

Report of City Council Action Items

January 14, 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. REQUEST TO ASSIGN EXISTING LICENSE TO USE RIGHT OF WAY – OAR HOUSE (1901 WEST CYPRESS ST.)

That City Council approve the request to assign the existing license to use agreement to the prospective buyer of the Oar House restaurant located at 1901 West Cypress Street.

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

REGULAR AGENDA ITEMS

2. APPOINTMENT – BOARD OF TRUSTEES, FIREMEN'S RELIEF AND PENSION FUND

City Council reappointed Samuel A. Horton, III, a resident of the City, to the Board of Trustees, Firemen's Relief and Pension Fund for a term of two years, expiring December 31, 2017.

The motion by acclamation passed unanimously.

3. APPOINTMENTS – INTERNATIONAL RELATIONS ADVISORY BOARD

City Council reappointed Laverne Baker, Nan Harper, Jena Melancon, Julie Tippins Parker, and Douglas Trelfa to the International Relations Advisory Board, for a term of two years expiring December 31, 2017.

The motion by acclamation passed unanimously.

4. PUBLIC HEARING: REQUEST TO AMEND LAND DEVELOPMENT CODE – BEAUTY AND BARBER SHOPS

That City Council conduct the second of two required public hearings on January 14, 2016, to consider a requested amendment to the Land Development Code to allow beauty & barber shops, on "lots of record" as of January 14, 2016, as a permitted use in the R-2 (residential office) zoning district with frontage on four lane roadways. **MOTION TO APPROVE**

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

PROPOSED ORDINANCE NO. 01-16 – 1ST 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.

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

5. PUBIC HEARING: AMENDMENT TO LAND DEVELOPMENT CODE TO PROVIDE A VARIANCE PROCESS FOR THE GATEWAY REDEVELOPMENT DISTRICT AND THE WATERFRONT REDEVELOPMENT DISTRICT

That City Council schedule a public hearing for January 14, 2016, in order to consider and approve the recommendation of the Planning Board and to consider the adoption of the proposed ordinance establishing a variance process for the Gateway Redevelopment District and the Waterfront Redevelopment District. **MOTION TO APPROVE**

The motion passed unanimously.

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Absent: None

REGULAR AGENDA ITEMS (continued)

Item 5 cont'd

PROPOSED ORDINANCE NO. 02-16 – 1ST 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.

The motion passed unanimously.

6. PUBLIC HEARING: REQUEST FOR FUTURE LAND USE MAP AMENDMENT – 415 WEST WRIGHT STREET

That City Council conduct a public hearing on January 14, 2016 to consider a request to amend the City's Future Land Use Map from MDR (Medium Density Residential) to RNC (Residential Neighborhood Commercial) for property located at 415 West Wright Street. **MOTION TO APPROVE**

The motion passed unanimously.

PROPOSED ORDINANCE NO. 03-16 – 1ST 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.

The motion passed unanimously.

7. QUASI-JUDICIAL HEARING: REQUEST FOR CONDITIONAL USE APPROVAL – PROPOSED COMMUNICATIONS TOWER – 3215 LANGLEY AVENUE

That City Council conduct a quasi-judicial hearing on January 14, 2016 to consider a request for Conditional Use approval of a proposed communications tower to be located at 3215 Langley Avenue. **MOTION TO APPROVE**

The motion passed unanimously.

8. REPEAL OF CHAPTER 7-10 FROM THE CODE OF THE CITY OF PENSACOLA DEREGULATION OF VEHICLES FOR HIRE

~~That the City Council approve the repeal of Chapter 7-10 of the Code of the City of Pensacola related to vehicles for rent to the public, and adopt the proposed ordinance repealing Chapter 7-10 of the Code of the City of Pensacola.~~
Substitute Motion to Postpone.

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

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Absent: None

REGULAR AGENDA ITEMS (continued)

Item 8 cont'd

*****THE FOLLOWING PROPOSED ORDINANCE WAS PULLED DUE TO THE ABOVE ACTION TO POSTPONE*****

PROPOSED ORDINANCE NO. 04-16 – 1ST READING

AN ORDINANCE REPEALING CHAPTER 7-10 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

9. PROPOSED ORDINANCE – REGULATING AND PERMITTING FOOD TRUCKS

That City Council adopt the proposed ordinance regulating and permitting food trucks for the City of Pensacola.

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

PROPOSED ORDINANCE NO. 05-16 – 1ST READING – **MOTION TO APPROVE**

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 passed 6 - 2. Council Members Bare and Spencer dissenting.

10. STAFFING OFFICE OF CITY COUNCIL BY THE EMPLOYMENT OF ELAINE MAGER AS EXECUTIVE ASSISTANT TO CITY COUNCIL AND SONJA GAINES AS EXECUTIVE ASSISTANT

That City Council approve the employment of Elaine Mager and Sonja Gaines and authorize the Council Executive to prepare an Employment Agreement for execution by the Council President.

The motion passed unanimously.

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

11. OFFICE OF CITY COUNCIL STAFF (BUDGET ANALYST AND GENERAL COUNSEL)

Recommendation (from original memo):

~~That City Council direct the Council Executive to begin the search for a Budget Analyst and General Counsel to the City Council.~~

Recommendation (from amended memo):

Direct the Council Executive to begin the search for the Charter authorized Budget Analyst and General Counsel to the City Council. Legal Counsel to the City Council.

*****THE FOLLOWING ITEM WAS PULLED BY THE SPONSOR UPON PRESENTATION OF THE ITEM*****

12. FIRE STATION #3 EMERGENCY ORDINANCE

That City Council adopt the proposed emergency ordinance providing for the protection of human health and providing a source of funding for rebuilding Fire Station #3 located at 2759 Summit Blvd.

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Absent: None

REGULAR AGENDA ITEMS (continued)

Item 12 cont'd

*****THE FOLLOWING PROPOSED ORDINANCE WAS PULLED BY THE SPONSOR UPON PRESENTATION OF THE ITEM*****

PROPOSED ORDINANCE NO. 06-16 – FOR EMERGENCY ADOPTION

AN EMERGENCY ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA, RELATING TO FIRE STATION # 3, PROVIDING FOR FUNDING FOR THE REBUILDING OF THE FACILITY AND OTHER EMERGENCY MEASURES; REPEALING CLAUSE; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

13. SCHEDULE A WORKSHOP FOR THE REVIEW OF BOARDS, AUTHORITIES AND COMMISSIONS

That the Council President schedule a workshop on February 8, 2016, after the Agenda Conference for the purpose of a Review of Boards, Authorities and Commissions.

The motion died due to lack of a second.

14. AMENDMENT OF DOWNTOWN PARKING DISTRICT INTERLOCAL AGREEMENT WITH DOWNTOWN IMPROVEMENT BOARD (DIB)

That City Council approve an amendment of the Interlocal Agreement (IA) with the Pensacola Downtown Improvement Board (DIB) governing the Downtown Parking Management District and Parking Facilities to remove the Community Redevelopment Agency (CRA)-owned property located at 120 W. Government Street. However, the DIB shall continue to manage the parking at all property located at 120 W Government Street, per the terms of the Interlocal Agreement, until such time as the CRA has conveyed by lease or fee simple all property located at 120 W Government St to a third party.

The motion passed unanimously.

15. AWARD OF CONTRACT – BID #16-014 – EMERGENCY WATERSHED PROTECTION PROGRAM REPAIR PROJECTS BAYWOODS GULLY

That City Council award a contract for construction of Emergency Watershed Protection Program Repair Projects Baywoods Drive to Davis Marine Construction, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$420,560 plus a 10% contingency of \$42,056 for a total amount of \$462,616.

The motion passed unanimously.

16. REQUEST TO AMEND LAND DEVELOPMENT CODE TATTOO PARLORS/STUDIOS

PROPOSED ORDINANCE NO. 25-15 – 2ND READING – MOTION TO APPROVE

AN ORDINANCE AMENDING SECTIONS 12-2-7(B)(d) and 12-2-8(B)(4) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE PERMITTED USES IN THE R-NC AND C-3 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 01-16**)

The motion passed unanimously.

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Absent: None

REGULAR AGENDA ITEMS (continued)

17. GENERAL, FIRE AND POLICE PENSION ORDINANCES TO COMPLY WITH HEART ACT – 2nd Reading

PROPOSED ORDINANCE NO. 27-15 – 2ND READING – **MOTION TO APPROVE**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 9-5-112 OF THE GENERAL PENSION AND RETIREMENT FUND TO COMPLY WITH THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 (“HEART ACT”); PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. . **(Ordinance No. 02-16)**

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

PROPOSED ORDINANCE NO. 28-15 – 2ND READING – **MOTION TO APPROVE**

AN ORDINANCE CREATING SECTION 9-10-9 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PERTAINING TO FIREFIGHTERS’ RELIEF AND PENSION PLAN; PROVIDING FOR COMPLIANCE WITH THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 (“HEART ACT”); PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. **(Ordinance No. 03-16)**

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

PROPOSED ORDINANCE NO. 29-15 – 2ND READING – **MOTION TO APPROVE**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 9-5-41 OF THE POLICE OFFICERS’ RETIREMENT FUND TO COMPLY WITH THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 (“HEART ACT”); PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. **(Ordinance No. 04-16)**

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