

Report of City Council Action Items

August 11, 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. PENSACOLA AVIATION CENTER CONSENT TO SUBLEASE TO AVIONICS SOLUTIONS LLC

That City Council authorize the Mayor to execute written consent allowing Pensacola Aviation Center to sublease portions of their Leased Premises to Avionics Solutions LLC.

The motion passed unanimously.

2. AWARD OF CONTRACT – BLOUNT STREET AND ‘F’ STREET DRAINAGE IMPROVEMENTS PROJECT

That City Council award a contract for construction of the Blount Street and F Street Drainage Improvements Project to J Miller Construction, Inc., of Pensacola, Florida, the lowest and most responsible quote with a base quote of \$34,345.00 plus a 10% contingency of \$3,434.50 for a total amount of \$37,779.50.

The motion passed unanimously.

REGULAR AGENDA ITEMS

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

That City Council conduct the first of two public hearings on August 11, 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. -- **NO ACTION AT THIS TIME -- 2ND PUBLIC HEARING TO BE HELD 9/15/16**

4. PUBLIC HEARING: TEMPORARY MORATORIUM ON THE ISSUANCE OF DEMOLITION PERMITS FOR HISTORIC STRUCTURES

That City Council conduct a public hearing to consider the placement of a temporary moratorium on the issuance of demolition permits involving historic structures and structures built in 1916 or before. -- **MOTION TO APPROVE**

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

PROPOSED ORDINANCE NO. 41-16 – 1ST READING -- **MOTION TO APPROVE**

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.

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

5. PUBLIC HEARING AND ADOPTION OF ANNUAL ASSESSMENT RESOLUTION IMPOSING STORMWATER SERVICE ASSESSMENTS AND APPROVAL OF 2016 STORMWATER ASSESSMENT ROLL

That City Council conduct a public hearing on August 11, 2016 to adopt the final assessment resolution imposing stormwater service assessments and approving the 2016 Stormwater Assessment Roll. -- **MOTION TO APPROVE**

The motion passed unanimously.

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Absent: None

REGULAR AGENDA ITEMS (continued)

Item 5 cont'd.

RESOLUTION NO. 26-16 -- MOTION TO APPROVE

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES PROVIDED BY THE CITY'S STORMWATER UTILITY; REIMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST DEVELOPED PROPERTY LOCATED WITHIN THE STORMWATER SERVICE AREA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

6. APPOINTMENTS – EASTSIDE REDEVELOPMENT BOARD

City Council reappointed Jeannie Rhoden and appointed William O. Brown, both homeowners within the Eastside Redevelopment Neighborhood TIF District area, for a term of three (3) years, expiring April 30, 2019.

The motion by acclamation passed unanimously.

7. REQUEST FOR LEGAL OPINION FROM CITY ATTORNEY—CONSENT TO APPOINTMENT OF CHIEF HUMAN RESOURCES OFFICER

That City Council request a legal opinion from the City Attorney by August 19, 2016, regarding the following question: Broadly, as related to Section 4.01(a)(7) of the City of Pensacola City Charter (appointment of department head with the consent of City Council) what is the definition of department head? Specifically, in accordance with Section 4.01(a)(7) of the City Charter and Chapter 9-2 of the City Code describing the Department of Human Resources, as well as Section 2-4-3 of the City Code requiring certain departments within the City; does the position of Chief Human Resources Officer require the consent/confirmation of the City Council?

The motion passed unanimously.

*****THE FOLLOWING ITEM WAS PULLED BY THE SPONSOR*****

8. REQUEST FOR LEGAL OPINION FROM CITY ATTORNEY—COUNCIL SHARING STAFF WITH CRA

Recommendation:

That City Council request a legal opinion from the City Attorney by August 19, 2016, regarding the following question: Can the City Council share City Council Staff with the Community Redevelopment Agency (CRA)?

9. REQUEST FOR LEGAL OPINION FROM CITY ATTORNEY – HIRING OF BUDGET ANALYST MANDATED BY THE CITY CHARTER

That City Council request a legal opinion from the City Attorney by August 19, 2016, regarding the following question: In accordance with City Charter Section 4.02(a)(6) is the City Council mandated by the Charter to hire a Budget Analyst?

The motion passed 7 - 1. Council Member Terhaar dissenting.

10. SCHEDULING A WORKSHOP FOR AN OVERVIEW OF THE CITY OF PENSACOLA COMPREHENSIVE PLAN

That City Council schedule a workshop to have an overview of the City of Pensacola's Comprehensive Plan, ~~and that this workshop be conducted prior to the LOST IV workshop.~~

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

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Absent: None

REGULAR AGENDA ITEMS (continued)

11. DISASTER DEBRIS PLANNING AND SUPPORT MANAGEMENT SERVICES AGREEMENT

That City Council authorize the Mayor to enter into a contract with Tetra Tech, Inc., of Maitland, Florida, for Disaster Debris Planning and Support Management Services based on the Seminole County, Florida contract RFP-602491-16/GCM. Further, that City Council authorize the Mayor to take all actions necessary related to the execution of this contract.

The motion passed unanimously.

12. CONSENT TO ASSIGNMENT OF LEASE AND ASSIGNMENT OF LICENSE – HARBOURVIEW BUILDING

That City Council consent to an assignment of leased property located at 25 W. Cedar Street from Moulton Properties, Inc. to Harbourview of Pensacola, LLC, and consent to an assignment of the license agreement pertaining to the same transaction.

The motion passed unanimously.

13. FY17 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: STATE

The City Council approve and authorize the Mayor to execute the acceptance of the FY17 Edward Byrne Memorial Justice Assistance Grant (JAG) State agreement between the City of Pensacola and the State of Florida Department of Law Enforcement (FDLE), Office of Criminal Justice Grants in the amount of \$72,811, upon award of the grant. Further, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant. Also, that City Council approve the supplemental budget resolution appropriating the grant funds.

The motion passed unanimously.

SUPPLEMENTAL BUDGET RESOLUTION NO. 27-16 -- **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.

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

That City Council approve a Proposed Ordinance creating Section 9-5-108 providing for full time employees participating in the General Pension and Retirement Plan (the Plan) at the present time to continue participation in the Plan if they transfer employment to the City's Community Redevelopment Agency (CRA).

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

PROPOSED ORDINANCE NO. 42-16– *1ST 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.

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

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Absent: None

REGULAR AGENDA ITEMS (continued)

15. ADOPTION OF CITYWIDE FUTURE LAND USE AND ZONING MAPS

PROPOSED ORDINANCE NO. 31-16 – 2nd READING -- **MOTION TO APPROVE**

AN ORDINANCE AMENDING THE FUTURE LAND USE CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE. (**Ordinance No. 20-16**)

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

PROPOSED ORDINANCE NO. 32-16 – 2nd READING -- **MOTION TO APPROVE**

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; REPEALING CLAUSE AND EFFECTIVE DATE. (**Ordinance No. 21-16**)

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

16. REQUEST TO VACATE RIGHT-OF-WAY – 660 EAST GOVERNMENT STREET

PROPOSED ORDINANCE NO. 33-16 – 2nd READING -- **MOTION TO APPROVE**

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 9TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. . (**Ordinance No. 22-16**)

The motion passed 7 - 0. Council Member Spencer abstaining.

17. PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE – GRANDFATHERING LANGUAGE FOR RESIDENTIAL LOT SIZE AND SETBACKS

PROPOSED ORDINANCE NO. 34-16 – 2nd READING -- **MOTION TO APPROVE**

AN ORDINANCE AMENDING TABLE 12-2-2 THE CODE OF THE CITY OF PENSACOLA, FLORIDA; GRANDFATHERING LOT SIZE AND SETBACK REQUIREMENTS FOR CERTAIN PARCELS IN THE MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 23-16**)

The motion passed unanimously.

18. ADJUSTMENT OF CITY COUNCIL COMPENSATION

PROPOSED ORDINANCE NO. 35-16 – 2nd READING -- **MOTION TO APPROVE AS AMENDED**

AN ORDINANCE AMENDING SECTION 2-2-7 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ADJUSTING THE SALARY COMPENSATION OF CITY COUNCIL MEMBERS **AND THE COUNCIL PRESIDENT**; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 24-16**)

The motion passed 5 – 2. Council Members Bare and Myers dissenting; and Council Member Spencer absent for the vote.

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Absent: None

REGULAR AGENDA ITEMS (continued)

19. REPEAL OF ORDINANCE NO. 33-02, CREATING THE ENTERPRISE ZONE ADVISORY BOARD

PROPOSED ORDINANCE NO. 39-16 – 2nd READING -- **MOTION TO APPROVE**

AN ORDINANCE REPEALING ORDINANCE NO. 33-02 OF THE CITY OF PENSACOLA, FLORIDA IN ITS ENTIRETY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 25-16**)

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

20. REPEAL OF ORDINANCE NO. 65-77 AND SEC. 9-3-78 OF THE CITY CODE, CREATING THE FIRE EDUCATION INCENTIVE BOARD

PROPOSED ORDINANCE NO. 40-16 – 2ND READING -- **MOTION TO APPROVE**

AN ORDINANCE REPEALING ORDINANCE NO. 65-77 OF THE CITY OF PENSACOLA, FLORIDA AND REPEALING SEC. 9-3-78 OF THE CODE OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 26-16**)

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

*****THE FOLLOWING ITEM WAS PULLED BY THE SPONSOR*****

21. DISCUSSION OF BUDGET ANALYST TO THE CITY COUNCIL POSITION

Recommendation:

That the City Council have a discussion regarding the Budget Analyst to the City Council position.

ADD-ON: AWARD OF CONTRACT FOR SALE OF 16 SOUTH PALAFOX STREET

That City Council approve the recommendation of the Community Redevelopment Agency to award the contract for sale of the surplus property at 16 South Palafox Street to Cat-Den, LLC, in the amount of \$900,002.00, and authorize the CRA Chairperson to execute all necessary documents.

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