

City of Pensacola

CITY COUNCIL

Regular Meeting Minutes

February 11, 2021

5:30 P.M.

Council Chambers

Council President Moore called the meeting to order at 5:34 P.M.

ROLL CALL

Council Members Present: Jared Moore, Ann Hill, Jennifer Brahier, Teniade

Broughton, Casey Jones, Sherri Myers, and

Delarian Wiggins

Council Members Absent: None

Also Present: Mayor Grover C. Robinson, IV

Members of the public may NOT attend the meeting in person, as City Hall is closed to the public until further notice.

Members of the public may attend and participate via live stream and/or phone.

To watch the meeting live visit: cityofpensacola.com/428/Live-Meeting-Video.

To provide input:

- Leroy Boyd Forum, for items not on the agenda: citizens may submit an online form here https://www.cityofpensacola.com/ccinput beginning at 3:00 P.M. until 5:30 P.M. only to indicate they wish to speak during LeRoy Boyd Forum and include a phone number. Staff will call the person at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone.
- Agenda Items, for specific items on the agenda: citizens may submit an online form here https://www.cityofpensacola.com/ccinput beginning at 3:00 P.M. until that agenda item has been voted upon to indicate they wish to speak to a specific item on the agenda and include a phone number. Staff will call the person at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone. Any form received after an agenda item has been voted upon will not be considered.

INVOCATION

Moment of Silence

PLEDGE OF ALLEGIANCE

Council Member Teniade Broughton

FIRST LEROY BOYD FORUM

The following individuals addressed Council regarding Items 2 and 3, Public Hearing (21-00110) and Proposed Ordinance No. 01-21 *Proposed Amendments to the Land Development Code — Chapter 12-6 Tree/Landscape Regulations and Chapter 12-13 Definitions Enumerated:*

Gloria Lemmey Lauren Hamilton Michael DeMaria

Persephone Zephyr: Addressed Council urging the City to provide funding to address resolutions for issues of homelessness within the community.

Michael Kimberl: Indicated he tried to assist several individuals who tried to complete the online speaker request form to address Council but found, due to the requirement of the form to provide an email address, were unable to do so.

AWARDS

Mayoral Proclamation recognizing (what would have been) 101st Birthday of General Daniel "Chappie" James, Jr.

APPROVAL OF MINUTES

1. <u>21-00166</u> APPROVAL OF MINUTES: REGULAR MEETING DATED JANUARY 21, 2021

A motion to approve was made was made by Council Member Wiggins and seconded by Council Member Jones.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Sherri Myers, Delarian Wiggins

No: 0 None

APPROVAL OF AGENDA

Council President Moore referenced hardcopies of an add-on item:

07-21 PROPOSED ORDINANCE NO. 07-21 CREATING SECTION 14-2-140 OF THE CITY CODE PROVIDING FOR UNSAFE STRUCTURE AND BUILDING ABATEMENT

A motion to add-on the item was made by Council Member Jones and seconded by Council Member Wiggins.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Sherri Myers, Delarian Wiggins

No: 0 None

Council President Moore referenced hardcopies of another add-on item:

08-21 PROPOSED ORDINANCE NO. 08-21 – AN ORDINANCE DECLARING A MORATORIUM ON THE EVICTION, DISPLACEMENT OR RELOCATION OF HOMELESS INDIVIDUALS

A motion to add-on the item was made by Council Member Myers and seconded by Council Member Jones.

Discussion took place with Council Member Myers (sponsor) fielding comments and questions regarding the intent of the proposed ordinance versus the resolution on the agenda which she is sponsoring (Item 10, Resolution No. 2021-09). City Attorney Woolf responded accordingly to questions of a legal nature. Mayor Robinson also provided input.

Based on discussion, Council Member Myers withdrew the item for consideration as an add-on item.

A motion was made to approve the agenda as amended by Council Member Wiggins and seconded by Council Member Hill.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Sherri Myers, Delarian Wiggins

No: 0 None

CONSENT AGENDA

None.

REGULAR AGENDA

2. <u>21-00110</u> PUBLIC HEARING - PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE - CHAPTER 12-6 TREE/LANDSCAPE REGULATIONS AND CHAPTER 12-13 DEFINITIONS ENUMERATED.

Recommendation: That City Council conduct a public hearing on February 11, 2021, to consider proposed amendments to the Land Development Code, Chapter 12-6 Tree/Landscape Regulations and Chapter 12-13 Definitions Enumerated.

Mayor Robinson (sponsor) as well as Council Members Brahier and Myers (cosponsors) made introductory remarks regarding the language and intent of the proposed amendments.

Council Member Myers raised her concerns regarding the process of this item going to the Planning Board which Council first voted to refer the amendments over a year ago. Mayor Robinson and Council Member Brahier responded to Council Member Myers' comments.

Public input was heard via cellphone held up to a mic from the following individuals:

Joseph Mikos Jessica Southern

Katie Dineen Kat Miller Mary Hagen Tim Miller

Carl Franklin Amanda Fiske-Chanslor

Duane Tant Kelly Hagen
Nathan Kozakiewicz Brynne Heatley
Anthony Franklin Dixie Wilkinson
Jan Southern Paige Plier
Jordan Wells Brook Hardy

Council Member Myers made follow-up remarks.

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

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Sherri Myers, Delarian Wiggins

No: 0 None

Mayor Robinson thanked City staff for their work on this issue.

3. <u>01-21</u> PROPOSED ORDINANCE NO. 01-21 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-6 TREE/LANDSCAPE REGULATIONS AND CHAPTER 12-13 DEFINITIONS ENUMERATED

Recommendation: That City Council approve Proposed Ordinance No. 01-21 on first reading.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, TITLE 12, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, STREAMLINING REVIEW AND ENFORCEMENT OF TREE/LANDSCAPE REGULATIONS IN CHAPTER 12-6 INTO ONE DEPARTMENT AND PROCESS, UPDATING AFFECTED DEFINITION IN CHAPTER 12-13, ENSURING COMPLIANCE WITH FLORIDA STATUTES, FUNDING OVERSIGHT AND ENFORCEMENT, AND PROTECTING HERITAGE TREES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading was made by Council Member Hill and seconded by Council Member Brahier.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Sherri Myers, Delarian Wiggins

No: 0 None

4. <u>21-00130</u> DEVELOPMENT OF COMMUNITY MARITIME PARK PARCELS (LOTS 3 THROUGH 9)

Recommendation: That City Council award a contract to Kuhn Realty, LLC, with Andrew Rothfeder as the agent, for the real property services related to the development of the remaining seven (7) private development parcels at Community Maritime Park. Further, that City Council authorize the Mayor to execute the contract.

A motion to approve was made by Council Member Myers and seconded by Council Member Jones.

Discussion ensued among Council (regarding Item 4, 21-00130). Council Member Brahier, as she indicated during Monday's agenda conference, expressed concerns regarding the appearance of a conflict of interest of Mr. Rothfeder, based on his former employment by Mr. Quint Studer (former lessee of the parcels) and his current business interests with Mr. Studer. Council Member Broughton also expressed concerns and inquired of Section 6 within the contract related to the deletion of that section pertaining to performance schedule. City Attorney Woolf responded accordingly based on the formatting of the contract document and common practices of contract writing for ease of drafting. Other Council Members asked for clarification and made comments regarding the City's acquisition of parcels and the structure of the contract with City Attorney Woolf responding accordingly. Mayor Robinson also responded to comments and questions of Council Member Brahier.

Public input was heard (via cellphone held up to a mic) from Daniel Flanders.

Mr. Rothfeder was provided an opportunity to address Council. He then responded accordingly to direct questions from Council Members.

Discussion continued with Mayor Robinson responding to comments and questions of Council Members. Based on discussion, Council Member Wiggins suggested this item be pulled and brought back for consideration at the next Council meeting. Further discussion took place regarding the impacts on waiting another two (2) weeks to consider this issue.

A <u>substitute</u> motion to postpone this item until the next Council meeting on February 25, 2021 was made by Council Member Myers and seconded by Council Member Brahier.

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

Upon conclusion of discussion, the vote on the <u>substitute</u> motion was called.

The <u>substitute</u> motion carried by the following vote:

Yes: 5 Ann Hill, Jennifer Brahier, Teniade Broughton Sherri Myers, Delarian Wiggins,

No: 2 Casey Jones, Jared Moore

5. <u>21-00100</u> REQUEST FOR THE NAMING OF NORTH CITY HALL PLAZA AFTER JOHN SUNDAY, II

Recommendation: That City Council approve the request to name the North end of City Hall Plaza after John Sunday, II. Further that a granite base and bronze plaque honoring Mr. Sunday be placed in the plaza.

A motion to approve was made by Council Member Brahier and seconded by Council Member Jones.

Council Member Broughton informed that she will be abstaining from voting on this issue as she has a conflict of interest.

Council Member Hill, Mayor Robinson, and Council President Moore made remarks.

There being no further discussion, the vote was called.

The motion carried by the following vote:

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Casey Jones,

Sherri Myers, Delarian Wiggins

No: 0 None

Abstained:1 Teniade Broughton

6. 21-00155 PROPERTY ACQUISITION - 2300 WEST JACKSON STREET, A

Recommendation: That the City Council approve the request of the Community Redevelopment Agency (CRA) to acquire the property located at 2300 West Jackson Street, A; No. 00-0S-00-9060-020-172 from S & D, LLC, in the amount of \$13,230.87.

A motion to approve was made by Council Member Jones and seconded by Council Member Brahier.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Sherri Myers, Delarian Wiggins

No: 0 None

7. <u>2021-07</u> SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-07 - VETERANS MEMORIAL PARK FOUNDATION OF PENSACOLA DONATION

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2021-07.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Hill and seconded by Council Member Jones.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Sherri Myers, Delarian Wiggins

No: 0 None

8. <u>03-21</u> REVISED PROPOSED ORDINANCE NO. 03-21 - REMOTE VEHICLE SALES

Recommendation: That City Council adopt the revised Proposed Ordinance No. 03-21 on second reading:

AN ORDINANCE CREATING ARTICLE IV OF CHAPTER 7-6, SECTION 7-6-56 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING REMOTE MOTOR VEHICLE SALES; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A motion to adopted was made by Council Member Brahier and seconded by Council Member Wiggins.

Council Member Myers began the discussion indicating she is not in support of the proposed ordinance and referred to a webpage she provided (via email which Council Executive Kraher distributed) regarding *Florida Automobile Dealers Association Board of Directors* https://www.flada.org/about-fada/board-of-directors/ (on file with background materials).

Council Member Broughton referred to hardcopies at Council's places of additional language (Revised – version 2 - - on file with background materials). City Attorney Woolf clarified the additional language as provided in Revised – version 2 of P.O. No. 03-21.

Discussion took place among Council. Mayor Robinson also provided input.

A motion to amend P.O. No. 03-21 was made by Council Member Broughton and seconded by Council Member Jones to provide for additional language as provided for in Revised – version 2.

Discussion took place regarding the amendment. Mayor Robinson also provided input.

Public input was heard (via cellphone held up to a mic) from Allen Turner.

There being no further discussion, the vote was called on the motion to <u>amend</u> P.O. No. 03-21.

The motion to amend P.O. No. 03-21 carried by the following vote:

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Delarian Wiggins,

No: 1 Sherri Myers

Council President called for the vote on the main motion as amended.

The main motion as amended carried by the following vote:

Yes: 6 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Delarian Wiggins,

No: 1 Sherri Myers

 05-21 PROPOSED ORDINANCE NO. 05-21 - AMENDING SECTION 4-2-7 AND 4-2-42 OF CITY CODE PROVIDING EXCEPTIONS AND ADDITIONS FOR LIVESTOCK AND HOUSEHOLD PETS. KEEPING OF MINIATURE GOATS ADDED.

Recommendation: That City Council adopt Proposed Ordinance No. 05-21 on second reading:

AN ORDINANCE AMENDING SECTION 4-2-7 AND SECTION 4-2-42 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING EXCEPTIONS AND ADDITIONS FOR LIVESTOCK AND HOUSEHOLD PETS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Myers and seconded by Council Member Jones.

The motion carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Sherri Myers, Delarian Wiggins

No: 0 None

10. <u>2021-09</u> RESOLUTION NO. 2021-09 - PROVIDING FOR A MORATORIUM ON THE EVICTION, DISPLACEMENT OR RELOCATION OF HOMELESS INDIVIDUALS WITHIN THE CITY OF PENSACOLA

Recommendation: That City Council adopt Resolution No. 2021-09:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA DECLARING A MORATORIUM ON THE EVICTION, DISPLACEMENT OR RELOCATION OF HOMELESS INDIVIDUALS WITHIN THE CITY OF PENSACOLA; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Hill and seconded by Council Member Brahier.

Council Member Myers (sponsor) explained the intent of the resolution. Brief discussion took place. Mayor Robinson explained challenges faced by the City to address homelessness and work with local entities to provide solutions.

Public input was heard via cellphone held up to a mic from the following individuals (regarding Item 10, Resolution No. 2021-09):

Michael Kimberl Walter Arrington
Liz Watkins Nathan Monk
Daniel Flanders Sarah Brummet

Mayor Robinson made follow-up remarks.

Council President inquired of clarifying language within the title of the resolution related to usage of the word "relocation" in relation to prohibition of such which may be counter to the intent of the resolution and also the word "displacement". Also clarifying homeless individuals' encampment located only under the I-110 overpass within the Hollice T. Williams Park and not throughout the City. Council President Moore offered this clarification of the resolution language as a friendly amendment which Council Member Myers accepted. City Attorney Woolf provided clarification of the word "eviction" as it relates to this moratorium.

(Revised Resolution No. 2021-09 title and language consistent with the resolution title throughout the remainder of the document on file with background materials.)

There being no further discussion, the vote was called.

The motion to adopt with revised language (provided as a friendly amendment) carried by the following vote:

Yes: 7 Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Sherri Myers, Delarian Wiggins

No: 0 None

ADD-ON <u>07-21</u> PROPOSED ORDINANCE NO. 07-21 CREATING SECTION 14-2-140 OF THE CITY CODE PROVIDING FOR UNSAFE STRUCTURE AND BUILDING ABATEMENT

Recommendation: That City Council adopt Proposed Ordinance No. 07-21 on second reading.

AN ORDINANCE CREATING SECTION 14-2-140 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR UNSAFE STRUCTURE AND BUILDING ABATEMENT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE: AND PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading was made by Council Member Myers and seconded by Council Member Wiggins.

The motion to approve on first reading (P.O. No. 07-21) carried by the following vote:

Yes: 7

Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey

Jones, Sherri Myers, Delarian Wiggins

No: 0

None

COUNCIL EXECUTIVE'S REPORT

None

MAYOR'S COMMUNICATION

None

COUNCIL COMMUNICATIONS

Council Member Brahier remarked on the current death rate due to the COVID-19 pandemic.

Council Member Myers made comments commending Council Members for tonight's fully engaged debate of the items.

CIVIC ANNOUNCEMENTS

None

SECOND LEROY BOYD FORUM

None

ADJOURNMENT

 HEREUPON		,.	
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Adopted:

February 25, 2021

Approved:

Moore, President of City Council

City of Pensacola

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Attest:

Fricka L. Burnett, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

Broughton Tenade T.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE			
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:			
CITY COUNTY	Z CITY COUNTY OTHER LOCAL AGENCY			
G111	NAME OF POLITICAL SUBDIVISION:			
DATE ON WHICH VOTE OCCURRED				
DATE ON WHICH VOTE OCCORNED	MY POSITION IS:			
	☐ ELECTIVE ☐ APPOINTIVE			

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the
minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

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APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- · The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- · You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the
 meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the
 agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST						
1, Tenjadé Broughton, hereby disclose that on Feb 11, 2021:						
(a) A measure came or will come before my agency which (check one or more)						
inured to my special private gain or loss;						
inured to the special gain or loss of my business associate, ;						
inured to the special gain or loss of my relative, ;						
inured to the special gain or loss of, b						
whom I am retained; or						
inured to the special gain or loss of, which						
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.						
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:						
President of John Sunday Society						
If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.						
Feb 1, 2021 Date Filed Signature Signature						

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.