

# Report of City Council Action Items

September 15, 2016

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

**Absent:** None



## CONSENT AGENDA ITEMS

1. AIRPORT - APPROVAL OF FISCAL YEAR 2017 INTERIM AIR CARGO AIRLINE OPERATING PERMIT WITH UNITED PARCEL SERVICE

That City Council authorize the Mayor to execute an Interim Air Cargo Airline Operating Permit with United Parcel Service for the purpose of providing air transportation with respect to cargo, freight, and mail at Pensacola International Airport.

*The motion passed 7 - 0. Council Member Johnson absent for the vote.*

2. PROPOSED JOINT CITY/COUNTY MEETING AGENDA

That City Council agree to schedule a joint meeting with the Board of County Commissioners in January 2017 to discuss items on the attached agenda and to include any items approved by City Council.

*The motion passed 7 - 0. Council Member Johnson absent for the vote.*

3. AMENDED – TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT – FLORIDA DEPARTMENT OF TRANSPORTATION

That City Council authorize the Mayor to execute the Amended - Traffic Signal Maintenance and Compensation Agreement between the City of Pensacola (City) and the Florida Department of Transportation (FDOT) effective retroactively to July 1, 2016. Further that City Council authorize the Mayor to take all actions necessary related to the execution of the amended agreement.

*The motion passed 7 - 0. Council Member Johnson absent for the vote.*

## REGULAR AGENDA ITEMS

4. PUBLIC HEARING – PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE, SECTION 12-2-78(B)(2) – CONDITIONAL USE PERMIT

That City Council conduct the second of two public hearings on September 15, 2016 to consider an amendment to the Land Development Code, Section 12-2-78(B)(2), by adding “church” to the list of properties that can be redeveloped through the Conditional Use Permit process. -- **MOTION TO APPROVE**

*The motion passed 7 - 0. Council Member Johnson absent for the vote.*

PROPOSED ORDINANCE NO. 43-16: *1<sup>ST</sup> READING* -- **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 12-2-78 (B)(2) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; BY ADDING “CHURCH “ TO THE LIST OF PROPERTIES THAT CAN BE REDEVELOPED THROUGH THE CONDITIONAL USE PERMIT PROCESS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

*The motion passed 7 - 0. Council Member Johnson absent for the vote.*

**\*\*\*THE FOLLOWING ITEM WAS PULLED BY THE APPLICANT PRIOR TO THE MEETING\*\*\***

5. QUASI-JUDICIAL HEARING – FINAL SUBDIVISION PLAT – A VILLAGE

### Recommendation

That City Council conduct a quasi-judicial hearing on September 15, 2016 to consider approval of the final subdivision plat – A Village

**Report of City Council Action Items**

September 15, 2016

Page 2

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

**Absent:** None

---

---

**REGULAR AGENDA ITEMS (continued)**

6. APPOINTMENTS – ARCHITECTURAL REVIEW BOARD

City Council reappointed C. Ray Jones and Ben Townes, two (2) representatives from the University of West Florida Historic Trust and; reappointed Michael Crawford and Carter Quina as the two (2) registered architects to the Architectural Review Board for a term of two years, expiring September 30, 2018.

*The motion by acclamation passed 7 - 0. Council Member Johnson absent for the vote.*

7. APPOINTMENTS – CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

City Council appointed Donald Hanto as a general contractor member and Clay Whittaker an at-large member from the public for a term of three (3) years, expiring March 31, 2019; and reappointed Hal B. Gordon as an alternate member at-large from the construction industry and appointed Amir Fooladi an alternate member at-large from the general public for a term of two years, expiring March 31, 2018.

*The motion by acclamation passed 7 - 0. Council Member Johnson absent for the vote.*

8. APPOINTMENT – PENSACOLA-ESCAMBIA DEVELOPMENT COMMISSION

City Council appointed Council Member Andy Terhaar to the Pensacola-Escambia Development Commission (PEDC), to fill an unexpired term ending November, 2016.

*The motion passed unanimously.*

9. ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION

City Council reappointed Cassandra McAway and appointed Linda Holt to the Escambia-Pensacola Human Relations Commission for a term of two years expiring September 30, 2018.

*Ballot vote.*

10. APPROVAL OF PATRONS' DOG PERMIT AT FOOD SERVICE ESTABLISHMENT – GULF COAST BREWERY, LLC

That City Council approve the permit request for Gulf Coast Brewery, LLC to allow patrons' dogs at permitted food service establishments in accordance with City Code 12-12-8.

*The motion passed unanimously.*

11. APPROVAL OF LEGAL COUNSEL TO THE CITY COUNCIL OF CAROL A. LEONE AND SETTING OF SALARY /BENEFIT PARAMETERS

That the City Council approve the selection of Carol A. Leone as Legal Counsel to the City Council. ~~and further that Council set the salary/benefits parameters for further negotiations with Ms. Leone.~~

*The motion failed 1 - 7. Council Member Cannada-Wynn assenting.*

12. PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE – ADDITION OF MEDICAL MARIJUANA DISPENSARY

That City Council refer to the Planning Board a request to consider and make a recommendation to amend Section 12-2-8(B)(1) Commercial land use district, to add "Medical Marijuana Dispensary" under the uses permitted section.

*The motion passed unanimously.*

**Report of City Council Action Items**

September 15, 2016

Page 3

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

**Absent:** None

---

---

**REGULAR AGENDA ITEMS (continued)**

13. FY 2017 LANDSCAPE MAINTENANCE INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY

That City Council approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) for Fiscal Year 2017 in an amount not to exceed \$247,300 for Landscape Maintenance Services within the CRA.

*The motion passed 7 - 1. Council Member Wingate dissenting.*

14. FY 2017 INTERLOCAL AGREEMENT BETWEEN THE CITY OF PENSACOLA AND COMMUNITY REDEVELOPMENT AGENCY FOR ADMINISTRATIVE SERVICE

That City Council approve and authorize the Mayor to execute an Interlocal Agreement between the City of Pensacola (City) and the Community Redevelopment Agency (CRA) for Fiscal Year 2017 Administrative Services.

*The motion passed unanimously.*

15. GENERAL DANIEL "CHAPPIE" JAMES JR. MUSEUM & FLIGHT ACADEMY LOAN – EASTSIDE REDEVELOPMENT TRUST FUND

That the City Council authorize the Mayor to enter into a loan from the City's Insurance Retention Fund of up to \$500,000 to the Community Redevelopment Agency's (CRA's) Eastside Tax Increment Financing District subject to CRA award of a contract for the construction of the General Daniel "Chappie" James Jr. Museum & Flight Academy Project and approval of a loan from the City's Insurance Retention Fund. The provisions of the loan are for an eight (8) year term, at an interest rate of three percent (3%) to be repaid from the Eastside Redevelopment Trust Fund. Also that City Council approve the resolution incorporating the interlocal agreement with the CRA. Further that the City Council approve the supplemental budget resolution appropriating the loan proceeds. Finally that City Council authorize the Mayor to take all actions necessary to complete the transaction.

*The motion passed 7 - 1. Council President Bare dissenting.*

RESOLUTION NO. 34-16: -- **MOTION TO APPROVE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT WITHIN THE URBAN INFILL AND REDEVELOPMENT AREA ESTABLISHED BY CITY COUNCIL RESOLUTION NO. 41-05; PROVIDING FINDINGS; APPROVING AND AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA, FLORIDA, TO FINANCE THE DESIGN, CONSTRUCTION AND ACQUISITION OF THE GENERAL DANIEL "CHAPPIE" JAMES, JR. MUSEUM & YOUTH FLIGHT ACADEMY PROJECT; RATIFYING AND CONFIRMING ALL PRIOR ACTIONS OF THE CITY COUNCIL ASSOCIATED WITH THE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

*The motion passed 7 - 1. Council President Bare dissenting.*

SUPPLEMENTAL BUDGET RESOLUTION NO. 35-16: -- **MOTION TO APPROVE**

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016; PROVIDING FOR AN EFFECTIVE DATE

*The motion passed 7 - 1. Council President Bare dissenting.*

16. AUTHORIZING THE BICYCLE ADVISORY COMMITTEE

That City Council authorize the establishment and continued functioning of the Bicycle Advisory Committee and appoint the members currently serving on the Committee. **Further, that the Committee not hold another meeting until Sunshine training has been provided by the City Attorney.**

*The motion passed unanimously.*

**Report of City Council Action Items**

September 15, 2016

Page 4

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

**Absent:** None

---

**REGULAR AGENDA ITEMS (continued)**

17. CITY COUNCIL DIRECT APPOINTMENT TO CMPA BOARD

That City Council adopt a Resolution whereby City Council Members would make direct appointment of trustees to the Community Maritime Park Associates (CMPA) Board. Each Council Member will have one direct appointment beginning with District 1 and proceeding sequentially. Each appointment shall be subject to confirmation by the affirmative vote of a majority of existing membership of the City Council.

*The motion died due to lack of a second.*

RESOLUTION NO. 36-16: -- **PULLED DUE TO THE LACK OF A SECOND (ABOVE)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA RELATING TO THE APPOINTMENT OF TRUSTEES OF THE COMMUNITY MARITIME PARK ASSOCIATES, INC. BOARD OF TRUSTEES, PROVIDING FOR A PROCEDURE FOR INDIVIDUAL CITY COUNCILMEMBERS TO MAKE DIRECT APPOINTMENTS OF TRUSTEES TO THE BOARD OF TRUSTEES; PROVIDING FOR DIRECT APPOINTMENT OF TRUSTEES TO THE BOARD OF TRUSTEES BY INDIVIDUAL CITY COUNCILMEMBER SELF-APPOINTMENT; PROVIDING FOR CONFIRMATION BY AFFIRMATIVE MAJORITY VOTE OF CITY COUNCIL OF INDIVIDUAL CITY COUNCILMEMBER DIRECT APPOINTMENTS OF TRUSTEES TO THE BOARD OF TRUSTEES, AND PROVIDING FOR AN EFFECTIVE DATE.

18. REQUEST FOR LEGAL OPINION FROM CITY ATTORNEY – CITY COUNCIL SHARE LEGAL COUNSEL TO THE CITY COUNCIL WITH THE COMMUNITY REDEVELOPMENT AGENCY (CRA)

That the City Council request a legal opinion from the City Attorney regarding the following question: Can the City Council share the Legal Counsel to the City Council with the Community Redevelopment Agency (CRA) through an interlocal agreement?

*The motion died due to lack of a second.*

19. FLORIDA STATE FRATERNAL ORDER OF POLICE, INC (FOP) POLICE LIEUTENANTS TENTATIVE AGREEMENT

That City Council ratify the Tentative Contract between the City of Pensacola and the Florida State Fraternal Order of Police, Inc. (FOP) Police Lieutenants Unit.

*The motion passed unanimously.*

20. FY 2016 SUPPLEMENTAL BUDGET RESOLUTION

Recommendation:

That City Council approve the resolution amending the Fiscal year 2016 budget.

*The motion passed unanimously.*

SUPPLEMENTAL BUDGET RESOLUTION NO. 37-16: -- **MOTION TO APPROVE**

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016; PROVIDING FOR AN EFFECTIVE DATE

*The motion passed unanimously.*

**Report of City Council Action Items**

September 15, 2016

Page 5

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

**Absent:** None

---

---

**REGULAR AGENDA ITEMS (continued)**

21. AWARD OF CONTRACT RFQ #16-023 FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR FIRE STATION #3 TO TOWNES + ARCHITECTS, P.A.

That City Council award a contract for RFQ #16-023 "Architectural and Engineering Services for Fire Station #3" to Townes + Architects, P.A. Pensacola, Florida for an agreed upon fee of 7.22% of construction costs, estimated at \$203,450 plus eligible reimbursable expenses and additional services estimated at \$203,000 for a total estimated contract value of \$406,450. Further, that Council authorize the Mayor to execute contract documents and take all related actions necessary to complete the project.

*The motion passed 7 - 1. Council President Bare dissenting.*

22. PENSACOLA ENERGY – APPROVAL OF AGREEMENTS FOR NATURAL GAS TRANSPORTATION WITH CHESAPEAKE UTILITIES CORPORATION

That the City Council authorize the Mayor to enter into the following agreements with Chesapeake Utilities Corporation for delivery of natural gas to Pensacola Energy's city gate. Further, that City Council authorize the Mayor to take any and all actions necessary related to the execution of these agreements.

1. Territorial Agreement with Chesapeake Utilities Corporation
2. Interconnect Agreement with Chesapeake Utilities Corporation
3. Pipeline Capacity Release Agreement with Chesapeake Utilities Corporation
4. Transportation Agreement with Chesapeake Utilities Corporation
5. Operational Balancing Agreement with Chesapeake Utilities Corporation

*The motion passed unanimously.*

23. PENSACOLA ENERGY – APPROVAL OF BASIC ORDERING AGREEMENT (BOA) ENERGY MANAGEMENT PROJECT WITH UNITED STATES NAVY AND AGREEMENT WITH PEPSCO ENERGY SERVICES, INC. (PES)

That the City Council authorize the Mayor to (1) enter into a Task Order contract under the existing BOA for an energy management project with the United States Navy authorizing Pensacola Energy to act as contractor, (2) enter into an agreement with Pepco Energy Services (PES) to act as the City's subcontractor (3) enter into the associated financing agreements with Banc of America Leasing and Capital (BALCAP) and PES to provide for non-recourse project financing and (4) authorize the Mayor to take all actions necessary to execute the transaction.

*The motion passed unanimously.*

24. PENSACOLA ENERGY – APPROVAL OF TASK ORDER WITH R.A. W. CONSTRUCTION, LLC

That City Council approve the Task Order with R.A.W. Construction, LLC utilizing unit pricing under the current pipeline construction contract #14-029 to lower and upgrade the natural gas pipeline under the railroad crossing during the new railroad construction.

*The motion passed unanimously.*

25. PENSACOLA ENERGY – APPROVAL OF PIPELINE REPLACEMENT TASK ORDER WITH R.A. W. CONSTRUCTION, LLC

That City Council approve the Pipeline Replacement Task Order with R.A.W. Construction, LLC utilizing unit pricing under the current pipeline construction contract #14-029 to replace natural gas mains and services before resurfacing work begins on certain streets included in the City Resurfacing Project.

*The motion passed unanimously.*

**Report of City Council Action Items**

September 15, 2016

Page 6

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

**Absent:** None

---

---

**REGULAR AGENDA ITEMS (continued)**

26. FLORIDA DEPARTMENT OF TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NUMBER TWO – COMMERCE PARK DEVELOPMENT PHASE I

That City Council authorize the Mayor to execute acceptance of the Florida Department of Transportation Supplemental Joint Participation Agreement Number Two # 43360219401 for land acquisition in the air commerce park development at the Pensacola International Airport. Further, that City Council approve the grant resolution and authorize the Mayor to take all actions necessary relating to the finalization of the grants.

*The motion passed unanimously.*

RESOLUTION NO. 38-16: -- **MOTION TO APPROVE**

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NUMBER TWO # 43360219401 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LAND ACQUISITION IN THE COMMERCE PARK DEVELOPMENT AT THE PENSACOLA INTERNATIONAL AIRPORT; PROVIDING AN EFFECTIVE DATE.

*The motion passed unanimously.*

27. ACCEPTANCE OF FDOT/FSTED GRANT AR223 SUPPLEMENTAL JPA #3 – BERTH 6 REHABILITATION PROJECT

That City Council accept Florida Department of Transportation (FDOT) Seaport Transportation & Economic Development (FSTED) Grant AR223 Supplemental Joint Participation Agreement (JPA) #3 for Berth 6 Rehabilitation Project, and authorize the Mayor to execute the JPA and to take any and all other actions necessary to fulfill the requirements of the grant. Further, that City Council approve the attached supplemental budget resolution appropriating the funds to complete this project.

*The motion passed unanimously.*

SUPPLEMENTAL BUDGET RESOLUTION NO. 39-16: -- **MOTION TO APPROVE**

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016; PROVIDING FOR AN EFFECTIVE DATE

*The motion passed unanimously.*

28. PENSACOLA BAY BRIDGE TEMPORARY CONSTRUCTION EASEMENT

That City Council approve the Resolution providing Temporary Construction Easements to the Florida Department of Transportation (FDOT) for the replacement of the Pensacola Bay Bridge.

*The motion passed unanimously.*

RESOLUTION NO. 40-16: -- **MOTION TO APPROVE**

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE A TEMPORARY EASEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF THE NEW PENSACOLA BAY BRIDGE.

*The motion passed unanimously.*

**Report of City Council Action Items**

September 15, 2016

Page 7

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

**Absent:** None

---

---

**REGULAR AGENDA ITEMS (continued)**

29. TEMPORARY MORATORIUM ON THE ISSUANCE OF DEMOLITION PERMITS FOR HISTORIC STRUCTURES

PROPOSED ORDINANCE NO. 41-16: *2<sup>ND</sup> READING - - MOTION TO APPROVE AS AMENDED: To add language: Nothing in this ordinance shall prohibit the Building Official from abating or ordering the demolition of any unsafe structure in accordance with International Property Maintenance Code as adopted by Section 14-1-139 of the Code of the City of Pensacola.*

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF DEMOLITION PERMITS FOR HISTORIC STRUCTURES AS DEFINED IN THE LAND DEVELOPMENT CODE AS WELL AS ANY STRUCTURE BUILT IN 1916 OR PRIOR WITHIN THE CITY OF PENSACOLA, FLORIDA, PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 27-16**)

*The motion passed 6 - 2. Council Members Bare and Terhaar dissenting.*

30. AMENDMENT TO THE GENERAL PENSION AND RETIREMENT PLAN CREATING SECTION 9-5-108

PROPOSED ORDINANCE NO. 42-16: *2<sup>ND</sup> READING - - MOTION TO APPROVE*

AN ORDINANCE CREATING SECTION 9-5-108 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR CONTINUED PARTICIPATION IN THE GENERAL PENSION PLAN FOR PARTICIPATING INDIVIDUALS WHO TRANSFER TO THE COMMUNITY REDEVELOPMENT AGENCY (CRA); PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 28-16**)

*The motion passed 7 - 1. Council President Bare dissenting.*

31. RESOLUTION RECOGNIZING AND COMMENDING DR. JUDITH A. BENSE, PRESIDENT OF THE UNIVERSITY OF WEST FLORIDA

That City Council adopt the proposed resolution recognizing and commending Dr. Judith A. Bense, President of the University of West Florida.

*The motion passed unanimously.*

RESOLUTION NO. 41-16: - - *MOTION TO APPROVE*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA RECOGNIZING AND COMMENDING DR. JUDITH A. BENSE, PRESIDENT OF THE UNIVERSITY OF WEST FLORIDA FOR HER DISTINGUISHED SERVICE, OUTSTANDING LEADERSHIP AND DEDICATION TO THE UNIVERSITY OF WEST FLORIDA

*The motion passed unanimously.*