

City of Pensacola

CITY COUNCIL

Regular Meeting Minutes

	May 16, 2019	5:30 P.M.	Council Chambers
--	--------------	-----------	------------------

Council President Terhaar called the meeting to order at 5:31 P.M.

ROLL CALL

Council Members Present:	Andy Terhaar, P.C. Wu, Jewel Cannada-Wynn, Ann Hill, Jared Moore, Sherri Myers
Council Members Absent:	Gerald Wingate
Also Present:	Mayor Grover C. Robinson, IV

INVOCATION

Council Member Jewel Cannada-Wynn

PLEDGE OF ALLEGIANCE

Council Member Ann Hill

FIRST LEROY BOYD FORUM

The following individuals addressed Council regarding their concern related to a "heritage" oak tree located on private property in North Hill Preservation District at 605 North Spring Street and indicated the property owner intends to cut it down without properly documenting in application to the Architectural Review Board in conjunction with building on the property:

Sarah O'Neill Jim English Margaret Hostetter (also indicated she would like to work on tree ordinance) Hilary McIndoo

Mayor Robinson and Council Member Myers made follow-up remarks.

Sooz Cobb: Identified himself as a resident of Southtowne Apartments and requested due to reckless drivers the need for a stop sign at Romana and Tarragona Streets.

City of Pensacola

AWARDS

None.

APPROVAL OF MINUTES

1. <u>19-00251</u> APPROVAL OF MINUTES: REGULAR MEETING DATED APRIL 25, 2019

A motion to approve was made by Council Member Hill and seconded by Council Member Moore.

The motion carried by the following vote:

Yes: 6	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-
	Wynn, Sherri Myers
No: 0	None

APPROVAL OF AGENDA

Council President Terhaar indicated he will entertain a motion to approve the agenda.

A motion to approve as presented was made by Council Member Moore and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

Yes: 6	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-
	Wynn, Sherri Myers
No: 0	None

CONSENT AGENDA

2. <u>19-00174</u> AIRPORT PROPERTY ACQUISITION - 3040 NEW HOPE ROAD

Recommendation: That City Council authorize the purchase of 3040 New Hope Road (Parcel ID# 161S29080500002) from LB Park LLC for \$105,500 along with closing costs of \$1,900, and 5% contingency in the amount of \$5,370 for a total amount of \$112,770.

CONSENT AGENDA (CONT'D.)

3. <u>19-00197</u> INTERLOCAL AGREEMENT FOR USE OF THE ESCAMBIA COUNTY RAYMOND RIDDLE PARK BY THE CITY OF PENSACOLA BETWEEN ESCAMBIA COUNTY, FLORIDA AND THE CITY OF PENSACOLA, FLORIDA

Recommendation: That City Council approve an Interlocal Agreement with Escambia County, Florida for the purpose of using Raymond Riddle Park for the City's athletic programs at no additional costs to the City. Further, that City Council authorize the Mayor to take all actions necessary to execute the Interlocal Agreement.

4. <u>19-00225</u> AWARD OF CONTRACT - BID #19-017 - MARITIME FIRE TRAINING STRUCTURE

Recommendation: That City Council award a contract for ITB #19-017 Maritime Fire Training Structure to Emerald Coast Constructors, LLC, of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$319,500 plus a 10% contingency of \$31,950 for a total of \$351,450. Further that Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.

5. <u>19-00242</u> APPOINTMENTS - EASTSIDE REDEVELOPMENT BOARD

Recommendation: That City Council appoint two (2) homeowners and one (1) business owner within the Eastside Redevelopment Neighborhood TIF District area; and one (1) Council Member for a term of three (3) years, expiring April 30, 2022.

A motion to approve consent agenda Items 2 through 5 was made by Council Member Moore and seconded by Council Member Hill.

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None

REGULAR AGENDA

6. <u>19-00162</u> PUBLIC HEARING: PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE - CREATING SECTION 12-2-25, PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA (CRA) URBAN DESIGN OVERLAY DISTRICT

Recommendation: That City Council conduct a public hearing **to consider an amendment to the Code of the City of Pensacola, Land Development Code creating Section 12-2-25, providing for the Community Redevelopment Area (CRA) Urban Design Overlay District.**

City Attorney Woolf addressed copies provided at Council's places incorporating revisions to the language drafted for the proposed ordinance which she discussed at the agenda conference and Council requested be provided for this meeting. Such revisions were provided in "all mark-up" view and "simple mark-up" view showing stricken and added language and she verbally addressed each revision for Council's consideration. She then responded to questions.

Mayor Robinson made comments.

CRA Administrator Gibson addressed Council providing a brief overview of the issue before Council and then introduced (consultant) Marina Khoury with DPZ Design who provided an overhead presentation (filed with background materials).

Following the presentation Consultant Khoury responded accordingly to questions.

Public input was heard from the following individuals:

Zachary Lane	Beverly Perry
Derek Cosson	Fred Gunther
Rachel Cosson	Marilynn Wiggins

A motion to approve (with revisions provided by the City Attorney) was made by Council Member Cannada-Wynn and seconded by Council Member Moore.

Discussion ensued among Council. Mayor Robinson provided input during discussion. Planning Services Administrator Morris responded accordingly to questions, as well as Consultant Khoury.

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote:

Yes: 4 Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers No: 2 Andy Terhaar, P.C. Wu

7. <u>10-19</u> PROPOSED ORDINANCE NO. 10-19 - AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE - CREATING SECTION 12-2-25, PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA (CRA) URBAN DESIGN OVERLAY DISTRICT

Recommendation: That City Council approve Proposed Ordinance No. 10-19 on first reading.

AN ORDINANCE CREATING SECTION 12-2-25 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA (CRA) URBAN DESIGN OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading (with revisions provided by the City Attorney) was made by Council Member Cannada-Wynn and seconded by Council Member Hill.

The motion carried by the following vote:

- Yes: 4 Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers No: 2 Andy Terhaar, P.C. Wu
- 8. <u>19-00221</u> QUASI-JUDICIAL HEARING REQUEST FOR CONDITIONAL USE APPROVAL OF A BOARDING AND LODGING HOUSE - 110 W. STRONG STREET

Recommendation: That City Council conduct a quasi-judicial hearing on May 16, 2019 to consider the request for a Conditional Use Permit to locate a Boarding and Lodging House at 110 W. Strong Street.

First, Council President Terhaar explained by reading into the record a summary of how a quasi-judicial process differs from Council's legislative process. Following, City Attorney Woolf advised Council Members should disclose any ex parte communications and explained the context of what would be considered such communications. Each Council Member (individually) disclosed ex parte communications and the context of such or indicated they did not have any. (Letter sent by Bob Robertson on file with background materials).

City Attorney Woolf further advised Council regarding consideration of public input during a quasi-judicial proceeding, clarifying such input should not be considered as evidence or testimony. She then clarified this issue before Council is not an appeal application, rather seeking approval for permitting of a conditional use, and referred to copies of City Code Section 12-2-78 provided by Planning Services staff (on file with background materials).

City of Pensacola

At this point, City Attorney Woolf swore-in City staff and the applicant (addressing Quasi-Judicial Item 8, 19-00221).

Council President Terhaar called on **City staff to present evidence on behalf of the City and provide testimony.**

Planning Services Administrator Morris presented and entered evidence into the record as outlined in the memorandum dated May 16, 2019 and its (listed) attachments, and provided overhead slides of the subject property (on file with background materials). She then responded to questions from Council Members clarifying the parameters of conditional use permitting; difference between current permitted use and the use being requested; and handicap parking and ramp requirements.

Next, Council President Terhaar called on **the applicant to present evidence on behalf of the City and provide testimony.**

Bob Greene, Executive Director for *Martha's Vineyard* (applicant) provided testimony as to the nature of operations being requested for this conditional use. He also provided comparison between the current usage and operations conducted at the property. He and Planning Services Administrator Morris then responded accordingly to comments and questions from Council Members related to the requested usage in comparison to the *Ronald McDonald House* operations; parking requirements as impacted by Architectural Review Board approval. Specifically in response to parking requirements, Planning Services Administrator indicated the applicant wishes to move forward with the site plan as submitted.

Public input was heard from the following individuals:

Ron Martin Rand Hicks Philip Napier (referenced letter sent on behalf of Board of Directors for *Martha's Vinevard* - - on file with background materials)

A motion to approve the request as submitted by the applicant was made by Council Member Cannada-Wynn and seconded by Council Member Hill.

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None

9. <u>19-00211</u> PORT OF PENSACOLA - FLORIDA SEAPORT GRANT PROGRAMS GRANT #445549-1-94-01 - PORT OF PENSACOLA'S BERTH IMPROVEMENTS INITIATIVE

Recommendation: That City Council approve and authorize the Mayor to execute the acceptance of the State of Florida, Seaport Grant Programs Grant #445549-1-94-01 in the amount of \$225,000 for berth improvements. Also, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant. Further, that City Council adopt a resolution authorizing a Joint Participation Grant Agreement with the Florida Department of Transportation (FDOT). Finally, that City Council adopt a supplemental budget resolution appropriating the grant funds.

A motion to approve was made by Council Member Cannada-Wynn and seconded by Council Member Moore.

The motion carried by the following vote:

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None
- 10. <u>2019-28</u> RESOLUTION NO. 2019-28 JOINT PARTICIPATION AGREEMENT FDOT PORT BERTH IMPROVEMENTS INITIATIVE

Recommendation: That City Council adopt Resolution No. 2019-28.

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE, ON BEHALF OF THE PORT OF PENSACOLA, A JOINT PARTICIPATION AGREEMENT WITH THE DISTRICT SECRETARY OR THE DIRECTOR OF TRANSPORTATION DEVELOPMENT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A PROJECT ENTITLED PORT OF PENSACOLA'S BERTH IMPROVEMENTS INITIATIVE.

A motion to adopt was made by Council Member Moore and seconded by Council Member Cannada-Wynn.

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None

11. <u>2019-26</u> SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-26 - PORT OF PENSACOLA - FLORIDA SEAPORT GRANT PROGRAMS GRANT #445549-1-94-01 - PORT OF PENSACOLA'S BERTH IMPROVEMENTS INITIATIVE

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-26.

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

A motion to adopt was made by Council Member Moore and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers No: 0 None
- 12. <u>19-00212</u> PORT OF PENSACOLA FLORIDA SEAPORT GRANT PROGRAMS GRANT #445548-1-94-01 - PORT OF PENSACOLA'S UPLAND CARGO IMPROVEMENT INITIATIVE

Recommendation: That City Council approve and authorize the Mayor to execute the acceptance of the State of Florida, Seaport Grant Programs Grant #445548-1-94-01 in the amount of \$225,000 for upland cargo improvements. Also, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant. Further, that the City Council adopt a resolution authorizing a Joint Participation Grant Agreement with the Florida Department of Transportation (FDOT). Finally, that City Council adopt a supplemental budget resolution appropriating the grant funds.

A motion to approve was made by Council Member Cannada-Wynn and seconded by Council Member Moore.

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None

13. <u>2019-29</u> RESOLUTION NO. 2019-29 - JOINT PARTICIPATION AGREEMENT -FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) - PORT UPLAND CARGO IMPROVEMENT INITIATIVE

Recommendation: That City Council adopt Resolution No. 2019-29.

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE, ON BEHALF OF THE PORT OF PENSACOLA, A JOINT PARTICIPATION AGREEMENT WITH THE DISTRICT SECRETARY OR THE DIRECTOR OF TRANSPORTATION DEVELOPMENT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A PROJECT ENTITLED PORT OF PENSACOLA'S UPLAND CARGO IMPROVEMENT INITIATIVE.

A motion to adopt was made by Council Member Hill and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None
- 14. <u>2019-27</u> SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-27 PORT OF PENSACOLA - FLORIDA SEAPORT GRANT PROGRAMS GRANT #445548-1-94-01 - PORT OF PENSACOLA'S UPLAND CARGO IMPROVEMENT INITIATIVE

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-27.

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

A motion to adopt was made by Council Member Moore and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None

Mayor Robinson commended Port staff for their work related to the previous six (6) items (above).

15. <u>19-00204</u> JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION - PURCHASE OF UNINTERRUPTED POWER SUPPLIES AND BATTERIES FOR TRAFFIC SIGNAL CABINETS

Recommendation: That City Council authorize the Mayor to execute a Joint Participation Agreement with the Florida Department of Transportation, in the amount of \$151,600.00, for the purchase of Uninterrupted Power Supplies and Batteries for Traffic Signal Cabinets. Further, that City Council authorize the Mayor to take all action necessary to implement the Joint Participation Agreement. Finally, that City Council adopt a supplemental budget resolution appropriating the funding for this project.

A motion to approve was made by Council Member Cannada-Wynn and seconded by Council Member Hill.

The motion carried by the following vote:

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None
- 16. <u>2019-30</u> SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-30 JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION - PURCHASE OF UNINTERRUPTED POWER SUPPLIES AND BATTERIES FOR TRAFFIC SIGNAL CABINETS

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-30

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

A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Moore.

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None

17. <u>19-00233</u> APPROVAL OF ADDITIONAL FUNDING REQUEST FOR AWARD OF CONTRACT TO A.E.NEW, JR., INC. FOR INVITATION TO BID (ITB) #18-022 BAYVIEW SENIOR CENTER REPAIRS AND RENOVATIONS

Recommendation: That City Council approve a request for additional funding for Bayview Senior Center improvements from A.E. New, Jr., Inc. due to unforeseen conditions that require additional work in the amount of \$329,574 plus a 10% contingency of \$32,956 for a total additional amount of \$362,530. Further, that City Council authorize the Mayor to execute all documents and take all actions necessary to complete the project.

A motion to approve was made by Council Member Cannada-Wynn and seconded by Council Member Hill.

Public input was heard from Joy Ward.

Council Member Moore and Mayor Robinson made comments.

There being no further discussion, the vote was called.

The motion carried by the following vote:

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers No: 0 None
- 3 15-19 PROPOSED ORDINANCE NO 15-19 AMENI
- 18. <u>15-19</u> 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 adopt Proposed Ordinance No. 15-19 on second 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. (Ordinance No. 11-19)

A motion to adopt was made by Council Member Hill and seconded by Council Member Cannada-Wynn.

Public input was heard (related to P.O. No. 15-19) from the following individuals:

Stan Allsopp	Travis Peterson (waived)
Kim Weaver	Andrew Rothfeder
Nan James	

The motion (to adopt P.O. No. 15-19) carried by the following vote:

Yes: 5 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn No: 1 Sherri Myers

19. <u>16-19</u> 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 adopt Proposed Ordinance No. 16-19 on second 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. (Ordinance No. 12-19)

A motion to adopt was made by Council Member Moore and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None
- 20. <u>19-00248</u> CITY COUNCIL CONSENT TO THE MAYOR'S APPOINTMENT OF JOHN PITTMAN AS DIRECTOR OF SANITATION.

Recommendation: That City Council consent to the Mayor's appointment of John Pittman as Director of Sanitation in accordance with City Charter Section 4.01(a) (7).

A motion to approve was made by Council Member Cannada-Wynn and seconded by Council Member Moore.

Mayor Robinson made comments (regarding Item 20, 19-00248).

The motion carried by the following vote:

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
- No: 0 None

19-00245 FIRST CITY ARTS ALLIANCE, INC. (FCAC) AMENDED AND 21. RESTATED LEASE AGREEMENT

Recommendation: That City Council approve the lease renewal and amended terms for First City Arts Alliance, Inc. (FCAC) for City-owned property located at 1060 North Guillemard Street, parcel number 000S0090100001047, account number 131393000 and authorize the Mayor to execute the amended and restated lease agreement. Further that City Council authorize the Mayor to take all necessary actions to execute the amended and restated lease agreement.

A motion to approve was made by Council Member Cannada-Wynn and seconded by Ann Hill.

Council Member Myers referenced discussion from agenda conference at which she requested language be added to the lease under Section 16 No Discrimination to include the classification "disabilities" and made a motion to amend for such inclusion. Council Member Hill seconded. City Attorney Woolf indicated since the discussion at agenda conference she has already made the revision to the lease language as requested and apologized for not distributing the amended document to Council.

Council President Terharr indicated since the City Attorney clearly indicated at the agenda conference the language requested by Council Member Myers would be added without objection from Council at that time, he will accept the original motion as approved as amended.

There being no further discussion, the vote was called.

The motion to approve <u>as amended</u> carried by the following vote:

- Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers None
- No: 0

COUNCIL EXECUTIVE'S REPORT

Council Executive Kraher addressed Council regarding the following:

- Continuing work with Council Budget Consultant Hansen and City Administration to draft a policy regarding Council's discretionary funds, as well as other budget issues ahead of distribution of the upcoming proposed budget for Fiscal Year 2020.
- Collaborating with the City Attorney's Office and Administration on various ordinances for upcoming consideration.
- Looking to schedule budget workshops in early July.
- Reviewing of draft strategic planning and priorities document based on the May 9th workshop
- Encouraged Council Members to (individually) provide him with input on candidates for the position of Council Strategic Budget Planner.

MAYOR'S COMMUNICATION

Mayor Robinson made follow-up remarks regarding draft strategic planning and priorities document based on the May 9th workshop which is available for public review and comment, and hopeful to bring a proposed document for Council's consideration for the meeting on June 13th. He also provided updates on various initiatives the administration is working on and upcoming town hall meeting(s).

Council Member Myers made follow-up remarks.

COUNCIL COMMUNICATIONS

Some Council Members made announcements regarding upcoming events and meetings.

CIVIC ANNOUNCEMENTS

None.

SECOND LEROY BOYD FORUM

None.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 8:04 P.M.

Adopted: _____

Approved:

R. Andy Terhaar, President of City Council

Attest:

Ericka L. Burnett, City Clerk