



# City of Pensacola

## CITY COUNCIL AGENDA CONFERENCE

### Meeting Minutes

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April 22, 2019

3:30 P.M.

Hagler/Mason Conference Room

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The agenda conference was called to order by Council President Terhaar at 3:34 P.M.

#### ROLL CALL

**Council Members Present:** Andy Terhaar, P.C. Wu, Jewel Cannada-Wynn (arrived 3:36), Ann Hill, Jared Moore, Sherri Myers,

**Council Members Absent:** Gerald Wingate

**Also Present:** Mayor Grover C. Robinson, IV

#### PRESENTATION ITEMS

1. [19-00148 TREE AND GREEN SPACE PRESENTATION](#)

**Recommendation:** That City Council be given a tree and green space presentation by Michael Wolf in reference to a potential project within District 2.

Council Member Myers (sponsor) discussed the need for reforestation of District 2 and introduced Michael Wolf who addressed Council with a proposal in the area of 12<sup>th</sup> Avenue and Market Place Road. He presented overhead slides (on file with background materials) of the existing stormwater pond with conceptual ideas for tree plantings and improvements for a walking trail, however, taking into consideration the proximity of the Airport and suggesting fruit bearing trees with limited height. Council Member Myers suggested funding from the Tree Fund would be appropriate for this project, and if approved she would recommend (Council) lifting the moratorium currently restricting all expenditures.

Some discussion took place with Council Member Myers and Mr. Wolf fielding comments and questions. Mayor Robinson also provided input.

**PRESENTATION ITEMS (CONT'D.)**

**\*\*\*THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR\*\*\***

2. [19-00194 ADA SIDEWALKS - A CIVIL RIGHT](#)

**Recommendation:** That City Council receive a presentation from Sherri Myers regarding ADA Sidewalks - A Civil Right.

**Withdrawn.**

3. [19-00200 RECOMMENDATION FROM ENVIRONMENTAL ADVISORY BOARD \(EAB\) REGARDING RENEWABLE ENERGY GOAL.](#)

**Recommendation:** That City Council receive a presentation from Neal Richards, Chairman of the EAB regarding a recommendation made by the EAB.

Neil Richards addressed the Council providing the following information and recommendation from the EAB:

- That the upcoming City Strategic plan include an element to assess the feasibility of joining the FPL Solar Together program, or other feasible alternatives, as a method to reach the 100% renewable energy goal recommended by the climate change task force and the transition committee and an implementation plan developed, if joining is feasible.
- He also provided handouts referencing an article from Energy Central entitled, *Florida Power & Light (FPL) Proposing Nation's Largest Community Solar Program* (on file with background materials).

**REVIEW OF CONSENT AGENDA ITEMS**

4. [19-00090 AIRPORT - ASSIGNMENT AND ASSUMPTION OF LEASE WITH CONSENTS, ECKO AIR, LLC TO BLUE AIR TRAINING LLC](#)

**Recommendation:** That City Council authorize the Mayor to execute the Assignment and Assumption of Lease with Consents to provide for the assignment of the ECKO Air, LLC Lease and Operating Agreement to Blue Air Training LLC. Further that City Council authorize the Mayor to take all necessary actions to execute the assignment.

**Place on Consent Agenda.**

**REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)**

5. [19-00091](#) AWARD OF BID #19-012 TEXAR DRIVE 17TH AND 18TH AVENUE OUTFALLS AT BAYOU TEXAR PROJECT

**Recommendation:** That City Council award Bid #19-012 Texar Drive 17th and 18th Avenue Outfalls at Bayou Texar Project to B & W Utilities, Inc., of Pensacola Florida, the lowest and most responsible bidder with a base bid of \$299,235.80, plus a 10% contingency in the amount of \$29,923.58 for a total amount of \$329,159.38. Further, that City Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.

**Place on Consent Agenda.**

6. [19-00184](#) PENSACOLA INTERNATIONAL AIRPORT - PARKING RATE ADJUSTMENT

**Recommendation:** That City Council approve an increase to the daily parking rate in Economy Lot 1 and Economy Lot 2 from \$6.00 to \$8.00 at the Pensacola International Airport.

**Place on Consent Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS**

7. [19-00163](#) PUBLIC HEARING - AMENDMENT TO SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE - COMMERCIAL LAND USE DISTRICT - RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT

**Recommendation:** That City Council conduct the second of two (2) Public Hearings on April 25, 2019 regarding an amendment to Section 12-2-8 of the Land Development Code - Commercial Land Use District - Recreation or Amusement Places Operated for a Profit.

Council Executive Kraher indicated he received a zoning map (from Planning Services) as requested during the first public hearing, depicting C-1 districts and proximity to other districts which he will send to Council Members.

Council Member Cannada-Wynn requested language providing a definition of *amusement places*.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

8. [16-19 PROPOSED ORDINANCE NO. 16-19, AMENDMENT TO SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE - COMMERCIAL LAND USE DISTRICT - RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT.](#)

**Recommendation:** That City Council approve Proposed Ordinance No. 16-19 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE OF THE CITY OF PENSACOLA, FLORIDA, COMMERCIAL LAND USE DISTRICT; RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

**Place on Regular Agenda.**

9. [15-19 PROPOSED ORDINANCE NO. 15-19 AMENDING SECTION 7-4-2 OF THE CODE OF THE CITY OF PENSACOLA RELATED TO THE HOURS OF OPERATION FOR BOTTLE CLUBS](#)

**Recommendation:** That City Council approve Proposed Ordinance No. 15-19 on first reading:

AN ORDINANCE AMENDING SECTION 7-4-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RELATED TO THE HOURS OF OPERATION FOR BOTTLE CLUBS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Police Chief Lyter responded to questions of Council Member Cannada-Wynn and indicated he will provide a presentation at the 4/25 Council meeting providing more detailed information.

Council Member Myers expressed concerns regarding the constitutionality of the proposed amendment with City Attorney Woolf responding accordingly.

As discussion continued, Police Chief Lyter and City Attorney Woolf responded accordingly to questions.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

10. [19-00175](#) FY 19 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: STATE

**Recommendation:** That City Council approve and authorize the Mayor to execute the acceptance the FY 19 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: State, agreement between the City of Pensacola and the State of Florida Department of Law Enforcement, Office of Criminal Justice Grants in the amount of \$34,348, upon award of the grant. Further, that City Council approve the supplemental budget resolution appropriating the grant funds.

**Place on Regular Agenda.**

11. [2019-21](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-21 - FY19 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: STATE

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 2019-21.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

**Place on Regular Agenda.**

12. 14-19 PROPOSED ORDINANCE NO. 14-19 - AUTHORIZING A SPECIAL ASSESSMENT UPON HOSPITAL PROPERTY TO GENERATE FUNDS FOR INDIGENT HEALTH CARE

**Recommendation:** That City Council adopt Proposed Ordinance No. 14-19 on second reading.

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA; PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THEIR REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

City Attorney Woolf responded accordingly to questions regarding Item 12, P.O. No. 14-19 and Item 13, Res. No. 2019-47 related to *Indigent Health Care Special Assessment* and provided hard copies of the resolution as revised (and forwarded to Council prior to the meeting via email - - on file with background materials).

13. [2019-24 RESOLUTION NO. 2019-24 - INDIGENT HEALTH CARE SPECIAL ASSESSMENT](#)

**Recommendation:** That City Council adopt Resolution No. 2019-24.

AN ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, AUTHORIZING, LEVYING, AND IMPOSING A NON-AD VALOREM ASSESSMENT WITHIN THE AREAS OF THE CITY LIMITS DESCRIBED HEREIN FOR THE PURPOSE OF SUPPORTING THE PROVISION OF CHARITY HEALTH CARE BY THE CITY'S HOSPITALS TO INDIGENT MEMBERS OF THE NORTHWEST FLORIDA COMMUNITY; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE INCREASED SUPPORT FOR CHARITY CARE; MAKING CERTAIN OTHER FINDINGS IN RELATION THERETO; ESTABLISHING THE METHOD OF ASSESSING AND COLLECTING THE ASSESSMENT AGAINST THE REAL PROPERTY; SPECIFYING THE MAXIMUM ANNUAL ASSESSMENT AMOUNT AND THE MAXIMUM ASSESSMENT LIEN TO BE LEVIED AGAINST THE SPECIALLY BENEFITED REAL PROPERTY; CONFIRMING THE ASSESSMENT RESOLUTION; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY IN RELATION THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Place on Regular Agenda.**

14. [2019-22 SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-22 - INDIGENT HEALTH CARE SPECIAL ASSESSMENT](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 2019-22.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)****\*\*\*THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR\*\*\***

15. 2019-01 RESOLUTION NO. 2019-01 - AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY PERTAINING TO THE ISSUANCE BY THE CITY OF GAS SYSTEM REVENUE BONDS.

**Recommendation:** That City Council adopt Resolution No. 2019-01.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY; PROVIDING FOR THE ISSUANCE OF GAS SYSTEM REVENUE BONDS TO PAY THE COST OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S GAS SYSTEM AND TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; PLEDGING THE NET REVENUES OF THE GAS SYSTEM TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**Withdrawn.**

16. 13-19 PROPOSED ORDINANCE NO. 13-19 - AN ORDINANCE OF THE CITY OF PENSACOLA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION

**Recommendation:** That City Council approve Proposed Ordinance No. 13-19 on second and final reading:

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA PROVIDING FOR THE APPOINTMENT OF AN EX OFFICIO MEMBER OF THE CITY COUNCIL TO THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION, RESTRUCTURED BY ESCAMBIA COUNTY, FLORIDA BY THE ENACTMENT OF ORDINANCE 2019-13; SETTING FORTH THE COMPOSITION AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**17. [11-19 PROPOSED ORDINANCE NO. 11-19 - AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA - RESTRICTED HOURS](#)

**Recommendation:** That City Council adopt Proposed Ordinance No. 11-19 on its second and final reading:

AN ORDINANCE AMENDING SECTION 7-9-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RESTRICTED HOURS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Council Member Myers expressed her concerns related to this issue with Council Member Moore (sponsor) fielding comments and questions.

**Place on Regular Agenda.**

**FOR DISCUSSION**18. [19-00201 ORDINANCE PROHIBITING THE OBSTRUCTION OF SIDEWALKS](#)

Council Member Myers (sponsor) began the discussion indicating she has observed the obstruction of sidewalks with the placement of garbage cans, vegetation, and other debris. **Council Executive Kraher indicated he has had discussion with staff from the City Attorney's office, Code Enforcement, and Sanitation Services and that there numerous conflicting ordinances which will need to be addressed to properly resolve the issue.**

Discussion took place among Council, with input from Mayor Robinson as well.

19. [19-00202 CITY COUNCIL HIRING AN ARBORIST](#)

Council Member Myers (sponsor) began the discussion indicating the expertise of a (staff) arborist would be beneficial for the proper management of pruning and cutting trees throughout the City. Council Member Cannada-Wynn indicated this is an operational function within the purview of the Mayor.

**Mayor Robinson responded indicating there are resources at the County-level which the City could coordinate to address this issue. He indicated he will reach out to Escambia County Extension Services.**

**CONSIDERATION OF ANY ADD-ON ITEMS**

None.



**READING OF ITEMS FOR COUNCIL AGENDA**

City Clerk Burnett read the items as presented above.

*No objections.*

**CITY ADMINISTRATOR'S COMMUNICATION**

**20. [19-00189 STRATEGIC PLANNING PRESENTATION - JOHN STREITMATTER, LEADERSHIP RESEARCH INSTITUTE](#)**

City Administrator Holley, as previously advised, indicated there will be a workshop scheduled for May 9<sup>th</sup> to for the Mayor and Council to conduct a strategic planning session, which will be facilitated by a consultant John Streitmatter, who is in attendance today and will provide a briefing to Council.

Mr. Streitmatter addressed Council and clarified his role in facilitating a dialogue between the Mayor and City Council. Also, as scheduled he will be meeting individually with Council Members on April 23<sup>rd</sup> and 24<sup>th</sup>.

**CITY ATTORNEY'S COMMUNICATION**

None.

**CITY COUNCIL COMMUNICATION**

Council Members Wu and Moore advised of upcoming/past activities out of town.

**ADJOURNMENT**

5:13 P. M.