

Report of City Council Action Items

March 17, 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

None

REGULAR AGENDA ITEMS

1. AIRPORT COMMERCE PARK – PROPERTY ACQUISITION E2415 – COLLEGE HEIGHTS

That City Council authorize the purchase of E2415 (Parcel ID# 14-1S-29-2100-008-002) from Patton S. Price for \$81,000 along with a purchase additive of \$24,000, closing costs of \$1,800, and 5% contingency in the amount of \$5,340 for a total amount of \$112,140.

The motion passed unanimously.

2. APPOINTMENTS – ENVIRONMENTAL ADVISORY BOARD

City Council reappointed Kyle Kopytchak and Neil Richards, and also appointed Stephan Ackerman and Sara Sutherland as members at-large; and reappointed Traci Goodhart and Michael Lynch, and also appointed Steven Elliot as members employed or retired from environmental professionals, or members of local environmental organizations or businesses with an interest in City environmental issues, to serve on the Environmental Advisory Board for a term of two (2) years, expiring March 1, 2018.

The motion by acclamation passed unanimously.

3. APPOINTMENTS – PARKS & RECREATION BOARD

City Council reappointed David L. Mayo and Maranda Sword; and appointed Whitney Voeltz and Ed Wonders to serve on the Parks and Recreation Board for a term of three (3) years, expiring March 31, 2019.

Ballot vote.

4. PUBLIC HEARING: PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE – CREATION OF R-1B AND R-NCB ZONING DISTRICTS

That City Council conduct the first of two public hearings on March 17, 2016 to consider the proposed amendment to the Land Development Code creating the R-1B and R-NCB zoning districts. *****NO ACTION AT THIS TIME -- 2ND PUBLIC HEARING TO BE HELD ON 4/14/16**

5. PUBLIC HEARING: COMPREHENSIVE PLAN ZONING AND FUTURE LAND USE MAP AMENDMENTS – BELMONT DEVILLIERS NEIGHBORHOOD AREA

That City Council conduct the first of two public hearings on March 17, 2016 to consider the proposed Zoning and Future Land Use Map amendments. *****NO ACTION AT THIS TIME -- 2ND PUBLIC HEARING TO BE HELD ON 4/14/16**

6. PUBLIC HEARING: REQUEST FOR ZONING AND FUTURE LAND USE MAP AMENDMENT – 4880 NORTH 9TH AVENUE

That City Council conduct the first of two public hearings on March 17, 2016 to consider the request to amend the zoning and future land use map for property located at 4880 North 9th Avenue. *****NO ACTION AT THIS TIME -- 2ND PUBLIC HEARING TO BE HELD ON 4/14/16**

7. PUBLIC HEARING: REQUEST FOR ZONING AND FUTURE LAND USE MAP AMENDMENT – 201 SOUTH STILLMAN STREET

That City Council conduct the first of two required public hearings on March 17, 2016 to consider the request to amend the zoning and future land use map for property located at 201 South Stillman Street. *****NO ACTION AT THIS TIME -- 2ND PUBLIC HEARING TO BE HELD ON 4/14/16**

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Absent: None

REGULAR AGENDA ITEMS (continued)

8. PORT TARIFF REVISIONS

That City Council approve an administrative revision regarding the Gulf Seaports Marine Terminal conference, as well as increases in rates for the following: dockage, security surcharge, container wharfage, and container storage. Further, that City Council authorize the Mayor to amend Port of Pensacola Terminal Tariff No. 5A to reflect the changes.

The motion passed unanimously.

9. RESOLUTION REQUIRING NOTIFICATION WITHIN HISTORIC DISTRICT PRIOR TO RESURFACING OVER HISTORICAL MATERIALS

That City Council adopt a Resolution requiring notification to residents located within a historic district prior to the resurfacing of roadways which may cover historical and/or aesthetically preferred materials.

The motion passed unanimously.

RESOLUTION NO. 05-16 - - **MOTION TO APPROVE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA; REQUIRING THE MAYOR TO DIRECT STAFF TO GIVE NOTICE TO RESIDENTS LOCATED WITHIN A HISTORIC DISTRICT PRIOR TO THE RESURFACING OF ROADWAYS WHICH MAY COVER HISTORICAL AND/OR AESTHETICALLY PREFERRED MATERIALS.

The motion passed unanimously.

10. RESOLUTION EXPRESSING SUPPORT FOR AND REQUESTING THE BAY AREA RESOURCE COUNCIL (BARC) BE DESIGNATED THE ENTITY FOR THE PENSACOLA BAY AND PERDIDO BAY ESTUARY PROGRAMS

That City Council adopt the proposed Resolution expressing support for and requesting the Bay Area Resource Council (BARC) be designated the entity for the Pensacola Bay and Perdido Bay Estuary Programs which will manage comprehensive plans for the restoration and protection of Pensacola Bay and Perdido Bay.

The motion passed unanimously.

RESOLUTION NO. 06-16 - - **MOTION TO APPROVE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA; EXPRESSING SUPPORT FOR AND REQUESTING THAT THE BAY AREA RESOURCE COUNCIL (BARC) BE DESIGNATED AS THE ENTITY FOR THE PENSACOLA BAY AND PERDIDO BAY ESTUARY PROGRAMS WHICH WILL MANAGE COMPREHENSIVE PLANS FOR THE RESTORATION AND PROTECTION OF PENSACOLA BAY AND PERDIDO BAY; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously.

11. OFFICE OF CITY COUNCIL STAFF – BUDGET ANALYST

That City Council approve a Proposed Ordinance defining the Budget Analyst to the City Council.

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

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Absent: None

REGULAR AGENDA ITEMS (continued)

(Item 11 cont'd.)

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

AN ORDINANCE AMENDING SECTION 2-4 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SECTION 2-4-52 TO PROVIDE FOR THE CREATION OF THE POSITION OF BUDGET ANALYST TO THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

12. CREATION OF A PENSACOLA YOUTH COUNCIL

That City Council direct the Council Executive to research the creation of a Pensacola Youth Council and report back by the next City Council meeting.

The motion passed unanimously.

13. APPROVAL OF THE DOWNTOWN IMPROVEMENT BOARD (DIB) BY-LAW AMENDMENTS

~~That City Council approve the submitted amendments to the DIB By-laws as required by said By-laws as well as the State Enabling Act, Chapter 72-655, Laws of Florida.~~

Substitute Motion: That City Council postpone this issue (directing the City Attorney to provide a legal opinion regarding relocation of the DIB office outside of its district boundaries).

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

14. AMENDING TITLE XI – TRAFFIC AND VEHICLES OF THE CITY CODE, CHAPTER 11-2; AND ADDING SECTION 11-12-13

~~That City Council approve an ordinance amending Chapter 11-2, Section 11-2-1 of the City Code by adding the definition(s), "Pass/Passing", "Roadway," and "Item." And, adding Section 11-2-13 prohibiting the passing of items to or from the occupant of a motor vehicle on a roadway.~~

Substitute Motion: That City Council postpone this issue (directing the City Attorney to work with the Chief of Police to clarify the intent of the ordinance).

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

PROPOSED ORDINANCE NO. 05-16 -- *1ST READING* -- *****POSTPONED DUE TO ACTION ABOVE**

AN ORDINANCE AMENDING SECTION 11-2-1 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, ADDING CERTAIN DEFINITIONS; CREATING SECTION 11-2-13 PROHIBITING THE PASSING OF ITEMS TO OR FROM THE OCCUPANT OF A MOTOR VEHICLE ON A ROADWAY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

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Absent: None

REGULAR AGENDA ITEMS (continued)

15. DIRECT CITY ATTORNEY TO PROVIDE A LEGAL OPINION

That City Council direct the City Attorney to provide a written legal opinion answering the following question:

Are resolutions adopted by the Governing Body of the City with all legislative powers of the City granted under Section 3.01 of the City Charter, binding on the Executive branch of the City, notwithstanding the Executive branch's Charter established veto powers granted under Section 4.01(10) of the City Charter?

Council further requests this opinion be delivered by ~~close of business, March 31, 2016~~ the next agenda conference (on 4/11/16).

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

16. EXPENDITURES FROM THE TREE TRUST FUND

~~That City Council adopt the supplemental budget resolution returning unencumbered funds previously allocated from the Tree Fund, pending an assessment of tornado damage to the trees impacted by the tornado on February 23, 2016.~~

Substitute Motion: That City Council encumber \$181,000 which remains in the Tree Fund pending a plan by the City Council for reforestation.

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

SUPPLEMENTAL BUDGET RESOLUTION NO. 07-16 - - *****PULLED DUE TO THE ABOVE ACTION**

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

17. RETENTION OF COUNSEL TO DEVELOP AN ORDINANCE FOR CITY COUNCIL INQUIRIES AND INVESTIGATIONS

That City Council direct the Council Executive to retain outside Counsel for the purpose of drafting an ordinance that will provide procedures for the City Charter authorized ability to inquire and investigate (City Charter 4.02(a)(3)) and that City Council authorize the Council President to enter into an agreement with said Counsel for an amount not to exceed \$7,500 per month for a maximum period of three months.

The motion died due to lack of a second.

18. FERRY LANDING PROJECT MEMORANDUM OF AGREEMENT (MOA), CONSTRUCTION GRANT ACCEPTANCE AND RESOLUTION OF SUPPORT

That City Council approve and authorize the Mayor to execute a Federal Lands Access Program Project MOA and any related documents and agreements between the City of Pensacola, FDOT, and Federal Highways Eastern Federal Lands Highway Division. Further, that City Council authorize the Mayor to take all actions necessary relating to the execution of this MOA. Finally, that City Council adopt a Resolution of support and a supplemental budget resolution to appropriate the grant funds.

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

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Absent: None

REGULAR AGENDA ITEMS (continued)

(Item 18 cont'd.)

RESOLUTION NO. 08-16 - - *MOTION TO APPROVE*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE A FEDERAL LANDS ACCESS PROGRAM PROJECT MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF PENSACOLA AND THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION EASTERN FEDERAL LANDS HIGHWAY DIVISION AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A PROJECT ENTITLED "CITY OF PENSACOLA FERRY LANDING FOR PENSACOLA FERRY SYSTEM"; PROVIDING AN EFFECTIVE DATE.

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

SUPPLEMENTAL BUDGET RESOLUTION NO. 09-16 - - *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 - 0. Council Member Johnson absent for the vote.

19. FLORIDA DEPARTMENT OF TRANSPORTATION JOINT PARTICIPATION AGREEMENT – AIR COMMERCE SITE 1A TAXIWAY CONSTRUCTION

That City Council authorize the Mayor to execute acceptance of the Florida Department of Transportation Joint Participation Agreement #42030029401 in the amount of \$800,000; #42960929401 in the amount of \$1,500,000 and #42960939401 in the amount of \$675,305 for construction funding for a taxiway connector 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. Also, that City Council approve the supplemental budget resolution appropriating the grant funds.

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

RESOLUTION NO. 10-16 - - *MOTION TO APPROVE*

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF THE AIR COMMERCE PARK 1A TAXIWAY CONNECTOR PHASE II, III, and IV AT THE PENSACOLA INTERNATIONAL AIRPORT; PROVIDING AN EFFECTIVE DATE.

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

SUPPLEMENTAL BUDGET RESOLUTION NO. 11-16 - - *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 - 0. Council Member Johnson absent for the vote.

20. LAW ENFORCEMENT TRUST FUND (LETF) PURCHASES FOR THE PENSACOLA POLICE DEPARTMENT

That City Council approve a request to transfer \$6,000 from the IT Assessment & Software project to a new project for the purchase of five tactical vests from the Law Enforcement Trust Funds. Further, that City Council approve the attached supplemental budget resolution transferring the funds between these two projects.

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

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Absent: None

REGULAR AGENDA ITEMS (continued)

(Item 20 cont'd.)

SUPPLEMENTAL BUDGET RESOLUTION NO. 12-16 -- **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 - 0. Council Member Johnson absent for the vote.

21. MAINTENANCE AGREEMENT – FLORIDA DEPARTMENT OF TRANSPORTATION – PAVEMENT MARKINGS

Recommendation:

That City Council authorize the Mayor to execute the Maintenance Agreement FPID ID #433519-3-52-01 between the City of Pensacola and the Florida Department of Transportation (FDOT) associated with the Intersection Safety Improvements within the City Limits. Further that City Council authorize the mayor to take all actions necessary relating to the execution of the agreement.

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

22. DEFERRED COMPENSATION – PROVIDING A PLAN DOCUMENT

PROPOSED ORDINANCE NO. 04-16 – 2ND 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. (**Ordinance No. 08-16**)

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

23. AMENDMENT OF AIRPORT WEAPONS REGULATION

PROPOSED ORDINANCE NO. 06-16 – 2ND 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. (**Ordinance No. 09-16**)

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

24. UTILITY STRUCTURE(S) DEFINITION

That City Council direct the City Planning Board to interpret the meaning and/or intention of the definition of Utility Structure(s) in the context of the City's Land Development Code (LDC).

The motion passed unanimously.

ADD-ON: LEGAL OPINION FROM CITY ATTORNEY REGARDING LONG HOLLOW TOWER

That City Council direct the City Attorney to provide a legal opinion regarding the City Council's legal options regarding the Long Hollow Tower.

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