

City of Pensacola 2020 Legislative Initiatives

LEGISLATIVE REQUESTS

1. PFAS/PFOS/AFFF CONTAMINATION AT FIRE AND AIRPORT FACILITIES

SUPPORT: FUNDING MECHANISM FOR ASSESSMENT, REMEDIATION
SUPPORT: LIABILITY EXEMPTION FROM THIRD PARTY CLAIMS.
SUPPORT: BROWNFIELD TAX CREDIT ELIGIBILITY FOR SITES AT WHICH
PFAS/PFOS/AFFF HAS BEEN USED IN FIRE-FIGHTING AND FIRE
TRAINING OPERATIONS

SUMMARY: The City of Pensacola operates an airport and as such has the obligation under federal law to maintain aqueous film-forming foam (AFFF) to extinguish flammable and combustible substances. Further, AFFF may be used in scenarios off airport property that involve the same type of combustible substances. AFFF contains hydrocarbon-based surfactants that can contaminate groundwater. Normal wastewater treatment processes do not remove the compounds. FDEP has started testing for possible groundwater contamination here and elsewhere throughout the State as the EPA is doing throughout the Country. It is anticipated that the State may place responsibility for cleaning up any contamination on the City, and such clean up would be extremely expensive. Moreover, there is a probability of private lawsuits against local governmental entities due to groundwater contamination by compounds in AFFF, which the airports and firefighting departments were required and are still required by federal law to use. In addition, a party who has “caused or contributed” to contamination after 1997, can’t sign a Brownfield Site Rehabilitation Agreement and therefore, can’t get liability protections or tax credits. This further inhibits local government ability to fund assessment and cleanup.

We propose: 1) state and federal legislation exempt local governments from financial responsible for the cleanup of any contamination; 2) exempt local governments from third party liability claims; 3) a fund be established to assess the contamination, remediation, provide water to citizens where necessary; and, 4) an amendment to the Brownfield Act to allow eligibility for sites at which PFAS has been used in fire-fighting and fire training operations. This initiative may collaborate with the Florida Airports Council and the Florida Association of Counties.

2. HOUSING TRUST FUND:

SUPPORT: FULL FUNDING FOR THE HOUSING TRUST FUND IN FY 2020/2021

SUPPORT: LEGISLATION THAT WILL STOP THE SWEEP OF FUNDS FROM THE HOUSING TRUST FUND

SUMMARY: The Documentary Stamp Tax passed in 1992, with the adoption of the Sadowski Affordable Housing Act. The Act was for the express purpose of funding the state and local housing trust funds. In recent years, the State Legislature has used funds generated from the Documentary Stamp Tax to address other needs within the state not pertaining to housing. Last year Governor DeSantis supported full funding of the trust fund; however, the Legislature swept the trust fund dollars to the general fund to meet other needs while the lack of affordable housing continues to be a significant issue for the state. These actions have resulted in long waitlist for housing assistance for very low and moderate income residents.

In Pensacola, almost half of the renters and one in four homeowners are cost burdened, which means the families are spending more than 30 percent of their income for housing. Locally the allocation supports the development and rehabilitation of housing for persons with special needs; housing repair programs; a homebuyer assistance program; the development of rental units for low and moderate income residents; and disaster mitigation assistance for residents after a declared disaster.

Last year the Legislature swept funds from the Housing Trust Fund, which reduced the area's allocation to fiscal year 2014 levels at just over \$500,000. Full funding would have resulted in an additional \$3.3 million for Pensacola/Escambia, to support affordable housing initiatives. During previous legislative sessions, representatives have brought bills forward that will stop the sweep of funds from the Housing Trust Fund. The City of Pensacola is asking the Legislature to support any such bills brought forward during the upcoming session.

The City of Pensacola is asking the Legislature to **support** full funding for the Housing Trust Fund, which supports local affordable housing activities through the State Housing Initiatives Partnership (SHIP) program. Since there is no specific bill allocating funding for housing, the funds must be allocated through the appropriations process.

Current Funding FY 2019/2020:	\$536,782
Estimated Allocation at Full Funding FY 2019/2020:	\$3,836,325

3. 5G SMALL CELL TOWERS

REQUEST: RESCIND 2019 SB 1000

**SUPPORT: RESTORE BALANCE OF POWER TO CITY OF PENSACOLA
AUTHORITIES AND RESIDENTS TO DETERMINE WHAT CAN AND CANNOT BE
INSTALLED IN TAXPAYER-OWNED RIGHT OF WAY**

SUMMARY: When the Florida Legislature adopted SB 1000, the City of Pensacola was denied its ability to uphold the aesthetic integrity of our historically significant City and ESSENTIALLY stripped the City of its authority to regulate the use of public rights of way. This legislation is a direct violation of the constitutional separation of powers. Since 2017, multiple telecommunication vendors have saturated the City of Pensacola with requests to install over 140 poles with attached 5G appurtenances. These poles are between 35 and 40 feet tall and most are clustered together amongst archeological and historically significant locations. The burden placed on the City of Pensacola to review requests for permits, comply with this recent legislation, and ensure 140 poles will not create visual pollution to our beloved City is a near impossible task. Ms. Amber Hughes, a senior legislative advocate with the Florida Leagues of Cities said it best when she questioned, "Why should a private entity get carte blanche over taxpayer-owned right of ways without any real concern over aesthetics or public safety?"

4. FDOT DISTRICT 3 FIVE YEAR PLAN

**SUPPORT: FDOT DISTRICT 3 FIVE YEAR PLAN INCLUDING SCENIC HWY MULTI-
USE TRAIL BOX FUNDING**

SUMMARY: The City of Pensacola seeks the support and funding for the FDOT District 3 Five-Year Plan and those transportation projects which are vital to the continued growth within our region and community. The projects within the FDOT District 3 Five-Year Plan are based upon FDOT maintenance requirements, the TPO Long Range Transportation Plan (LRTP), Transportation Systems Management (TSM) studies, Transportation Alternatives Project (TAP) Priorities, and Aviation, Part, and Transit Master Plans. The FDOT District 3 Five-Year Plan is consistent with the Florida-Alabama TPO's adopted priorities to the extent feasible.

5. CS/HB 1159: PRIVATE PROPERTY RIGHTS

SUPPORT: REVISE CS/HB 1159 PRIVATE PROPERTY RIGHTS

SUMMARY: The legislature should review CS/HB 1159 for the constitutional concerns raised and modify the statute so it can be applied consistently in a manner that protects property owners based on clearly defined and objective standards that balance the importance of trees to ecological protection, storm water management systems, historical resources and aesthetics while providing an expedient process for property owners to remove trees that are objectively dangerous to persons or property.

The City of Pensacola has a comprehensive land use and planning regulatory system that manages growth consistent with community values and public safety. As part of that regulatory system, certain trees are protected in certain areas of the City, not only for their scenic beauty, but also to enhance water filtration for storm water management, which enhances property values by lowering erosion impacts and protecting existing infrastructure. The statute enacted as Section 163.045 lacks standards and definitions, which invites unscrupulous “experts” to provide whatever opinion a property owner wishes without a meaningful examination of the actual risks posed by the tree. Experts agree that every tree is dangerous depending on the circumstances; thus, the assessment of risk standards used by ISA certified arborists would provide an objective approach to assessing the value of a tree in the context of what risk that tree poses to nearby structures and residents. The statute further creates uncertainty and risk around preserving the beauty in neighborhoods and along canopy roads, where long-standing community values are such that the removal of trees causes negative impacts not analyzed by the legislature. Without notice to the public or an opportunity to question an expert’s opinion on a tree that is believed in good faith to be healthy and not dangerous, neighbors become divided as opposed to living in harmony with shared values. The statute does not present clearly defined rules on when a property owner may cut down a tree because of the lack of definitions for when a tree is a “danger,” what is “residential,” and what kind of “documentation” with what content would suffice to provide a safe harbor from other regulations designed to prevent erosion caused by sheet flow.

6. OPIOID SETTLEMENT

SUPPORT: DISTRIBUTION OF SETTLEMENT FUNDS TO APPLICABLE LOCAL GOVERNMENT ENTITIES

SUMMARY: *To be provided*

FINANCIAL REQUESTS

7. PENSACOLA INTERNATIONAL AIRPORT MRO EXPANSION

REQUEST: STATE APPROPRIATION \$4,875,000

SUMMARY: The City of Pensacola has sought and gained \$205M towards funding of full buildout of the MRO Aviation Expansion and creation of an additional 1,325 jobs. The prior phase of development raised \$46M for completion of Hangar 1 and created 400 new aerospace/aviation industry jobs. This expansion will add 3 additional hangars a warehouse and office facilities.

Estimated Cost of Construction: \$ 210,125,000

(Less) Local Match, Grants and Private	\$ 205,250,000
Remaining Grant/Funding sought	<u>4,875,000</u>
Funds Needed to Complete Project	\$ 4,875,000

8. WEST MAIN STREET CORRIDOR IMPROVEMENTS

REQUEST: STATE APPROPRIATION: \$2,900,000

SUMMARY: Main Street is a vital east-west corridor located within the City of Pensacola. Early in the 20th century, the corridor was primarily occupied by industrial uses adjacent to the Alabama and Gulf Coast railroad line. While retaining some of its industrial uses, in the past few decades the corridor has increased its density of new single-family residential as well as enhanced commercial uses. As part of the construction of the Community Maritime Park (Blue Wahoos Baseball Stadium), five blocks of Main Street (Baylen to Clubbs Street) were totally reconstructed to serve the new Park facility to create greatly enhanced walkability, beautiful aesthetics and much needed traffic calming. The objective of this request is to implement the recent Corridor Management Plan (CMP) funded by the state to reconstruct the final eleven remaining blocks of Main Street (Clubbs to Barrancas) and complete the plan.

The objective of the Main Street CMP was to identify operational and access management improvements and priorities needed to support all modes of transportation including roadway capacity, public transit and bicycle and pedestrian movements along the corridor. The Main Street CMP study area spans from Barrancas Avenue on the west to Clubbs Street on the east- a distance of approximately 0.77 miles (11 blocks). Currently, this remaining unimproved portion of Main Street is functionally classified as a minor arterial and is an urbanized 2-lane undivided roadway.

Completion of the Main Street corridor improvements offers a major opportunity to create a special place within the City of Pensacola and will greatly impact/enhance ongoing revitalization efforts in downtown by creating a unique and intrinsic Western Gateway District to the downtown Pensacola Core.

APPROPRIATION REQUEST:

The CMP is complete and the process of implementation is now pending. As with most infrastructure projects, proper funding is the key and this project promises to be a tremendous success for the City, in service to the public. A cost estimate for the desired concept in the CMP, through direct public input, is indicated below:

Estimated Cost of Construction:	\$3,400,000.00
(Less) Local Match:	<u>500,000.00</u>
Funds Needed to Complete Project:	<u>\$2,900,000.00</u>

9. SPECIAL NEEDS UNIVERSAL DESIGNED PLAYGROUND BOUNDLESS-ALL-INCLUSIVE PARK-TIPPIN PARK

REQUEST: STATE APPROPRIATION \$850,000

SUMMARY: Childhood presents many challenges for special needs children, especially on the playground. In today's society, children need to adapt to circumstances that may pose potential problems for them. Children learn about feelings of belonging, acceptance, and rejection at an early age. Therefore, it has become imperative for educational and recreational institutions to incorporate an inclusive child care program. Educators and instructors who accommodate special-needs children gain peace of mind in knowing that no child is left alone with a feeling of inadequacy. Inclusive play enables special-needs children to build the necessary social skills to handle any circumstance. This increases positive attitudes and interaction between all children regardless of abilities.

A Special Needs Universal Designed Playground and Boundless All Inclusive Playground at Tippin Park would include a boundless playground, a multipurpose athletic court to accommodate wheelchair sports/activities, several amenities for the visually impaired, a gazebo and an amphitheater for small performances, restrooms, a walking path, music stimulation instruments, exercise equipment, swings and spinners, a picnic area, and a splash pad/water feature. Additionally, new parking would be needed to accommodate additional ADA parking. The project cost is estimated to be approximately \$1,000,000. City funding will be available at \$150,000. Corporate partnerships will also be pursued.

APPROPRIATION REQUEST:

Estimated Cost of Construction	\$850,000
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10. CONTINUED SUPPORT FOR CRA'S

Key Facts:

- Redevelopment efforts are key to revitalizing housing and commercial areas.
- Redevelopment supports vital community assets identified by the local community.
- CRAs are a recurring funding source for infrastructure, crime prevention and business growth.

11. FUNDING FOR BRUCE BEACH (DOWNTOWN REDEVELOPMENT)

Key Facts:

- Redevelopment efforts are key to revitalizing housing and commercial areas.
- Redevelopment supports vital community assets identified by the local community.

- CRAs are a recurring funding source for infrastructure, crime prevention and business growth.

12. Continued Support for home rule for cities in regulating cell towers, other utilities, and land lords