at or below 80% of the Pensacola MSA median income adjusted for family size as defined by HUD. The County may also select to utilize HOME

carry forward match balance as necessary. Local matching funds shall be expended during the term of this Agreement. Documentation of the expenditure of the required local matching funds shall be maintained by Escambia County through consultation with the City of Pensacola. In the event matching funds are not fully expended prior to the completion or termination of this Agreement, said remaining funds shall be expended in support of affordable housing activities within the respective local government.

e) HOME Administrative and Project Delivery Cost Payments:

In addition to HOME Activities funds, the City of Pensacola shall be entitled to payment for HOME Program related administrative services to support the City homebuyer program in an amount not to exceed **\$22,590.46**, payable solely from funds currently available under the **2022 Escambia Consortium HOME Grant M-22-DC-12-0225**. Administrative services funds shall be paid by Escambia County through the Clerk of the Circuit Court/Finance Division to the City of Pensacola in twelve (12) equal monthly installments beginning with the month following the effective date of this Agreement. The City of Pensacola shall be responsible for ensuring documentation of proper expenditures of such administrative funds.

The City of Pensacola shall be entitled to payment for HOME Program project delivery costs associated with the Escambia County homebuyer program in an amount not to exceed \$37,500 payable solely from funds as noted in Section 4(b) available under the **2022 Escambia Consortium HOME Grant M-22-DC-12-0225, 2021 Escambia Consortium HOME Grant M-21-DC-12-0225, and 2020 Escambia Consortium HOME Grant M-20-DC-12-0225**. These Project related costs shall be charged directly to the eligible homebuyer project and shall not exceed 10% of the direct HOME assistance provided to the eligible homebuyer. Said project related costs shall be billed to Escambia County within 30 days of the homebuyer closing date. Project delivery costs shall include processing of application for HOME assistance including income calculation and documentation, homebuyer and lender communications, URA notices, project specific environmental reviews, and preparation of closing documents. If costs are incurred by the City for Escambia County homebuyer projects that do not result in a HOME assisted unit, those costs are the financial responsibility of the City and will not be reimbursed by the County.

f) HOME Funding Limitations:

All funding addressed in this Agreement is available solely from the **2022 Escambia Consortium HOME Grant M-22-DC-12-0225, 2021 Escambia Consortium HOME Grant M-21-DC-12-0225, and 2020 Escambia Consortium HOME Grant M-20-DC-12-0225** as provided by HUD. Escambia County shall have the right to immediately terminate this Agreement and immediately cease all payments related thereto in the event of termination or cancellation of said funding by HUD. Upon such occurrence, Escambia County and the City of Pensacola shall have no responsibility whatsoever for any payments beyond the costs directly paid or reimbursed by HUD. The Clerk of the Circuit Court/Finance Division shall retain fiscal control concerning the allowability of all payments for HOME Activities and related HOME Program administrative expenditures under this Agreement and shall disburse payments in accordance with the terms and conditions of this Agreement.

g) Program Income and Recaptured Funds:

Any HOME Program Income or recaptured funds received by the City of Pensacola will be returned to Escambia County not less than annually. Escambia County will remit the funds to Fund 147 and input into the HUD Integrated Disbursement and Information System (IDIS). The City of Pensacola will be eligible to use 10% of its own generated program income as defined in 24 C.F.R. 92.503 for administrative purposes, with the balance to be distributed to other eligible City HOME projects.

SECTION 5. Administrative Authority.

Upon written authorization of the County Administrator, the City of Pensacola or the Pensacola Housing Department may be authorized to prepare and execute documents and requests required to enter (set-up) and revise projects in the HUD Integrated Disbursement and Information System (IDIS). However, neither

the City of Pensacola nor the Pensacola Housing Department shall be authorized to draw down HOME Program funds from the Escambia Consortium Letter of Credit. Draw down of HOME Program funding from the Escambia Consortium Letter of Credit shall be undertaken solely by personnel authorized by Escambia County to perform such functions.

SECTION 6. Program Records.

The City of Pensacola assumes responsibility for maintaining all records and documentation related to the City of Pensacola HOME Activities associated with this Agreement. Further, such records and necessary HOME Activities information shall be readily available to Escambia County, its representatives or designated agent(s), the U.S. Department of HUD or its authorized representatives, or other duly authorized parties requiring access to such records. The City of Pensacola shall ensure that such records are maintained in accordance with the governing federal regulations; and shall keep all related records in a readily accessible location for a minimum of six (6) years, unless such records are the subject of litigation or audit, in which case they shall be maintained pending the completion of such action. The City of Pensacola shall cooperate with Escambia County to ensure the availability of all records related to this Agreement as may be required for audit, monitoring or reporting purposes.

SECTION 7. Liability.

Subject to any claim of sovereign immunity, each party to this Agreement shall be fully liable for the acts and omissions of its respective employees and agents in the performance of this Agreement to the extent permitted by law. The City of Pensacola shall be directly responsible, legally and fiscally, for all matters related to the HOME Activities assistance provided hereunder including but not limited to compliance with HOME Program Regulations; client intake and eligibility documentation; legal matters involving HOME Activities contracts; forms; certifications; specifications; bidding processes; and other actions in connection with proper implementation of HOME Activities according to **EXHIBITS I and II** hereto.

SECTION 8. Notices.

All notices to be made hereunder shall be in writing and shall be served either personally or by deposit with the U.S. Postal Service, certified mail, return receipt requested or by deposit with Federal Express or other nationally recognized overnight courier service, postage pre-paid and addressed to the following

Garett Griffin, Division Manager
Neighborhood Enterprise Division
221 Palafox Place, Room 312
Pensacola, Florida 32502
Phone: (850) 595-4968
E-mail: grgriffin@myescambia.com

Mayor
City of Pensacola
Pensacola City Hall
222 W. Main Street
P.O. Box 12910
Pensacola, Florida 32521
Phone: (850) 435-1626

City of Pensacola
Housing Director
420 W. Chase Street
P.O. Box 12910
Pensacola, FL 32501-0031
Phone: (850) 858-0350

All notices shall be deemed served when received, except that any notice mailed or deposited in the manner provided in this section shall be deemed served on the postmark date or courier deposit (pickup) date.

SECTION 9. Effective Date, Term, and Termination.

a) This Agreement shall become effective, after being properly executed by the parties, when filed in the Office of the Clerk of the Circuit Court of Escambia County, Florida. Escambia County shall be responsible for such filing.

b) The term of this Agreement shall begin on **October 1, 2022**, and this Agreement shall continue for a term of one (1) year from said date or until all of the subject **2022, 2021, or 2020** HOME Program funds are fully expended and each respective Grant is officially closed in the event HUD funds cease to be made available to support the HOME Activities cited in this Agreement as provided in Section 4(f) above.

c) Pursuant to 24 C.F.R. §92.500(d)(1) and 87 Federal Register 57821, (to be codified in 24 C.F.R. Parts 91 and 92), the City of Pensacola shall endeavor to expend **2022** HOME funds by **September 30, 2030**; **2021** HOME funds by **September 30, 2029**; and **2020** funds by **September 30, 2028**. If the City of Pensacola cannot expend HOME funds by this date, Escambia County reserves the right to re-program funds per the Citizen Participation Plan to other HOME Activities within the Escambia Consortium in order to avoid recapture of funds by HUD.

SECTION 10. Nepotism

The City of Pensacola and Escambia County agree to abide by the provisions of Section 112.3135, Florida Statutes, hereby incorporated by reference, pertaining to nepotism in its performance, under this Agreement.

SECTION 11. Civil Rights and Anti-Discrimination

a) The City of Pensacola agrees to abide by the spirit and intent of the Civil Rights Act of 1964, as amended, and the Civil Rights Act of 1968, as amended, in that its operation under this contract is free of discrimination against their employees, persons, or groups of persons on the basis of race, color, religion, sex, national origin, pregnancy, age, disability, or familial status, as applicable. Both of the said Civil Rights Acts are incorporated by reference herein.

b) All services associated with this project shall be made available to the public in a non-discriminatory manner. Services and access thereto shall be available without regard to race, sex, color, familial status, disability, religion, or national origin. The City of Pensacola accepts sole responsibility for ensuring such non-discriminatory access to the services provided hereunder by its elected officials and officers, employees, agents, and representatives.

c) The City of Pensacola will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, pregnancy, age or disability. Such action shall include but not be limited to the following: employment; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The City of Pensacola agrees to post in a conspicuous place notices setting forth the provision of this Equal Employment Opportunity clause.

SECTION 12. Understanding of Terms.

a) This Agreement is executed in Escambia County, Florida; and shall be construed under the laws of the State of Florida. The parties agree that any action relating to this Agreement shall be instituted and prosecuted in the courts of the Escambia County, Florida, and each party waives the right to change of

venue. Further, it is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Florida, both as to interpretation and performance.

b) It is understood and agreed by the parties that if any part, term, or provision of this Agreement is held by the courts to be illegal or in conflict with governing law, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

c) Each individual executing this Agreement on behalf of a corporate or governmental party represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said party, in accordance with a duly adopted action of the governing board of said party in accordance with applicable law, and that this Agreement is binding upon said party in accordance with its terms.

SECTION 13. Public Records.

The parties acknowledge that this Agreement and any related financial records, audits, reports, plans correspondence, and other documents may be subject to disclosure to members of the public pursuant to Chapter 119, Florida Statutes. The parties shall maintain all such public records and, upon request, provide a copy of the requested records or allow the records to be inspected within a reasonable time. The parties shall also ensure that any public records that are exempt or exempt and confidential from disclosure are not disclosed except as authorized by law. Upon the expiration or termination of the Agreement, the parties agree to maintain all public records for a minimum period of five (5) fiscal years in accordance with the applicable records retention schedules established by the Florida Department of State. In the event the City of Pensacola fails to abide by the provisions of Chapter 119, Florida Statutes, Escambia County may, without prejudice to any other right or remedy and after giving seven days written notice, during which period the City of Pensacola still fails to allow access to such documents, terminate the Agreement.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the duly authorized representatives of the parties have made and executed this Agreement on the respective dates under each signature.

ESCAMBIA COUNTY, a political subdivision
of the State of Florida, BY AND THROUGH
ITS BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

ATTEST: Pam Childers
Clerk of the Circuit Court

BY: _____
Deputy Clerk

(S E A L)

By: _____
Lumon May, Chairman

BCC Approved:

Date: _____ This document approved as to form
and legal sufficiency.

By: _____

Title: _____

Date: _____

CITY OF PENSACOLA, a Municipal
corporation chartered in the State of Florida

ATTEST:

Ericka L. Burnett, City Clerk

(SEAL)

By: _____
D.C. Reeves, Mayor

Date: _____

APPROVED AS TO CONTENT:

Marcie Whitaker, Housing Director

LEGAL IN FORM AND VALID AS
DRAWN:

City Attorney

EXHIBIT I

ESCAMBIA CONSORTIUM HOME PROGRAM DESCRIPTION HOME BUYER ASSISTANCE ACTIVITIES

ESCAMBIA CONSORTIUM
2020-2021 HOME INVESTMENT PARTNERSHIPS ACT (HOME)
PROPOSED BUDGET AND ACTIVITIES
FOR MEMBER JURISDICTIONS
BCC APPROVAL JULY 27, 2021

ESCAMBIA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$344,734**
 Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 3 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (unincorporated Escambia County)

HOMEBUYER ASSISTANCE **\$150,000**
 Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 12 families. (Escambia County)

CITY OF PENSACOLA:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$138,455**
 Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1-2 severely substandard homeowner occupied housing units. (City of Pensacola)

SANTA ROSA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$100,000**
 Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (Santa Rosa County)

HOMEBUYER ASSISTANCE **\$148,690**
 Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 13 families. (Santa Rosa County)

JOINT HOME ACTIVITIES (CONSORTIUM-WIDE):

HOUSING DEVELOPMENT (CHDO SET-ASIDE) **\$176,376**
 Provide low interest and/or deferred loan assistance to designated Community Housing Development Organizations (CHDO's) for development of affordable single family units for homeownership or affordable rental units either through new construction or acquisition and rehab of substandard units.

ADMINISTRATION/MANAGEMENT (JOINT) **\$117,583**
 Provides for oversight, management, monitoring and coordination of financial and general administration of the HOME Program in all participating jurisdictions.

2020 HOME Funds Available to the Consortium **\$ 1,175,838**
 (HUD Required 25% Local match provided through SHIP funds and carry forward match balance)

TOTAL 2020 HOME PROPOSED BUDGET **\$1,175,838**

ESCAMBIA CONSORTIUM
2021-2022 HOME INVESTMENT PARTNERSHIPS ACT (HOME)
PROPOSED BUDGET AND ACTIVITIES
FOR MEMBER JURISDICTIONS
BCC APPROVAL JULY 27, 2021

ESCAMBIA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$379,270**
Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 3 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (unincorporated Escambia County)

HOMEBUYER ASSISTANCE **\$100,000**
Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 8 families. (Escambia County)

CITY OF PENSACOLA:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$145,493**
Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1-2 severely substandard homeowner occupied housing units. (City of Pensacola)

SANTA ROSA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$100,000**
Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (Santa Rosa County)

HOMEBUYER ASSISTANCE **\$131,077**
Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 13 families. (Santa Rosa County)

JOINT HOME ACTIVITIES (CONSORTIUM-WIDE):

HOUSING DEVELOPMENT (CHDO SET-ASIDE) **\$171,168**
Provide low interest and/or deferred loan assistance to designated Community Housing Development Organizations (CHDO's) for development of affordable single family units for homeownership or affordable rental units either through new construction or acquisition and rehab of substandard units.

ADMINISTRATION/MANAGEMENT (JOINT) **\$114,112**
Provides for oversight, management, monitoring and coordination of financial and general administration of the HOME Program in all participating jurisdictions.

2021 HOME Funds Available to the Consortium **\$ 1,141,120**
(HUD Required 25% Local match provided through SHIP funds and carry forward match balance)

TOTAL 2021 HOME PROPOSED BUDGET **\$1,141,120**

ESCAMBIA HOME CONSORTIUM
2022-2023 HOME INVESTMENT PARTNERSHIPS ACT (HOME)
PROPOSED BUDGET AND ACTIVITIES
FOR MEMBER JURISDICTIONS
BCC APPROVAL: AUGUST 4, 2022

ESCAMBIA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$438,333**

Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 3-4 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (unincorporated Escambia County)

HOMEBUYER ASSISTANCE **\$125,000**

Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 10 families. (Escambia County)

CITY OF PENSACOLA:

HOMEBUYER ASSISTANCE **\$169,428**

Provide down payment/closing cost, second mortgage (gap financing) assistance, or new construction through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 4-8 families. (City of Pensacola)

SANTA ROSA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$155,000**

Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1-2 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (Santa Rosa County)

HOMEBUYER ASSISTANCE **\$109,445**

Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 3-4 families. (Santa Rosa County)

JOINT HOME ACTIVITIES (CONSORTIUM-WIDE):

HOUSING DEVELOPMENT (CHDO SET-ASIDE) **\$199,445**

Provide low interest and/or deferred loan assistance to designated Community Housing Development Organizations (CHDO's) for development of affordable single family units for homeownership or affordable rental units either through new construction or acquisition and rehab of substandard units.

ADMINISTRATION/MANAGEMENT (JOINT) **\$132,963**

Provides for oversight, management, monitoring and coordination of financial and general administration of the HOME Program in all participating jurisdictions.

2022 HOME Funds Available to the Consortium **\$ 1,329,633**
 (HUD Required 25% Local match provided through SHIP funds and carry forward match balance)

TOTAL 2022 HOME PROPOSED BUDGET **\$1,329,633**

EXHIBIT II

HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS (24 C.F.R. PART 92)

THIS EXHIBIT CONTAINS PERTINENT EXCERPTS FROM THE HOME INVESTMENT PARTNERSHIPS ACT FINAL RULE AS PUBLISHED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THIS EXHIBIT IS FOR REFERENCE ONLY. THEREFORE, THE ENTIRETY OF THE HOME RULE AT 24 C.F.R. PART 92; ALL AMENDMENTS TO THE RULE; AND ANY SUBSEQUENT AMENDMENTS TO THE RULE MUST BE CONSULTED TO DETERMINE PROGRAM COMPLIANCE AND PROCEDURAL REQUIREMENTS. A COMPLETE COPY OF THE TEXT OF 24 C.F.R. PART 92 HAS BEEN PROVIDED TO THE PARTY(IES) WITH RESPONSIBILITY FOR MANAGEMENT AND IMPLEMENTATION OF THIS CONTRACT AS EVIDENCED BY THE ACKNOWLEDGEMENT CONTAINED IN THIS EXHIBIT.

CERTIFICATION REGARDING DRUG-FREE REQUIREMENTS

The CITY OF PENSACOLA, FLORIDA will provide a drug-free workplace as follows.

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibitions.
- b) Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Providing each employee that is engaged in the performance of the grant with a copy of the statement required by paragraph (a).
- d) As a condition of employment under the grant, requiring employees to:
 - (1) Abide by the terms of the statement (referenced in paragraph a)); and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
- (e) Notifying HUD within 10 days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted;
 - (1) taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.
- (g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

PLACE OF PERFORMANCE FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Agency: CITY OF PENSACOLA, FLORIDA Date: 10/1/22

Grant Program Name: HOME INVESTMENT PARTNERSHIPS ACT PROGRAM

Grant Number: M-22-DC-12-0225

CITY OF PENSACOLA, FLORIDA shall insert in the space provided below the site(s) expected to be used for the performance of work under the grant covered by the certification:

ADDRESS: City of Pensacola
Pensacola Housing Department
420 West Chase Street
Pensacola, Florida 32502

Total estimated number of employees expected to be engaged in the performance of the grant at the site(s) noted above: Five (5)

SIGNED: _____

D.C. Reeves, Mayor
City of Pensacola

ANTI-LOBBYING
CERTIFICATION FOR CONTRACTS, GRANTS, LOANS
AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form To Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____

Certifying Official
D.C. Reeves, Mayor
City of Pensacola

Date: _____

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature: _____

Name: D.C Reeves

Title: Mayor

HOME Investment Partnerships Act

(Project Name)

M-22-DC-12-0225

(Project Number)

Firm/Agency: City of Pensacola, Florida

Street Address: City of Pensacola Housing Department
420 West Chase Street
Pensacola, Florida 32502

FR 24.510 & 24 CFR, Part 24, Appendix A

CERTIFICATION OF RECEIPT
HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS
(24 C.F.R. PART 92)

I/We hereby certify and affirm that Escambia County has provided the City of Pensacola with a complete copy of the current U. S. HUD HOME Program Regulations (24 C.F.R. Part 92), copies of any amendments to the governing regulations, and related federal laws as may be applicable to the activities to be provided through this Agreement. I/We have reviewed the regulations and understand the requirements which govern the HUD HOME Program financed activities under this Agreement. I/We also understand that clarification of any uncertainties regarding the regulations or requirements related thereto should be resolved by contacting the Contract Manager denoted in this Agreement. If the Contract Manager cannot resolve the question, the issue will be submitted to the U. S. Department of Housing and Urban Development (HUD) for review and resolution.

Additionally, I/We have access to a complete copy of the HUD HOME Training Compliance Manual and have reviewed the document to ensure compliance in the implementation of activities provided through this Agreement.

This certification is provided in lieu of including the entire text of 24 C.F.R. Part 92 in this Exhibit. I/We understand that additional copies of the entire text will be promptly provided upon written request directed to the County's designated Contract Manager.

CITY OF PENSACOLA

By: _____
D.C. Reeves, Mayor

Date: _____

(homecert.wpd)



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00085

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: D.C. Reeves, Mayor

SUBJECT:

PUBLIC HEARING: REQUEST FOR FUTURE LAND USE MAP AND ZONING MAP AMENDMENT - 2401,2409,2421,2431 CREIGHTON ROAD AND 6880 TIPPIN AVENUE

RECOMMENDATION:

That City Council conduct a Public Hearing on February 23, 2023, to consider the request to amend the Future Land Use Map and Zoning Map for 2401, 2409,2421,2431 Creighton Road and 6880 Tippin Avenue.

HEARING REQUIRED: Public

SUMMARY:

Meredith Bush, AICP, Clark Partington Attorneys at Law, is requesting a Zoning Map and Future Land Use Map (FLUM) Amendment for the following properties:

Address	Owner	Current Zoning	Requested Zoning	Current FLU	Requested FLU
2401 Creighton Rd	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/ Residential	Commercial
2409 Creighton Rd	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/ Residential	Commercial
2421 Creighton Rd	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/ Residential	Commercial
2431 Creighton Rd	Irish Autumn Properties LLC	R-2	C-1	Office/ Residential	Commercial
6880 Tippin Avenue	Delta Properties Baton Rouge, Inc.	R-1AAA	C-1	LDR	Commercial

These parcels are currently zoned R-2 - Residential/Office District and R-1AAA - Low Density Residential District and the existing Future Land Use (FLU) designations are Office/Residential and Low Density Residential. The applicant is proposing to amend the zoning districts to C-1,

Commercial Zoning District and the FLUM to Commercial.

Existing Zoning Districts and Future Land Use:

- R-2 - The residential/office land use district is established for the purpose of providing for a mixture of residential housing types and densities and office uses. Residential and office uses shall be allowed within the same structure. When the R-2 zoning district is located in older, developed areas of the city, the zoning regulations are intended to provide for residential or office infill development at a density, character and scale compatible with the surrounding area. In some cases the R-2 district is also intended as a transition area between commercial and residential uses.
- R-1AAA - The low-density residential land use district is established for the purpose of providing and preserving areas of single-family, low intensity development at a maximum density of 4.8 dwelling units per acre in areas deemed suitable because of compatibility with existing development and/or the environmental character of the areas. The nature of the use of property is basically the same in all three single-family zoning districts.
- FLU - Office/Residential - 18 or fewer residential dwelling units per acre.
- FLU - Low Density Residential - 5 or fewer residential dwelling units per acre.

Proposed Zoning District and Future Land Use:

- C-1 - 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.
- Commercial FLU - 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.

This request has been routed through the various City departments and utility providers and those comments are attached for your review.

On January 10, 2023, the Planning Board recommended approval of the request with a 6:0 vote.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

1/10/2023

STAFF CONTACT:

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator - Community Development

Sherry Morris, AICP, Development Services Director

Cynthia Cannon, AICP, Planning and Zoning Manager

ATTACHMENTS:

- 1) Planning Board Rezoning Application
- 2) Planning Board Minutes January 10 2023 - DRAFT
- 3) Future Land Use Map
- 4) Zoning Map
- 5) Proposed Ordinance No. 02-23
- 6) Proposed Ordinance No. 03-23

PRESENTATION: No



Meredith D. Bush, AICP
Direct (850) 208-7088
mbush@clarkpartington.com

Board Certified City, County and Local Government Attorney

December 9, 2022

VIA EMAIL & HAND-DELIVERY

Planningapplications@cityofpensacola.com

City of Pensacola - Planning & Zoning
222 W. Main Street
Pensacola, FL 32502

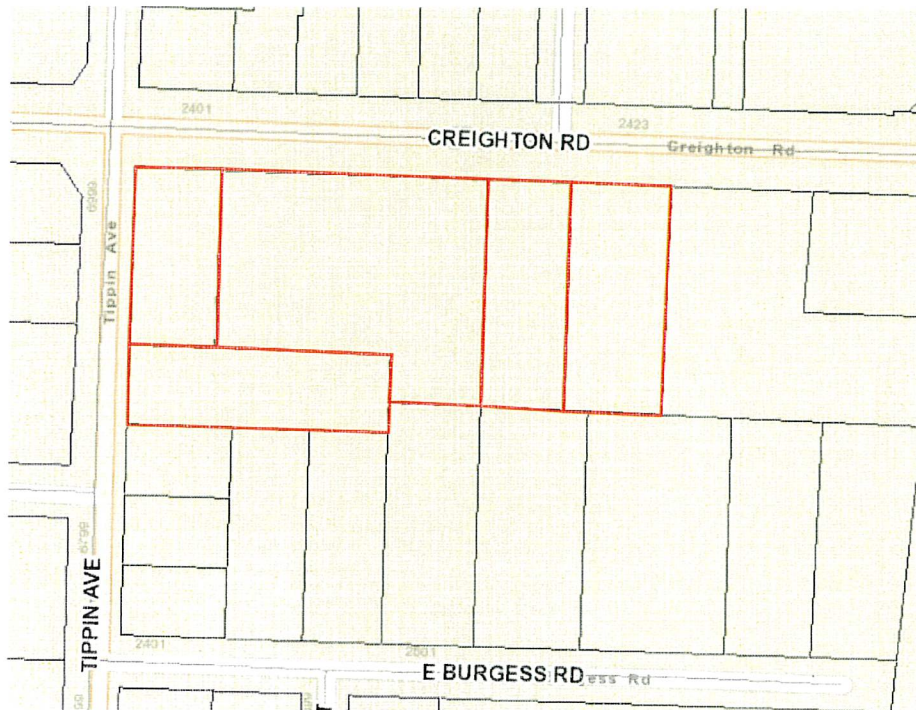
Re: Rezoning Application; CP Matter No. 221208

Dear City of Pensacola,

Please find enclosed our rezoning application and required attachments for the following properties:

Parcel ID	Address	Owner	Current Zoning	Requested Zoning	Current FLU	Requested FLU
10-1S-29-3101-010-004	2401 Creighton Road	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-012-004	2409 Creighton Road	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-022-004	2421 Creighton Road	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-023-004	2431 Creighton Road	Irish Autumn Properties LLC	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-014-004	6880 Tippin Avenue	Delta Properties Baton Rouge, Inc.	R-1AAA	C-1	LDR	Commercial

The five contiguous parcels are located at the corner of Creighton Road and Tippin Avenue as shown in the map below and in the attachments included with this submission.



The purpose of the rezoning request is for future development as a grocery store.

The enclosed application and attachments along with the required application fee are being hand-delivered in hard-copy. This correspondence, the application and attachments are also being provided in electronic form by email. Should you have any questions, please feel free to call or write. My direct number is (850) 208-7088.

Thank you in advance for your consideration of this request.

Sincerely,

Handwritten signature of Meredith D. Bush in blue ink.

Meredith D. Bush

MDB/bfs

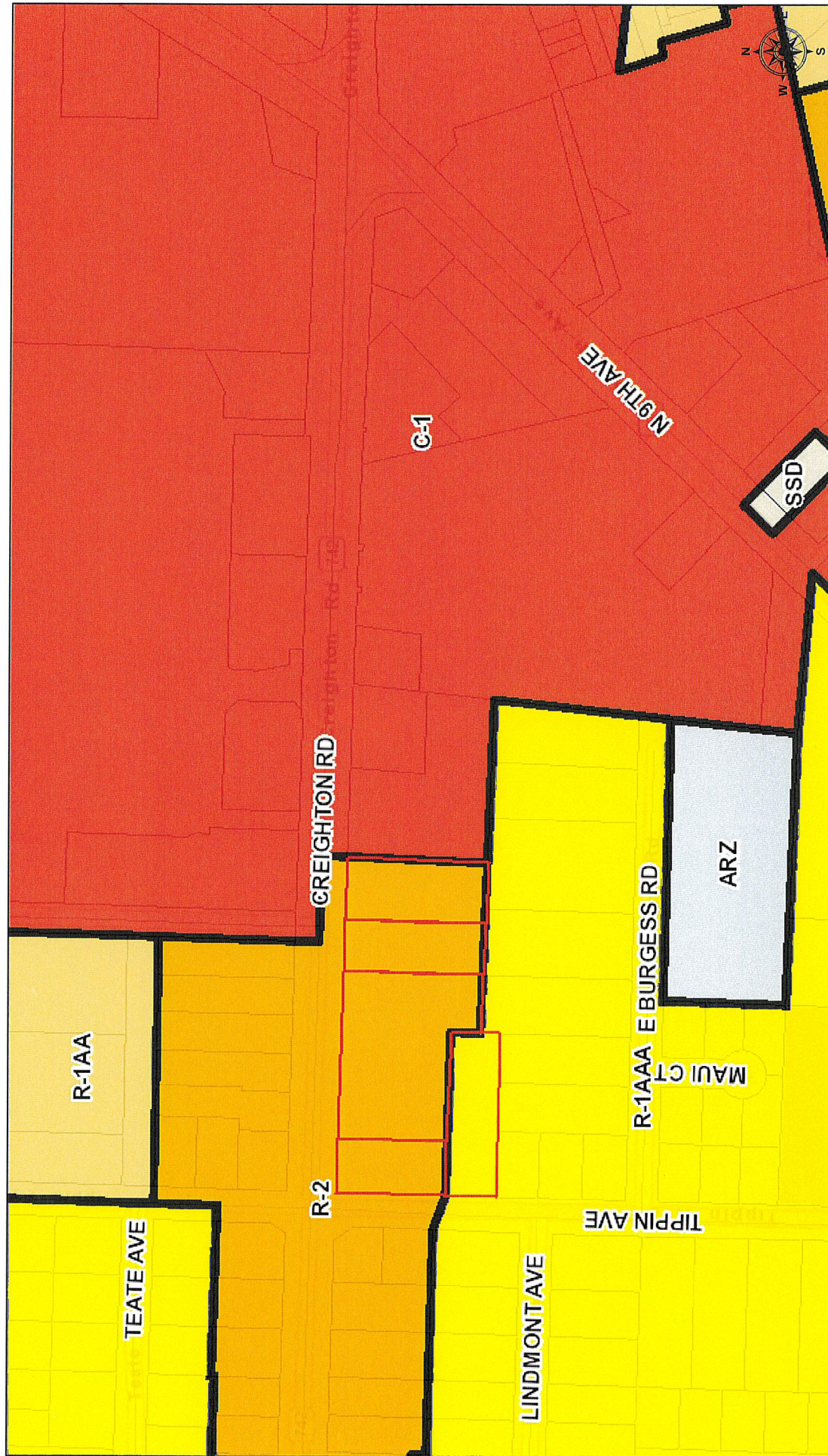
Enclosures

cc: Cynthia Cannon, AICP (CCannon@cityofpensacola.com)

Will Akin (will@cgpre.com)

A4821725.DOCX

Location Map



December 9, 2022

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



REZONING

Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 2401 Creighton Road

Parcel ID: 10 - 1 S - 29 - 3101 - 010 - 004 Acres/Square Feet: 5596

Zoning Classification: Existing R-2 Proposed C-1

Future Land Use Classification: Existing Office Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 2022

Meredith Bush
Applicant Signature

Meredith Bush

Applicant Name (Print)

Billy L. Clark
Owner Signature

Billy L. Clark

Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 2022 Billy L. Clark only

Name: Dan Sam Sam

Commission Expires: at death

FOR OFFICE USE ONLY

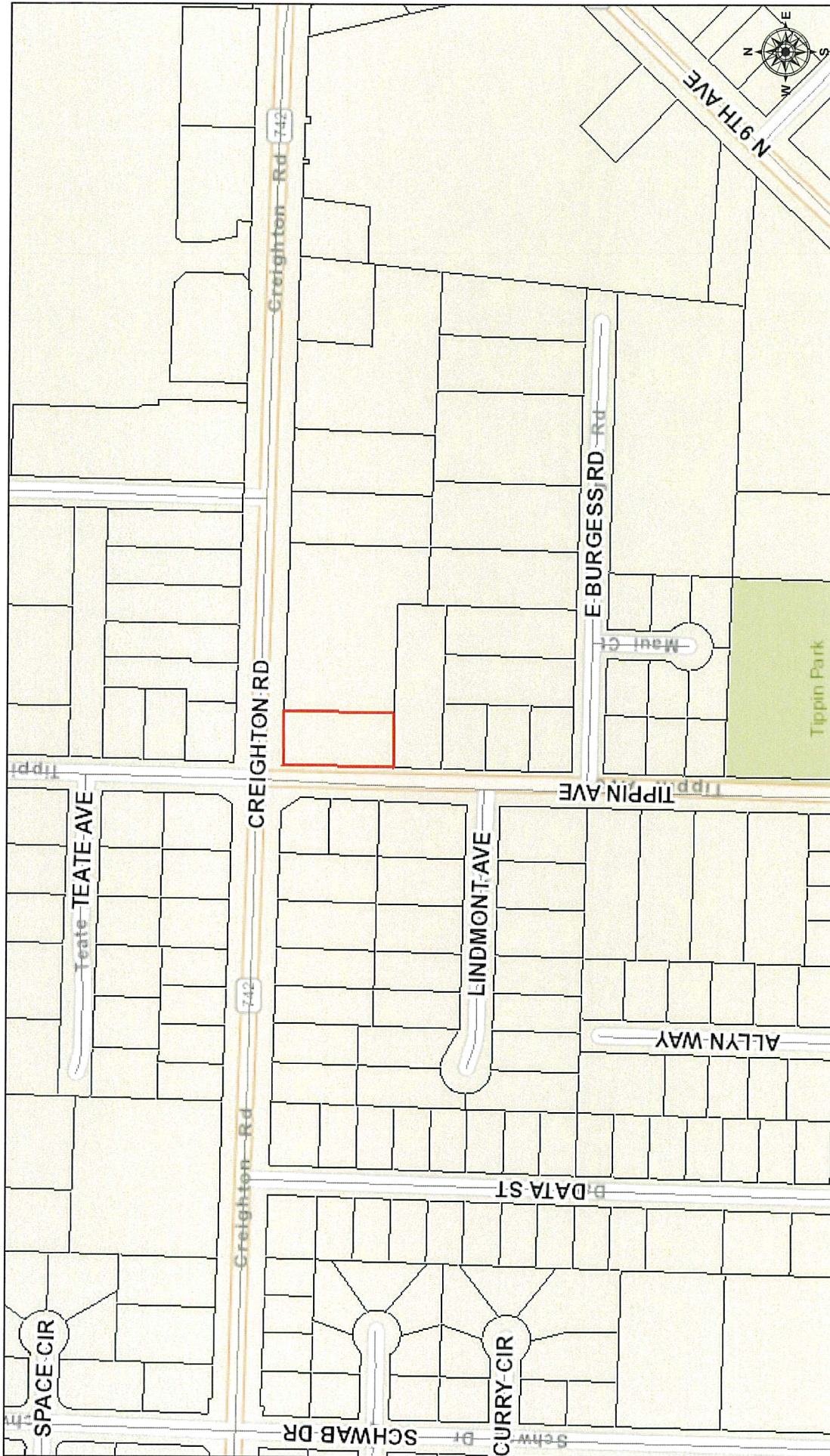
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

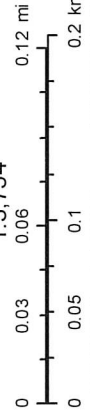
Second Reading: _____ Ordinance Number: _____

Location Map - 2401 Creighton Road



December 8, 2022

1:3,754

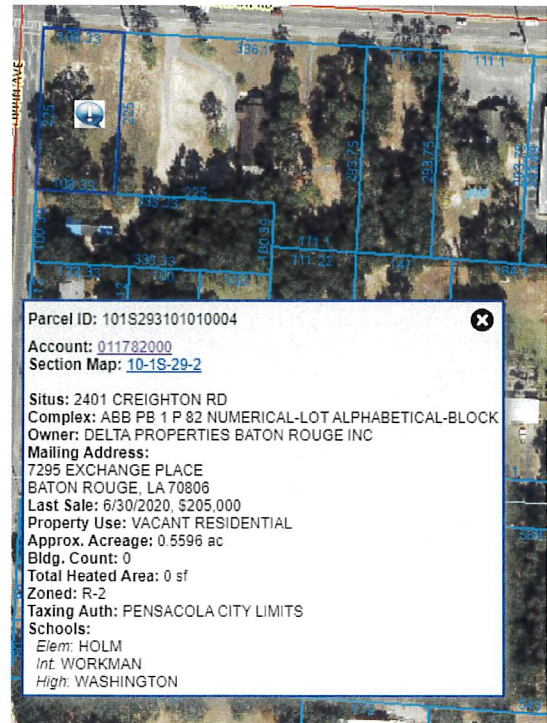


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101010004
Account: 011782000
Owners: DELTA PROPERTIES BATON ROUGE INC
Mail: 7295 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 2401 CREIGHTON RD 32504
Use Code: VACANT RESIDENTIAL
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The North 225 feet of the West 108.33 feet of Lot 1, Block D, Abb Subdivision, Section 10, Township 1 South, Range 29 West, as per plat recorded in Plat 1, at Page 82 of the Public Records of Escambia County, Florida.



REZONING



Please check application type:

☒ **Conventional Rezoning**

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 2409 Creighton Road

Parcel ID: 10 - 1 S - 29 - 3101 - 012 - 004 Acres/Square Feet: 1.90

Zoning Classification: Existing R-2 Proposed C-1

Future Land Use Classification: Existing Office Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 2022

Applicant Signature

Meredith Bush

Applicant Name (Print)

Owner Signature

Billy L. Clark

Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 2022 Billy L. Clark only

Name: Dorian Hunt

Commission Expires: at death

FOR OFFICE USE ONLY

Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 2409 Creighton Road



December 8, 2022

1:3,754

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

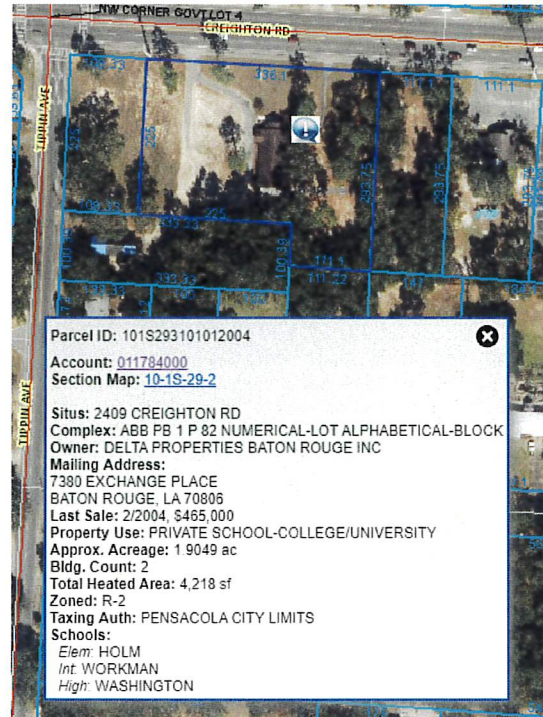
Parcel ID: 101S293101012004
Account: 011784000
Owners: DELTA PROPERTIES BATON ROUGE INC
Mail: 7380 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 2409 CREIGHTON RD 32504
Use Code:PRIVATE SCHOOL-COLLEGE/UNIVERSITY
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The East 112.5 feet of the North 225 feet, of Lot 1, Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, Escambia County, Florida according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County.

The West 112.5 feet of the East 225 feet of the North 225 feet of Lot 1,Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, in the City of Pensacola, Escambia County, Florida.

The West 111 feet 1 3/8 inches of North 293 feet 9 inches of Lot 2, Block "D", ABB Subdivision, Section 10, Township 1 South, Range 29 West, Escambia County, Florida, according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County.





REZONING

Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 2421 Creighton Road

Parcel ID: 10 - 1 S - 29 - 3101 - 022 - 004 Acres/Square Feet: 6875

Zoning Classification: Existing R-2 Proposed C-1

Future Land Use Classification: Existing Office Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 2022

Applicant Signature

Meredith Bush

Applicant Name (Print)

Owner Signature

Billy L. Clark

Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 2022 Billy L. Clark only

Name: Benjamin Faust

Commission Expires: at death

FOR OFFICE USE ONLY

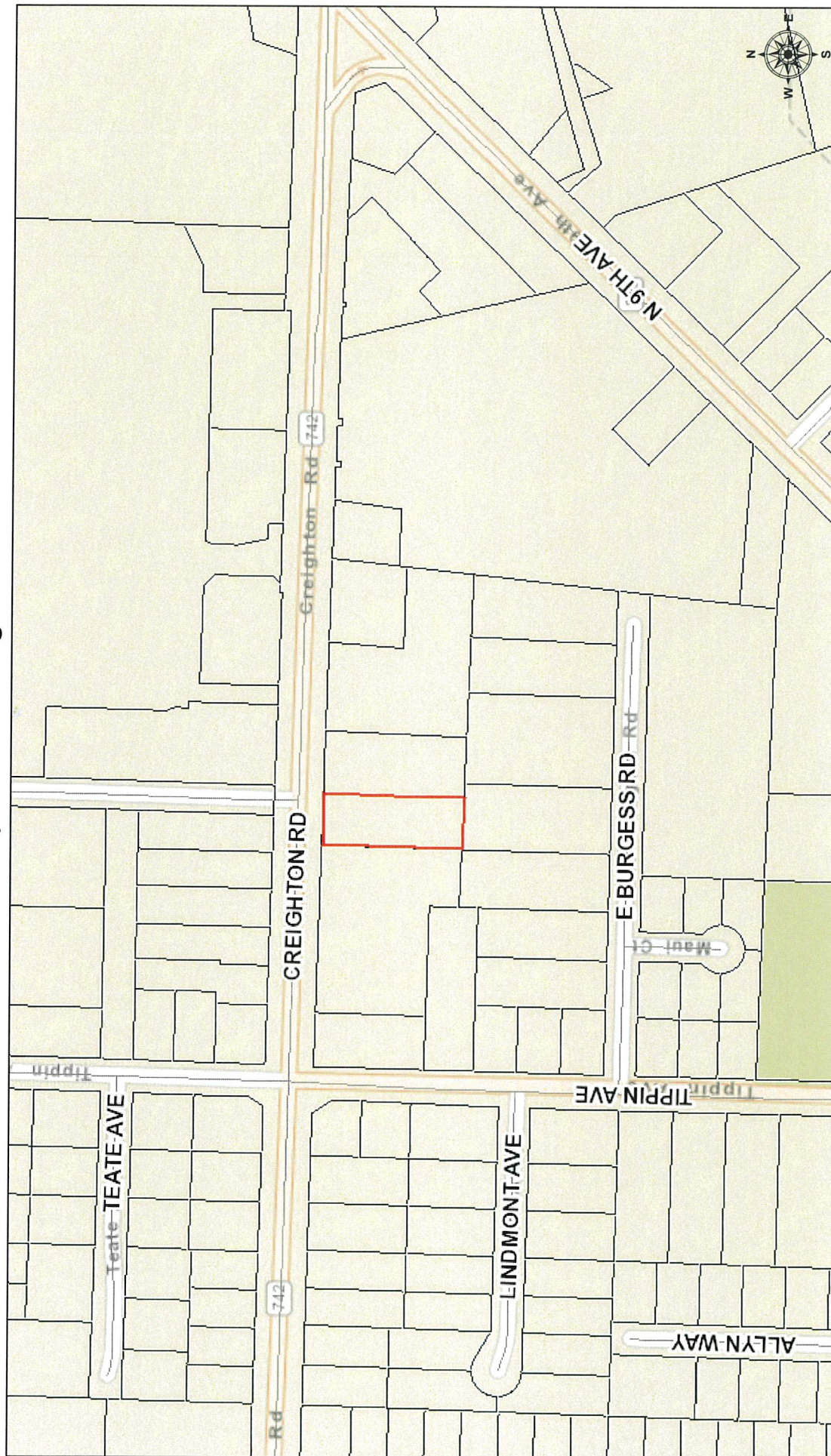
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 2421 Creighton Road



December 8, 2022

1:3,754

0 0.03 0.06 0.12 mi

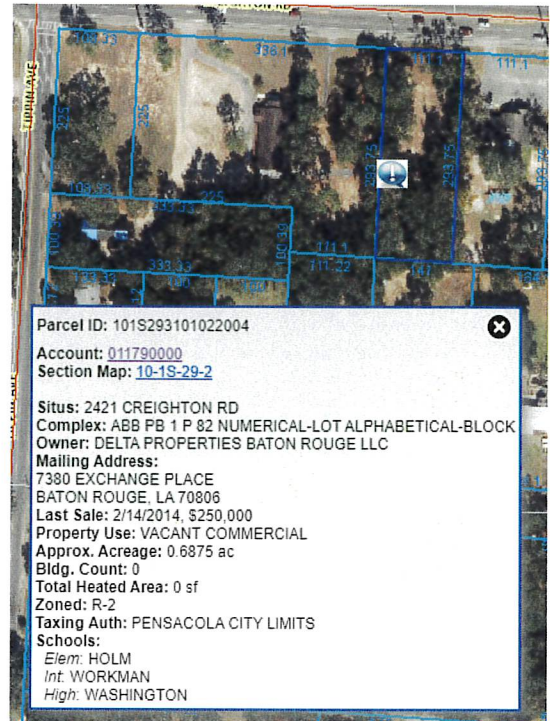
0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101022004
Account: 011790000
Owners: DELTA PROPERTIES BATON ROUGE LLC
Mail: 7380 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 2421 CREIGHTON RD 32504
Use Code: VACANT COMMERCIAL CodeList
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The East 111 feet 1 & 3/8 inches of the West 222 feet 2 & 6/8 inches of the North 293 feet 9 inches of Lot 2, Block D, in Section 10, Township 1 South, Range 29 West, ABB Subdivision, according to the plat thereof, recorded in Plat Book 1, Page(s) 82, of the Public Records of Escambia County, Florida



REZONING



Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington

Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088

Fax: (850) 432-7340

Email: mbush@clarkpartington.com

Property Information:

Owner Name: Irish Autumn Properties, LLC

Phone: _____

Location/Address: 2431 Creighton Road

Parcel ID: 10 - 1 S - 29 - 31 01 - 02 3 - 00 4 Acres/Square Feet: 8240

Zoning Classification: Existing R-2

Proposed C-1

Future Land Use Classification: Existing Office

Proposed Commercial

Reason Rezoning Requested: Development as commercial compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 8th day of December, 2022

Meredith Bush

Applicant Signature

Meredith Bush

Applicant Name (Print)

Laura L. O'Brien

Owner Signature

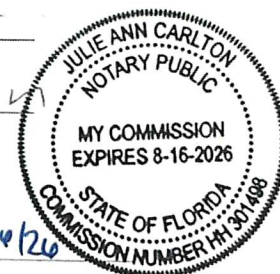
Laura L. O'Brien

Owner Name (Print)

Sworn to and subscribed to before me this 8th day of December, 2022

Name: *Julie Ann Carlton*

Commission Expires: 8/16/26



FOR OFFICE USE ONLY

Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 2431 Creighton Road



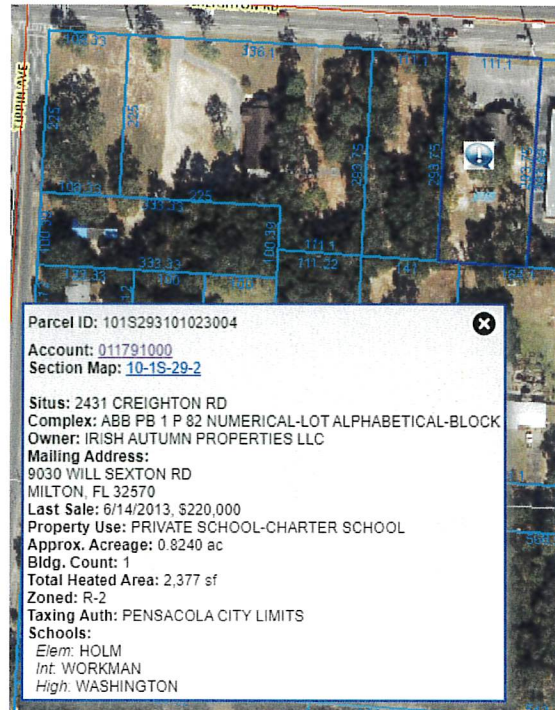
December 8, 2022

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101023004
Account: 011791000
Owners: IRISH AUTUMN PROPERTIES LLC
Mail: 9030 WILL SEXTON RD
MILTON, FL 32570
Situs: 2431 CREIGHTON RD 32504
Use Code: PRIVATE SCHOOL-CHARTER SCHOOL
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

A portion of Lot 2, Block "D", ABB Subdivision as recorded in Plat Book 1, Page 82, of the Public Records of Escambia County, Florida, more particularly described as follows: The East 111 feet 1 and 3/8 inches of the North 293 feet 9 inches of Lot 2, in Block "D", in Section 10, Township 1 South, Range 29 West per ABB Subdivision, a plat of which is recorded in Plat Book 1, and Page 82, of the Public Records of Escambia County, Florida.





REZONING

Please check application type:

☒ **Conventional Rezoning**

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 6880 Tippin Avenue

Parcel ID: 1 0 - 1 S - 2 9 - 3 1 0 1 - 0 1 4 - 0 0 4 Acres/Square Feet: 7557

Zoning Classification: Existing R-1AAA Proposed C-1

Future Land Use Classification: Existing LDR Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 20 22

Meredith Bush
Applicant Signature

Meredith Bush
Applicant Name (Print)

Billy L. Clark
Owner Signature

Billy L. Clark
Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 20 22 Billy L. Clark only

Name: Daniam Land

Commission Expires: At death

FOR OFFICE USE ONLY

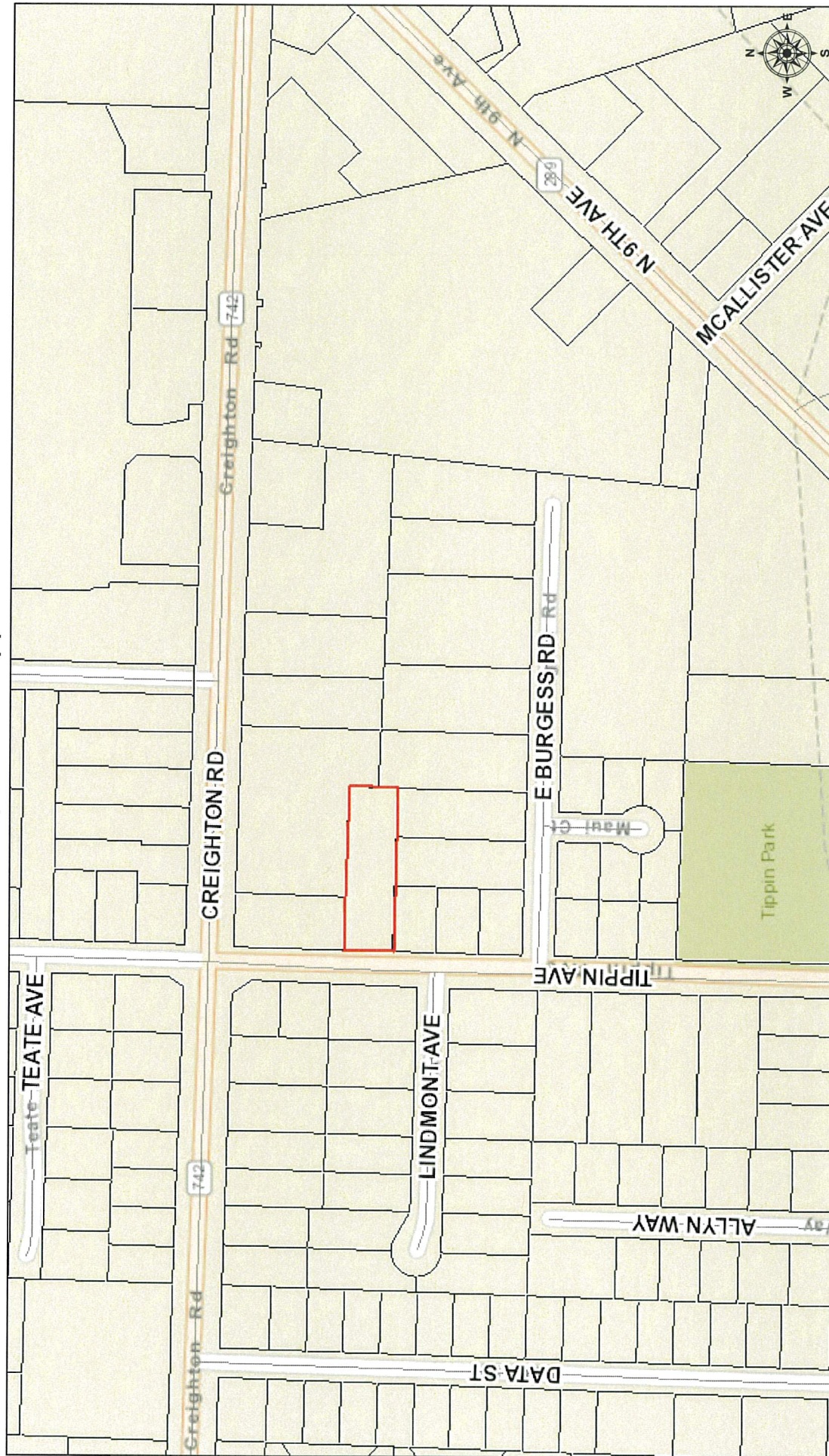
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 6880 Tippin Avenue



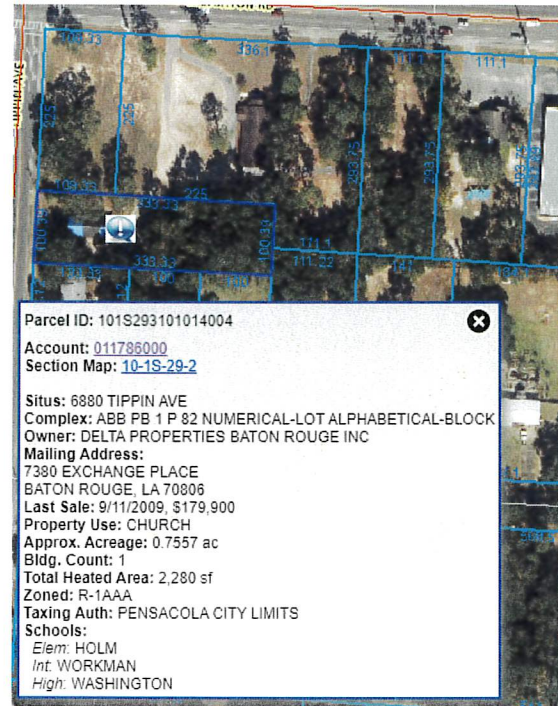
December 8, 2022

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101014004
Account: 011786000
Owners: DELTA PROPERTIES BATON ROUGE INC
Mail: 7380 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 6880 TIPPIN AVE 32504
Use Code:CHURCH
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The South 100.39 feet of the North 325.39 feet of Lot 1, Block "D", ABB SUBDIVISION, a subdivision of a portion of Section 10, Township 1 South, Range 29 West, according to plat filed in Plat Book 1, at Page 82 of the Public Records of Escambia County, Florida.





MINUTES OF THE PLANNING BOARD

January 10, 2023

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Villegas, Board Member Powell, Board Member Van Hoose

MEMBERS ABSENT: Board Member Sampson

STAFF PRESENT: Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Deputy City Administrator Forte, Help Desk Technician Russo, Executive Assistant Chwastyk

STAFF VIRTUAL: Development Services Director Morris, City Attorney Lindsay, Development Services Coordinator Statler

OTHERS PRESENT: Betsy Smith, Bob Smith, Will Akin, Spencer Akin, Rob Fink, Meredith Bush, Brett Orrell, Dave Bourassa, Bruce Boland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from December 13, 2022
- **New Business:**
- Preliminary Plat Approval – Girard Place Phase II – South Reus Street near Garden Street – District 7
- Zoning Map and Future Land Use Map (FLUM) Amendment for 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue – District 2
- Open Forum
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Paul Ritz called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes – Board Member Villegas made a motion to approve the December 13, 2022 minutes, seconded by Board Member Van Hoose, and it carried 5:0.

New Business –

Preliminary Plat Approval – Girard Place Phase II – South Reus Street near Garden Street – District 7

Planning & Zoning Manager, Cannon introduced the item to approve the preliminary plat for Girard Place Phase II, which is located along South Reus Street near Garden Street in the C-2 zoning district of which three parcels will be subdivided into twelve lots to accommodate single family attached residents. These are located within the dense business area and the governmental center district. Brett Orell, Poly Surveying, represented the applicant. He stated that this is a continuation of a previous project with the same design team from the civil side of things and the same architecture team. Chairperson Ritz stated this is the first of two times this will come before the board. Chairperson Ritz mentioned that there were several comments from staff members, Planning & Zoning Manager, Cannon confirmed the majority of comments were accepted/approved by Surveying and Engineering prior to the meeting. Board Member Grundhoefer inquired if there were plans to open Hilary Street, Brett Orell answered yes, but only for the benefit of the development and not for public use. Planning & Zoning Manager, Cannon, stated that was part of the surveyor's comments regarding legal and title opinions for Hilary Street access. Assistant Planning & Zoning Manager Harding stated that this project came before the Architectural Review Board in 2017 for Phase I and II with approval for front facing parking. Board Member Villegas inquired if this would be going back before the Architectural Review Board. Assistant Planning & Zoning Manager Harding replied no, not unless any changes were made from the initial ARB approval. Chairperson Ritz stated the item would come back before the Planning Board for final plat approval before going before the City Council. Board Member Grundhoefer questioned if the lot sizes have changed, Assistant Planning & Zoning Manager Harding replied, no. Board Member Villegas asked what the concern about the risk for erosion and other issues was. Planning & Zoning Manager, Cannon, shared the comments of Inspections Division Manager Bilby in that he would like to see this project move forward since the exposed mound of dirt is still sitting there and that part of the site is in a flood zone. Betsy Smith of 63 South Reus Street, the last unit adjacent to the parcel to be constructed, raised concerns about visibility. Betsy Smith is excited that something is going to go on after no activity, her concerns are with the revised setbacks that allow the building to be pushed up to the sidewalk and impair her vision instead of being flush with the existing buildings. Chairperson Ritz asked if this is a zero-lot line, Planning & Zoning Manager, Cannon stated the front, rear, and side setbacks can't go more than ten but up to zero. Chairperson Ritz stated they are allowed by right to the zero-lot line setback and from a legal standpoint they are not in the wrong. Betsy Smith replied that she just wanted to state her point. Board Member Grundhoefer added that this is a preferred situation and that they actually had preferred Phase I be done the same as Phase II. Board Member Villegas asked to view the plans and visuals of what was approved by ARB. A discussion ensued about how large subdivisions are done in phases and it was approved by Architectural Review Board in 2017 and if there were any changes to the approved plans they would require some form of review by the Architectural Review Board. Board Member Grundhoefer inquired if the owner would maintain the street or if it would it be deeded back to the City, Brett Orell answered it is the owners intent to continue to own Hilary street and

that sewer and water are through a portion of that right of way and that the City reserved a perpetual easement to have access for an emergency or utilities. **Board Member Grundhoefer made a motion to approve, seconded by Board Member Powell and it carried 6:0.**

Request for Zoning Map and Future Land Use Map (FLUM) Amendment for 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue – District 7

Planning & Zoning Manager, Cannon introduced the item in which the applicant is requesting four properties along Creighton Road zoned R-2 and one property on Tippin zoned R-1AA be rezoned to C-1. The parcels would go from Office/Residential to Commercial. Per current zoning regulations you need to be adjacent to the zoning district that you are requesting. The intent is to avoid spot zoning. Chairperson Ritz requested a brief review of what could be built by right in C-1. Planning & Zoning Manager, Cannon shared the purpose of R-2, the residential/office land use district and stated that it is established for the purpose of providing for a mixture of residential housing types and densities and office uses. The density is the same as C-1, 35 units per acre. Uses in R-2 include office buildings, hospitals, nursing homes, schools, banks, barber and beauty shops. Uses in R-NC residential neighborhood and commercial zoning include retail food and package stores, bakeries, martial arts, laundromats, and restaurants. The purpose of C-1 is commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. The C-1 zoning district is intended to provide a transitional buffer between mixed-use neighborhood commercial areas. Uses in C-1 are motel/hotels, retail sales, car washes, movie theaters, pet shops, business schools, trade schools, and medical marijuana dispensaries. Chairperson Ritz inquired if there's a difference in lot coverage and setback requirements, Planning & Zoning Manager, Cannon stated that C-1 is less restrictive, lot coverage is 75% for C-1 and 50% for R-2 and the setbacks vary. Chairperson Ritz then asked if this were approved would there still need to be a buffer between C-1 and adjacent R-1AAA, Planning & Zoning Manager, Cannon replied yes, there's a 10-foot landscape buffer that's required. Board Member Van Hoose questioned what the buffer was between R-2 and R-1AAA, Planning & Zoning Manager, Cannon stated no buffer is required. Board Member Van Hoose then asked if the rules prohibit the one parcel on the map from being considered because it's not adjacent to C-1, Planning & Zoning Manager, Cannon answered all parcels must get rezoned to C-1 for that one parcel in question to be eligible. Assistant Planning & Zoning Manager, Harding brought out that the buffer requirement is part of our commercial site plan development ordinance, it's meant for all commercial developments that border any kind of residential zoning district or residential property and it's a 10-foot zone intended for landscaping. Board Member Van Hoose asked what the size is of the smallest lot on the map that's right besides C-1, and it was shown to be 87-feet wide. Chairperson Ritz stated this request is a zoning change not for a particular establishment, they are just determining if C-1 is appropriate for this part of Pensacola. Meredith Bush of Clark Partington represented the applicant. They are seeking to rezone five parcels from R-2 and R-1AAA to C-1 at the corner of Creighton Road and Tippin Avenue. The applicant feels they meet the criteria of the code for approval and that this represents a logical and orderly development pattern, that it would not adversely impact the surrounding area but would be in line with existing commercial uses in that area. The site is currently home to a massage school and not a residential structure. The representatives brought conceptual plans on large easels that showed a grocery store and other commercial uses. Meredith Bush stated they would

abide by all code criteria to include buffering and lighting standards. They then showed a brief video of the site. Will Akin one of the applicants offered to answer any questions the board members had. Board Member Villegas wanted details of the meeting the applicants had regarding the rezoning and project on January 5, 2023. Will Akin informed the board five residents attended and all spoke positively, they had three phone calls, two of which were commercial and they were excited about the project. There was one property owner that reached out via email with questions and concerns, they addressed his email and are awaiting his response. Chairperson Ritz asked staff if postcards had gone out, staff replied yes, they had gone out in the 500-foot radius that is required. Will Akin stated they also sent out their own letters so that residents would have his contact information for any questions or concerns. Chairperson Ritz let the applicant know that he and the board appreciates the level of effort on the applicants part to get feedback from the community. Board Member Villegas inquired as to when the applicants letter went out, letters went out on December 20, 2022, to all residents within a 500-foot radius and the letters went to the property owner of record. Board Member Grundhoefer asked staff if the site had been posted, staff replied yes. Board Member Villegas spoke of the timing of the request being during the holiday season. Will Akin stated it was done because of the contract timeline and that they would like to put an Aldi's on the site. Board Member Villegas asked for clarification about the 1.43 acres shown on the map. The applicant stated it is excess land as part of the purchase contract, part of the development they'll attempt to develop. Board Member Grundhoefer asked if there were other speakers, there were none. Chairperson Ritz polled the audience and there were three people in the audience in support of the project, they were asked to fill out a speaker form. Board Member Grundhoefer inquired as to how they plan to buffer the small property abutting the southside from the proposed Aldi's. Will Akin stated the truck dock was intentionally put on the Creighton Street side to provide for better buffering. Will Akin stated that Aldi's are good corporate citizens and if there's something the City or the planners desire, Aldi's will want to do that and make sure they are good neighbors. Board Member Villegas asked how large the space is, applicant replied the store would be approximately 20,000 square feet. Board Member Grundhoefer wanted to know if any traffic issues were looked at by the City, staff replied this a rezoning and that's not addressed at this step. Chairperson Ritz stated the purpose of the board is to discuss this and see if C-1 is an appropriate move for the City, their job is to help the City Council in discussing as to whether this change to C-1 is appropriate for this location. Board Member Powell stated she feels it does serve the area and is encouraged that the lot will be used. Clinton Taffe called into the meeting, he owns four parcels, or 3.82 acres zoned R-1AA near Schwabb and John Carroll. He had asked years ago if this area would be a candidate for commercial, he was advised it would never be commercial because it is a border between the Walmart and the subdivision on Teate and Lansing. He stated this is residential zoning surrounded on three sides by residential zoning and that anything allowed under C-1 would allow for large parking lots and tall lights. Clinton Taffe feels it's an infringement into the neighborhood and that there are residents in opposition, they are just unable to get to the meetings due to age or health issues. If allowed, traffic on Tippin Avenue will increase causing people to have to divert to Dunmire. Clinton Taffe concluded by stating, there are a lot of vacancies in Eastgate Shopping Center and other options available that are already zoned commercial. Board Member Villegas appreciated the fact that he had been in contact with the surrounding neighbors, but questioned why he hadn't provided the contact information of these individuals with City staff so that contact could have been made to understand their feeling on this matter. Clinton Taffe stated when the

notices came out around the holidays, he attempted to contact Mr. Akins but only received his reply yesterday and had not had a chance to read his response because he has to work. He was able to touch base with the neighbors yesterday, Monday, and he proceeded to give the names of Essie Akins and Herbert Hines and an idea of where they lived. Chairperson Ritz then gave the comparison to the Publix on Cervantes Street in East Hill and that is also adjacent to residential neighborhoods and that he can personally accept this change. Vice Chairperson Larson noted he prefers RNC, but he can see from the planning that's not possible, and that C-1 is the right fit for the area, and he understands the commercial value outweighs the residential value. Board Member Grundhoefer asked if this building would comply with RNC zone. Planning & Zoning Manager, Cannon, answered no, retail food is not allowed until C-1 but if in RNC, only 4,000 square feet are allowed not the 20,000 square feet of Aldi's. Board Member Villegas asked Will Akin if he was a part of the team that brought the Aldi's to West Pensacola, he replied he was a part of the Alabama stores. Board Member Villegas then asked when Aldi's applies for zone changes, what's the percentage rate of them following through, he replied the head V.P. has approved this particular site. Once the V.P. stamps it, as long as the rents and sales are comparable that's a stamp of approval, he gave it a 95 percent approval rate. Additionally, they will have to see what FDOT has to say about the access to the light on the corner, sometimes environmental things come up that could hurt a deal, but this appears to be clean, the title search was clean, and they typically like to be near a Walmart. Chairperson Ritz stated this item will have two readings and it will be discussed at the February 23rd Council meeting, noting that there are still multiple avenues for the citizens to comment. **Vice Chairperson Larson made a motion to approve all listed parcels 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue, seconded by Board Member Powell and it carried 6:0.**

Open Forum – none

Discussion – A brief discussion continued regarding an upcoming Planning Board item that would be voted on at the City Council meeting in January.

Adjournment – With no further business, the Board adjourned at 3:08 p.m.

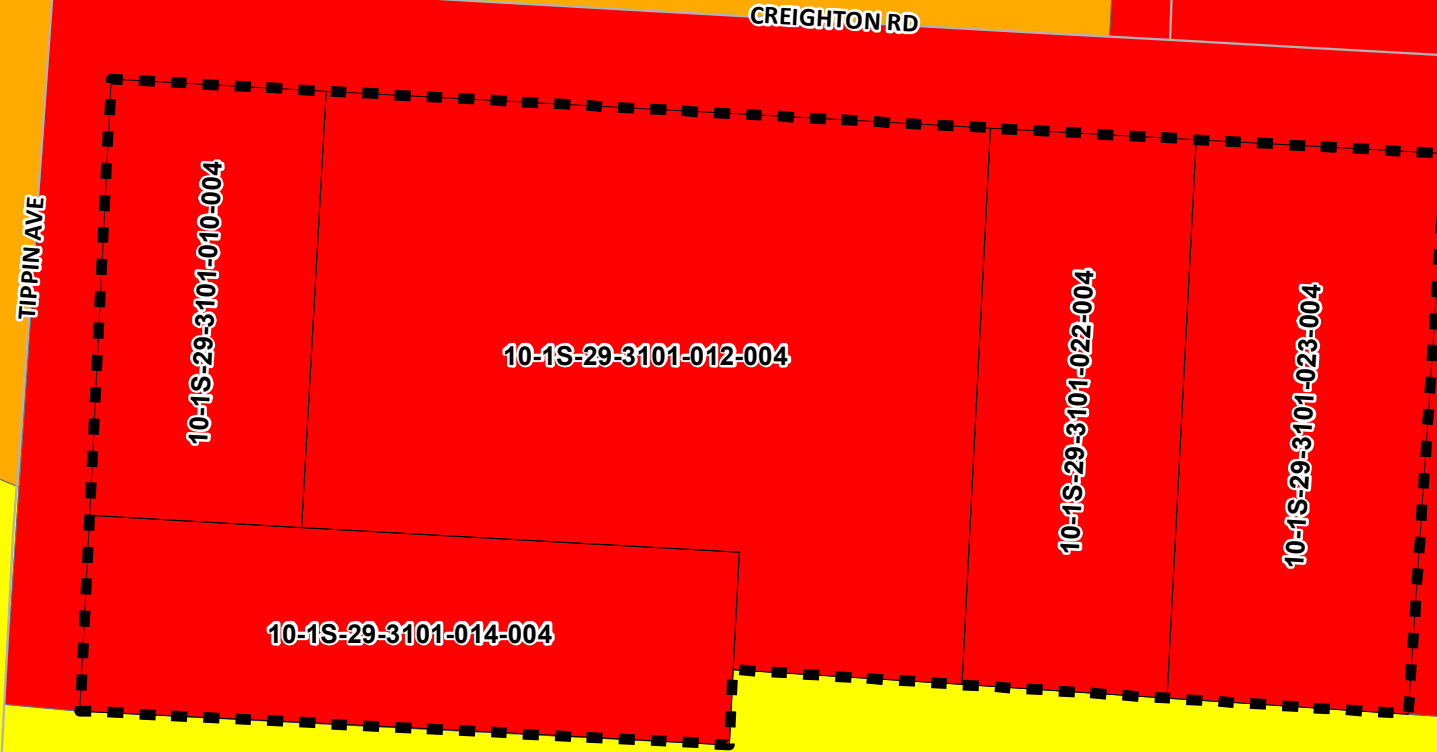
Respectfully Submitted,

Cynthia Cannon, AICP
Planning & Zoning Division Manager
Secretary of the Board

Proposed Future Land Use

Future Land Use

- COMMERCIAL
- LOW DENSITY RESIDENTIAL
- OFFICE



0 87.5 175 Feet

Date: 1/3/2023






This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

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PENSACOLA

FLORIDA'S FIRST & FUTURE

Proposed Zoning

-  SINGLE FAMILY (R-1AAA)
-  RESIDENTIAL/OFFICE
-  RETAIL COMMERCIAL (C-1)

Proposed Zoning

TIPPIN AVE

CREIGHTON RD

10-1S-29-3101-010-004

10-1S-29-3101-012-004

10-1S-29-3101-022-004

10-1S-29-3101-023-004

10-1S-29-3101-014-004

LINDMONT AVE

0 87.5 175 Feet

Date: 1/3/2023



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PENSACOLA

FLORIDA'S FIRST & FUTURE

PROPOSED
ORDINANCE NO. 02-23

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN
AND FUTURE LAND USE MAP OF THE CITY OF
PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city adopted a comprehensive plan on October 4, 1990, pursuant to applicable law; and

WHEREAS, the city council desires to effect an amendment to a portion of the future land use element of the comprehensive plan; and

WHEREAS, said amendment is consistent with the other portions of the future land use element and all other applicable elements of the comprehensive plan, as amended; and

WHEREAS, said amendment will affirmatively contribute to the health, safety and general welfare of the citizens of the city; and

WHEREAS, the city council has followed all of the procedures set forth in F.S. sections 163.3184 and 163.3187, and all other applicable provisions of law and local procedures with relation to amendment to the future land use element of the comprehensive plan; and

WHEREAS, proper public notice was provided and appropriate public hearing was held pursuant to the provisions referred to hereinabove as to the following amendment to the comprehensive plan and future land use map of the city;

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

SECTION 1. That the Comprehensive Plan and Future Land Use Map of the City of Pensacola, and all notations, references and information shown thereon as it relates to the following described real property in the City of Pensacola, Florida, to-wit:

The North 225 feet of the West 108.33 feet of Lot 1, Block D, Abb Subdivision, Section 10, Township 1 South, Range 29 West, as per plat recorded in Plat 1, at Page 82 of the Public Records of Escambia County, Florida

The East 112.5 feet of the North 225 feet, of Lot 1, Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, Escambia County, Florida according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County

The West 112.5 feet of the East 225 feet of the North 225 feet of Lot 1, Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, in the City of Pensacola, Escambia County, Florida

The West 111 feet 1 3/8 inches of North 293 feet 9 inches of Lot 2, Block "D", ABB Subdivision, Section 10, Township 1 South, Range 29 West, Escambia County, Florida, according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County

The East 111 feet 1 & 3/8 inches of the West 222 feet 2 & 6/8 inches of the North 293 feet 9 inches of Lot 2, Block D, in Section 10, Township 1 South, Range 29 West, ABB Subdivision, according to the plat thereof, recorded in Plat Book 1, Page(s) 82, of the Public Records of Escambia County, Florida

A portion of Lot 2, Block "D", ABB Subdivision as recorded in Plat Book 1, Page 82, of the Public Records of Escambia County, Florida, more particularly described as follows: The East 111 feet 1 and 3/8 inches of the North 293 feet 9 inches of Lot 2, in Block "D", in Section 10, Township 1 South, Range 29 West per ABB Subdivision, a plat of which is recorded in Plat Book 1, and Page 82, of the Public Records of Escambia County, Florida

is hereby changed from "O" Office to "C" Commercial; and further that

The South 100.39 feet of the North 325.39 feet of Lot 1, Block "D", ABB SUBDIVISION, a subdivision of a portion of Section 10, Township 1 South, Range 29 West, according to plat filed in Plat Book 1, at Page 82 of the Public Records of Escambia County, Florida

is hereby changed from "LDR" low-density residential, to "C" Commercial.

SECTION 2. The city council shall by subsequently adopted ordinance change the zoning classification and zoning map for the subject property to a permissible zoning classification, as determined by the discretion of the city council, which is consistent with the future land use classification adopted by this ordinance. Pending the adoption of such a rezoning ordinance, no development of the subject property shall be permitted which is inconsistent with the future land use classification adopted by this ordinance.

SECTION 3. 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 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. 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

PROPOSED
ORDINANCE NO. 03-23

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city adopted a comprehensive plan on October 4, 1990, pursuant to applicable law; and

WHEREAS, a proposed amended zoning classification has been referred to the local planning agency pursuant to F.S. section 163.3174, and a proper public hearing was held on February 23, 2023, concerning the following proposed zoning classification affecting the property described therein; and

WHEREAS, after due deliberation, the city council has determined that the amended zoning classification set forth herein will affirmatively contribute to the health, safety, and general welfare of the citizens of the city; and

WHEREAS, said amended zoning classification is consistent with all applicable elements of the Comprehensive Plan as amended;

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

SECTION 1. That the Zoning Map of the City of Pensacola and all notations, references and information shown thereon is hereby amended so that the following described real property located in the City of Pensacola, Florida, to-wit:

The North 225 feet of the West 108.33 feet of Lot 1, Block D, Abb Subdivision, Section 10, Township 1 South, Range 29 West, as per plat recorded in Plat 1, at Page 82 of the Public Records of Escambia County, Florida

The East 112.5 feet of the North 225 feet, of Lot 1, Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, Escambia County, Florida according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County.

The West 112.5 feet of the East 225 feet of the North 225 feet of Lot 1, Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, in the City of Pensacola, Escambia County, Florida

The West 111 feet 1 3/8 inches of North 293 feet 9 inches of Lot 2, Block "D", ABB Subdivision, Section 10, Township 1 South, Range 29 West, Escambia County, Florida, according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County

The East 111 feet 1 & 3/8 inches of the West 222 feet 2 & 6/8 inches of the North 293 feet 9 inches of Lot 2, Block D, in Section 10, Township 1 South, Range 29 West, ABB Subdivision, according to the plat thereof, recorded in Plat Book 1, Page(s) 82, of the Public Records of Escambia County, Florida

A portion of Lot 2, Block "D", ABB Subdivision as recorded in Plat Book 1, Page 82, of the Public Records of Escambia County, Florida, more particularly described as follows: The East 111 feet 1 and 3/8 inches of the North 293 feet 9 inches of Lot 2, in Block "D", in Section 10, Township 1 South, Range 29 West per ABB Subdivision, a plat of which is recorded in Plat Book 1, and Page 82, of the Public Records of Escambia County, Florida

is hereby changed from R-2, Residential/Office Zoning District to C-1, Commercial Zoning District, and further that

The South 100.39 feet of the North 325.39 feet of Lot 1, Block "D", ABB SUBDIVISION, a subdivision of a portion of Section 10, Township 1 South, Range 29 West, according to plat filed in Plat Book 1, at Page 82 of the Public Records of Escambia County, Florida.

is hereby changed from R-1AAA, Single-Family Zoning District to C-1, Commercial Zoning District.

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 provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provision 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 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



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 02-23

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: D.C. Reeves, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 02-23 - REQUEST FOR FUTURE LAND USE MAP AMENDMENT-2401, 2409, 2421, 2431 CREIGHTON ROAD AND 6880 TIPPIN AVENUE

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 02-23 on first reading:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: Public

SUMMARY:

Meredith Bush, AICP, Clark Partington Attorneys at Law, is requesting a Zoning Map and Future Land Use Map (FLUM) Amendment for the following properties:

Address	Owner	Current Zoning	Requested Zoning	Current FLU	Requested FLU
2401 Creighton Rd	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/ Residential	Commercial
2409 Creighton Rd	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/ Residential	Commercial
2421 Creighton Rd	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/ Residential	Commercial
2431 Creighton Rd	Irish Autumn Properties LLC	R-2	C-1	Office/ Residential	Commercial
6880 Tippin Avenue	Delta Properties Baton Rouge, Inc.	R-1AAA	C-1	LDR	Commercial

These parcels are currently zoned R-2 - Residential/Office District and R-1AAA - Low Density Residential District and the existing Future Land Use (FLU) designations are Office/Residential and Low Density Residential. The applicant is proposing to amend the zoning districts to C-1, Commercial Zoning District and the FLUM to Commercial.

Existing Zoning Districts and Future Land Use:

- R-2 - The residential/office land use district is established for the purpose of providing for a mixture of residential housing types and densities and office uses. Residential and office uses shall be allowed within the same structure. When the R-2 zoning district is located in older, developed areas of the city, the zoning regulations are intended to provide for residential or office infill development at a density, character and scale compatible with the surrounding area. In some cases the R-2 district is also intended as a transition area between commercial and residential uses.
- R-1AAA - The low-density residential land use district is established for the purpose of providing and preserving areas of single-family, low intensity development at a maximum density of 4.8 dwelling units per acre in areas deemed suitable because of compatibility with existing development and/or the environmental character of the areas. The nature of the use of property is basically the same in all three single-family zoning districts.
- FLU - Office/Residential - 18 or fewer residential dwelling units per acre.
- FLU - Low Density Residential - 5 or fewer residential dwelling units per acre.

Proposed Zoning District and Future Land Use:

- C-1 - 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.
- Commercial FLU - 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.

This request has been routed through the various City departments and utility providers and those comments are attached for your review.

On January 10, 2023, the Planning Board recommended approval of the request with a 6:0 vote.

PRIOR ACTION:

None.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

1/10/2023

STAFF CONTACT:

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator - Community Development

Sherry Morris, AICP, Development Services Director

Cynthia Cannon, AICP, Planning and Zoning Manager

ATTACHMENTS:

- 1) Proposed Ordinance No. 02-23
- 2) Planning Board Rezoning Application
- 3) Planning Board Minutes January 10, 2023 - DRAFT
- 4) FLUM Map 2023

PRESENTATION: No

PROPOSED
ORDINANCE NO. 02-23

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN
AND FUTURE LAND USE MAP OF THE CITY OF
PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city adopted a comprehensive plan on October 4, 1990, pursuant to applicable law; and

WHEREAS, the city council desires to effect an amendment to a portion of the future land use element of the comprehensive plan; and

WHEREAS, said amendment is consistent with the other portions of the future land use element and all other applicable elements of the comprehensive plan, as amended; and

WHEREAS, said amendment will affirmatively contribute to the health, safety and general welfare of the citizens of the city; and

WHEREAS, the city council has followed all of the procedures set forth in F.S. sections 163.3184 and 163.3187, and all other applicable provisions of law and local procedures with relation to amendment to the future land use element of the comprehensive plan; and

WHEREAS, proper public notice was provided and appropriate public hearing was held pursuant to the provisions referred to hereinabove as to the following amendment to the comprehensive plan and future land use map of the city;

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

SECTION 1. That the Comprehensive Plan and Future Land Use Map of the City of Pensacola, and all notations, references and information shown thereon as it relates to the following described real property in the City of Pensacola, Florida, to-wit:

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is hereby changed from "O" Office to "C" Commercial; and further that

The South 100.39 feet of the North 325.39 feet of Lot 1, Block "D", ABB SUBDIVISION, a subdivision of a portion of Section 10, Township 1 South, Range 29 West, according to plat filed in Plat Book 1, at Page 82 of the Public Records of Escambia County, Florida

is hereby changed from "LDR" low-density residential, to "C" Commercial.

SECTION 2. The city council shall by subsequently adopted ordinance change the zoning classification and zoning map for the subject property to a permissible zoning classification, as determined by the discretion of the city council, which is consistent with the future land use classification adopted by this ordinance. Pending the adoption of such a rezoning ordinance, no development of the subject property shall be permitted which is inconsistent with the future land use classification adopted by this ordinance.

SECTION 3. 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 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. 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



Meredith D. Bush, AICP
Direct (850) 208-7088
mbush@clarkpartington.com

Board Certified City, County and Local Government Attorney

December 9, 2022

VIA EMAIL & HAND-DELIVERY

Planningapplications@cityofpensacola.com

City of Pensacola - Planning & Zoning
222 W. Main Street
Pensacola, FL 32502

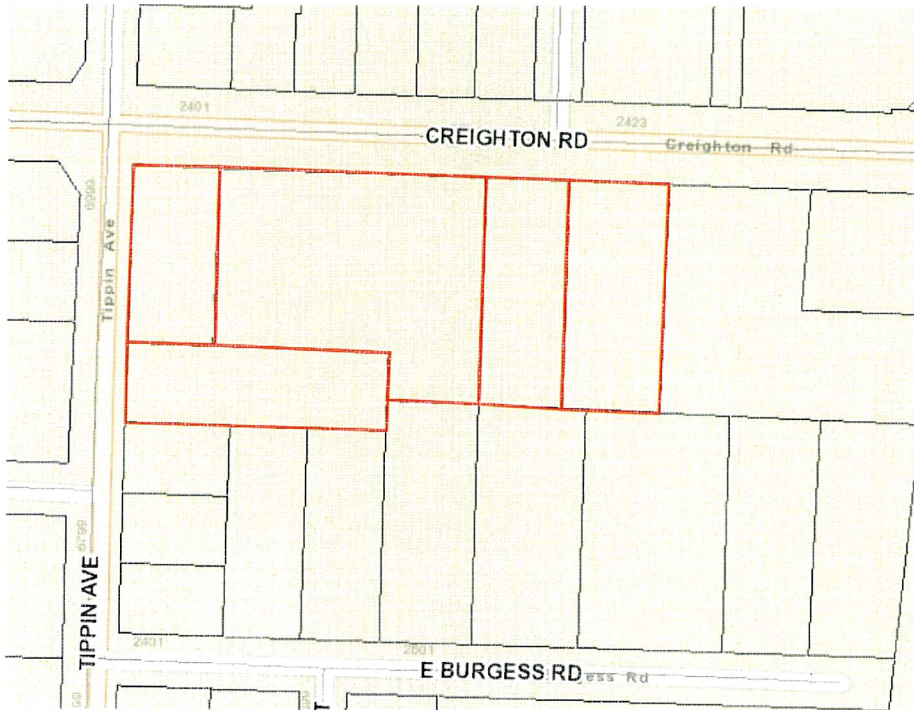
Re: Rezoning Application; CP Matter No. 221208

Dear City of Pensacola,

Please find enclosed our rezoning application and required attachments for the following properties:

Parcel ID	Address	Owner	Current Zoning	Requested Zoning	Current FLU	Requested FLU
10-1S-29-3101-010-004	2401 Creighton Road	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-012-004	2409 Creighton Road	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-022-004	2421 Creighton Road	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-023-004	2431 Creighton Road	Irish Autumn Properties LLC	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-014-004	6880 Tippin Avenue	Delta Properties Baton Rouge, Inc.	R-1AAA	C-1	LDR	Commercial

The five contiguous parcels are located at the corner of Creighton Road and Tippin Avenue as shown in the map below and in the attachments included with this submission.



The purpose of the rezoning request is for future development as a grocery store.

The enclosed application and attachments along with the required application fee are being hand-delivered in hard-copy. This correspondence, the application and attachments are also being provided in electronic form by email. Should you have any questions, please feel free to call or write. My direct number is (850) 208-7088.

Thank you in advance for your consideration of this request.

Sincerely,


Meredith D. Bush

MDB/bfs

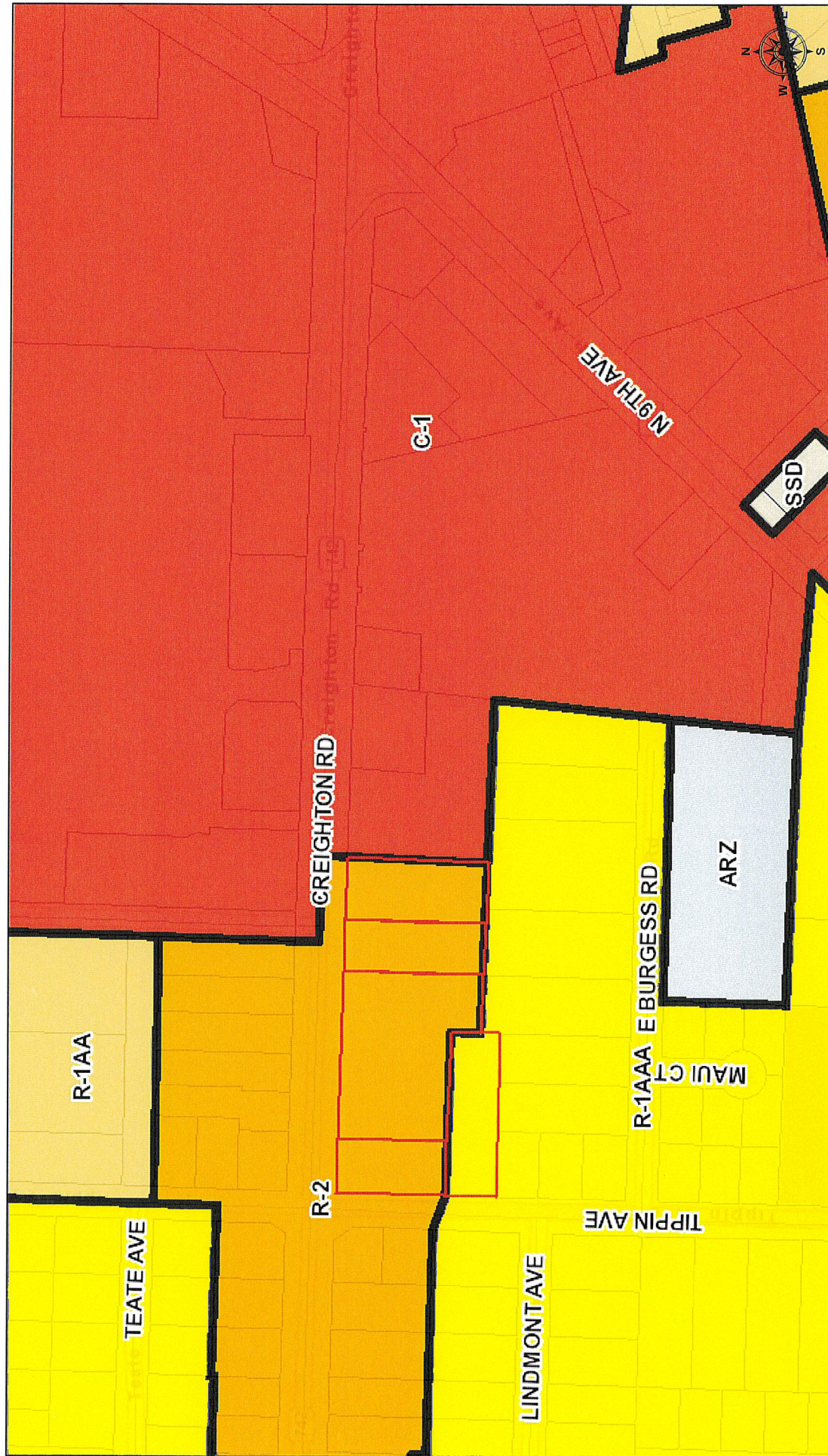
Enclosures

cc: Cynthia Cannon, AICP (CCannon@cityofpensacola.com)

Will Akin (will@cgpre.com)

A4821725.DOCX

Location Map



December 9, 2022

1:3,754
0 0.03 0.06 0.12 mi
0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



REZONING

Please check application type:

☒ **Conventional Rezoning**

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 2401 Creighton Road

Parcel ID: 10 - 1 S - 29 - 3101 - 010 - 004 Acres/Square Feet: 5596

Zoning Classification: Existing R-2 Proposed C-1

Future Land Use Classification: Existing Office Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 2022

Meredith Bush
Applicant Signature

Meredith Bush

Applicant Name (Print)

Billy L. Clark
Owner Signature

Billy L. Clark

Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 2022 Billy L. Clark only

Name: Dan Sam Sam

Commission Expires: at death

FOR OFFICE USE ONLY

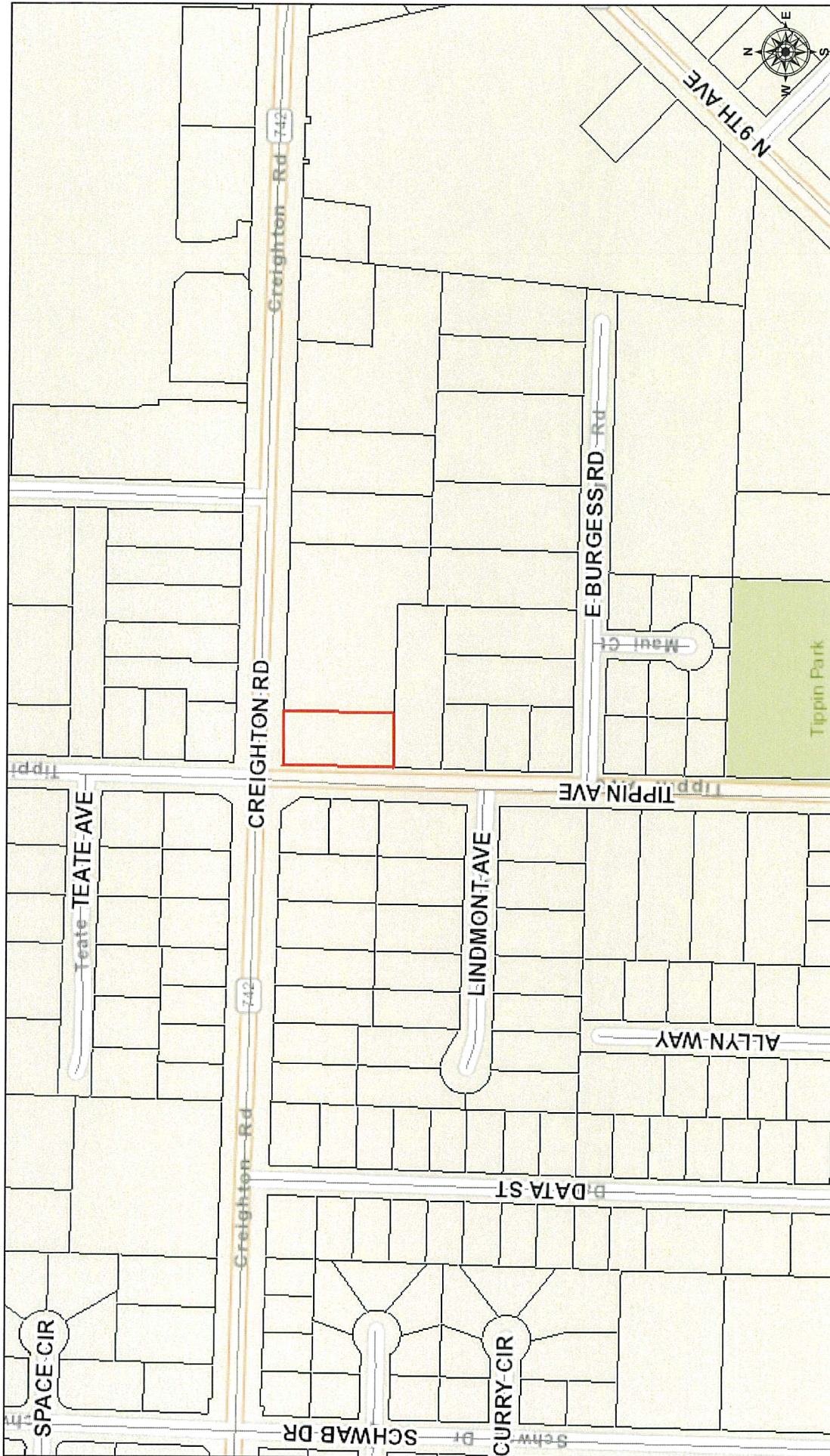
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

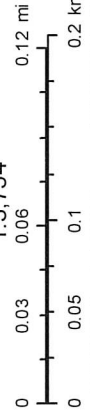
Second Reading: _____ Ordinance Number: _____

Location Map - 2401 Creighton Road



December 8, 2022

1:3,754

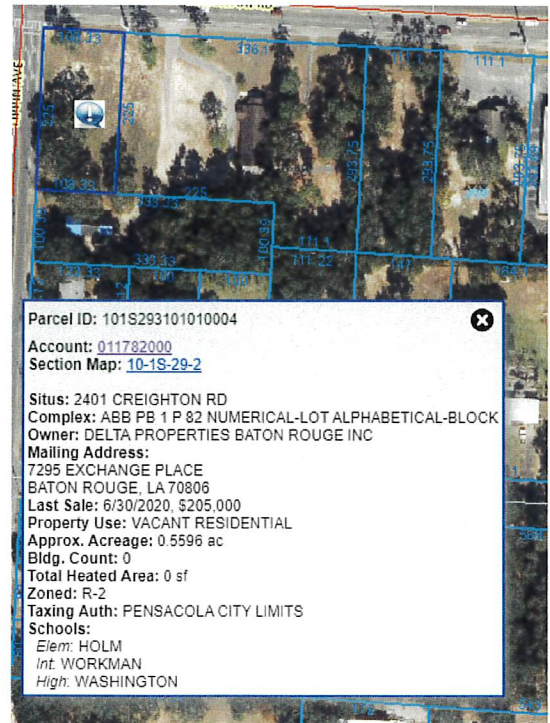


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101010004
Account: 011782000
Owners: DELTA PROPERTIES BATON ROUGE INC
Mail: 7295 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 2401 CREIGHTON RD 32504
Use Code: VACANT RESIDENTIAL
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The North 225 feet of the West 108.33 feet of Lot 1, Block D, Abb Subdivision, Section 10, Township 1 South, Range 29 West, as per plat recorded in Plat 1, at Page 82 of the Public Records of Escambia County, Florida.



REZONING



Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 2409 Creighton Road

Parcel ID: 10 - 1 S - 29 - 3101 - 012 - 004 Acres/Square Feet: 1.90

Zoning Classification: Existing R-2 Proposed C-1

Future Land Use Classification: Existing Office Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 2022

Applicant Signature

Meredith Bush

Applicant Name (Print)

Owner Signature

Billy L. Clark

Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 2022 Billy L. Clark only

Name: Dwain Hunt

Commission Expires: at death

FOR OFFICE USE ONLY

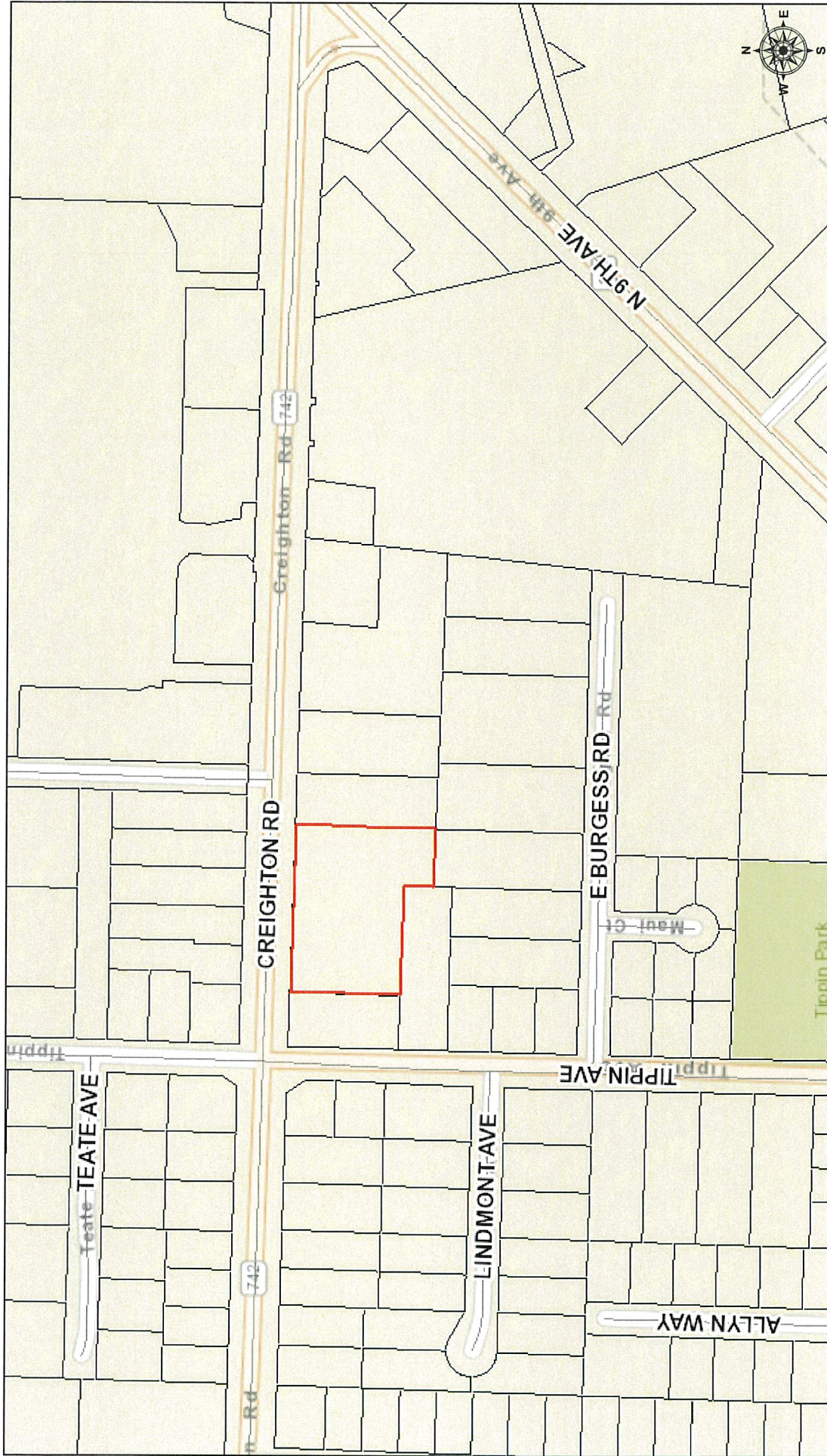
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 2409 Creighton Road



December 8, 2022

1:3,754
0 0.03 0.06 0.12 mi
0 0.05 0.1 0.2 km
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

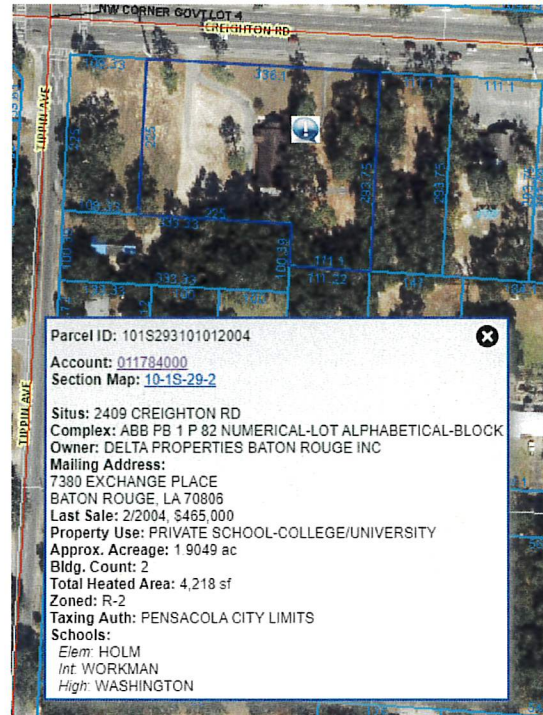
Parcel ID: 101S293101012004
Account: 011784000
Owners: DELTA PROPERTIES BATON ROUGE INC
Mail: 7380 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 2409 CREIGHTON RD 32504
Use Code:PRIVATE SCHOOL-COLLEGE/UNIVERSITY
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The East 112.5 feet of the North 225 feet, of Lot 1, Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, Escambia County, Florida according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County.

The West 112.5 feet of the East 225 feet of the North 225 feet of Lot 1,Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, in the City of Pensacola, Escambia County, Florida.

The West 111 feet 1 3/8 inches of North 293 feet 9 inches of Lot 2, Block "D", ABB Subdivision, Section 10, Township 1 South, Range 29 West, Escambia County, Florida, according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County.



REZONING

Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00



Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 2421 Creighton Road

Parcel ID: 10 - 1 S - 29 - 3101 - 022 - 004 Acres/Square Feet: 6875

Zoning Classification: Existing R-2 Proposed C-1

Future Land Use Classification: Existing Office Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 2022

Applicant Signature

Meredith Bush

Applicant Name (Print)

Owner Signature

Billy L. Clark

Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 2022 Billy L. Clark only

Name: Benjamin Faust

Commission Expires: at death

FOR OFFICE USE ONLY

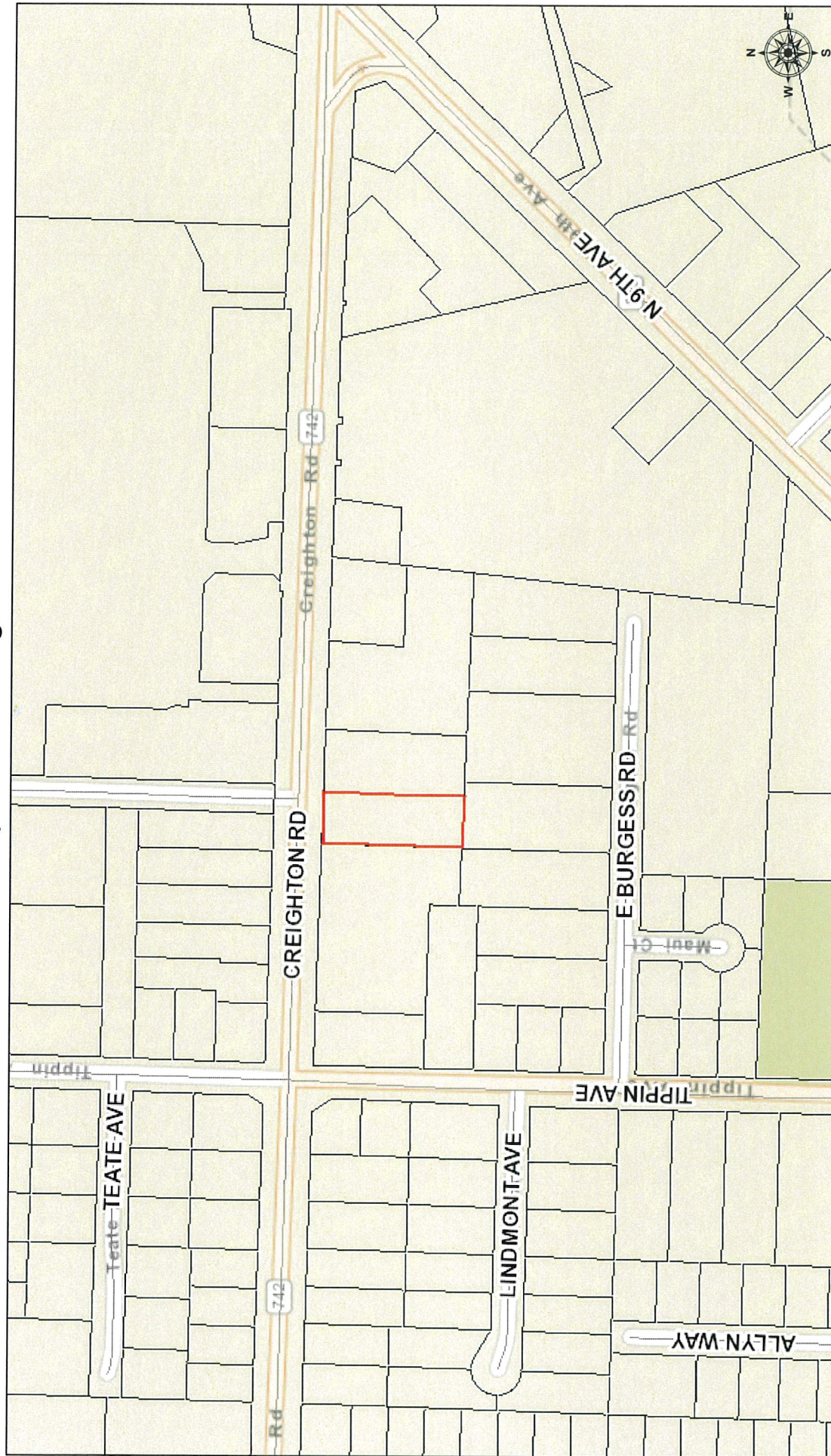
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 2421 Creighton Road



December 8, 2022

1:3,754

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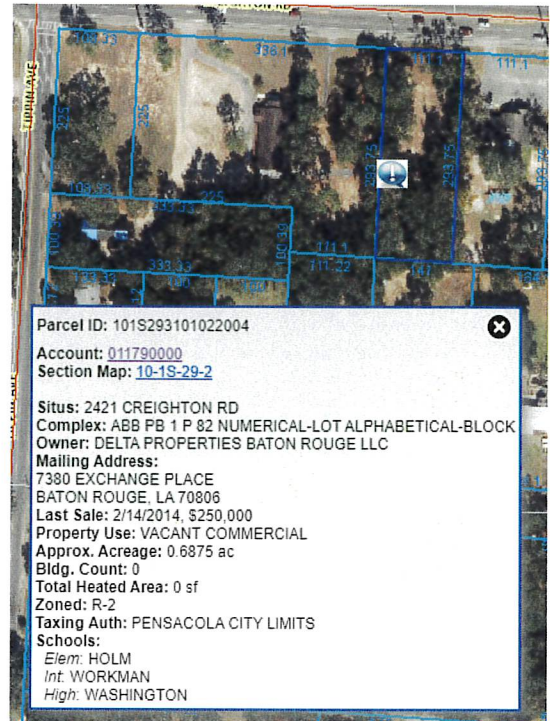
0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101022004
Account: 011790000
Owners: DELTA PROPERTIES BATON ROUGE LLC
Mail: 7380 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 2421 CREIGHTON RD 32504
Use Code: VACANT COMMERCIAL CodeList
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The East 111 feet 1 & 3/8 inches of the West 222 feet 2 & 6/8 inches of the North 293 feet 9 inches of Lot 2, Block D, in Section 10, Township 1 South, Range 29 West, ABB Subdivision, according to the plat thereof, recorded in Plat Book 1, Page(s) 82, of the Public Records of Escambia County, Florida



REZONING



Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington

Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088

Fax: (850) 432-7340

Email: mbush@clarkpartington.com

Property Information:

Owner Name: Irish Autumn Properties, LLC

Phone: _____

Location/Address: 2431 Creighton Road

Parcel ID: 10 - 1 S - 29 - 31 01 - 02 3 - 00 4 Acres/Square Feet: 8240

Zoning Classification: Existing R-2

Proposed C-1

Future Land Use Classification: Existing Office

Proposed Commercial

Reason Rezoning Requested: Development as commercial compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 8th day of December, 2022

Meredith Bush

Applicant Signature

Meredith Bush

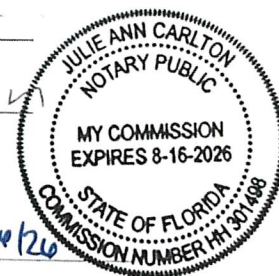
Applicant Name (Print)

Laura L. O'Brien

Owner Signature

Laura L. O'Brien

Owner Name (Print)



Sworn to and subscribed to before me this 8th day of December, 2022

Name: *Julie Carlton*

Commission Expires: 8/16/26

FOR OFFICE USE ONLY

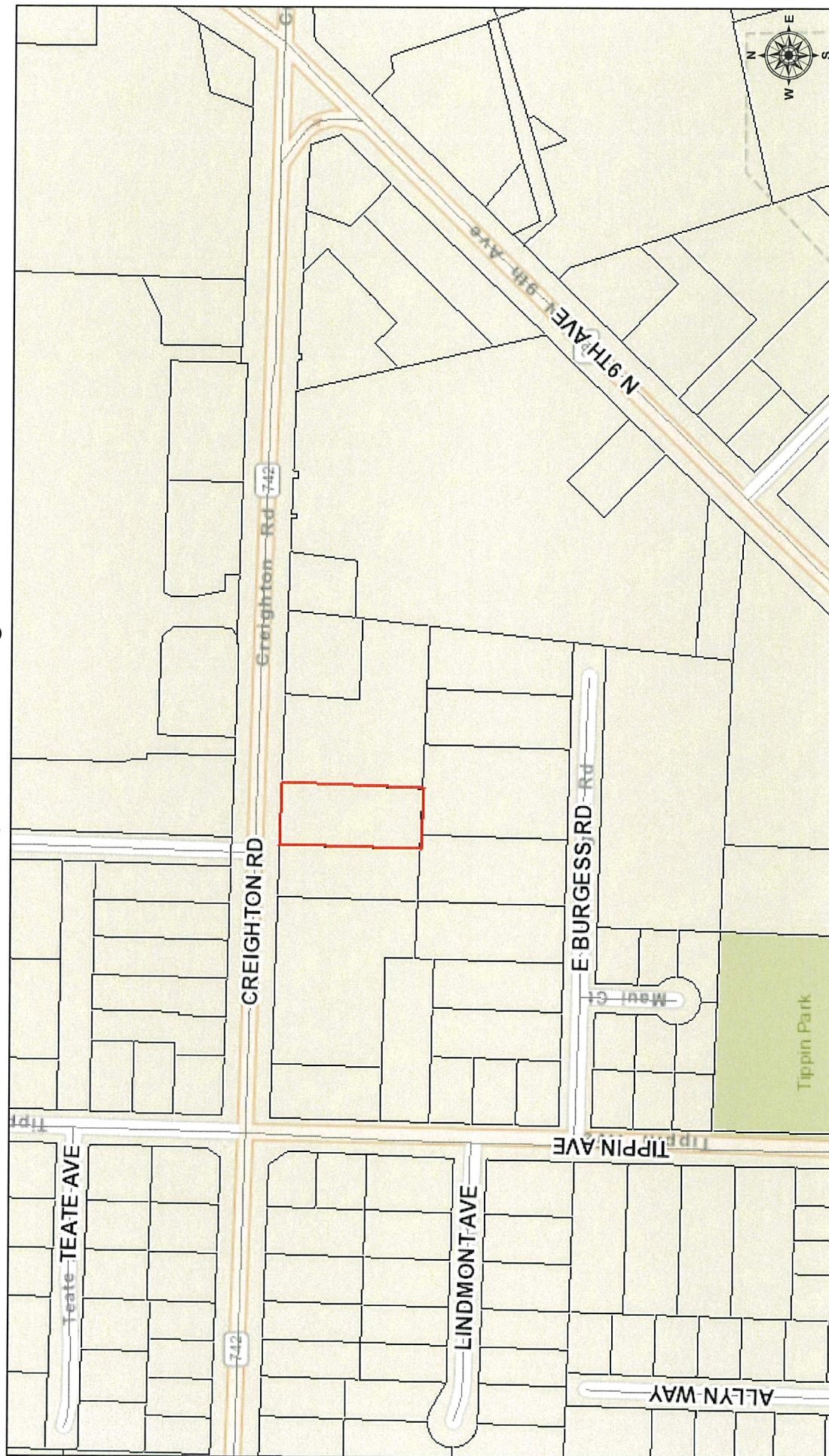
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 2431 Creighton Road



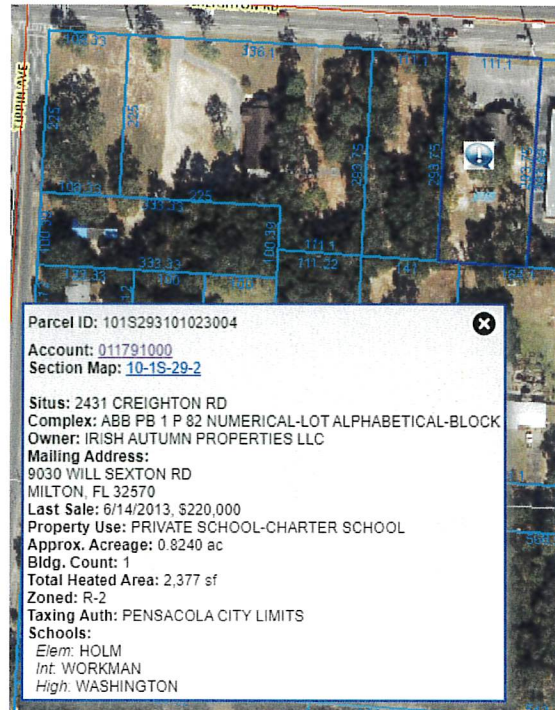
December 8, 2022

1:3,754
0 0.03 0.06 0.12 mi
0 0.05 0.1 0.2 km
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101023004
Account: 011791000
Owners: IRISH AUTUMN PROPERTIES LLC
Mail: 9030 WILL SEXTON RD
MILTON, FL 32570
Situs: 2431 CREIGHTON RD 32504
Use Code: PRIVATE SCHOOL-CHARTER SCHOOL
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

A portion of Lot 2, Block "D", ABB Subdivision as recorded in Plat Book 1, Page 82, of the Public Records of Escambia County, Florida, more particularly described as follows: The East 111 feet 1 and 3/8 inches of the North 293 feet 9 inches of Lot 2, in Block "D", in Section 10, Township 1 South, Range 29 West per ABB Subdivision, a plat of which is recorded in Plat Book 1, and Page 82, of the Public Records of Escambia County, Florida.





REZONING

Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 6880 Tippin Avenue

Parcel ID: 10 - 1 S - 29 - 31 01 - 01 4 - 00 4 Acres/Square Feet: 7557

Zoning Classification: Existing R-1AAA Proposed C-1

Future Land Use Classification: Existing LDR Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 20 22

Meredith Bush
Applicant Signature

Billy L. Clark
Owner Signature

Meredith Bush
Applicant Name (Print)

Billy L. Clark
Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 20 22 Billy L. Clark only

Name: Daniam Land

Commission Expires: At death

FOR OFFICE USE ONLY

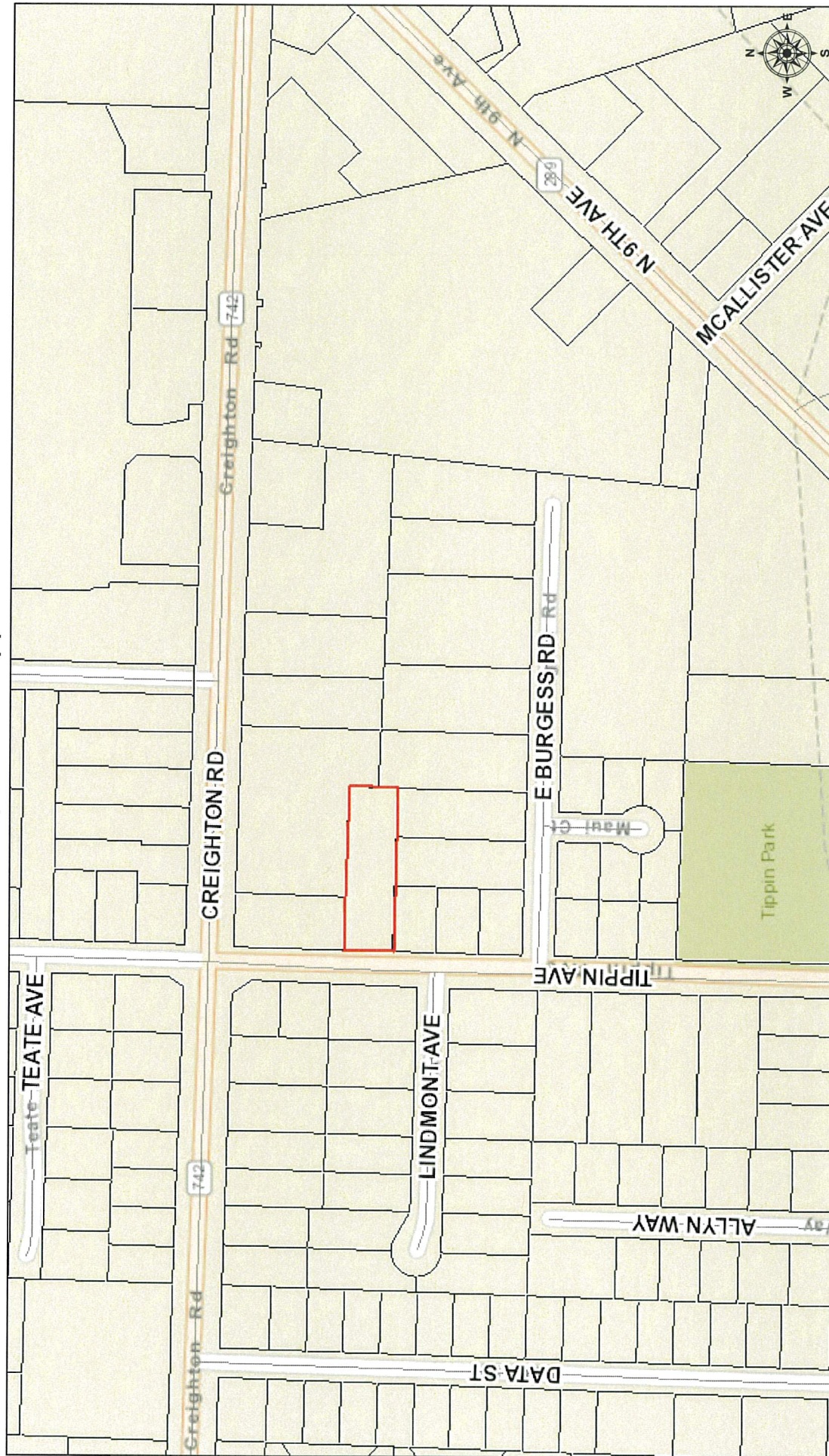
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 6880 Tippin Avenue

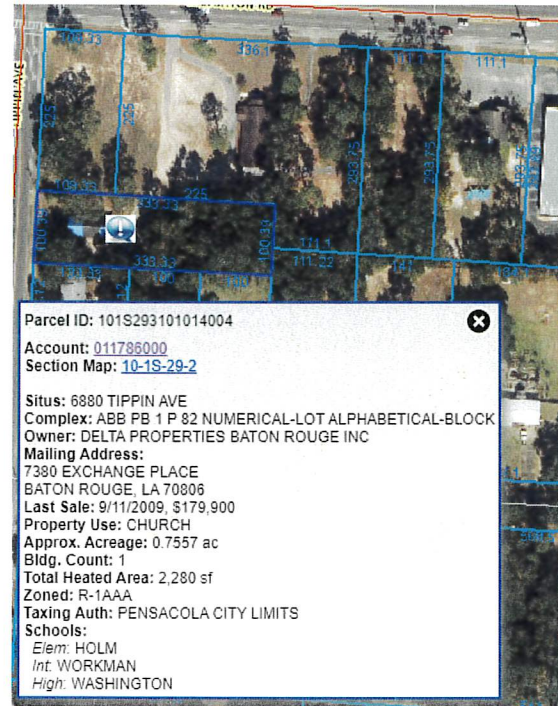


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101014004
Account: 011786000
Owners: DELTA PROPERTIES BATON ROUGE INC
Mail: 7380 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 6880 TIPPIN AVE 32504
Use Code:CHURCH
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The South 100.39 feet of the North 325.39 feet of Lot 1, Block "D", ABB SUBDIVISION, a subdivision of a portion of Section 10, Township 1 South, Range 29 West, according to plat filed in Plat Book 1, at Page 82 of the Public Records of Escambia County, Florida.





MINUTES OF THE PLANNING BOARD

January 10, 2023

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Villegas, Board Member Powell, Board Member Van Hoose

MEMBERS ABSENT: Board Member Sampson

STAFF PRESENT: Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Deputy City Administrator Forte, Help Desk Technician Russo, Executive Assistant Chwastyk

STAFF VIRTUAL: Development Services Director Morris, City Attorney Lindsay, Development Services Coordinator Statler

OTHERS PRESENT: Betsy Smith, Bob Smith, Will Akin, Spencer Akin, Rob Fink, Meredith Bush, Brett Orrell, Dave Bourassa, Bruce Boland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from December 13, 2022
- **New Business:**
- Preliminary Plat Approval – Girard Place Phase II – South Reus Street near Garden Street – District 7
- Zoning Map and Future Land Use Map (FLUM) Amendment for 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue – District 2
- Open Forum
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Paul Ritz called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes – Board Member Villegas made a motion to approve the December 13, 2022 minutes, seconded by Board Member Van Hoose, and it carried 5:0.

New Business –

Preliminary Plat Approval – Girard Place Phase II – South Reus Street near Garden Street – District 7

Planning & Zoning Manager, Cannon introduced the item to approve the preliminary plat for Girard Place Phase II, which is located along South Reus Street near Garden Street in the C-2 zoning district of which three parcels will be subdivided into twelve lots to accommodate single family attached residents. These are located within the dense business area and the governmental center district. Brett Orell, Poly Surveying, represented the applicant. He stated that this is a continuation of a previous project with the same design team from the civil side of things and the same architecture team. Chairperson Ritz stated this is the first of two times this will come before the board. Chairperson Ritz mentioned that there were several comments from staff members, Planning & Zoning Manager, Cannon confirmed the majority of comments were accepted/approved by Surveying and Engineering prior to the meeting. Board Member Grundhoefer inquired if there were plans to open Hilary Street, Brett Orell answered yes, but only for the benefit of the development and not for public use. Planning & Zoning Manager, Cannon, stated that was part of the surveyor's comments regarding legal and title opinions for Hilary Street access. Assistant Planning & Zoning Manager Harding stated that this project came before the Architectural Review Board in 2017 for Phase I and II with approval for front facing parking. Board Member Villegas inquired if this would be going back before the Architectural Review Board. Assistant Planning & Zoning Manager Harding replied no, not unless any changes were made from the initial ARB approval. Chairperson Ritz stated the item would come back before the Planning Board for final plat approval before going before the City Council. Board Member Grundhoefer questioned if the lot sizes have changed, Assistant Planning & Zoning Manager Harding replied, no. Board Member Villegas asked what the concern about the risk for erosion and other issues was. Planning & Zoning Manager, Cannon, shared the comments of Inspections Division Manager Bilby in that he would like to see this project move forward since the exposed mound of dirt is still sitting there and that part of the site is in a flood zone. Betsy Smith of 63 South Reus Street, the last unit adjacent to the parcel to be constructed, raised concerns about visibility. Betsy Smith is excited that something is going to go on after no activity, her concerns are with the revised setbacks that allow the building to be pushed up to the sidewalk and impair her vision instead of being flush with the existing buildings. Chairperson Ritz asked if this is a zero-lot line, Planning & Zoning Manager, Cannon stated the front, rear, and side setbacks can't go more than ten but up to zero. Chairperson Ritz stated they are allowed by right to the zero-lot line setback and from a legal standpoint they are not in the wrong. Betsy Smith replied that she just wanted to state her point. Board Member Grundhoefer added that this is a preferred situation and that they actually had preferred Phase I be done the same as Phase II. Board Member Villegas asked to view the plans and visuals of what was approved by ARB. A discussion ensued about how large subdivisions are done in phases and it was approved by Architectural Review Board in 2017 and if there were any changes to the approved plans they would require some form of review by the Architectural Review Board. Board Member Grundhoefer inquired if the owner would maintain the street or if it would it be deeded back to the City, Brett Orell answered it is the owners intent to continue to own Hilary street and

that sewer and water are through a portion of that right of way and that the City reserved a perpetual easement to have access for an emergency or utilities. **Board Member Grundhoefer made a motion to approve, seconded by Board Member Powell and it carried 6:0.**

Request for Zoning Map and Future Land Use Map (FLUM) Amendment for 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue – District 7

Planning & Zoning Manager, Cannon introduced the item in which the applicant is requesting four properties along Creighton Road zoned R-2 and one property on Tippin zoned R-1AA be rezoned to C-1. The parcels would go from Office/Residential to Commercial. Per current zoning regulations you need to be adjacent to the zoning district that you are requesting. The intent is to avoid spot zoning. Chairperson Ritz requested a brief review of what could be built by right in C-1. Planning & Zoning Manager, Cannon shared the purpose of R-2, the residential/office land use district and stated that it is established for the purpose of providing for a mixture of residential housing types and densities and office uses. The density is the same as C-1, 35 units per acre. Uses in R-2 include office buildings, hospitals, nursing homes, schools, banks, barber and beauty shops. Uses in R-NC residential neighborhood and commercial zoning include retail food and package stores, bakeries, martial arts, laundromats, and restaurants. The purpose of C-1 is commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. The C-1 zoning district is intended to provide a transitional buffer between mixed-use neighborhood commercial areas. Uses in C-1 are motel/hotels, retail sales, car washes, movie theaters, pet shops, business schools, trade schools, and medical marijuana dispensaries. Chairperson Ritz inquired if there's a difference in lot coverage and setback requirements, Planning & Zoning Manager, Cannon stated that C-1 is less restrictive, lot coverage is 75% for C-1 and 50% for R-2 and the setbacks vary. Chairperson Ritz then asked if this were approved would there still need to be a buffer between C-1 and adjacent R-1AAA, Planning & Zoning Manager, Cannon replied yes, there's a 10-foot landscape buffer that's required. Board Member Van Hoose questioned what the buffer was between R-2 and R-1AAA, Planning & Zoning Manager, Cannon stated no buffer is required. Board Member Van Hoose then asked if the rules prohibit the one parcel on the map from being considered because it's not adjacent to C-1, Planning & Zoning Manager, Cannon answered all parcels must get rezoned to C-1 for that one parcel in question to be eligible. Assistant Planning & Zoning Manager, Harding brought out that the buffer requirement is part of our commercial site plan development ordinance, it's meant for all commercial developments that border any kind of residential zoning district or residential property and it's a 10-foot zone intended for landscaping. Board Member Van Hoose asked what the size is of the smallest lot on the map that's right besides C-1, and it was shown to be 87-feet wide. Chairperson Ritz stated this request is a zoning change not for a particular establishment, they are just determining if C-1 is appropriate for this part of Pensacola. Meredith Bush of Clark Partington represented the applicant. They are seeking to rezone five parcels from R-2 and R-1AAA to C-1 at the corner of Creighton Road and Tippin Avenue. The applicant feels they meet the criteria of the code for approval and that this represents a logical and orderly development pattern, that it would not adversely impact the surrounding area but would be in line with existing commercial uses in that area. The site is currently home to a massage school and not a residential structure. The representatives brought conceptual plans on large easels that showed a grocery store and other commercial uses. Meredith Bush stated they would

abide by all code criteria to include buffering and lighting standards. They then showed a brief video of the site. Will Akin one of the applicants offered to answer any questions the board members had. Board Member Villegas wanted details of the meeting the applicants had regarding the rezoning and project on January 5, 2023. Will Akin informed the board five residents attended and all spoke positively, they had three phone calls, two of which were commercial and they were excited about the project. There was one property owner that reached out via email with questions and concerns, they addressed his email and are awaiting his response. Chairperson Ritz asked staff if postcards had gone out, staff replied yes, they had gone out in the 500-foot radius that is required. Will Akin stated they also sent out their own letters so that residents would have his contact information for any questions or concerns. Chairperson Ritz let the applicant know that he and the board appreciates the level of effort on the applicants part to get feedback from the community. Board Member Villegas inquired as to when the applicants letter went out, letters went out on December 20, 2022, to all residents within a 500-foot radius and the letters went to the property owner of record. Board Member Grundhoefer asked staff if the site had been posted, staff replied yes. Board Member Villegas spoke of the timing of the request being during the holiday season. Will Akin stated it was done because of the contract timeline and that they would like to put an Aldi's on the site. Board Member Villegas asked for clarification about the 1.43 acres shown on the map. The applicant stated it is excess land as part of the purchase contract, part of the development they'll attempt to develop. Board Member Grundhoefer asked if there were other speakers, there were none. Chairperson Ritz polled the audience and there were three people in the audience in support of the project, they were asked to fill out a speaker form. Board Member Grundhoefer inquired as to how they plan to buffer the small property abutting the southside from the proposed Aldi's. Will Akin stated the truck dock was intentionally put on the Creighton Street side to provide for better buffering. Will Akin stated that Aldi's are good corporate citizens and if there's something the City or the planners desire, Aldi's will want to do that and make sure they are good neighbors. Board Member Villegas asked how large the space is, applicant replied the store would be approximately 20,000 square feet. Board Member Grundhoefer wanted to know if any traffic issues were looked at by the City, staff replied this a rezoning and that's not addressed at this step. Chairperson Ritz stated the purpose of the board is to discuss this and see if C-1 is an appropriate move for the City, their job is to help the City Council in discussing as to whether this change to C-1 is appropriate for this location. Board Member Powell stated she feels it does serve the area and is encouraged that the lot will be used. Clinton Taffe called into the meeting, he owns four parcels, or 3.82 acres zoned R-1AA near Schwabb and John Carroll. He had asked years ago if this area would be a candidate for commercial, he was advised it would never be commercial because it is a border between the Walmart and the subdivision on Teate and Lansing. He stated this is residential zoning surrounded on three sides by residential zoning and that anything allowed under C-1 would allow for large parking lots and tall lights. Clinton Taffe feels it's an infringement into the neighborhood and that there are residents in opposition, they are just unable to get to the meetings due to age or health issues. If allowed, traffic on Tippin Avenue will increase causing people to have to divert to Dunmire. Clinton Taffe concluded by stating, there are a lot of vacancies in Eastgate Shopping Center and other options available that are already zoned commercial. Board Member Villegas appreciated the fact that he had been in contact with the surrounding neighbors, but questioned why he hadn't provided the contact information of these individuals with City staff so that contact could have been made to understand their feeling on this matter. Clinton Taffe stated when the

notices came out around the holidays, he attempted to contact Mr. Akins but only received his reply yesterday and had not had a chance to read his response because he has to work. He was able to touch base with the neighbors yesterday, Monday, and he proceeded to give the names of Essie Akins and Herbert Hines and an idea of where they lived. Chairperson Ritz then gave the comparison to the Publix on Cervantes Street in East Hill and that is also adjacent to residential neighborhoods and that he can personally accept this change. Vice Chairperson Larson noted he prefers RNC, but he can see from the planning that's not possible, and that C-1 is the right fit for the area, and he understands the commercial value outweighs the residential value. Board Member Grundhoefer asked if this building would comply with RNC zone. Planning & Zoning Manager, Cannon, answered no, retail food is not allowed until C-1 but if in RNC, only 4,000 square feet are allowed not the 20,000 square feet of Aldi's. Board Member Villegas asked Will Akin if he was a part of the team that brought the Aldi's to West Pensacola, he replied he was a part of the Alabama stores. Board Member Villegas then asked when Aldi's applies for zone changes, what's the percentage rate of them following through, he replied the head V.P. has approved this particular site. Once the V.P. stamps it, as long as the rents and sales are comparable that's a stamp of approval, he gave it a 95 percent approval rate. Additionally, they will have to see what FDOT has to say about the access to the light on the corner, sometimes environmental things come up that could hurt a deal, but this appears to be clean, the title search was clean, and they typically like to be near a Walmart. Chairperson Ritz stated this item will have two readings and it will be discussed at the February 23rd Council meeting, noting that there are still multiple avenues for the citizens to comment. **Vice Chairperson Larson made a motion to approve all listed parcels 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue, seconded by Board Member Powell and it carried 6:0.**

Open Forum – none

Discussion – A brief discussion continued regarding an upcoming Planning Board item that would be voted on at the City Council meeting in January.

Adjournment – With no further business, the Board adjourned at 3:08 p.m.

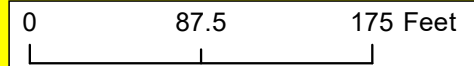
Respectfully Submitted,

Cynthia Cannon, AICP
Planning & Zoning Division Manager
Secretary of the Board

Proposed Future Land Use

Future Land Use

- COMMERCIAL
- LOW DENSITY RESIDENTIAL
- OFFICE



Date: 1/3/2023



This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

L:\GIS\Map_Archives\Planning\ZoningFLUChanges\CreightonTippin\ProposedFLU.mxd



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 03-23

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: D.C. Reeves, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 03-23 - REQUEST FOR ZONING MAP AMENDMENT - 2401, 2409, 2421, 2431 CREIGHTON ROAD AND 6880 TIPPIN AVENUE

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 03-23 on first reading.

AN ORDINANCE AMENDING THE ZONING CLASIFICATION FOR CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE.

HEARING REQUIRED: Public

SUMMARY:

Meredith Bush, AICP, Clark Partington Attorneys at Law, is requesting a Zoning Map and Future Land Use Map (FLUM) Amendment for the following properties:

Address	Owner	Current Zoning	Requested Zoning	Current FLU	Requested FLU
2401 Creighton Rd	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/ Residential	Commercial
2409 Creighton Rd	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/ Residential	Commercial
2421 Creighton Rd	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/ Residential	Commercial
2431 Creighton Rd	Irish Autumn Properties LLC	R-2	C-1	Office/ Residential	Commercial
6880 Tippin Avenue	Delta Properties Baton Rouge, Inc.	R-1AAA	C-1	LDR	Commercial

These parcels are currently zoned R-2 - Residential/Office District and R-1AAA - Low Density Residential District and the existing Future Land Use (FLU) designations are Office/Residential and Low Density Residential. The applicant is proposing to amend the zoning districts to C-1, Commercial Zoning District and the FLUM to Commercial.

Existing Zoning Districts and Future Land Use:

- R-2 - The residential/office land use district is established for the purpose of providing for a mixture of residential housing types and densities and office uses. Residential and office uses shall be allowed within the same structure. When the R-2 zoning district is located in older, developed areas of the city, the zoning regulations are intended to provide for residential or office infill development at a density, character and scale compatible with the surrounding area. In some cases the R-2 district is also intended as a transition area between commercial and residential uses.
- R-1AAA - The low-density residential land use district is established for the purpose of providing and preserving areas of single-family, low intensity development at a maximum density of 4.8 dwelling units per acre in areas deemed suitable because of compatibility with existing development and/or the environmental character of the areas. The nature of the use of property is basically the same in all three single-family zoning districts.
- FLU - Office/Residential - 18 or fewer residential dwelling units per acre.
- FLU - Low Density Residential - 5 or fewer residential dwelling units per acre.

Proposed Zoning District and Future Land Use:

- C-1 - 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.
- Commercial FLU - 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.

This request has been routed through the various City departments and utility providers and those comments are attached for your review.

On January 10, 2023, the Planning Board recommended approval of the request with a 6:0 vote.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

1/10/2023

STAFF CONTACT:

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator - Community Development

Sherry Morris, AICP, Development Service Director

Cynthia Cannon, AICP, Planning and Zoning Manager

ATTACHMENTS:

- 1) Proposed Ordinance No. 03-23
- 2) Planning Board Rezoning Application
- 3) Planning Board Minutes January 10, 2023 - DRAFT
- 4) Zoning Map 2023

PRESENTATION: No

PROPOSED
ORDINANCE NO. 03-23

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city adopted a comprehensive plan on October 4, 1990, pursuant to applicable law; and

WHEREAS, a proposed amended zoning classification has been referred to the local planning agency pursuant to F.S. section 163.3174, and a proper public hearing was held on February 23, 2023, concerning the following proposed zoning classification affecting the property described therein; and

WHEREAS, after due deliberation, the city council has determined that the amended zoning classification set forth herein will affirmatively contribute to the health, safety, and general welfare of the citizens of the city; and

WHEREAS, said amended zoning classification is consistent with all applicable elements of the Comprehensive Plan as amended;

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

SECTION 1. That the Zoning Map of the City of Pensacola and all notations, references and information shown thereon is hereby amended so that the following described real property located in the City of Pensacola, Florida, to-wit:

The North 225 feet of the West 108.33 feet of Lot 1, Block D, Abb Subdivision, Section 10, Township 1 South, Range 29 West, as per plat recorded in Plat 1, at Page 82 of the Public Records of Escambia County, Florida

The East 112.5 feet of the North 225 feet, of Lot 1, Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, Escambia County, Florida according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County.

The West 112.5 feet of the East 225 feet of the North 225 feet of Lot 1, Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, in the City of Pensacola, Escambia County, Florida

The West 111 feet 1 3/8 inches of North 293 feet 9 inches of Lot 2, Block "D", ABB Subdivision, Section 10, Township 1 South, Range 29 West, Escambia County, Florida, according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County

The East 111 feet 1 & 3/8 inches of the West 222 feet 2 & 6/8 inches of the North 293 feet 9 inches of Lot 2, Block D, in Section 10, Township 1 South, Range 29 West, ABB Subdivision, according to the plat thereof, recorded in Plat Book 1, Page(s) 82, of the Public Records of Escambia County, Florida

A portion of Lot 2, Block "D", ABB Subdivision as recorded in Plat Book 1, Page 82, of the Public Records of Escambia County, Florida, more particularly described as follows: The East 111 feet 1 and 3/8 inches of the North 293 feet 9 inches of Lot 2, in Block "D", in Section 10, Township 1 South, Range 29 West per ABB Subdivision, a plat of which is recorded in Plat Book 1, and Page 82, of the Public Records of Escambia County, Florida

is hereby changed from R-2, Residential/Office Zoning District to C-1, Commercial Zoning District, and further that

The South 100.39 feet of the North 325.39 feet of Lot 1, Block "D", ABB SUBDIVISION, a subdivision of a portion of Section 10, Township 1 South, Range 29 West, according to plat filed in Plat Book 1, at Page 82 of the Public Records of Escambia County, Florida.

is hereby changed from R-1AAA, Single-Family Zoning District to C-1, Commercial Zoning District.

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 provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provision 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 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



Meredith D. Bush, AICP
Direct (850) 208-7088
mbush@clarkpartington.com

Board Certified City, County and Local Government Attorney

December 9, 2022

VIA EMAIL & HAND-DELIVERY

Planningapplications@cityofpensacola.com

City of Pensacola - Planning & Zoning
222 W. Main Street
Pensacola, FL 32502

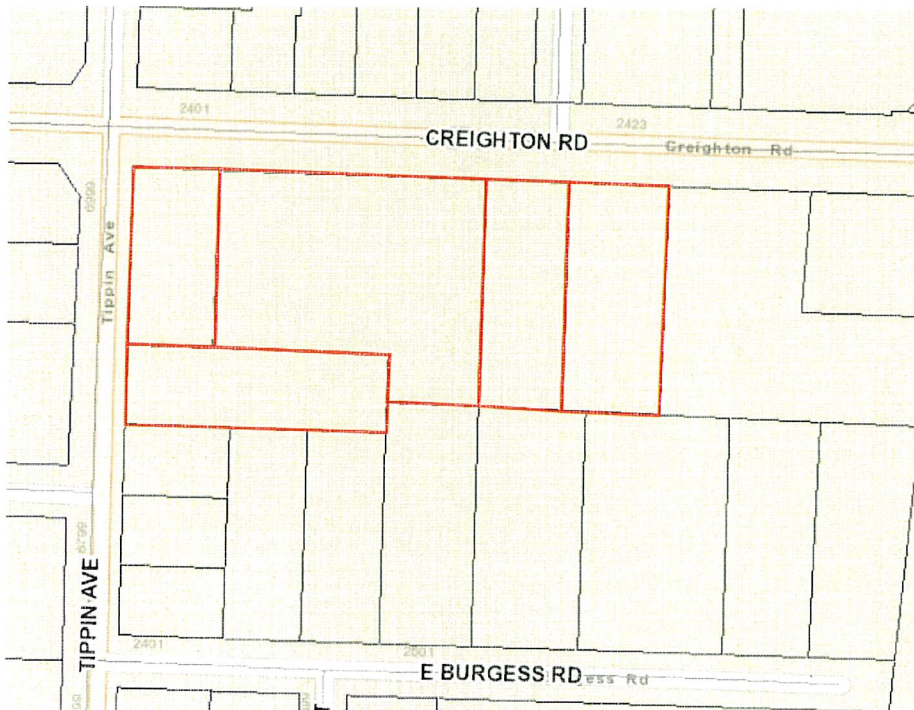
Re: Rezoning Application; CP Matter No. 221208

Dear City of Pensacola,

Please find enclosed our rezoning application and required attachments for the following properties:

Parcel ID	Address	Owner	Current Zoning	Requested Zoning	Current FLU	Requested FLU
10-1S-29-3101-010-004	2401 Creighton Road	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-012-004	2409 Creighton Road	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-022-004	2421 Creighton Road	Delta Properties Baton Rouge, Inc.	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-023-004	2431 Creighton Road	Irish Autumn Properties LLC	R-2	C-1	Office/Residential	Commercial
10-1S-29-3101-014-004	6880 Tippin Avenue	Delta Properties Baton Rouge, Inc.	R-1AAA	C-1	LDR	Commercial

The five contiguous parcels are located at the corner of Creighton Road and Tippin Avenue as shown in the map below and in the attachments included with this submission.



The purpose of the rezoning request is for future development as a grocery store.

The enclosed application and attachments along with the required application fee are being hand-delivered in hard-copy. This correspondence, the application and attachments are also being provided in electronic form by email. Should you have any questions, please feel free to call or write. My direct number is (850) 208-7088.

Thank you in advance for your consideration of this request.

Sincerely,

Handwritten signature of Meredith D. Bush in blue ink.

Meredith D. Bush

MDB/bfs

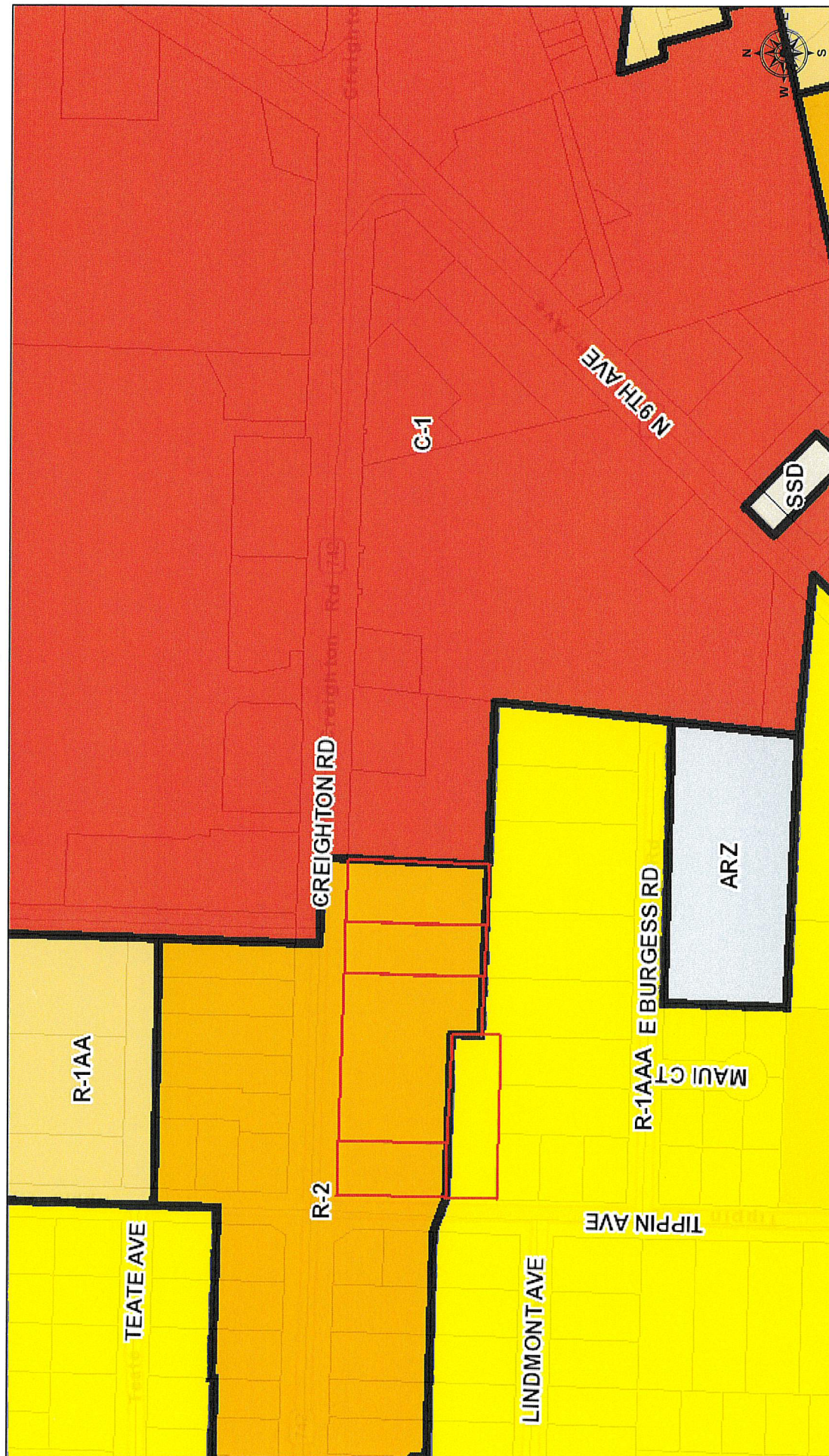
Enclosures

cc: Cynthia Cannon, AICP (CCannon@cityofpensacola.com)

Will Akin (will@cgpre.com)

A4821725.DOCX

Location Map



December 9, 2022

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



REZONING

Please check application type:

☒ **Conventional Rezoning**

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 2401 Creighton Road

Parcel ID: 10 - 1 S - 29 - 3101 - 010 - 004 Acres/Square Feet: 5596

Zoning Classification: Existing R-2 Proposed C-1

Future Land Use Classification: Existing Office Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 2022

Meredith Bush
Applicant Signature

Meredith Bush

Applicant Name (Print)

Billy L. Clark
Owner Signature

Billy L. Clark

Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 2022 Billy L. Clark only

Name: Dan Sam Sam

Commission Expires: at death

FOR OFFICE USE ONLY

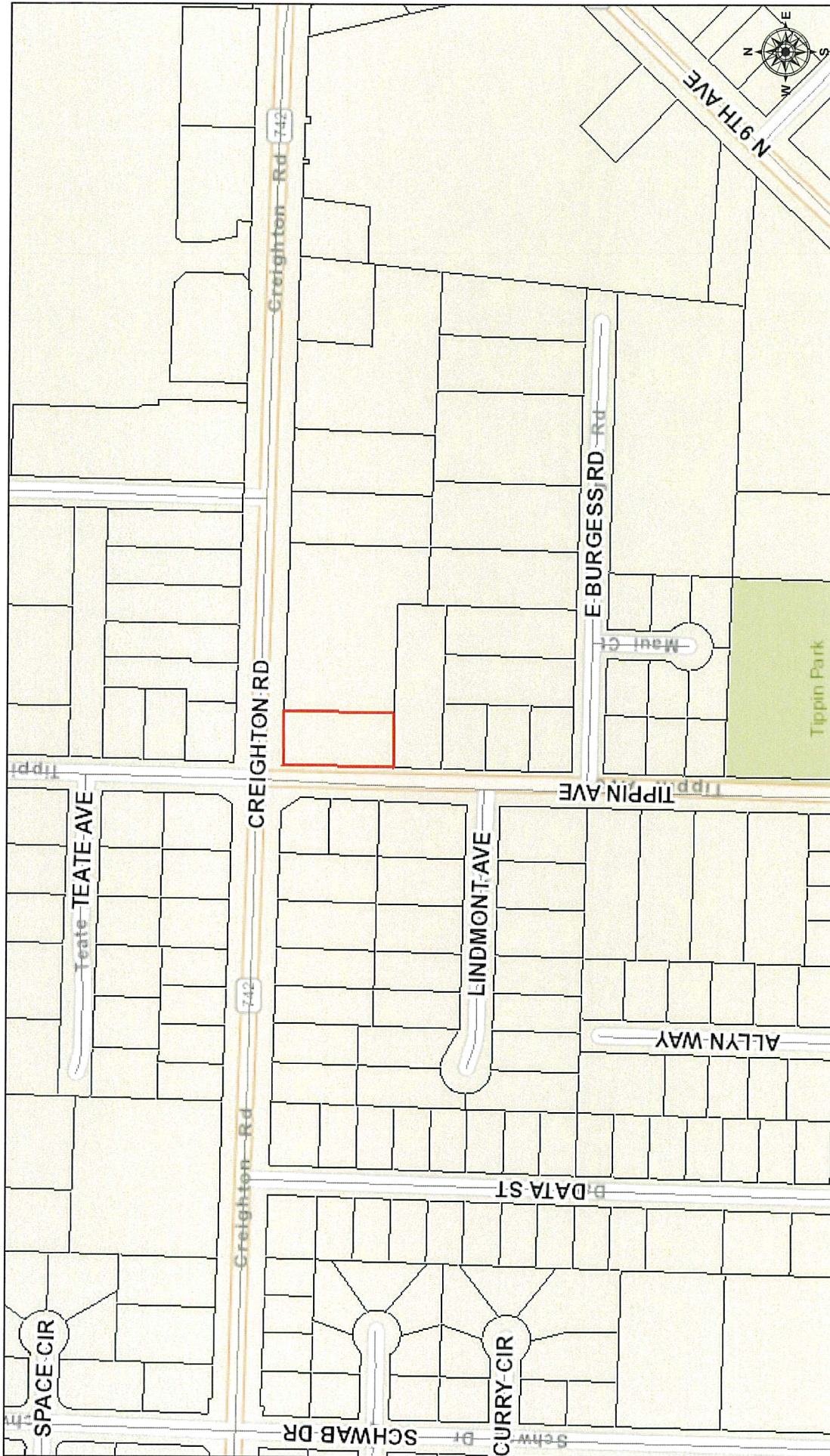
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

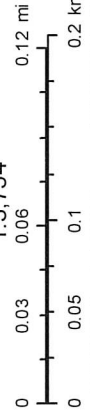
Second Reading: _____ Ordinance Number: _____

Location Map - 2401 Creighton Road



December 8, 2022

1:3,754

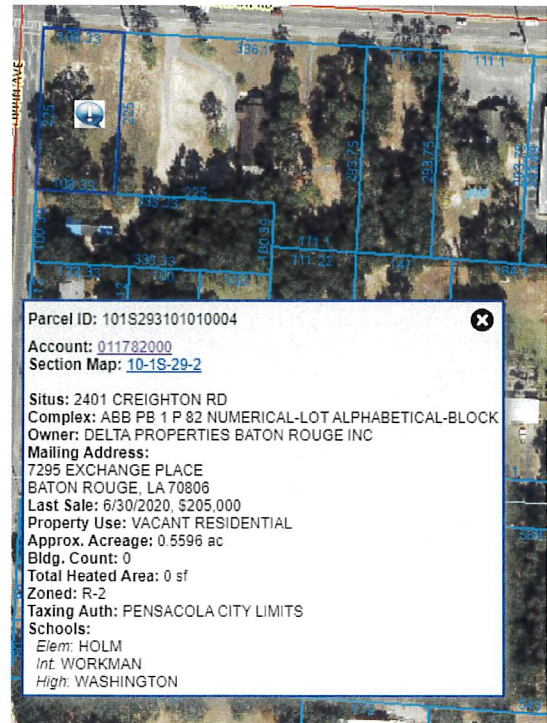


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101010004
Account: 011782000
Owners: DELTA PROPERTIES BATON ROUGE INC
Mail: 7295 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 2401 CREIGHTON RD 32504
Use Code: VACANT RESIDENTIAL
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The North 225 feet of the West 108.33 feet of Lot 1, Block D, Abb Subdivision, Section 10, Township 1 South, Range 29 West, as per plat recorded in Plat 1, at Page 82 of the Public Records of Escambia County, Florida.





REZONING

Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 2409 Creighton Road

Parcel ID: 10 - 1 S - 29 - 3101 - 012 - 004 Acres/Square Feet: 1.90

Zoning Classification: Existing R-2 Proposed C-1

Future Land Use Classification: Existing Office Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 2022

Applicant Signature

Meredith Bush

Applicant Name (Print)

Owner Signature

Billy L. Clark

Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 2022 Billy L. Clark only

Name: Dorian Hunt

Commission Expires: at death

FOR OFFICE USE ONLY

Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 2409 Creighton Road



December 8, 2022

1:3,754
0 0.03 0.06 0.12 mi
0 0.05 0.1 0.2 km
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

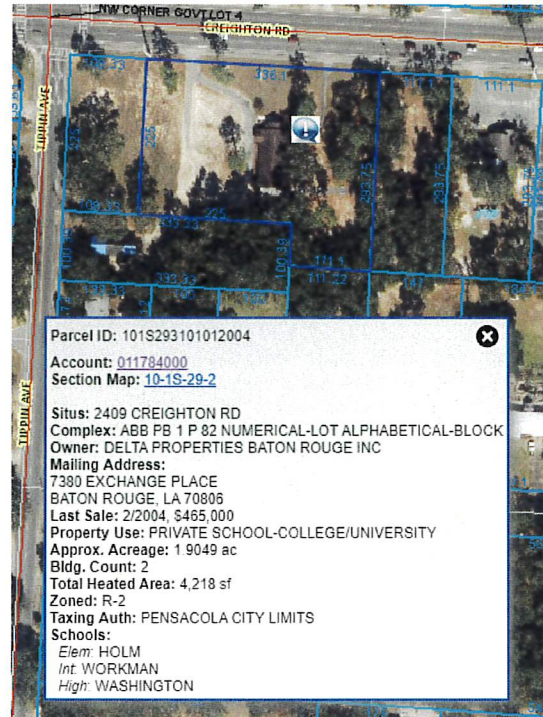
Parcel ID: 101S293101012004
Account: 011784000
Owners: DELTA PROPERTIES BATON ROUGE INC
Mail: 7380 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 2409 CREIGHTON RD 32504
Use Code:PRIVATE SCHOOL-COLLEGE/UNIVERSITY
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The East 112.5 feet of the North 225 feet, of Lot 1, Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, Escambia County, Florida according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County.

The West 112.5 feet of the East 225 feet of the North 225 feet of Lot 1,Block "D", ABB Subdivision, in Section 10, Township 1 South, Range 29 West, in the City of Pensacola, Escambia County, Florida.

The West 111 feet 1 3/8 inches of North 293 feet 9 inches of Lot 2, Block "D", ABB Subdivision, Section 10, Township 1 South, Range 29 West, Escambia County, Florida, according to Plat recorded in Plat Book 1 at Page 82 of the public records of said County.





REZONING

Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 2421 Creighton Road

Parcel ID: 10 - 1 S - 29 - 3101 - 022 - 004 Acres/Square Feet: 6875

Zoning Classification: Existing R-2 Proposed C-1

Future Land Use Classification: Existing Office Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 2022

Applicant Signature

Meredith Bush

Applicant Name (Print)

Owner Signature

Billy L. Clark

Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 2022 Billy L. Clark only

Name: Bryan Hunt

Commission Expires: at death

FOR OFFICE USE ONLY

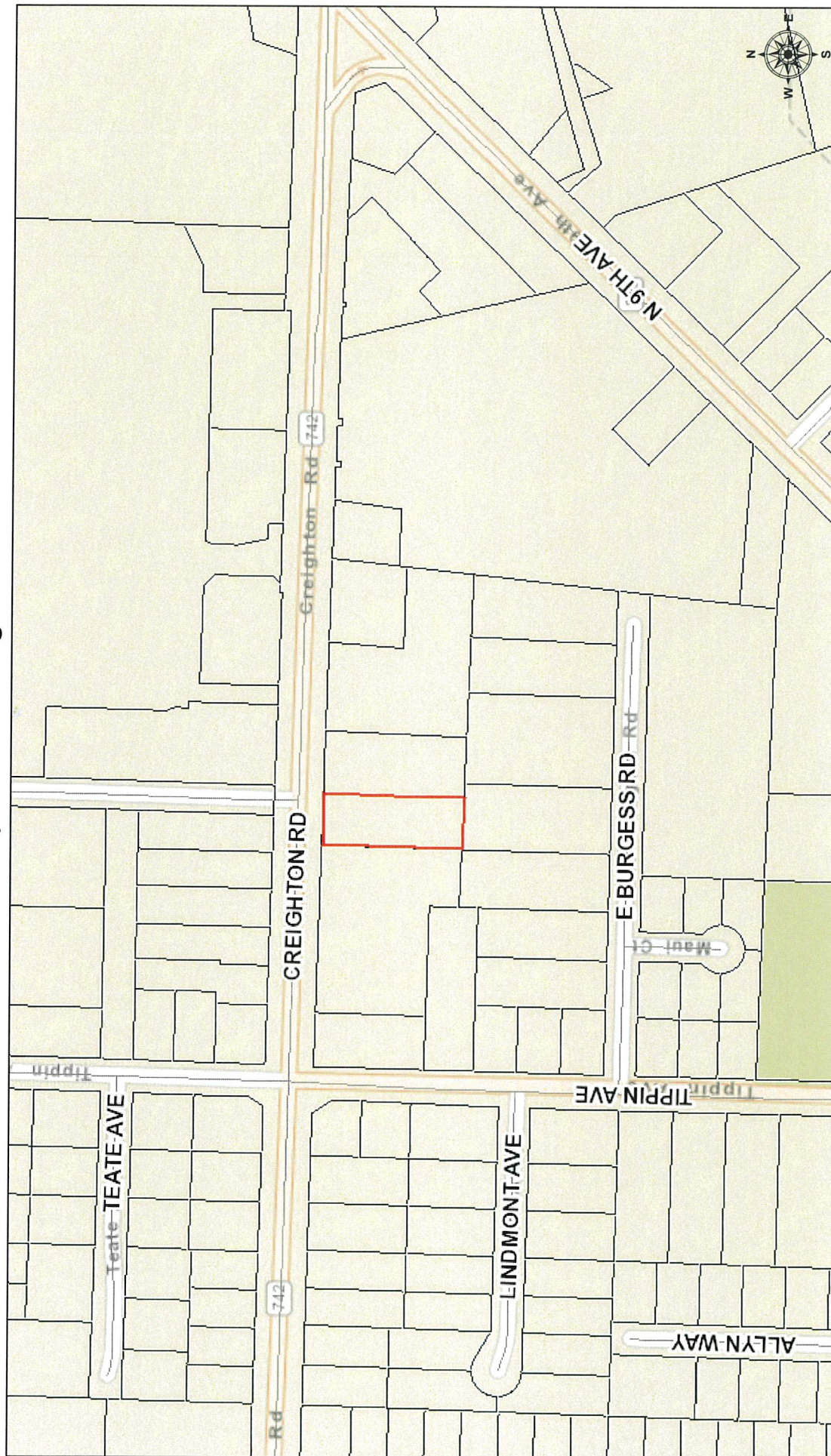
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 2421 Creighton Road



December 8, 2022

1:3,754

0 0.03 0.06 0.12 mi

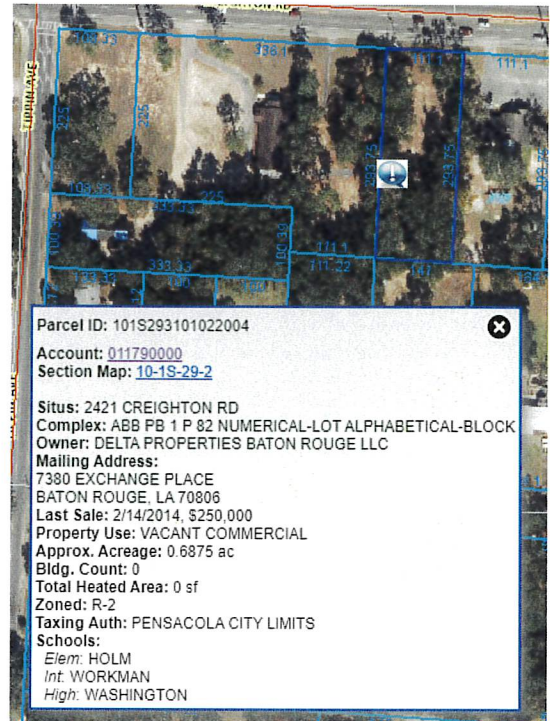
0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101022004
Account: 011790000
Owners: DELTA PROPERTIES BATON ROUGE LLC
Mail: 7380 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 2421 CREIGHTON RD 32504
Use Code: VACANT COMMERCIAL CodeList
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The East 111 feet 1 & 3/8 inches of the West 222 feet 2 & 6/8 inches of the North 293 feet 9 inches of Lot 2, Block D, in Section 10, Township 1 South, Range 29 West, ABB Subdivision, according to the plat thereof, recorded in Plat Book 1, Page(s) 82, of the Public Records of Escambia County, Florida



REZONING



Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington

Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088

Fax: (850) 432-7340

Email: mbush@clarkpartington.com

Property Information:

Owner Name: Irish Autumn Properties, LLC

Phone: _____

Location/Address: 2431 Creighton Road

Parcel ID: 10 - 1 S - 29 - 31 01 - 02 3 - 00 4 Acres/Square Feet: 8240

Zoning Classification: Existing R-2

Proposed C-1

Future Land Use Classification: Existing Office

Proposed Commercial

Reason Rezoning Requested: Development as commercial compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 8th day of December, 2022

Applicant Signature

Meredith Bush

Applicant Name (Print)

Owner Signature

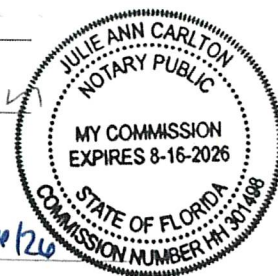
Laura L. O'Brien

Owner Name (Print)

Sworn to and subscribed to before me this 8th day of December, 2022

Name: Julie Coe

Commission Expires: 8/16/26



FOR OFFICE USE ONLY

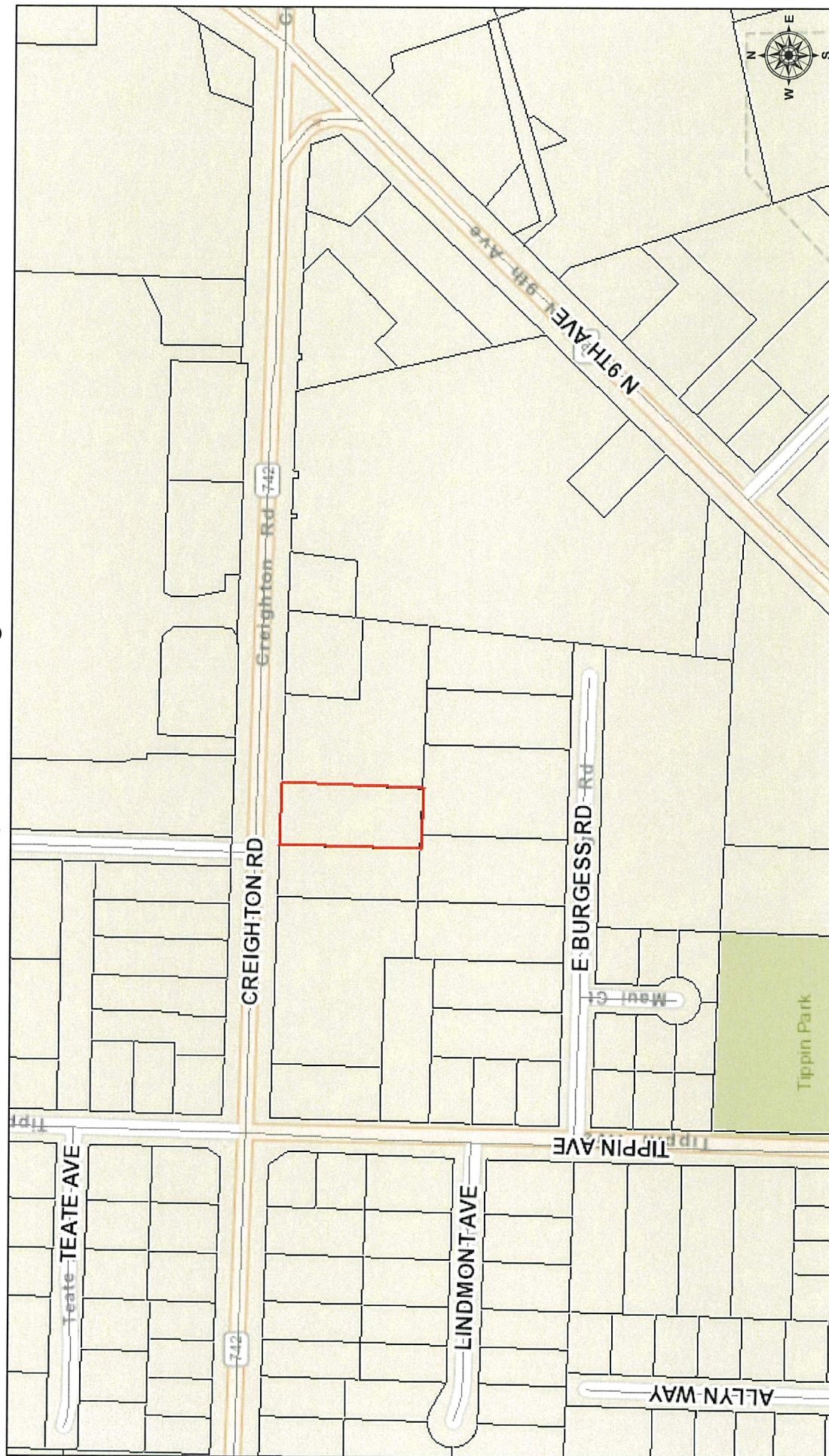
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Location Map - 2431 Creighton Road



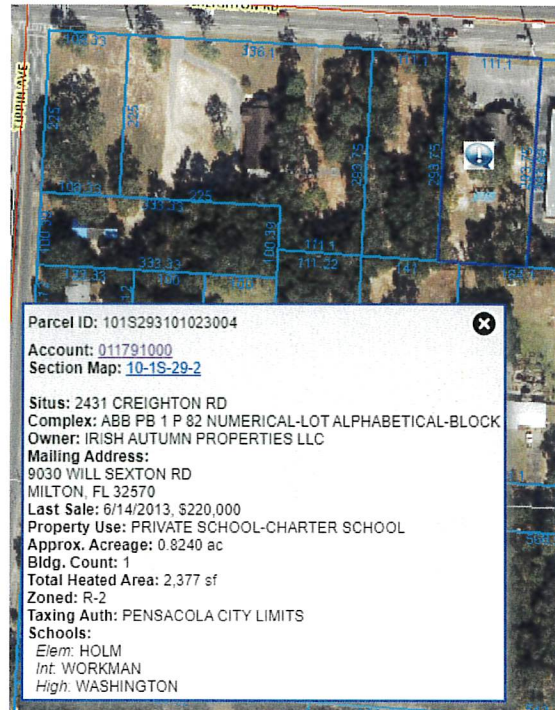
December 8, 2022

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101023004
Account: 011791000
Owners: IRISH AUTUMN PROPERTIES LLC
Mail: 9030 WILL SEXTON RD
MILTON, FL 32570
Situs: 2431 CREIGHTON RD 32504
Use Code: PRIVATE SCHOOL-CHARTER SCHOOL
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

A portion of Lot 2, Block "D", ABB Subdivision as recorded in Plat Book 1, Page 82, of the Public Records of Escambia County, Florida, more particularly described as follows: The East 111 feet 1 and 3/8 inches of the North 293 feet 9 inches of Lot 2, in Block "D", in Section 10, Township 1 South, Range 29 West per ABB Subdivision, a plat of which is recorded in Plat Book 1, and Page 82, of the Public Records of Escambia County, Florida.





REZONING

Please check application type:

☒ Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment

☐ (< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐ (≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:

Name: Meredith Bush, AICP, Attorney - Clark Partington Date: 12/6/2022

Address: 125 E. Intendencia Street, 4th Floor, Pensacola, Florida 32502

Phone: (850) 208-7088 Fax: (850) 432-7340 Email: mbush@clarkpartington.com

Property Information:

Owner Name: Delta Properties Baton Rouge, Inc. Phone: _____

Location/Address: 6880 Tippin Avenue

Parcel ID: 10 - 1 S - 29 - 31 01 - 01 4 - 00 4 Acres/Square Feet: 7557

Zoning Classification: Existing R-1AAA Proposed C-1

Future Land Use Classification: Existing LDR Proposed Commercial

Reason Rezoning Requested: Development as a grocery store compatible with surrounding uses

Required Attachments: (A) Full legal description of property (from deed or survey)
(B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 7th day of December, 20 22

Meredith Bush
Applicant Signature

Billy L. Clark
Owner Signature

Meredith Bush
Applicant Name (Print)

Billy L. Clark
Owner Name (Print)

Sworn to and subscribed to before me this 7th day of December, 20 22 Billy L. Clark only

Name: Daniam Land

Commission Expires: At death

FOR OFFICE USE ONLY

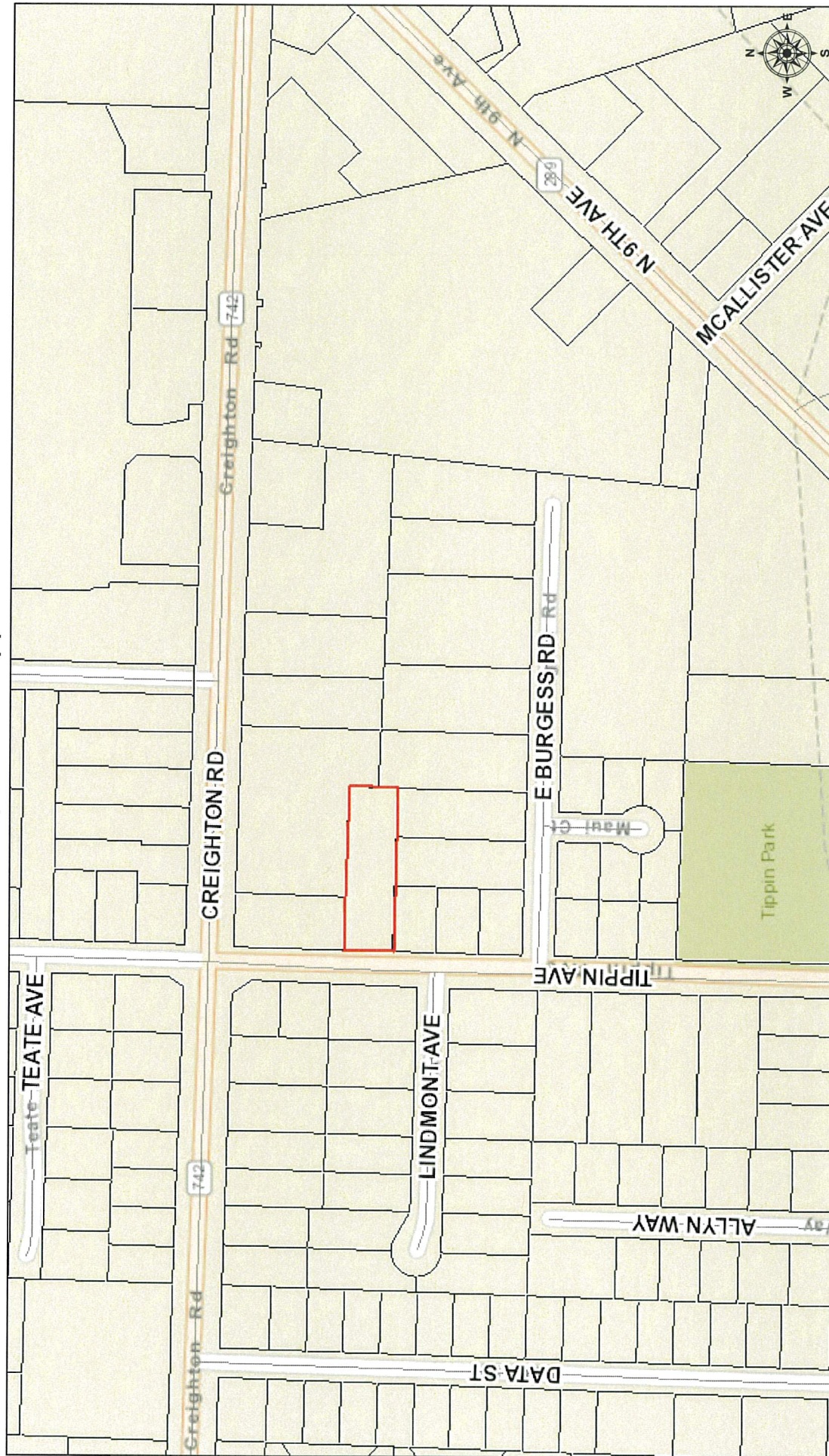
Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

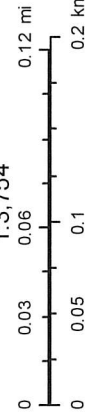
Second Reading: _____ Ordinance Number: _____

Location Map - 6880 Tippin Avenue



December 8, 2022

1:3,754

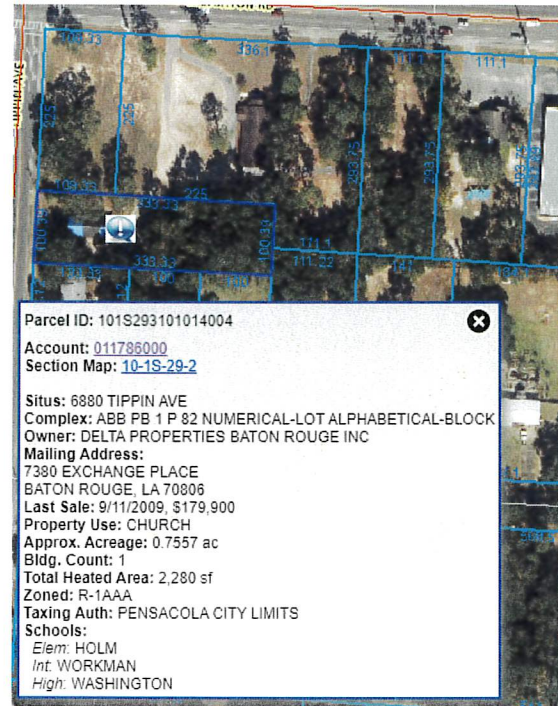


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Parcel ID: 101S293101014004
Account: 011786000
Owners: DELTA PROPERTIES BATON ROUGE INC
Mail: 7380 EXCHANGE PLACE
BATON ROUGE, LA 70806
Situs: 6880 TIPPIN AVE 32504
Use Code:CHURCH
Taxing Authority: PENSACOLA CITY LIMITS

Legal Description:

The South 100.39 feet of the North 325.39 feet of Lot 1, Block "D", ABB SUBDIVISION, a subdivision of a portion of Section 10, Township 1 South, Range 29 West, according to plat filed in Plat Book 1, at Page 82 of the Public Records of Escambia County, Florida.





MINUTES OF THE PLANNING BOARD

January 10, 2023

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Villegas, Board Member Powell, Board Member Van Hoose

MEMBERS ABSENT: Board Member Sampson

STAFF PRESENT: Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Deputy City Administrator Forte, Help Desk Technician Russo, Executive Assistant Chwastyk

STAFF VIRTUAL: Development Services Director Morris, City Attorney Lindsay, Development Services Coordinator Statler

OTHERS PRESENT: Betsy Smith, Bob Smith, Will Akin, Spencer Akin, Rob Fink, Meredith Bush, Brett Orrell, Dave Bourassa, Bruce Boland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from December 13, 2022
- **New Business:**
- Preliminary Plat Approval – Girard Place Phase II – South Reus Street near Garden Street – District 7
- Zoning Map and Future Land Use Map (FLUM) Amendment for 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue – District 2
- Open Forum
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Paul Ritz called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes – Board Member Villegas made a motion to approve the December 13, 2022 minutes, seconded by Board Member Van Hoose, and it carried 5:0.

New Business –

Preliminary Plat Approval – Girard Place Phase II – South Reus Street near Garden Street – District 7

Planning & Zoning Manager, Cannon introduced the item to approve the preliminary plat for Girard Place Phase II, which is located along South Reus Street near Garden Street in the C-2 zoning district of which three parcels will be subdivided into twelve lots to accommodate single family attached residents. These are located within the dense business area and the governmental center district. Brett Orell, Poly Surveying, represented the applicant. He stated that this is a continuation of a previous project with the same design team from the civil side of things and the same architecture team. Chairperson Ritz stated this is the first of two times this will come before the board. Chairperson Ritz mentioned that there were several comments from staff members, Planning & Zoning Manager, Cannon confirmed the majority of comments were accepted/approved by Surveying and Engineering prior to the meeting. Board Member Grundhoefer inquired if there were plans to open Hilary Street, Brett Orell answered yes, but only for the benefit of the development and not for public use. Planning & Zoning Manager, Cannon, stated that was part of the surveyor's comments regarding legal and title opinions for Hilary Street access. Assistant Planning & Zoning Manager Harding stated that this project came before the Architectural Review Board in 2017 for Phase I and II with approval for front facing parking. Board Member Villegas inquired if this would be going back before the Architectural Review Board. Assistant Planning & Zoning Manager Harding replied no, not unless any changes were made from the initial ARB approval. Chairperson Ritz stated the item would come back before the Planning Board for final plat approval before going before the City Council. Board Member Grundhoefer questioned if the lot sizes have changed, Assistant Planning & Zoning Manager Harding replied, no. Board Member Villegas asked what the concern about the risk for erosion and other issues was. Planning & Zoning Manager, Cannon, shared the comments of Inspections Division Manager Bilby in that he would like to see this project move forward since the exposed mound of dirt is still sitting there and that part of the site is in a flood zone. Betsy Smith of 63 South Reus Street, the last unit adjacent to the parcel to be constructed, raised concerns about visibility. Betsy Smith is excited that something is going to go on after no activity, her concerns are with the revised setbacks that allow the building to be pushed up to the sidewalk and impair her vision instead of being flush with the existing buildings. Chairperson Ritz asked if this is a zero-lot line, Planning & Zoning Manager, Cannon stated the front, rear, and side setbacks can't go more than ten but up to zero. Chairperson Ritz stated they are allowed by right to the zero-lot line setback and from a legal standpoint they are not in the wrong. Betsy Smith replied that she just wanted to state her point. Board Member Grundhoefer added that this is a preferred situation and that they actually had preferred Phase I be done the same as Phase II. Board Member Villegas asked to view the plans and visuals of what was approved by ARB. A discussion ensued about how large subdivisions are done in phases and it was approved by Architectural Review Board in 2017 and if there were any changes to the approved plans they would require some form of review by the Architectural Review Board. Board Member Grundhoefer inquired if the owner would maintain the street or if it would it be deeded back to the City, Brett Orell answered it is the owners intent to continue to own Hilary street and

that sewer and water are through a portion of that right of way and that the City reserved a perpetual easement to have access for an emergency or utilities. **Board Member Grundhoefer made a motion to approve, seconded by Board Member Powell and it carried 6:0.**

Request for Zoning Map and Future Land Use Map (FLUM) Amendment for 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue – District 7

Planning & Zoning Manager, Cannon introduced the item in which the applicant is requesting four properties along Creighton Road zoned R-2 and one property on Tippin zoned R-1AA be rezoned to C-1. The parcels would go from Office/Residential to Commercial. Per current zoning regulations you need to be adjacent to the zoning district that you are requesting. The intent is to avoid spot zoning. Chairperson Ritz requested a brief review of what could be built by right in C-1. Planning & Zoning Manager, Cannon shared the purpose of R-2, the residential/office land use district and stated that it is established for the purpose of providing for a mixture of residential housing types and densities and office uses. The density is the same as C-1, 35 units per acre. Uses in R-2 include office buildings, hospitals, nursing homes, schools, banks, barber and beauty shops. Uses in R-NC residential neighborhood and commercial zoning include retail food and package stores, bakeries, martial arts, laundromats, and restaurants. The purpose of C-1 is commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. The C-1 zoning district is intended to provide a transitional buffer between mixed-use neighborhood commercial areas. Uses in C-1 are motel/hotels, retail sales, car washes, movie theaters, pet shops, business schools, trade schools, and medical marijuana dispensaries. Chairperson Ritz inquired if there's a difference in lot coverage and setback requirements, Planning & Zoning Manager, Cannon stated that C-1 is less restrictive, lot coverage is 75% for C-1 and 50% for R-2 and the setbacks vary. Chairperson Ritz then asked if this were approved would there still need to be a buffer between C-1 and adjacent R-1AAA, Planning & Zoning Manager, Cannon replied yes, there's a 10-foot landscape buffer that's required. Board Member Van Hoose questioned what the buffer was between R-2 and R-1AAA, Planning & Zoning Manager, Cannon stated no buffer is required. Board Member Van Hoose then asked if the rules prohibit the one parcel on the map from being considered because it's not adjacent to C-1, Planning & Zoning Manager, Cannon answered all parcels must get rezoned to C-1 for that one parcel in question to be eligible. Assistant Planning & Zoning Manager, Harding brought out that the buffer requirement is part of our commercial site plan development ordinance, it's meant for all commercial developments that border any kind of residential zoning district or residential property and it's a 10-foot zone intended for landscaping. Board Member Van Hoose asked what the size is of the smallest lot on the map that's right besides C-1, and it was shown to be 87-feet wide. Chairperson Ritz stated this request is a zoning change not for a particular establishment, they are just determining if C-1 is appropriate for this part of Pensacola. Meredith Bush of Clark Partington represented the applicant. They are seeking to rezone five parcels from R-2 and R-1AAA to C-1 at the corner of Creighton Road and Tippin Avenue. The applicant feels they meet the criteria of the code for approval and that this represents a logical and orderly development pattern, that it would not adversely impact the surrounding area but would be in line with existing commercial uses in that area. The site is currently home to a massage school and not a residential structure. The representatives brought conceptual plans on large easels that showed a grocery store and other commercial uses. Meredith Bush stated they would

abide by all code criteria to include buffering and lighting standards. They then showed a brief video of the site. Will Akin one of the applicants offered to answer any questions the board members had. Board Member Villegas wanted details of the meeting the applicants had regarding the rezoning and project on January 5, 2023. Will Akin informed the board five residents attended and all spoke positively, they had three phone calls, two of which were commercial and they were excited about the project. There was one property owner that reached out via email with questions and concerns, they addressed his email and are awaiting his response. Chairperson Ritz asked staff if postcards had gone out, staff replied yes, they had gone out in the 500-foot radius that is required. Will Akin stated they also sent out their own letters so that residents would have his contact information for any questions or concerns. Chairperson Ritz let the applicant know that he and the board appreciates the level of effort on the applicants part to get feedback from the community. Board Member Villegas inquired as to when the applicants letter went out, letters went out on December 20, 2022, to all residents within a 500-foot radius and the letters went to the property owner of record. Board Member Grundhoefer asked staff if the site had been posted, staff replied yes. Board Member Villegas spoke of the timing of the request being during the holiday season. Will Akin stated it was done because of the contract timeline and that they would like to put an Aldi's on the site. Board Member Villegas asked for clarification about the 1.43 acres shown on the map. The applicant stated it is excess land as part of the purchase contract, part of the development they'll attempt to develop. Board Member Grundhoefer asked if there were other speakers, there were none. Chairperson Ritz polled the audience and there were three people in the audience in support of the project, they were asked to fill out a speaker form. Board Member Grundhoefer inquired as to how they plan to buffer the small property abutting the southside from the proposed Aldi's. Will Akin stated the truck dock was intentionally put on the Creighton Street side to provide for better buffering. Will Akin stated that Aldi's are good corporate citizens and if there's something the City or the planners desire, Aldi's will want to do that and make sure they are good neighbors. Board Member Villegas asked how large the space is, applicant replied the store would be approximately 20,000 square feet. Board Member Grundhoefer wanted to know if any traffic issues were looked at by the City, staff replied this a rezoning and that's not addressed at this step. Chairperson Ritz stated the purpose of the board is to discuss this and see if C-1 is an appropriate move for the City, their job is to help the City Council in discussing as to whether this change to C-1 is appropriate for this location. Board Member Powell stated she feels it does serve the area and is encouraged that the lot will be used. Clinton Taffe called into the meeting, he owns four parcels, or 3.82 acres zoned R-1AA near Schwabb and John Carroll. He had asked years ago if this area would be a candidate for commercial, he was advised it would never be commercial because it is a border between the Walmart and the subdivision on Teate and Lansing. He stated this is residential zoning surrounded on three sides by residential zoning and that anything allowed under C-1 would allow for large parking lots and tall lights. Clinton Taffe feels it's an infringement into the neighborhood and that there are residents in opposition, they are just unable to get to the meetings due to age or health issues. If allowed, traffic on Tippin Avenue will increase causing people to have to divert to Dunmire. Clinton Taffe concluded by stating, there are a lot of vacancies in Eastgate Shopping Center and other options available that are already zoned commercial. Board Member Villegas appreciated the fact that he had been in contact with the surrounding neighbors, but questioned why he hadn't provided the contact information of these individuals with City staff so that contact could have been made to understand their feeling on this matter. Clinton Taffe stated when the

notices came out around the holidays, he attempted to contact Mr. Akins but only received his reply yesterday and had not had a chance to read his response because he has to work. He was able to touch base with the neighbors yesterday, Monday, and he proceeded to give the names of Essie Akins and Herbert Hines and an idea of where they lived. Chairperson Ritz then gave the comparison to the Publix on Cervantes Street in East Hill and that is also adjacent to residential neighborhoods and that he can personally accept this change. Vice Chairperson Larson noted he prefers RNC, but he can see from the planning that's not possible, and that C-1 is the right fit for the area, and he understands the commercial value outweighs the residential value. Board Member Grundhoefer asked if this building would comply with RNC zone. Planning & Zoning Manager, Cannon, answered no, retail food is not allowed until C-1 but if in RNC, only 4,000 square feet are allowed not the 20,000 square feet of Aldi's. Board Member Villegas asked Will Akin if he was a part of the team that brought the Aldi's to West Pensacola, he replied he was a part of the Alabama stores. Board Member Villegas then asked when Aldi's applies for zone changes, what's the percentage rate of them following through, he replied the head V.P. has approved this particular site. Once the V.P. stamps it, as long as the rents and sales are comparable that's a stamp of approval, he gave it a 95 percent approval rate. Additionally, they will have to see what FDOT has to say about the access to the light on the corner, sometimes environmental things come up that could hurt a deal, but this appears to be clean, the title search was clean, and they typically like to be near a Walmart. Chairperson Ritz stated this item will have two readings and it will be discussed at the February 23rd Council meeting, noting that there are still multiple avenues for the citizens to comment. **Vice Chairperson Larson made a motion to approve all listed parcels 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue, seconded by Board Member Powell and it carried 6:0.**

Open Forum – none




Discussion – A brief discussion continued regarding an upcoming Planning Board item that would be voted on at the City Council meeting in January.

Adjournment – With no further business, the Board adjourned at 3:08 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Planning & Zoning Division Manager
Secretary of the Board

Proposed Zoning

-  SINGLE FAMILY (R-1AAA)
-  RESIDENTIAL/OFFICE
-  RETAIL COMMERCIAL (C-1)

Proposed Zoning

TIPPIN AVE

CREIGHTON RD

10-1S-29-3101-010-004

10-1S-29-3101-012-004

10-1S-29-3101-022-004

10-1S-29-3101-023-004

10-1S-29-3101-014-004

LINDMONT AVE

0 87.5 175 Feet

Date: 1/3/2023



This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

L:\GIS\Map_Archives\Planning\ZoningFLUChanges\CreightonTippin\ProposedZoning.mxd

PENSACOLA

FLORIDA'S FIRST & FUTURE



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00156

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Charles Bare

SUBJECT:

REFERRAL TO THE ENVIRONMENTAL ADVISORY BOARD (EAB) REGARDING PROPOSED AMENDMENTS TO CITY CODE SECTION 12-6-10(C) - TREE PLANTING TRUST FUND

RECOMMENDATION:

That City Council refer to the EAB, proposed amendments to Section 12-6-10(c) of the City Code - Tree Planting Trust Fund, for review and recommendation.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On January 19, 2023, City Council passed an action item (23-00010): Approval to use Tree Planting Trust Funding for the Removal of Trees on City Rights-of-Way or Public Property that have become hazardous to persons and/or property and installation of new plantings.

On February 2, 2023, the Environmental Advisory Board discussed the use of the Tree Planting Trust Funds for tree removal. The result of that discussion was a letter to City Council stating in part, "The Environmental Advisory Board finds the use of Tree Planting Trust Funds for tree removal to be an inappropriate use of the Tree Planting Trust Funds."

The proposed amendments to Section 12-6-10(c) of the City Code - Tree Planting Trust Fund, proposes the following:

1. The tree planting trust fund shall not be utilized for the removal of trees or vegetation
2. Adds defining language, "...the tree planting trust fund is for restoration of the tree canopy in the area "of the city" where trees....
3. Changes language in 12-6-10(c)(2) to state: Each grant is limited to ~~50~~ 75 percent of the cost of the proposed project ~~up to \$5,500~~ with a maximum award of \$7500.

This item seeks referral to the EAB for review and recommendation.

PRIOR ACTION:

January 19, 2023 - City Council authorized the use of Tree Planting Trust Funds for the removal of trees

February 2, 2023 - Environmental Advisory Board discussed and sent a letter of recommendation to City Council regarding the use of Tree Planting Trust Funds for tree removal

FUNDING:

N/A

FINANCIAL IMPACT:

None for the referral

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Amendment to Section 12-6-10(c) - Tree Planting Trust Fund
- 2) EAB Recommendation Regarding Use of Tree Planting Trust Fund for Tree Removal

PRESENTATION: No

Sec. 12-6-10. Enforcement.

- (a) *Stop work order.* Whenever the city's designated arborist determines that a violation of this chapter has occurred, the following actions shall be initiated:
- (1) *Written notice.* Immediately issue written notice by personal delivery or certified mail to the person violating this chapter of the nature and location of the violation, specifying what remedial steps are necessary to bring the project into compliance. Such person shall immediately, conditions permitting, commence the recommended remedial action and shall have ten working days after receipt of said notice, or such longer time as may be allowed by the city's designated arborist, to complete the remedial action set forth in said notice.
 - (2) *Remedial work and stop work orders.* If a subsequent violation occurs during the ten working days referred to in subsection (a)(1) above, or if remedial work specified in the notice of violation is not completed within the time allowed, or if clearing and development of land is occurring without a permit, then the city's designated arborist shall issue a stop work order immediately. Said stop work order shall contain the grounds for its issuance, and shall set forth the nature of the violation. The stop work order shall be directed not only to the person owning the land upon which the clearing and development is occurring, but also a separate stop work order shall be directed to the person or firm actually performing the physical labors of the development activity or the person responsible for the development activity, directing him forthwith to cease and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the project into compliance. If such person fails to complete the recommended remedial action within the time allowed, or fails to take the recommended action after the issuance of such stop work order, then the city's designated arborist may issue a stop work order on all or any portion of the entire project.
 - (3) *Notice of compliance.* Upon completion of remedial steps required by notice the city's designated arborist shall issue a notice of compliance and cancellation of said notice or stop work order.
- (b) *Penalty.* The fine for violating this chapter shall be based on the size of limb(s) or the tree(s) removed without a permit. The measurement to establish said fine shall be based on the remaining tree material left intact on the site. If a tree is removed, the trunk caliper shall be measured at DBH and at the point of removal for a limb or each limb. If, in the opinion of the city's designated arborist, the tree has been substantially damaged so that its normal growth character will never return, i.e., a tree is topped and will never recover the original character, then the fine may be based upon the caliper of the tree trunk or each limb removed, whichever is the greater. Each day a violation of a stop work order continues shall constitute a separate offense (see subsection 7-10-6(b), penalty fees, of this Code). Each protected tree removed without a permit or in violation of a permit shall constitute a separate offense. Any person may seek an injunction against any violation of this chapter, and recover such damages as he may suffer. In addition to the fines and prohibitions contained herein, the provisions of section 1-1-8 of the Code shall apply to willful violations of this chapter.
- (c) *Tree planting trust fund.*
- (1) A tree planting trust fund has been established and funded by the fines pursuant to subsection (b) and mitigation fees paid pursuant to section 12-6-6. Expenditures from the tree planting trust fund are hereby authorized and may be made by the mayor and shall be utilized only for acquiring, planting, and maintaining existing trees and, in cases where necessary, other vegetation for public purposes within the city. The tree planting trust fund shall not be utilized for the removal of trees or vegetation. The first priority for expenditure of funds deposited in the tree planting trust fund is for restoration of the tree canopy in the area of the city where trees generating the funds were removed. Any expenditure in

excess of \$25,000.00 must be approved by the city council following review by the environmental advisory board.

(2) A grant program is hereby established for community organizations such as neighborhood associations, civic organizations, and garden clubs, according to the following criteria:

- a. Each grant is limited to ~~50 75~~ percent of the cost of the proposed project ~~up to \$5,500.00~~ with a maximum award of \$7,500;
- b. The tree planting trust fund must have sufficient funds for the project requested;
- c. Grant requests must be submitted to the environmental advisory board for review prior to consideration by the city's designated arborist and city council;
- d. The city council must approve each grant request; and
- e. The funds must be utilized for providing trees or other appropriate vegetation along with associated irrigation that will help restore the tree canopy as deemed appropriate by proper planting location requirements and may enhance the natural beauty of the community, serve to deter graffiti or the defacement of public or private property, and may create sound buffers where desirable.

(Code 1986, § 12-6-10; Ord. No. 44-99, § 5, 11-18-1999; Ord. No. 50-00, § 5, 10-26-2000; Ord. No. 31-09, § 1, 9-10-2009; Ord. No. 16-10, § 220, 9-9-2010; Ord. No. 21-15, § 1, 12-9-2015; Ord. No. 04-21, § 9, 2-25-2021)

February 6, 2023

Council President Delarian Wiggins
and Members of the Pensacola City Council
222 West Main Street
Pensacola, FL 32502

RE: Council Item 23-00010: Approval to use Tree Planting Trust Funding for the Removal of Trees on City Rights-of-Way or Public Property that have become hazardous to persons and/or property and installation of new plantings

Dear City Council President and Members of City Council:

On behalf of the Environmental Advisory Board (EAB), I am writing to provide a recommendation passed by the EAB at the February 2, 2023, meeting.

Based on the action taken by City Council at the January 19, 2023, meeting regarding the use of Tree Planting Trust Funds for the removal of trees, the EAB held a lengthy discussion of the issue. Based on that discussion, the following recommendation was made, properly seconded and passed on a vote of 7-0 with one absent and one open position:

Recommendation:

The Environmental Advisory Board finds the use of Tree Planting Trust Funds for tree removal to be an inappropriate use of the Tree Planting Trust Funds. The EAB recommendation to City Council is to reallocate the \$100,000 back into the Tree Planting Trust Fund and to encourage the finding of funds from some other source.

The EAB requested this recommendation be forwarded to City Council with the respectful expectation of prompt action consistent with this recommendation and consistent with the requirements of the Tree Planting Trust Fund ordinance: Any expenditure in excess of \$25,000.00 must be approved by the city council **following review by the environmental advisory board.** (emphasis added).

Respectfully submitted,



Kristin Bennett
EAB Chair



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2023-014

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Charles Bare

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 2023-014 - TREE REMOVAL

RECOMMENDATION:

That City Council adopt Supplemental Budget Resolution No. 2023-014.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On January 19, 2023, City Council voted to authorize the use of Tree Planting Trust Funds for the removal of trees that had become hazardous to persons and/or property and the installation of new trees at or near the location of the removed tree. The motion passed with a 4-3 vote.

Following that meeting, the Environmental Advisory Board (EAB) met on February 2, 2023. During that meeting there was a lengthy discussion on the issue of using Tree Planting Trust Funds for the removal of trees. Upon a vote of 7-0 the EAB requested the Chair of the EAB to submit a letter to City Council indicating the inappropriate use of the Tree Planting Trust Funds for the removal of trees. In that letter they requested that City Council reallocate the \$100,000 back into the Tree Planting Trust Fund and encouraged the finding of funds from some other source.

This supplemental budget resolution will restore \$90,000 of the \$100,000 back to the Tree Planting Trust Fund leaving the \$10,000 originally designated for the planting of trees. The \$90,000 funding has been identified within the Parks and Recreation Department's FY 2023 Other Contractual Services Line Item. The following sources were found to be available based on current and prior year historical spending.

\$ 7,160 - CFWD Funds - CFO - This is the balance of a "rainy day" fund
\$ 2,462 - 17th Avenue Boat Ramp - The last time anything charged was 2018
\$ 7,500 - Bayfront Parkway - The last time anything charged was 2018
\$ 2,500 - Bartram Park - The last time anything charged was 2018

\$10,000 - Landscape Maintenance - Quadrant/Zone II - An additional \$50,000 was added in FY 2023 in anticipation of an increase in the contract. However, the PO has been issued and there is a little over \$50,000 remaining. In prior years the average spent here has been around \$40,000. The PO covers services from March 2023 to November 2023.

\$10,650 - Landscape Maintenance - Quadrant Zone III - The same increase was provided however, the purchase order issued is for \$38,200

\$10,606 - Landscape Maintenance - Quadrant/Zone IV - The same increase was provided, however, the purchase order issued is for \$44,125

\$39,122 - Landscape Maintenance - Quadrant/Zone V - This was originally budgeted at \$93,000 and have transferred out of this account twice. Nothing has been charged in FY 2023 and nothing was charged in the prior year.

As it appears these funds are not needed during FY 2023 and can be utilized towards the removal of trees, thereby leaving those Tree Planting Trust Funds available for the acquisition, planting and maintaining trees as prescribed in Section 12-6-10(c) of the Code of Ordinances of the City of Pensacola.

PRIOR ACTION:

January 19, 2023 - City Council authorized the use of Tree Planting Trust Funds for the removal of trees.

FUNDING:

N/A

FINANCIAL IMPACT:

Adoption of the Supplemental Budget Resolution will restore \$90,000 of the Tree Planting Trust Fund appropriations and instead will appropriate the \$90,000 within the Parks and Recreation Department's Other Contractual Services Line Item for the removal of trees.

STAFF CONTACT:

Don Kraher, Council Executive

Yvette McLellan, Special Assistant to the Council Executive

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 2023-014
- 2) Supplemental Budget Explanation No. 2023-014
- 3) Letter From the EAB Chairperson

PRESENTATION: No

**RESOLUTION
NO. 2023-014**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR
THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; 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. GENERAL FUND

1) Parks & Recreation		
As Reads:	Operating Expenses	3,476,688
Amended		
To Read:	Operating Expenses	3,476,688

B. TREE PLANTING TRUST FUND

As Reads:	Operating Expenses	682,831
Amended		
To Read:	Operating Expenses	682,831

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

FEBRUARY 2023 - SUPPLEMENTAL BUDGET RESOLUTION - TREE REMOVAL - NO. 2023-014

FUND	AMOUNT	DESCRIPTION
GENERAL FUND		
Appropriations		
1) Parks & Recreation		
Other Contractual Services - CFWD Funds - CFO	(7,160)	Decrease appropriation for Other Contractual Services - CFWD Funds - CFO
Other Contractual Services - 17th Avenue Boat Ramp	(2,462)	Decrease appropriation for Other Contractual Services - 17th Avenue Boat Ramp
Other Contractual Services - Bayfront Parkway	(7,500)	Decrease appropriation for Other Contractual Services - Bayfront Parkway
Other Contractual Services - Bartram Park	(2,500)	Decrease appropriation for Other Contractual Services - Bartram Park
Other Contractual Services - Landscape Maintenance - Quadrant/Zone II	(10,000)	Decrease appropriation for Other Contractual Services - Landscape Maintenance - Quadrant/Zone II
Other Contractual Services - Landscape Maintenance - Quadrant/Zone III	(10,650)	Decrease appropriation for Other Contractual Services - Landscape Maintenance - Quadrant/Zone III
Other Contractual Services - Landscape Maintenance - Quadrant/Zone IV	(10,606)	Decrease appropriation for Other Contractual Services - Landscape Maintenance - Quadrant/Zone IV
Other Contractual Services - Landscape Maintenance - Quadrant/Zone V	(39,122)	Decrease appropriation for Other Contractual Services - Landscape Maintenance - Quadrant/Zone V
Other Contractual Services - Tree Removal	90,000	Appropriate funding for Other Contractual Services - Tree Removal
Total Appropriations	<u>0</u>	
TREE PLANTING TRUST FUND		
Appropriations		
Tree Removal	(90,000)	Decrease appropriation for Tree Removal
Agricultural Supplies - Undesignated	90,000	Increase appropriation for Agricultural Supplies - Undesignated
Total Appropriations	<u>0</u>	

February 6, 2023

Council President Delarian Wiggins
and Members of the Pensacola City Council
222 West Main Street
Pensacola, FL 32502

RE: Council Item 23-00010: Approval to use Tree Planting Trust Funding for the Removal of Trees on City Rights-of-Way or Public Property that have become hazardous to persons and/or property and installation of new plantings

Dear City Council President and Members of City Council:

On behalf of the Environmental Advisory Board (EAB), I am writing to provide a recommendation passed by the EAB at the February 2, 2023, meeting.

Based on the action taken by City Council at the January 19, 2023, meeting regarding the use of Tree Planting Trust Funds for the removal of trees, the EAB held a lengthy discussion of the issue. Based on that discussion, the following recommendation was made, properly seconded and passed on a vote of 7-0 with one absent and one open position:

Recommendation:

The Environmental Advisory Board finds the use of Tree Planting Trust Funds for tree removal to be an inappropriate use of the Tree Planting Trust Funds. The EAB recommendation to City Council is to reallocate the \$100,000 back into the Tree Planting Trust Fund and to encourage the finding of funds from some other source.

The EAB requested this recommendation be forwarded to City Council with the respectful expectation of prompt action consistent with this recommendation and consistent with the requirements of the Tree Planting Trust Fund ordinance: Any expenditure in excess of \$25,000.00 must be approved by the city council **following review by the environmental advisory board.** (emphasis added).

Respectfully submitted,



Kristin Bennett
EAB Chair



Memorandum

File #: 07-23

City Council

2/23/2023

LEGISLATIVE ACTION ITEM

SPONSOR: D.C. Reeves, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 07-23 - AMENDING SECTIONS 6-3-10, 6-3-12, 6-3-15 AND 6-3-19 OF THE CODE OF THE CITY OF PENSACOLA - ALLOWING DOWNTOWN IMPROVEMENT BOARD (DIB) TO OPERATE PALAFOX MARKET WITHIN PLAZA FERDINAND

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 07-23 on second reading.

AN ORDINANCE AMENDING SECTIONS 6-3-10, 6-3-12, 6-3-15 AND 6-3-19 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ALLOWING DOWNTOWN IMPROVEMENT BOARD (DIB) TO OPERATE PALAFOX MARKET WITHIN PLAZA FERDINAND; REQUIRING INTERLOCAL AGREEMENT BETWEEN DIB AND CITY TO GOVERN OPERATION OF PALAFOX MARKET; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

City Staff requests that the City Council amend the aforementioned sections of the Code of Ordinances to allow the Downtown Improvement Board (DIB) to operate the Palafox Market within Plaza Ferdinand. The Downtown Improvement board voted unanimously to support the expansion of Plaza Ferdinand at its January 24, 2023 DIB meeting.

The Palafox Market provides an opportunity for local vendors to sell locally crafted goods, artwork, and foods to the general public and has become an important feature and amenity to those citizens visiting, living and working in the DIB district. The citizens of Pensacola and its visitors will benefit from expanding the Palafox Market to Plaza Ferdinand through increased patronage of commercial establishments such as restaurants, stores, cafes, and other facilities due to increased pedestrian traffic on Palafox Place and surrounding roadways, because of the addition of Palafox Market to Plaza Ferdinand. Palafox Market situated in Plaza Ferdinand will be designed to accommodate the maximum of eight-six (86) booths along the sidewalks contained within the Plaza and pedestrian traffic will be limited to those interior sidewalks.

The attached Ordinance proposal is being heard on first reading, and if approved, City Council will consider the Ordinance on second reading at its February 23, 2023 Council Meeting along with the corresponding Interlocal Agreement outlining terms and responsibilities of both parties (City and DIB).

PRIOR ACTION:

February 9, 2023 - City Council voted to approve Proposed Ordinance No. 07-23 on first reading.

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

1/30/2023

STAFF CONTACT:

Kerrith Fiddler, City Administrator
David Forte, Deputy City Administrator - Community Development
Adrian Stills, Parks and Recreation Director

ATTACHMENTS:

- 1) Proposed Ordinance No. 07-23

PRESENTATION: No

PROPOSED
ORDINANCE NO. 07-23

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTIONS 6-3-10, 6-3-12, 6-3-15 AND 6-3-19 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ALLOWING DOWNTOWN IMPROVEMENT BOARD (DIB) TO OPERATE PALAFOX MARKET WITHIN PLAZA FERDINAND; REQUIRING INTERLOCAL AGREEMENT BETWEEN DIB AND CITY TO GOVERN OPERATION OF PALAFOX MARKET; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Downtown Improvement Board (DIB) is a special dependent district created by Ch. 79-655, 76-466 and 80-582, Laws of Florida, pursuant to the authority of Section 189.02, Florida Statutes, and functions to encourage economic development of the downtown area, enhance property values, attract and retain commercial and residential investment, beautify downtown area;

WHEREAS, Ordinance 47-72 sets out the location and boundaries of the taxing district within the downtown area in the City of Pensacola known as the "DIB District";

WHEREAS, the DIB District encompasses the boundaries of Plaza Ferdinand which are set forth in section 6-3-12, Code of Ordinances;

WHEREAS, the Palafox Market provides an opportunity for local vendors to sell locally crafted goods, artwork, and foods to the general public;

WHEREAS, the Palafox Market has become an important feature and amenity to those citizens visiting, living and working in the DIB District;

WHEREAS, the citizens of Pensacola and its visitors will benefit from expanding the Palafox Market to Plaza Ferdinand through increased patronage of commercial establishments such as restaurants, stores, cafes, and other facilities due to increased pedestrian traffic on Palafox Place because of the addition of Palafox Market to Plaza Ferdinand;

WHEREAS, Palafox Market situated in Plaza Ferdinand will be designed to accommodate a maximum of eighty-six (86) booths along the sidewalks contained within the Plaza and pedestrian traffic will be limited to those interior sidewalks;

WHEREAS, certain remedial measures will be utilized on a regular or as-needed basis to minimize or ameliorate compaction of soil, including but not limited to, air spading and re-sodding;

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

SECTION 1. Sections 6-3-10, 6-3-12, 6-3-15 and 6-3-19 of the Code of the City of Pensacola, Florida, are hereby amended to read as follows:

Sec. 6-3-1. - Supervision.

The parks and recreation director shall have direct charge and supervision of all matters relating to city owned or leased parks.

Sec. 6-3-2. - Rules and regulations generally.

- (a) The parks and recreation director may adopt rules and regulations for the reasonable and proper use, and for preventing injuries to or misuse of, city parks and their appurtenances and park property, and to prevent disorder and improper conduct within the precincts of such park.
- (b) Any rules and regulations when published or posted in the park shall have the same effect as ordinances, and any violations thereof shall be punished as provided for in section 1-1-8 except as otherwise provided herein.
- (c) The hours of the parks are sunrise to sunset, unless otherwise posted.

Sec. 6-3-3. - Traffic in parks.

- (a) *State law.* All applicable provisions of laws and rules regulating the equipment and operation of motor vehicles on state highways will be strictly enforced in the parks, together with such rules provided in this article.
- (b) *Direction of traffic.* All traffic officers and designated park employees are authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of this article and such supplementary rules as may be issued by the department or other state agency. No person shall fail to comply with any lawful order, signal or direction of such officer or employee. All persons shall observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.
- (c) *Speed of vehicles in parks.* No person shall drive a vehicle at a speed exceeding 11 miles per hour.

(d) *Restriction to roads.* No person shall drive any motorized vehicle on any area except park roads or parking areas or such other areas as are designated as temporary parking areas.

(e) *Parking.*

(1) All motor cars shall be parked only in established and indicated parking areas or in such other areas and at such times as may be specifically designated by the parks and recreation director.

(2) Parking on roads, driveways, grass or non-paved areas is forbidden at all times except in an emergency.

(3) No person shall park or station any vehicle in any zone designated and marked no parking or otherwise marked for restricted use except briefly for the expeditious loading or unloading of passengers or freight.

(4) No person shall make nonemergency repairs, perform routine maintenance or wash any vehicle in any city park or recreation area.

(5) No vehicles are permitted to remain in a parking area after closing hours. Any vehicle parked continuously in the park for in excess of 24 hours will be towed at the owner's expense.

(f) *Bicycles.* Bicycles may be ridden on any designated roads or trails. When riding vehicular roads, they must observe all safety rules and regulations as constituted by state law. Bicyclists shall, when riding or parking their bikes, respect the safety and security of other park users.

(g) *Prohibited areas.* All wheeled vehicles are prohibited from all tennis and basketball courts, but may be ridden on any designated road or trail.

(h) *Penalty.* The penalty for violation of this section shall be \$10.00 for each incident.

(i) *Enforcement.* Violations of this section may be enforced by issuance of a citation as provided in title XI or by any other means permitted by law.

Sec. 6-3-4. - Animals running at large not permitted.

The owner or custodian of any animal shall not permit the animal to run at large in any park.

Sec. 6-3-5. - Permit required for obstructions.

No person shall place or deposit, or allow to be placed or deposited, in city parks, any article or thing which would obstruct or hinder the safe and convenient use of any part of the park by the general public, without the written permit of the parks and recreation director.

Sec. 6-3-6. - Discharging fireworks, stones and missiles.

- (a) It shall be unlawful for any person to throw stones or discharge missiles within city parks.
- (b) The exploding or discharging of fireworks, rockets or other incendiaries is prohibited.

Sec. 6-3-7. - Peddling, advertising, handbills, signboards.

No person shall, without a permit from the parks and recreation director, expose any article or thing for sale, or do any hawking or peddling or displaying of handbills, or erect any signboards, or post, paste or affix any notice or bill or advertisement of any kind in writing or printing on any tree, post or at any other place or in any manner whatever in city parks. No animal or vehicle or person carrying or displaying any placard or advertisement of any kind shall be allowed in the park except as authorized by the director.

Sec. 6-3-8. - Injuring trees, buildings and other property.

No person shall break or injure in any way any of the trees, shrubs, turf, grounds, fences, buildings or other structures or property of the parks.

Sec. 6-3-9. - History of Plaza Ferdinand VII.

- (a) Plaza Ferdinand VII has significant historical and aesthetic value for the city. The plaza is named after Ferdinand VII, who was king of Spain from 1813 to 1833. The transfer of Florida to the United States from Spain occurred in Plaza Ferdinand in 1821. In 1960, Plaza Ferdinand was designated a National Historic Landmark by the United States National Park Service.
- (b) Before 1985, Plaza Ferdinand was the primary park used for special events in the city. Beginning in 1983, as part of the City's Directions '85 program, Plaza Ferdinand was completely renovated. Those renovations included restoration of the fountain, rebuilding of the sidewalks, rebuilding of the ballast walls along the perimeter of the park, restoration and renovation of the obelisk in the center of the park, a commemorative bust of Andrew Jackson, and restoration of the commemorative cannons in the park. The renovations cost approximately \$254,000.00.

- (c) After the renovations were complete, the city allowed a festival to take place in Plaza Ferdinand in September 1987. Following the event, the city again had to spend thousands of dollars to clean the facilities, re-seed the grass, care for the plantings, and refurbish the park.
- (d) In 1987, following the September festival, the city council voted to restrict use of Plaza Ferdinand in order to preserve its landscaping, historical attributes, and general beauty. Seville Square was designated the primary special events park and various amenities were added to Seville Square, including the gazebo and electrical facilities. Since then, Seville Square has been the site of many annual festivals, assemblies and special events.

Sec. 6-3-10. – Findings and purpose.

- (a) In order to preserve Plaza Ferdinand's value to the city and its citizens, the city council finds it is appropriate to restrict the group use of the park, requiring a permitting process for such use, and reserving Plaza Ferdinand primarily for spontaneous, casual and passive use by people for their quiet enjoyment. By restricting the use of Plaza Ferdinand, it is the city's intent and purpose to protect the features of the park, including the commemorative statues, the fountain, the historical cannons, and the ballast wall surrounding the plaza, as well as protecting the grass and landscaping in Plaza Ferdinand.
- (b) The city council finds that the Downtown Improvement Board's operation of Palafox Market will benefit not only those vendors which sell locally crafted goods, art work, and foods, but all citizens and visitors within the DIB District which includes Plaza Ferdinand.

Sec. 6-3-11. - Alternative parks and green space.

In finding that it is appropriate to restrict the use of Plaza Ferdinand, the city council notes that there are six other city parks within approximately a half-mile radius of Plaza Ferdinand, to wit: Plaza de Luna, Seville Square, Bartram Park, Corinne Jones Park, the Vince Whibbs, Sr. Community Maritime Park and Martin Luther King, Jr. Plaza. These parks are open to citizens for use for group events, as well as spontaneous, casual and passive uses, and thus provide alternative venues for assembly and expressive activity. Furthermore, within the half-mile radius of Plaza Ferdinand, various green spaces, although not designated as public parks by the city, have been made available for group use, including the north lawn of City Hall, Plaza de Luna and the state-owned area commonly known as Fountain Park.

Sec. 6-3-12. – Definitions.

The following words, terms and phrases, when used in sections 6-3-10 through 6-3-20, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person or entity other than the Downtown Improvement Board.

Director means the parks and recreation director.

Plaza Ferdinand or *park* means Plaza Ferdinand VII in the city. For purposes of these sections only, the boundaries of Plaza Ferdinand are defined as follows:

- (1) The northern curb of Zarragosa Street;
- (2) The southern curb of Government Street;
- (3) The eastern curb of Palafox Place; and
- (4) The western curb of Jefferson Street.

Sec. 6-3-13. - Application for Plaza Ferdinand permit.

- (a) Any person desiring a permit for use of Plaza Ferdinand shall make application for a permit to the director not less than ten days in advance of the time and date of the intended use of Plaza Ferdinand and no earlier than January 2 of the calendar year in which the applicant intends to use the park. The ten days' advance application period may be shortened under extenuating circumstances. The application shall set forth the following information:
 - (1) The name, address and telephone number of the person requesting the permit;
 - (2) The name and address of the organization or group he or she is representing, if applicable;
 - (3) The name, address and telephone number of the person who will act as chairperson of the event and will be responsible for the conduct of the event;
 - (4) The time and date of the commencement of the event and the time the event will terminate;
 - (5) Completion of the required forms, including providing any required liability insurance certificate;

- (6) Deposit of any required clean-up deposit and damage deposit; and
 - (7) Any other relevant information as the director may require.
- (b) Applications for permits shall be processed in the order of receipt and only upon receipt of the entire application and any applicable fees or an affidavit of indigency and request for a waiver of the fees. The director shall decide whether to grant or deny an application within 14 days unless, by written notice to the applicant, the director extends the period of review an additional 14 days. If the director fails either to grant or deny an application within the 14-day deadline, or within the 14-day extension if one has been noticed, then the application shall be deemed granted.
 - (c) An applicant may receive only one permit for use of Plaza Ferdinand during a single calendar year. However, if as of May 15 of the calendar year for which the applicant has requested a permit, the director has received applications from fewer than six applicants, then a single applicant may request more than one permit for use of Plaza Ferdinand during a single calendar year.
 - (d) Permits for use of Plaza Ferdinand are not transferable or assignable and may be used only by the applicant.

Sec. 6-3-14. - Application fee.

All applicants must pay an application fee of \$100.00 to cover the cost of processing the application.

Sec. 6-3-15. – Restrictions on Plaza Ferdinand permits.

- (a) A person or organization must obtain a permit in order to conduct a public assembly, parade, picnic, or other event involving 30 or more persons that will take place in Plaza Ferdinand.
- (b) Permits shall be restricted in the following manners:
 - (1) Permitted events may take place only during the months of June, July and August. A maximum of six events will be permitted in any calendar year. No events shall be permitted so as to conflict with the hours of operation of the Palafox Market.
 - (2) No more than two events per month will be permitted. No more than one permitted event may occur during any seven-day period.
 - (3) The attendance at a permitted event may not exceed 1,000 persons.
 - (4) No amplified sound or bands will be permitted.

- (5) No vendors will be permitted.
 - (6) No booths, exhibits, or stages will be permitted.
 - (7) No event with utility hook-up requirements will be permitted.
 - (8) No alcohol will be permitted.
 - (9) A permitted event may not last longer than 36 consecutive hours, including setup before the event and cleanup after the event.
 - (10) The other general rules for city parks apply.
- (c) To the extent permitted by law, the director may deny an application for permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The director also may deny an application for permit on any of the following grounds:
- (1) The application for permit (including any required attachments and submissions) is not fully completed and executed;
 - (2) The applicant has not tendered the required application fee with the application or has not tendered the required user fee, insurance certificate, or clean-up deposit within the time prescribed;
 - (3) The application for permit contains a material falsehood or misrepresentation;
 - (4) The applicant is legally incompetent to contract or to sue and be sued;
 - (5) The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged city property and has not paid in full for such damage, or has other outstanding and unpaid debts to the city;
 - (6) A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of Plaza Ferdinand or part thereof;
 - (7) The proposed use or activity is prohibited by or inconsistent with the classifications and uses of Plaza Ferdinand or part thereof;
 - (8) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, other users of Plaza Ferdinand, city employees, or members of the public;

- (9) The use or activity intended by the applicant is prohibited by law, by this Code, or by the regulations of the city.
- (d) Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the director for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application has been denied because of a conflict with the time and place of another event or due to other restrictions, the director shall propose an alternative location, time, or other manner for the applicant to comply with the restrictions.
- (e) The Downtown Improvement Board shall enter into an interlocal agreement to be approved by the city council for the operation of the Palafox Market upon terms and conditions agreeable to the city council and consistent with the function of the Downtown Improvement Board in maintaining the DIB District. Such interlocal agreement will cover the sharing of responsibilities for upkeep of Plaza Ferdinand including, but not limited to, removal of litter and trash, repairs to structures damaged by vendors or patrons, and rehabilitating grasses and trees that are damaged or stressed by the location of booths and pedestrian traffic. Because of the historical importance of Plaza Ferdinand, the mayor is given the discretion, upon the giving of thirty (30) days written notice to the Downtown Improvement Board, to schedule and conduct activities or functions in Plaza Ferdinand on those days and times that Palafox Market operates. Upon receiving such notice, the Downtown Improvement Board shall cease operating Palafox Market for the particular date and times specified in the notice.

Sec. 6-3-16. Insurance requirements; clean-up deposit; user fees.

- (a) Applicants shall provide the city with a certificate of insurance no less than ten days prior to the date of the event. The certificate of insurance shall indicate: that the city is an additional insured; that the certificate holder is the city; the type of event to be held; the date of the event; and the limits of liability.
- (b) The user fees, clean-up deposits, and insurance liability limits that shall be provided are as follows:

Event	Clean-Up Deposit	Insurance Limits	User Fee
Single day event with anticipated attendance of 20—300 persons	\$500.00 per event	\$300,000.00 per occurrence and the aggregate	\$500.00/day
Single day event with anticipated attendance of 301—1,000 persons	\$1,000.00 per event	\$1,000,000.00 per occurrence and the aggregate	\$1,000.00/day

- (c) These requirements are subject to change and the director shall notify applicants of any changes to these requirements.

Sec. 6-3-17. - Reduction or waiver of fees, deposit or insurance.

An applicant may request a reduction or waiver of the user fee, clean-up deposit and/or insurance requirement in the same manner as described in section 11-4-180.

Sec. 6-3-18. - Issuance or denial of permit or waiver; appeal.

An applicant who is denied a permit or a waiver of the insurance requirement, clean-up deposit or user fee, may appeal such denial in the manner described in section 11-4-174.

Sec. 6-3-19. – Penalties for violations.

- (a) A person violating the provisions of section 6-3-13 or 6-3-15 may be directed to leave Plaza Ferdinand by a sworn police officer or code enforcement officer. For those vendors, patrons or visitors attending and patronizing the Palafox Market, sections 6-3-15(b)(8) and (10) above shall be applicable to them, even though not participating in a Permitted Event, the violation of which may cause them to be directed to leave Plaza Ferdinand by a sworn police officer or code enforcement officer.
- (b) A person refusing to leave Plaza Ferdinand when directed as described in subsection (a) of this section shall be escorted out of Plaza Ferdinand and issued a trespass warning to not return to the park for 20 days, or placed under arrest for trespass after warning.
- (c) If a person who has received a trespass warning returns to Plaza Ferdinand within the time period prescribed in subsection (b) of this section, then the person may be prosecuted pursuant to F.S. § 810.09.
- (d) The penalties described herein are in addition to the penalties provided in section 1-1-8, and any other remedies available at law or in equity.

Sec. 6-3-20. - Reserved.

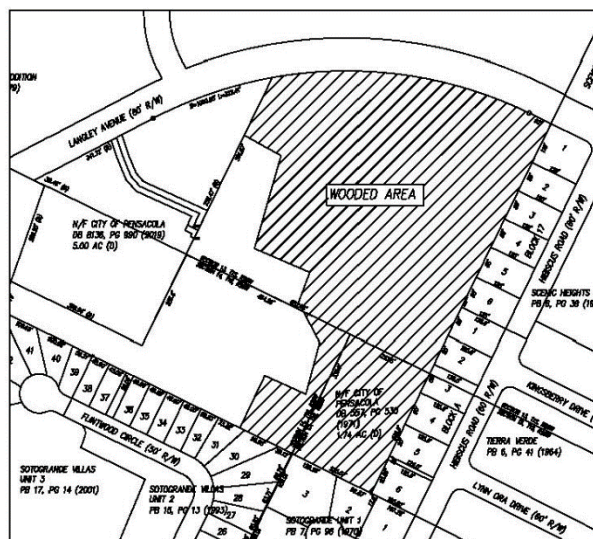
Sec. 6-3-21. - Hitzman-Optimist Park Development.

- (a) *Definitions.*

Arborist means an arborist that has been certified by the International Society of Arboriculture (ISA).

Park means the parcels comprising Hitzman-Optimist Park.

Wooded area means the shaded area designated as "wooded area" in the following illustration:



(b) *Restrictions on the wooded area.*

- (1) *Audit.* There shall be a moratorium in the wooded area at the park on the removal of trees that are a minimum of three inches DBH (Diameter Breast Height) until there is an audit during 2021 of the existing trees in the wooded area, which shall include the species of the tree and the DBH of the tree. The audit shall serve as a baseline for the preservation of trees within the park. The audit shall be provided to the city council and kept in the records of the parks and recreation director. Beginning in calendar year 2027 and every five years thereafter, a tree inventory of the wooded area shall be conducted during or between May through September and provided to city council. For calendar years during which no audit occurs, the parks and recreation director shall provide to city council during the summer a reconciliation of trees, including location, species, and reason for placement or removal, added and removed from the park during the months since the last reconciliation or audit report was created.
- (2) *Restrictions.* There shall be no encroachment into the wooded area created by the construction of additional athletic fields or other development within the park. Trees shall only be removed for the reasons stated in this section unless an exception applies or approval of the city council is obtained.
- (3) *Exceptions.* No tree shall be removed from the wooded area without notice to the parks and recreation board with the exception of trees that pose a probable risk to persons or property as verified by an arborist. If a tree poses an imminent risk to persons or property, then the city may take immediate

action without verification by an arborist or approval by city council. Upon removal of any trees within these exceptions, notice shall be sent to the parks and recreation board and to city council.

- (4) *Maintenance.* Maintenance, such as pruning, in the wooded area of any heritage tree or protected tree as defined by section 12-6-2 and section 12-6-6, respectively, shall be conducted in a manner approved by an arborist. Maintenance of trees that are not protected and not heritage trees will be pruned pursuant to ISA standards, ANSI A300 standards, or other current industry standards for prevention or elimination of insects, disease, and decay and to establish healthy growth patterns. If a branch or other part of a tree poses an imminent threat to persons or property, then the city may take immediate action without approval by an arborist or city council.

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 CLERKS OFFICE - LEGAL ADS
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 said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **Pensacola News Journal**, a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

NOTICE OF PROPOSED ORDINA

as published in said newspaper in the issue(s) dated or by publication on the newspaper's website, if authorized, on :

02/13/23

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 13th of February 2023, by legal clerk who is personally known to me

Affiant

Notary Public State of Wisconsin, County of Brown

My commission expires
of Affidavits 1

Publication Cost: \$197.70
Ad No: 0005587683
Customer No: PNJ-25615500

This is not an invoice

NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF PROPOSED ORDINANCE

Please be advised that Proposed Ordinance No. 07-23 was presented to the City Council of the City of Pensacola for first reading on Thursday, February 9, 2023, and will be presented for final reading and adoption on Thursday, February 23, 2023 at 5:30 p.m., in Council Chambers on the First Floor of City Hall, 222 West Main Street, Pensacola, Florida.

The title of the proposed ordinance is as follows:

P.O. #07-23:

AN ORDINANCE AMENDING SECTIONS 6-3-10, 6-3-12, 6-3-15 and 6-3-19 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ALLOWING DOWNTOWN IMPROVEMENT BOARD (DIB) TO OPERATE PALAFOX MARKET WITHIN PLAZA FERDINAND; REQUIRING INTERLOCAL AGREEMENT BETWEEN DIB AND CITY TO GOVERN OPERATION OF PALAFOX MARKET; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A copy of proposed ordinances may be inspected by the public by calling the City Clerk's office to request a copy, or on-line with the agenda package on the City's website: <https://pensacola.legistar.com/Calendar.aspx>. Interested parties may appear at the meeting and be heard with respect to the proposed ordinances.

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

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

CITY OF PENSACOLA, FLORIDA

By: Ericka L. Burnett, City Clerk

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

Legal No. 5587683

Feb 13, 2023