

# Report of City Council Action Items

October 13, 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. APPOINTMENTS – AREA HOUSING COMMISSION

City Council reappointed Timothy Evans and Phyllis Sims to the Area Housing Commission for a term of four years, expiring October 31, 2020.

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

### 2. APPOINTMENTS – COMMUNITY MARITIME PARK ASSOCIATES – BOARD OF TRUSTEES

City Council appointed Amy Klotz and reappointed James “Jim” Smith and Mark Taylor to the Community Maritime Park Associates – Board of Trustees for a term of three years, expiring October 30, 2019.

*The motion passed 7 - 1. Council Member Myers dissenting*

### 3. APPOINTMENT OF MEMBERS TO THE CLIMATE MITIGATION AND ADAPTATION TASK FORCE

City Council appointed the named individuals to the Climate Mitigation and Adaptation Task Force (see attached memo).

*The motion by acclamation passed unanimously.*

### 4. REPEAL OF ORDINANCE NO. 30-96 AND SEC 11-2-11 OF THE CITY CODE, COMBAT AUTO THEFT

That City Council repeal, in its entirety, Ordinance No. 30-96 and Sec. 11-2-11 of the City Code, Combat Auto Theft.

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

PROPOSED ORDINANCE NO. 44-16: 1<sup>ST</sup> READING - - **MOTION TO APPROVE**

AN ORDINANCE REPEALING ORDINANCE NO. 30-96 OF THE CITY OF PENSACOLA, FLORIDA, IN ITS ENTIRETY AND REPEALING SEC. 11-2-11 OF THE CODE OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

*The motion passed unanimously.*

### 5. USE OF PRIVATE EMAIL FOR OFFICIAL BUSINESS

That City Council adopt the proposed ordinance amending Section 2-6-3 of the City Code, creating Section 2-6-3(m) to prohibit the use of private email when sending messages to conduct official city business.

*The motion failed 2 - 6. Council Members Bare and Terhaar assenting.*

**\*\*\*THE FOLLOWING PROPOSED ORDINANCE WAS PULLED DUE TO THE ABOVE ITEM FAILING\*\*\***

PROPOSED ORDINANCE NO. 45-16: 1<sup>ST</sup> READING - - **PULLED**

AN ORDINANCE AMENDING SECTION 2-6-3 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SECTION 2-6-3 (m) PROHIBITING THE USE OF PRIVATE EMAIL FOR OFFICIAL CITY BUSINESS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

**Report of City Council Action Items**

October 13, 2016

Page 2

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**Absent:** None

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**REGULAR AGENDA ITEMS (continued)**

6. RESOLUTION RECOGNIZING FLORIDA CITY GOVERNMENT WEEK

That City Council adopt a Resolution recognizing Florida City Government Week, October 16 – 22, 2016.

*The motion passed unanimously.*

RESOLUTION NO. 43-16: -- **MOTION TO APPROVE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA RECOGNIZING FLORIDA CITY GOVERNMENT WEEK, OCTOBER 16-22, 2016 AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.

*The motion passed unanimously.*

**\*\*\*THE FOLLOWING ITEM AND (REVISED) RESOLUTION WERE PULLED BY THE SPONSOR DURING DISCUSSION\*\*\***

7. RESOLUTION REGARDING USE OF FLORIDA CONSERVATION FUNDS

That City Council adopt a **(revised)** Resolution urging the Florida Legislature to dedicate conservation funds for conservation projects in the environmentally sensitive areas of North and Central Florida and to provide fair and equal funding statewide from the Land Acquisition Trust Fund.

RESOLUTION NO. 44-16 - **PULLED**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA URGING THE FLORIDA LEGISLATURE AND CABINET TO DEDICATE CONSERVATION FUNDS FOR WATER CONSERVATION PROJECTS IN THE ENVIRONMENTALLY SENSITIVE AREAS OF NORTH AND CENTRAL FLORIDA AND TO PROVIDE FAIR AND EQUAL FUNDING STATEWIDE FROM THE LAND ACQUISITION TRUST FUND FOR IMPORTANT WATER PROTECTION PROJECTS

8. PROPOSED AMENDMENT TO SECTION 12-2-22 OF THE LAND DEVELOPMENT CODE – GOVERNMENTAL CENTER DISTRICT

That City Council refer to the Planning Board for its consideration and recommendation a proposed amendment to Section 12-2-22 of the Land Development Code removing the Governmental Center District.

*The motion passed 5 - 3. Council Members Johnson, Myers, and Spencer dissenting.*

9. REQUEST LEGAL OPINION FROM CITY ATTORNEY – LONG HOLLOW TOWER COMPLIANCE WITH FLORIDA STATUTES, CITY'S COMPREHENSIVE PLAN AND THE CITY'S LAND DEVELOPMENT CODE

That City Council request a legal opinion from the City Attorney, by November 1, 2016, responding to the following question(s): 1. Is the construction of a new tower without first removing the old tower consistent with the intent of the LDC, State Statute and City Code with regards to a non-conforming use? 2. Is the installation of a new prefab equipment shelter that may possess a larger footprint consistent with the intent of the LDC, State Statute and City Code? 3. Is a permit issued for the construction of a Communications Structure and Ice Bridge consistent with the intent of the LDC, State Statute and City Code?

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

10. CITIZENS' RECOGNITION AND AWARDS PROGRAM

That City Council adopt a Citizens Recognition and Awards Program.

*The motion passed unanimously.*

**Report of City Council Action Items**

October 15, 2016

Page 3

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**Absent:** None

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**REGULAR AGENDA ITEMS (continued)**

11. CITY COUNCIL SUPPORT FOR BLAKE DOYLE SKATE PARK AT HOLLICE T. WILLIAMS PARK

That City Council provide its commitment and approval for the construction of the Blake Doyle Skate Park at Hollice T. Williams Park.

*The motion passed unanimously.*

12. ECONOMIC FEASIBILITY STUDY OF THE FIFTY (50) ACRES CURRENTLY OCCUPIED BY THE PORT OF PENSACOLA

That City Council schedule a workshop for ~~October 24~~ November 14, 2016 at 3:30 p.m. to establish the guidelines for creating the Port Economic Feasibility Study Committee, determining the desired expertise of the Committee members, and setting the scope of work for the Committee.

*The motion passed unanimously.*

13. ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION (EDATE) EVALUATION CRITERIA REVISION

That City Council approve the proposed revised Economic Development Ad Valorem Tax Exemption (EDATE) Evaluation Criteria.

*The motion passed unanimously.*

14. AMENDMENT TO THE POLICE OFFICERS' RETIREMENT FUND CREATING SECTION 9-5-21.5

That City Council approve a Proposed Ordinance creating Section 9-5-21.5 providing for a defined contribution plan to be created pursuant to Section 185.36 of the Florida Statutes.

*The motion passed unanimously.*

PROPOSED ORDINANCE NO. 46-16: *1<sup>ST</sup> READING* -- **MOTION TO APPROVE**

AN ORDINANCE CREATING SECTION 9-5-21.5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE POLICE OFFICERS' RETIREMENT FUND TO COMPLY WITH THE REQUIREMENTS FLORIDA LAW; CREATING A DEFINED CONTRIBUTION PLAN FOR PARTICIPANTS OF THE POLICE OFFICERS' RETIREMENT FUND; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

*The motion passed unanimously.*

15. FLORIDA STATE FRATERNAL ORDER OF POLICE, INC. (FOP) POLICE SERGEANTS TENTATIVE AGREEMENT

That City Council ratify the Tentative Contract between the City of Pensacola and the Florida State Fraternal Order of Police, Inc. (FOP) Police Sergeants Unit.

*The motion passed unanimously.*

16. FLORIDA STATE FRATERNAL ORDER OF POLICE, INC (FOP) POLICE OFFICERS TENTATIVE AGREEMENT

That City Council ratify the Tentative Contract between the City of Pensacola and the Florida State Fraternal Order of Police, Inc. (FOP) Police Officers Unit.

*The motion passed unanimously.*

**Report of City Council Action Items**

October 13, 2016

Page 4

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**Absent:** None

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**REGULAR AGENDA ITEMS (continued)**

**\*\*\*THE FOLLOWING ITEM WAS DISCUSSED AT LENGTH -- BUT SECONDER OF THE MOTION PULLED THE SECOND, THEREFORE THE MOTION DIED\*\*\***

17. **OFFSHORE INLAND MARINE REQUEST FOR PARTIAL RENT DEFERRAL ON MAY 30, 2014 LEASE AGREEMENT**

*That City Council authorize the Mayor to provide Offshore Inland Marine (OIM) a partial deferral of rent on Warehouse #9 and the Ground Lease Premises, both the subject of a Lease Agreement between OIM and the City dated May 30, 2014. Further that City Council authorize the Mayor to take all actions necessary related to this matter.*

18. **FY 2017 FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STATE SAFETY OFFICE – CONTINUATION OF DUI ENFORCEMENT GRANT**

That the City Council approve and authorize the Mayor to execute the acceptance of the FY 2017 Florida Department of Transportation (FDOT) State Safety Office - Continuation of DUI Enforcement Grant Award Number M5HVE-17-06-12 between the City of Pensacola and the Florida Department of Transportation in the amount of \$25,000. Further, that City Council approve the supplemental budget resolution appropriating the grant funds. Finally, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant award.

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

**SUPPLEMENTAL BUDGET RESOLUTION NO. 45-16**

**A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017: PROVIDING FOR AN EFFECTIVE DATE.**

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

19. **FIREFIGHTERS' RELIEF AND PENSION PLAN SPECIAL ACT**

That City Council approve sending the Firefighters' Relief and Pension Plan Special Act (Fire Pension) changes to the State Legislature.

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

20. **AIRPORT COMMERCE PARK – PROPERTY ACQUISITION B2402 – COLLEGE HEIGHTS**

Recommendation:

That City Council authorize the purchase of B2402 (Parcel ID# 141S292100027002) from Joseph Planas for \$78,000 along with relocation assistance of \$72,000, closing costs of \$1,800, 5% contingency in the amount of \$7,590, and moving costs of \$5,000 for a total amount of \$164,390.

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

21. **AIRPORT COMMERCE PARK – PROPERTY ACQUISITION B2404 – COLLEGE HEIGHTS**

Recommendation:

That City Council authorize the purchase of B2404 (Parcel ID# 141S29-2100-026-002) from Donald T. and Kyiomi Brunson for \$74,000 along with relocation assistance of \$75,900, closing costs of \$1,800, 5% contingency in the amount of \$7,585, and moving costs of \$5,000 for a total amount of \$164,285.

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

**Report of City Council Action Items**

October 13, 2016

Page 5

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**Absent:** None

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**REGULAR AGENDA ITEMS (continued)**

22. PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE, SECTION 12-2-78(B)(2) – CONDITIONAL USE PERMIT

PROPOSED ORDINANCE NO. 43-16; – 2<sup>nd</sup> READING - - **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 12-2-78 (B)(2) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; BY ADDING “CHURCH “ TO THE LIST OF PROPERTIES THAT CAN BE REDEVELOPED THROUGH THE CONDITIONAL USE PERMIT PROCESS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 29-16**)

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

23. DISCUSSION: BUDGET ANALYST

Recommendation:

That City Council discuss the position of Budget Analyst to the City Council, determining the scope of work, desired qualifications, status (full or part-time) and a salary range based on the scope of work. Further, that City Council review and discuss the attached proposal.

*No action taken - - discussion only.*