

# Report of City Council Action Items

May 12, 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



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## CONSENT AGENDA ITEMS

None

## REGULAR AGENDA ITEMS

1. PUBLIC HEARING: COMPREHENSIVE PLAN ZONING AND FUTURE LAND USE MAP AMENDMENTS – TANYARD AND SANDERS BEACH NEIGHBORHOODS, AND COMPLETION OF REMAINING AREAS

That City Council conduct the second of two public hearings on May 12, 2016 to consider the proposed Zoning and Future Land Use Map Amendment. – ***MOTION TO APPROVE EXCEPTING THE FOLLOWING PARCELS LOCATED: 2400 Block North Palafox Street (Block 41 of Belmont Tract) remain M-1; 1203 West Government Street remain C-3; 1011 West Intendencia Street (grandfathering language to be provided to allow development of two (2) single family dwellings); and 905 West Government Street, 115 South E Street, 1101 West Romana Street, and 118 South E Street (properties within the Westside CRA boundary) be excluded from proposed rezoning.***

***The motion passed 6 - 1. Council Member Wingate dissenting; and Council Member Terhaar abstaining.***

2. PUBLIC HEARING: REQUEST TO VACATE RIGHT-OF-WAY – 1400 EAST BOBE STREET

That City Council conduct a public hearing on May 12, 2016 to consider the request to vacate a portion of the 14th Avenue right of way adjacent to property located at 1400 East Bobe Street. – ***MOTION TO APPROVE - - as recommended by the Planning Board with the provision of being subject to an easement being granted by the adjacent property owner which has been provided by the applicant.***

***The motion passed unanimously.***

### PROPOSED ORDINANCE NO. 15-16 – *1<sup>ST</sup> READING* – ***MOTION TO APPROVE***

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 14TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

***The motion passed unanimously.***

3. APPOINTMENT – PLANNING BOARD – LICENSED ARCHITECT

City Council appointed Danny Grundhoefer a licensed architect, who is also a resident of the city or owner of property in the city, to the Planning Board to fill the unexpired term of Scott Sallis, expiring July 14, 2017.

***The motion by acclamation passed unanimously.***

4. FOOD TRUCKS

That City Council adopt an ordinance creating Chapter 7-12 and Section 7-12-1 of the Code, establishing a permit process and regulations for the operation of food trucks within the City of Pensacola.

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

***\*\*\*THE FOLLOWING ORDINANCE WAS PULLED DUE TO LACK OF SECOND ABOVE\*\*\****

### PROPOSED ORDINANCE NO. 16-16

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.

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**Absent:** None

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**REGULAR AGENDA ITEMS (continued)**

**\*\*\*THE FOLLOWING ITEM & PROPOSED ORDINANCE WAS PULLED BY THE SPONSOR DURING DISCUSSION\*\*\***

5. *CREATING SECTION 2-7 OF THE CITY CODE – ARCHAEOLOGICAL PRESERVATION*

*That City Council adopt the proposed ordinance, creating Section 2-7 of the Code of the City of Pensacola, providing for the archaeological preservation of historic resources in the City of Pensacola.*

*PROPOSED ORDINANCE NO. 17-16*

*AN ORDINANCE CREATING SECTION 2-7-1 THROUGH 2-7-6 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PERTAINING TO ARCHAEOLOGICAL PRESERVATION; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.*

6. ADJUSTMENT OF CITY COUNCIL COMPENSATION

That City Council amend Section 2-2-7 of the City Code, providing for change in the compensation for City Council members. **SUBSTITUTE MOTION: That City Council postpone this item (pending a legal opinion from the City Attorney within one week, regarding whether or not a Compensation Task Force is required to be established).**

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

**\*\*\*THE FOLLOWING ORDINANCE WAS PULLED DUE TO THE ABOVE SUBSTITUTE MOTION\*\*\***

*PROPOSED ORDINANCE NO. 18-16*

*AN ORDINANCE AMENDING SECTION 2-2-7 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ADJUSTING THE SALARY COMPENSATION OF CITY COUNCIL MEMBERS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.*

7. MORATORIUM ON SPENDING LOCAL OPTION SALES TAX (LOST) DOLLARS

That the City Council place a moratorium on all spending of the new LOST dollars until a list of anticipated expenditures and/or projects are developed by the Legislative and Executive Branch, **within one-hundred twenty (120) days.**

***The motion passed 6 – 2. Council Members Bare and Johnson dissenting.***

8. CONDITIONAL USE PERMIT, CITY CODE 12-2-78

That City Council refer to the Planning Board a request to consider and make a recommendation to amend the Land Development Code, Section 12-2-78 (B)(2) for a Conditional Use Permit to add “Church(s)” under the applicability section.

***The motion passed unanimously.***

9. RESTORATION OF PASSENGER RAIL SERVICE BETWEEN NEW ORLEANS, LOUISIANA AND ORLANDO, FLORIDA

That City Council adopt a Resolution supporting restoration of passenger rail service between New Orleans, Louisiana and Orlando, Florida.

***The motion passed unanimously.***

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**Absent:** None

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**REGULAR AGENDA ITEMS (continued)**

*Item 9 cont'd.:*

RESOLUTION NO. 18-16 – **MOTION TO APPROVE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA SUPPORTING RESTORATION OF PASSENGER RAIL SERVICE BETWEEN NEW ORLEANS, LOUISIANA AND ORLANDO, FLORIDA.

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

10. AWARDS AND RECOGNITION PROGRAM FOR BOARDS AND COMMITTEES

That City Council develop an Awards and Recognition Program for the many Boards and Committees that serve the City of Pensacola and request Council Executive to research best practices for Council consideration.

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

11. ADVANCED TRANSPORTATION MANAGEMENT SYSTEM (ATMS)

That City Council adopt a Resolution expressing support for the construction and operation of a regional unified Advanced Traffic Management System (ATMS).

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

RESOLUTION NO. 19-16 – **MOTION TO APPROVE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, EXPRESSING SUPPORT FOR THE CONSTRUCTION AND OPERATION OF A UNIFIED ADVANCED TRAFFIC MANAGEMENT SYSTEM AND A REGIONAL TRANSPORTATION MANAGEMENT CENTER FOR ESCAMBIA COUNTY, SANTA ROSA COUNTY, THE CITY OF PENSACOLA, THE CITY OF MILTON, AND THE CITY OF GULF BREEZE; PROVIDING FOR TRANSMITTAL, PROVIDING FOR AN EFFECTIVE DATE.

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

12. INTERLOCAL AGREEMENT FOR THE PROVISION OF MUTUAL EMERGENCY AND CRITICAL INCIDENT RESPONSE BETWEEN ESCAMBIA COUNTY AND THE CITY OF PENSACOLA

That City Council authorize the Mayor to execute the attached, updated Interlocal Agreement for the Provision of Mutual Emergency and Critical Incident Response with the Escambia County Board of County Commissioners.

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

13. AIRPORT COMMERCE PARK - PROPERTY ACQUISITION A6003 - COLLEGE HEIGHTS

That City Council authorize the purchase of A6003 (Parcel ID# 14-1S-29-2000-005-001) from Belinda and Raymond Garner for \$97,000 along with a relocation assistance of \$68,000, closing costs of \$1,800, 5% contingency in the amount of \$8,340, and moving costs of \$5,000 for a total amount of \$180,140.

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

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**Absent:** None

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**REGULAR AGENDA ITEMS (continued)**

14. AIRPORT - U.S. GENERAL SERVICES ADMINISTRATION (GSA) LEASE AGREEMENT

That City Council authorize the Mayor to execute the Lease Agreement with GSA to provide for office and training space for the Transportation Security Administration at the Pensacola International Airport. Further, that City Council authorize the Mayor to execute any amendments to the Lease Agreement governing the annual terminal building rental rate adjustment.

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

15. AWARD OF CONTRACT - BID #16-026 – BAYOU DRIVE OUTFALL AT BAYOU CHICO STORMWATER TREATMENT ENHANCEMENT PROJECT

That City Council award a contract for construction of Bayou Drive Outfall at Bayou Chico Stormwater Treatment Enhancement Project to Brown Construction of Northwest FL., Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$257,745.90 plus a 10% contingency of \$25,774.59 for a total amount of \$283,520.49.

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

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

That City Council approve a request to expend \$48,500 from the Law Enforcement Trust Funds to purchase various items for the Pensacola Police Department and its personnel. Further, that City Council approve the attached supplemental budget resolution to provide funding for these items.

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

SUPPLEMENTAL BUDGET RESOLUTION NO. 20-16 – **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 Wingate absent for the vote.*

17. OFFSHORE INLAND EXTENSION OF TIME FOR COMPLETION OF TENANT’S STRUCTURE

That City Council approve a twelve (12) month extension for Offshore Inland to complete construction and receive a certificate of occupancy for the Tenant’s Structure located on the Ground Lease Premises of the May 30, 2014 Lease Agreement, such extension contingent upon the Tenant’s Structure being storm hardened and enclosed prior to July 31, 2016. Further, that City Council authorize the Mayor to take all actions necessary to effect the extension.

*The motion passed 6 - 0. Council Member Wingate absent for the vote; and Council Member Johnson abstained.*

18. FY 2015 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

That City Council accept the City of Pensacola Comprehensive Annual Financial Report for the year ended September 30, 2015 as prepared by the Financial Services Department and the Independent Auditors Report issued thereupon.

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

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**Absent:** None

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**REGULAR AGENDA ITEMS (continued)**

19. PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE – CREATION OF R-1B AND R-NCB ZONING DISTRICTS

PROPOSED ORDINANCE NO. 08-16 – 2<sup>ND</sup> READING – **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 12-2-4 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING THE R-1B ZONING DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 11-16**)

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

PROPOSED ORDINANCE NO. 09-16 – 2<sup>ND</sup> READING – **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 12-2-7 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING THE R-NCB ZONING DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 12-16**)

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

20. REQUEST FOR ZONING AND FUTURE LAND USE MAP AMENDMENT – 4880 NORTH 9<sup>TH</sup> AVENUE

PROPOSED ORDINANCE NO. 10-16 2<sup>ND</sup> 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. 13-16**)

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

PROPOSED ORDINANCE NO. 11-16 – 2<sup>ND</sup> 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. 14-16**)

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

21. REQUEST FOR ZONING AND FUTURE LAND USE MAP AMENDMENT – 201 SOUTH STILLMAN STREET

PROPOSED ORDINANCE NO. 12-16 – 2<sup>ND</sup> 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. 15-16**)

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

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**Absent:** None

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**REGULAR AGENDA ITEMS (continued)**

*Item 21 cont'd.*

PROPOSED ORDINANCE NO. 13-16 – 2<sup>ND</sup> 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. 16-16**)

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

22. DISPOSITION OF CRA PROPERTY LOCATED AT 16 SOUTH PALAFOX STREET

That City Council authorize issuance of a Request for Proposals for sale of CRA property located at 16 South Palafox Street.

*The motion passed 6 -10. Council Member Wingate absent for the vote; and Council President Bare dissenting.*

23. WORKSHOP REVIEWING BOARDS, COMMISSIONS AND AUTHORITIES

That City Council authorize the Council President to schedule a workshop to review Boards, Commissions and Authorities.

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

24. DISCUSSION: PROCESS FOR HIRING LEGAL COUNSEL TO THE CITY COUNCIL

25. DISCUSSION: PROCESS FOR HIRING A BUDGET ANALYST TO THE CITY COUNCIL

26. DISCUSSION: FINANCIAL REPORT – SIX MONTHS ENDING MARCH 31, 2106 (PRESENTATION)

27. **ADD-ON ITEM:** INVESTIGATIVE REPORT AND TERMINATION OF FIRE CHIEFS

Recommendation:

That City Council, in accordance with City Charter 4.04(a) which states in part, "...The City Council may, however, express its views and fully and freely discuss any and all matters with the Mayor pertaining to the appointment and removal of City officers and employees," discuss the investigative report and subsequent termination of the Fire Chiefs.

*City Council briefly discussed the above issue as a body and allowing for public input, with Mayor Hayward not in attendance, and consensus was that Council President Bare will schedule a special meeting for further discussion.*