

Report of City Council Action Items

February 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. AIRPORT – SILVER AIRWAYS CORP. SCHEDULED AIRLINE TERMINAL BUILDING USE PERMIT & SCHEDULED AIRLINE OPERATING PERMIT

That City Council authorize the Mayor to execute a Scheduled Airline Terminal Building Use Permit & a Scheduled Airline Operating Permit with Silver Airways Corp at the Pensacola International Airport.

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

2. AIRPORT – GENERAL SERVICES ADMINISTRATION AMENDMENT NO. 5

That City Council authorize the Mayor to execute Amendment No. 5 to the Lease Agreement with the General Services Administration to provide additional office space for the Transportation Security Administration at the Pensacola International Airport.

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

REGULAR AGENDA ITEMS

3. AWARD OF CONTRACT – BID #16-009 – CARPENTER’S CREEK STORMWATER REMEDIATION AT BAYOU BOULEVARD PROJECT

That City Council award a contract for construction of the Carpenter’s Creek Stormwater Remediation at Bayou Boulevard Project to Brown Construction of NW Florida, Inc., the lowest and most responsible bidder with a base bid of \$267,231 plus a 10% contingency of \$26,723.10 for a total amount of \$293,954.10.

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

4. AWARD OF CONTRACT – BID #16-010 – 2016 STREET RECONSTRUCTION (CYPRESS STREET AND I STREET) PROJECT

That City Council award a contract for construction of 2016 Street Reconstruction (Cypress Street and I Street) Project to Gulf Atlantic Constructors, Inc., of Pensacola, Florida, the lowest and most responsible bidder for the base bid plus Add. Alt. No. 1 totaling \$383,230.25 plus a 5% contingency of \$19,161.51 for a total amount of \$402,391.76.

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

5. AWARD OF CONTRACT – BID #16-013 – EMERGENCY WATERSHED PROTECTION PROGRAM REPAIR PROJECTS PEACOCK DRIVE I AND II AT BAYWOODS GULLY

That City Council award a contract for construction of Emergency Watershed Protection Program Repair Projects Peacock Drive I and II at Baywoods Gully to J. Miller Construction, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$255,092 plus a 10% contingency of \$25,509.20 for a total amount of \$280,601.20.

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

6. AWARD OF CONTRACT – BID #16-020 GABERONNE SWAMP STORMWATER – PENSACOLA BAY WATERSHED IMPROVEMENTS – LANGLEY POND RETROFIT PROJECT

That City Council award a contract for construction of Gaberonne Swamp Stormwater – Pensacola Bay Watershed Improvements – Langley Pond Retrofit Project to BKW, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$301,078.34 plus a 10% contingency of \$30,107.83 for a total amount of \$331,186.17.

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

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Absent: None

REGULAR AGENDA ITEMS (continued)

7. SALE OF CRA-OWNED PROPERTY AT 120 W. GOVERNMENT STREET

That the City Council approve the sale of the CRA-owned property at 120 W. Government Street to Hixardt Technologies, Inc. (Hixardt) in the amount of \$740,000 and authorize all actions necessary to close the transaction.

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

8. REBUILDING OF FIRE STATION #3 AND BAYVIEW RESOURCE CENTER

That City Council 1) authorize funding for the rebuilding of Fire Station #3 and Bayview Resource Center from the One-Cent Local Government Infrastructure Surtax extension from January 1, 2018 through December 31, 2028 (LOST Series IV); 2) approve the Reimbursement Resolution establishing the intent to reimburse a not to exceed amount of \$9,350,000 with proceeds of a future tax exempt financing; 3) approve the supplemental budget resolution appropriating funding for these two projects; and 4) authorize the Mayor to take all actions necessary to complete the transactions.

The motion passed 5 - 2. Council Members Bare and Cannada-Wynn dissenting; and Council Member Myers absent for the vote.

RESOLUTION NO. 01-16 – **MOTION TO APPROVE**

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA, ESTABLISHING ITS INTENT TO REIMBURSE CERTAIN CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH VARIOUS CAPITAL PROJECTS WITH PROCEEDS OF A FUTURE TAX-EXEMPT FINANCING; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed 5 - 2. Council Members Bare and Cannada-Wynn dissenting; and Council Member Myers absent for the vote.

SUPPLEMENTAL BUDGET RESOLUTION NO. 02-16 – **MOTION TO APPROVE**

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

The motion passed 5 - 2. Council Members Bare and Cannada-Wynn dissenting; and Council Member Myers absent for the vote.

9. RESOLUTION REMOVING CITY COUNCIL'S RESTRICTED ACCESS TO CERTAIN AREAS WITHIN CITY HALL

That City Council adopt a resolution allowing for access to all floors of City Hall without the need for an escort.

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

RESOLUTION NO. 03-16 – **MOTION TO APPROVE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA REQUIRING THE MAYOR OF PENSACOLA TO ALLOW ACCESS TO ALL FLOORS OF THE CITY HALL GOVERNMENT BUILDING, WITHOUT ESCORT, TO MEMBERS OF THE LEGISLATIVE GOVERNING BODY OF THE CITY OF PENSACOLA

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

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Absent: None

REGULAR AGENDA ITEMS (continued)

10. LEASE OFFICE SPACE ON THE 3RD FLOOR OF CITY HALL TO THE DOWNTOWN IMPROVEMENT BOARD

That City Council direct the Council Executive to work with the Executive Director of the DIB in exploring the feasibility of leasing office/area space on the 3rd floor for the establishment of the DIB Office.

The motion passed 6 - 1. Council Member Wu dissenting; and Council Member Myers absent for the vote.

11. RESOLUTION URGING MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE THE ADOPTION OF HOUSE BILL 803 AND SENATE BILL 1054 RELATING TO HISTORIC AND ARCHAEOLOGICAL ARTIFACTS

That City Council approve a resolution urging members of the Florida Legislature to oppose the adoption of House Bill 803 and Senate Bill 1054 relating to historic and archaeological artifacts.

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

RESOLUTION NO. 04-16 – **MOTION TO APPROVE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE THE ADOPTION OF HOUSE BILL 803 AND SENATE BILL 1054 RELATING TO HISTORIC AND ARCHAEOLOGICAL ARTIFACTS

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

12. OFFICE OF CITY COUNCIL STAFF – LEGAL COUNSEL

That City Council direct the Council Executive to begin the search for a Legal Counsel to the City Council on an annual contract.

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

13. OFFICE OF CITY COUNCIL - BUDGET ANALYST

That City Council direct the Council Executive to begin the search for a Budget Analyst to the City Council.

The motion failed 3 - 4. Council Members Bare, Cannada-Wynn, and Wingate assenting; and Council Member Myers absent for the vote.

14. PLANNING BOARD REVIEW OF NORTH 9TH AVENUE CORRIDOR MANAGEMENT OVERLAY DISTRICT

That City Council direct the City Planning Board to review the North 9th Avenue corridor management overlay district to determine ~~whether the Planning staff is adequately involved and~~ whether the overlay district has been effective in its application.

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

15. RESEARCHING CONSULTANT FOR NINTH AVENUE

That City Council direct the Council Executive to research the cost of engaging a consultant to assess the current land use, vehicular/bike/pedestrian challenges and aesthetics of 9th Avenue and present a plan for appropriate development, multi-modal transportation, and aesthetics for the roadway between Olive Road and Bayfront Parkway.

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

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Absent: None

REGULAR AGENDA ITEMS (continued)

16. DEFERRED COMPENSATION – PROVIDING A PLAN DOCUMENT

That City Council approve a Proposed Ordinance for the City's Deferred Compensation Plans to provide for Plan Documents to be the controlling documents.

The motion passed unanimously.

PROPOSED ORDINANCE NO. 04-16 – 1ST READING - **MOTION TO APPROVE**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR ONE PLAN DEFERRED COMPENSATION DOCUMENT THAT WILL BE KEPT ON FILE IN THE CITY CLERK'S OFFICE; AMENDING SECTIONS 9-3-40, 9-5-66, 9-5-91, 9-6-1, 9-6-6, 9-6-7 AND 9-6-11; REPEALING SECTIONS 9-5-67 THROUGH 9-5-74, 9-5-92 THROUGH 9-5-98 AND 9-6-12 THROUGH 9-6-17; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

17. AMENDMENT OF AIRPORT WEAPONS REGULATION

That City Council adopt the Proposed Ordinance amending the City's airport weapons regulation to conform the regulations to the requirements of Florida State Statutes on the subject of weapons.

The motion passed unanimously.

PROPOSED ORDINANCE NO. 06-16 – 1ST READING - **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 10-2-37 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING UNLAWFUL CARRYING OF WEAPONS AT THE PENSACOLA AIRPORT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

18. REQUEST TO AMEND LAND DEVELOPMENT CODE – BEAUTY AND BARBER SHOPS – 2ND READING

PROPOSED ORDINANCE NO. 01-16 – 2ND READING - **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 12-2-6(B) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE PERMITTED USES IN THE R-2 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 05-16**)

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

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Absent: None

REGULAR AGENDA ITEMS (continued)

19. AMENDMENT TO LAND DEVELOPMENT CODE TO PROVIDE A VARIANCE PROCESS FOR THE GATEWAY REDEVELOPMENT DISTRICT AND THE WATERFRONT REDEVELOPMENT DISTRICT – 2ND READING

PROPOSED ORDINANCE NO. 02-16 – 2ND READING - **MOTION TO APPROVE**

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF PENSACOLA, FLORIDA, MORE PARTICULARLY TO AMEND SECTIONS 12-2-12, 12-13-2 AND 12-13-4 TO PROVIDE FOR ZONING VARIANCES FROM THE GATEWAY REDEVELOPMENT DISTRICT AND THE WATERFRONT REDEVELOPMENT DISTRICT LAND DEVELOPMENT REGULATIONS; TO GRANT TO THE GATEWAY REVIEW BOARD AND THE PLANNING BOARD QUASI-JUDICIAL POWER NECESSARY TO GRANT OR DENY SUCH VARIANCES; TO PROVIDE PROCEDURES FOR SUBMISSION AND REVIEW OF APPLICATIONS FOR SUCH ZONING VARIANCES BY THE GATEWAY REVIEW BOARD AND THE PLANNING BOARD; TO AUTHORIZE THE GATEWAY REVIEW BOARD AND THE PLANNING BOARD TO CONDUCT PUBLIC HEARINGS UPON APPLICATIONS FOR SUCH ZONING VARIANCES AND TO RENDER FINAL QUASI-JUDICIAL DECISIONS ON SUCH APPLICATIONS; TO PROVIDE FOR PUBLIC NOTICE OF SUCH HEARINGS AND TO PROVIDE FOR APPEAL OF FINAL QUASI-JUDICIAL DECISIONS OF THE GATEWAY REVIEW BOARD AND THE PLANNING BOARD BY JUDICIAL REVIEW; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 06-16**)

The motion passed unanimously.

20. REQUEST FOR FUTURE LAND USE MAP AMENDMENT – 415 WEST WRIGHT STREET

PROPOSED ORDINANCE NO. 03-16 – 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. 07-16**)

The motion passed unanimously.

21. PROPOSED ORDINANCE – REGULATING AND PERMITTING FOOD TRUCKS – 2ND READING

PROPOSED ORDINANCE NO. 05-16 – 2ND READING – **MOTION TO APPROVE AS AMENDED** -- *****FAILED*****

AN ORDINANCE CREATING CHAPTER 7-12 AND SECTION 7-12-1 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING REGULATIONS FOR THE OPERATION OF MOBILE FOOD DISPENSING VEHICLES; CREATING A MOBILE FOOD ESTABLISHMENT PERMIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The motion to approve as amended failed 4 - 4. Council Members Bare, Cannada-Wynn, Johnson, and Myers dissenting.

22. **DISCUSSION:** FINANCIAL REPORT – THREE MONTHS ENDING DECEMBER 31, 2015