

Office of the City Clerk

**COUNCIL MEETING, COUNCIL CHAMBERS
CITY HALL, MAY 23, 2013, 5:30 P.M.**

**City of
Pensacola**



*America's First Settlement
Established 1559*

1. **ROLL CALL**
2. **INVOCATION** **PASTOR SYLVIA TISDALE
EPPS CHRISTIAN CENTER**
- PLEDGE OF ALLEGIANCE – COUNCIL MEMBER LARRY B. JOHNSON**
3. **OPEN FORUM**
4. **APPROVAL OF MINUTES**
5. **AWARDS AND PRESENTATIONS**
6. **PUBLIC HEARINGS**
7. **QUASI-JUDICIAL HEARINGS**
 - A) **APPROVAL OF FINAL SUBDIVISION PLAT – VINCE WHIBBS, SR.
COMMUNITY MARITIME PARK**
8. **MAYOR'S REPORT**
9. **COUNCIL COMMUNICATIONS**
10. **PETITIONS**
11. **CONSENT AGENDA**
12. **REPORT OF COMMITTEE OF THE WHOLE**
13. **REPORT OF COMMUNITY REDEVELOPMENT AGENCY**
14. **ORDINANCES: FIRST READING:**
 - A) **P.O. #20-13 CREATING SECTION 8-1-25 OF THE CITY CODE –
PROHIBITING AGGRESSIVE PANHANDLING**
15. **ORDINANCES: SECOND READING:**
 - A) **P.O. #17-13 CREATING SECTION 8-1-22 OF THE CITY CODE –
PROHIBITING CAMPING ON PUBLIC PROPERTY**
 - B) **P.O. #18-13 CREATING SECTION 8-1-23 OF THE CITY CODE –
PROHIBITING ACTIVITIES IN CITY RESTROOMS**
 - C) **P.O. #19-13 CREATING SECTION 8-1-24 OF THE CITY CODE –
PROHIBITING PUBLIC ELIMINATION**

CITY COUNCIL AGENDA

MAY 23, 2013

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- 16. RESOLUTIONS**
- 17. UNFINISHED BUSINESS**
- 18. NEW BUSINESS**
- 19. OPEN FORUM**
- 20. ADJOURNMENT**

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

May 9, 2013

A regular meeting of the Pensacola City Council was held on May 9, 2013 commencing at 5:30 P.M., with City Council President P. C. Wu presiding. Council Members present were Jewel Cannada-Wynn (arrived 5:35), Charles Bare, Larry B. Johnson (arrived 5:38), Sherri Myers, Megan B. Pratt (arrived 5:34), Brian Spencer, Andy Terhaar (left 9:05), and Gerald Wingate. No Council Members were absent.

COUNCIL PRESIDENT WU: Called the meeting to order and called on Pastor Brian Kinsey of First Pentecostal Church to give the invocation and the Boy Scouts (in attendance) to lead in the Pledge of Allegiance.

(Invocation was given and Pledge of Allegiance was recited.)

OPEN FORUM:

MS. BARBARA MAYALL: Addressed Council with a reading from the Old Testament Book of Isaiah 10:1-4.

MS. DEBORAH DUNLAP: Addressed Council regarding the decision that back-in angled parking on Palafox Street (between Wright Street and Chase Street) being reversed to parallel.

That concluded this segment of open forum.

APPROVAL OF MINUTES:

COUNCIL PRESIDENT WU: First item of business was the minutes of the regularly scheduled meeting of the Council dated April 25, 2013 and asked if there were any corrections, omissions, or deletions.

COUNCIL MEMBER BARE: Moved the approval.

COUNCIL MEMBER PRATT: Seconded.

COUNCIL PRESIDENT WU: There being no discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 8 - 0. Council Member Johnson absent for the vote.)

AWARDS AND PRESENTATIONS:

45th Annual Pensacola Boy Scout City Government Day with boy scouts in attendance on the dais (shadowing Council Members) and in the audience. A Mayoral Proclamation was read and presented to Scout Master Wayne Pannell.

PUBLIC HEARINGS:

None.

QUASI-JUDICIAL HEARINGS:

None.

MAYOR'S REPORT:

CHIEF FINANCIAL OFFICER BARKER: Provided an overhead presentation on the *Monthly Financial Review for March and February, 2013.*

Council Members Johnson and Bare inquired about the cost of bollards on Palafox Place with Chief Financial Officer Barker and City Administrator Reynolds responding accordingly.

COUNCIL MEMBER JOHNSON: Indicated he looks forward to an update regarding BP (RESTORE Act) Funds to be distributed.

That concluded the Mayor's report.

COUNCIL COMMUNICATIONS:

Some Council Members made announcements regarding upcoming (and past) events and happenings throughout the community.

That concluded Council communications.

PETITIONS:

None.

CONSENT AGENDA:

COUNCIL PRESIDENT WU: Indicated the Committee of the Whole met on May 6, 2013. Members present were Wu, Cannada-Wynn, Bare, Johnson, Myers, Pratt, Spencer, Terhaar, and Wingate. No Council Members were absent. The following items passed unanimously:

A. CREATING SECTION 8-1-24 OF THE CITY CODE – PROHIBITING PUBLIC URINATION AND DEFECATION

That City Council adopt the proposed ordinance creating Section 8-1-24 to prohibit urination and defecation in public spaces.

B. AIRPORT – TERMINAL BUILDING USE PERMIT AND OPERATING PERMIT WITH SILVER AIRWAYS

That City Council authorize the Mayor to execute the Terminal Building Use Permit and Operating Permit with Silver Airways.

C. AIRPORT – EASEMENT AGREEMENT WITH EMERALD COAST UTILITIES AUTHORITY

That City Council authorize the Mayor to execute the Easement Agreement for utility lines installed by Sandspur, LLC for their development along 12th Avenue at Pensacola International Airport.

(See revote on Item 11C following the Report of the Community Redevelopment Agency.)

D. FDOT GRANT AGREEMENT – BERTH 6 REHAB

That City Council adopt a Resolution accepting and authorizing the Mayor to execute a Joint Participation Agreement between the City of Pensacola and the Florida Department of Transportation for a project entitled Berth 6 Rehab.

E. DECLARATION OF SURPLUS PROPERTY AND METHOD OF DISPOSITION FOR 600 BLOCK OF WEST INTENDENCIA

That City Council postpone (until May 20th Committee of the Whole meeting) consideration to declare the City-owned property at the 600 block of West Intendencia surplus.

F. SETTLEMENT OF CRESTVIEW SITE & UNDERGROUND, INC. v. CITY OF PENSACOLA

That the settlement of the lawsuit be approved by the City Council in the amount of \$99,999.99.

CONSENT AGENDA (cont'd.):

G. ESTABLISHMENT OF CITY COUNCIL CODE ADVISORY COMMITTEE

That City Council establish a Code Advisory Committee with each district Council Member appointing a citizen from their respective district and at-large Council Members each appointing a citizen (for a total of nine members); and further that the Committee develop a strategy to address code and enforcement issues in collaboration with the Mayor's office and Council staff, and report back to the City Council within one-hundred twenty (120) days.

H. 12TH AVENUE TREE CANOPY

That City Council authorize Council Member Gerald Wingate, Mr. Kyle Kopytchak (concerned citizen), and a representative from City Administration to address Gulf Power regarding their recent tree cutting on 12th Avenue and request a suspension of further tree cutting.

COUNCIL MEMBER PRATT: Moved the approval of all items.

COUNCIL MEMBER JOHNSON: Seconded.

Council Members Terhaar and Cannada-Wynn requested to hold Item 11G.

COUNCIL PRESIDENT WU: Called for the vote on Items 11 A, B, C, D, E, F, and H.

(Electronic voting takes place indicating the motion passed unanimously.)

COUNCIL PRESIDENT WU: Item 11G, ESTABLISHMENT OF CITY COUNCIL CODE ADVISORY COMMITTEE.

Some discussion took place among Council indicating the establishment of such a committee may be premature at this time.

COUNCIL MEMBER PRATT: Made a substitute motion to refer this item to staff.

COUNCIL MEMBER TERHAAR: Seconded.

COUNCIL MEMBER MYERS: Made follow-up remarks.

COUNCIL PRESIDENT WU: Upon conclusion of discussion called for the vote on the substitute motion.

(Electronic voting takes place indicating the motion passed unanimously.)

REPORT OF THE COMMITTEE OF THE WHOLE:

COUNCIL PRESIDENT WU: Gave the following report of items not passed unanimously at the Committee of the Whole meeting:

A. CREATING SECTION 8-1-22 OF THE CITY CODE – PROHIBITING CAMPING ON PUBLIC PROPERTY

That City Council adopt the proposed ordinance creating Section 8-1-22 of the City Code to prohibit camping, as defined, on public property in the City limits.

The motion passed **6 – 3**. Council Members Bare, Myers, and Wingate dissenting.

COUNCIL MEMBER TERHAAR: Moved the approval.

COUNCIL MEMBER PRATT: Seconded.

Discussion ensued among Council with City Administrator Reynolds responding to comments.

Public input was heard from the following individuals:

Cory Hinsch	David Pink
Harold "Roy" Wilkinson	Kevin Roy
Jason King	Cheryl Poister
Steven Poulin	Deborah Anderson
Anna Karaski	Jon Denison
Alistair McKenzie	Robert Wingerter
Adam Richard	Susan Campbell
Ryan Bowman	Merle Vogt
Michael Kimberl	Gary Sansing

Some follow-up discussion took place among Council.

COUNCIL PRESIDENT WU: Upon conclusion of discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 6 - 3. Council Members Bare, Myers, and Wingate dissenting.)

REPORT OF THE COMMITTEE OF THE WHOLE (cont'd):

B. CREATING SECTION 8-1-23 OF THE CITY CODE – PROHIBITING ACTIVITIES IN CITY RESTROOMS

That City Council adopt the proposed ordinance creating Section 8-1-23 of the City Code to prohibit the misuse or deterioration of City-owned or provided restrooms intended for public use.

The motion passed 6 – 3. Council Members Bare, Myers, and Wingate dissenting.

COUNCIL MEMBER PRATT: Moved the approval.

COUNCIL MEMBER CANNADA-WYNN: Seconded.

COUNCIL MEMBER MYERS: Made comments.

Public input was heard from the following individuals:

Jason King	Steven Poulin
Barbara Mayall	Cory Hinsch
Michael Kimberl	Anna Karaski
Robert Wingerter	Beverly Perry
Jon Denison	Sherry Boyd

Discussion continued among Council.

COUNCIL MEMBER MYERS: Made an amendment to the motion to include that (upon passage) that this ordinance will be posted conspicuously in every City restroom.

COUNCIL MEMBER BARE: Seconded.

Some discussion took place among Council regarding the amendment to the motion.

Public input regarding the amendment was heard from the following individual:

Jon Denison

REPORT OF THE COMMITTEE OF THE WHOLE (cont'd):

COUNCIL MEMBER JOHNSON: Called the question on the motion to amend (for Item 12B).

COUNCIL MEMBER TERHAAR: Seconded.

COUNCIL PRESIDENT WU: Called for the vote to end debate on the amendment.

(Electronic voting takes place indicating the motion to call the question passed 6 - 3. Council Members Bare, Myers, and Pratt dissenting.)

COUNCIL PRESIDENT WU: Called for the vote on the amendment (to Item 12B).

(Electronic voting takes place indicating the motion to amend failed 4 - 5. Council Members Bare, Myers, Terhaar, and Wingate assenting.)

COUNCIL PRESIDENT WU: Called for the vote on the main motion (for Item 12B).

(Electronic voting takes place indicating the motion passed 6 - 3. Council Members Bare, Myers, and Wingate dissenting.)

C. CREATING SECTION 8-1-25 OF THE CITY CODE – PROHIBITING AGGRESSIVE PANHANDLING

That City Council postpone consideration of the proposed ordinance creating Section 8-1-25 to prohibit aggressive solicitation, begging or panhandling in certain areas at certain times.

The motion passed 5 – 4. Council Members Johnson, Pratt, Spencer, and Wu dissenting.

COUNCIL MEMBER BARE: Moved the approval.

COUNCIL MEMBER PRATT: Seconded.

COUNCIL PRESIDENT WU: There being no discussion, called for the vote.

(Electronic voting takes place indicating the motion failed 4 - 4. Council Members Bare, Myers, Pratt, and Wingate assenting; and Council Member Cannada-Wynn absent for the vote.)

Some discussion took place to clarify the results of action taken which failed due to a tie vote with one Council Members out of the chamber (momentarily during the vote).

REPORT OF THE COMMITTEE OF THE WHOLE (cont'd):

CITY CLERK BURNETT: Provided reference to Council's Rules and Procedures which outlines how an item may be reconsidered.

COUNCIL MEMBER CANNADA-WYNN: Made a motion to reconsider the vote on Item 12C.

COUNCIL MEMBER PRATT: Seconded.

COUNCIL PRESIDENT WU: Called for the vote on the motion to reconsider.

(Electronic voting takes place indicating the motion passed 6 - 3. Council Members Johnson, Terhaar, and Wingate dissenting.)

COUNCIL PRESIDENT WU: Called for the revote of Item 12C.

(Electronic voting takes place indicating the motion passed 8 - 1. Council Member Terhaar dissenting.)

D. UNDERGROUND POWER DISTRIBUTION EASEMENT FOR THE LEGION FIELD NEIGHBORHOOD RESOURCE CENTER

That City Council approve a permanent underground power distribution easement with Gulf Power Company on the Legion Field Neighborhood Resource Center located at 1301 West Gregory Street.

The motion passed 8 – 1. Council Member Myers dissenting.

COUNCIL MEMBER BARE: Moved the approval.

COUNCIL MEMBER PRATT: Seconded.

COUNCIL MEMBER MYERS: Made comments indicating she will not support the motion.

COUNCIL PRESIDENT WU: There being no further discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 8 - 1. Council Member Myers dissenting.)

That concluded the report of the Committee of the Whole.

REPORT OF THE COMMUNITY REDEVELOPMENT AGENCY:

Minor discussion took place regarding the scheduling of a meeting of the Community Redevelopment Agency.

That concluded the report of the Community Redevelopment Agency.

ITEM 11C:

COUNCIL PRESIDENT WU: The City Clerk advised that Item 11C - AIRPORT – EASEMENT AGREEMENT WITH EMERALD COAST UTILITIES AUTHORITY should have been pulled out from the consent agenda to be voted on separately so that Council Member Spencer could abstain from the vote due to a conflict of interest.

COUNCIL MEMBER SPENCER: Indicated he needs to abstain from the vote due to his contractual (business) relationship with Sandspur, LLC.

COUNCIL MEMBER BARE: Made a motion to reconsider.

COUNCIL MEMBER PRATT: Seconded.

COUNCIL PRESIDENT WU: Called for the vote on the motion to reconsider.

(Electronic voting takes place indicating the motion passed 8 - 0. Council Member Spencer abstaining.)

COUNCIL PRESIDENT WU: Called for the revote of Item 11C.

(Electronic voting takes place indicating the motion passed 8 - 0. Council Member Spencer abstaining.)

ORDINANCES: FIRST READING:

COUNCIL PRESIDENT WU: Called on City Clerk Burnett to read the titles of the proposed ordinances on first reading.

CITY CLERK BURNETT: Item 14A is Proposed Ordinance No. 17-13 to be entitled:

AN ORDINANCE CREATING SECTION 8-1-22 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING CAMPING AS DEFINED ON ALL PUBLIC PROPERTY OF THE CITY; PROVIDING EXCEPTIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBER TERHAAR: Moved the approval.

COUNCIL MEMBER CANNADA-WYNN: Seconded.

ORDINANCES: FIRST READING (cont'd.):

COUNCIL PRESIDENT WU: There being no discussion, called for the vote (on P.O. 17-13).

(Electronic voting takes place indicating the motion passed 7 - 2. Council Members Bare and Wingate dissenting.)

CITY CLERK BURNETT: Item 14B is Proposed Ordinance No. 18-13 to be entitled:

AN ORDINANCE CREATING SECTION 8-1-23 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR THE PROHIBITION OF ACTIVITIES IN CITY-OWNED OR CITY-PROVIDED RESTROOM FACILITIES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBER PRATT: Moved the approval.

COUNCIL MEMBER CANNADA-WYNN: Seconded.

COUNCIL PRESIDENT WU: There being no discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 7 - 2. Council Members Bare and Wingate dissenting.)

CITY CLERK BURNETT: Item 14C is Proposed Ordinance No. 19-13 to be entitled:

AN ORDINANCE CREATING SECTION 8-1-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING ELIMINATION IN PUBLIC PLACES; PROVIDING A PENALTY THEREFOR; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBER PRATT: Moved the approval.

COUNCIL MEMBER BARE: Seconded.

Public input was heard from the following individuals:

Michael Kimberl
Jon Denison

Jason King
Gary Sansing

COUNCIL MEMBER MYERS: Made comments she will support the passage of this ordinance.

ORDINANCES: FIRST READING (cont'd.):

COUNCIL PRESIDENT WU: There being no further discussion, called for the vote (on P.O. 19-13).

(Electronic voting takes place indicating the motion passed unanimously.)

ORDINANCES: SECOND READING:

COUNCIL PRESIDENT WU: Called on City Clerk Burnett to read the titles of the proposed ordinances on second reading.

CITY CLERK BURNETT: Item 15A is Proposed Ordinance No. 10-13 to be entitled:

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE BLOUNT STREET RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (Blount Street just west of "K" Street [Ordinance No. 10-13])

COUNCIL MEMBER BARE: Moved the approval.

COUNCIL MEMBER PRATT: Seconded.

COUNCIL PRESIDENT WU: There being no discussion, called for the vote.

(Electronic voting takes place indicating the motion passed unanimously.)

CITY CLERK BURNETT: Item 15B is Proposed Ordinance No. 11-13 to be entitled:

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE ALLEYWAY LOCATED IN BLOCK 20, PENSACOLA HEIGHTS; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (East off Pickens Avenue between Strong Street & Cervantes Street [Ordinance No. 11-13])

COUNCIL MEMBER BARE: Moved the approval.

COUNCIL MEMBER PRATT: Seconded.

COUNCIL PRESIDENT WU: There being no discussion, called for the vote.

(Electronic voting takes place indicating the motion passed unanimously.)

ORDINANCES: SECOND READING (cont'd.):

CITY CLERK BURNETT: Item 15C is Proposed Ordinance No. 12-13 to be entitled:

AN ORDINANCE AMENDING SECTION 12-2-8 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING USES PERMITTED IN THE COMMERCIAL LAND USE DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (Business & Trade Schools [Ordinance No. 12-13])

COUNCIL MEMBER PRATT: Moved the approval.

COUNCIL MEMBER BARE: Seconded.

COUNCIL PRESIDENT WU: There being no discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 8 - 1. Council Member Myers dissenting)

CITY CLERK BURNETT: Item 15D is Proposed Ordinance No. 13-13 to be entitled:

AN ORDINANCE AMENDING SECTION 12-2-80 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING DEVELOPMENT OPTIONS TO INCLUDE RESIDENTIAL DENSITY BONUSES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (Ordinance No. 13-13)

COUNCIL MEMBER PRATT: Moved the approval.

COUNCIL MEMBER BARE: Seconded.

COUNCIL PRESIDENT WU: There being no discussion, called for the vote.

(Electronic voting takes place indicating the motion passed unanimously.)

CITY CLERK BURNETT: Item 15E is Proposed Ordinance No. 14-13 to be entitled:

AN ORDINANCE REPEALING SECTION 12-2-34 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ELIMINATING STREET SETBACK REQUIREMENTS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (Ordinance No. 14-13)

ORDINANCES: SECOND READING (cont'd.):

COUNCIL MEMBER BARE: Moved the approval (of P.O. #14-13).

COUNCIL MEMBER PRATT: Seconded.

(Electronic voting takes place indicating the motion passed unanimously.)

CITY CLERK BURNETT: Item 15F is Proposed Ordinance No. 15-13 to be entitled:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING PROVISIONS OF THE POLICE OFFICERS' RETIREMENT FUND; CREATING SECTION 9-5-22, PROVIDING FOR TRANSFER OF LUMP SUM PRESENT VALUE OF BENEFIT FOR PARTICIPANTS ELECTING TO PARTICIPATE IN THE FLORIDA RETIREMENT SYSTEM, PROVIDING FOR APPLICABILITY OF ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (Ordinance No. 15-13)

COUNCIL MEMBER PRATT: Moved the approval.

COUNCIL MEMBER BARE: Seconded.

COUNCIL PRESIDENT WU: There being no discussion, called for the vote.

(Electronic voting takes place indicating the motion passed unanimously.)

CITY CLERK BURNETT: Item 15G is Proposed Ordinance No. 16-13 to be entitled:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR THE ELIMINATION OF TWO (2) AT-LARGE COUNCIL SEATS; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 16-13)

COUNCIL MEMBER JOHNSON: Moved the approval.

COUNCIL MEMBER TERHAAR: Seconded.

Some discussion took place among Council

ORDINANCES: SECOND READING (cont'd.):

Public input was heard from the following individuals (regarding P.O. #16-13):

Ed Stanford
Dorothy Dubuisson
Beverly Perry

Discussion continued among Council.

COUNCIL PRESIDENT WU: Upon conclusion of discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 5 - 4. Council Members Bare, Cannada-Wynn, Pratt, and Wingate dissenting.)

That concluded ordinances on second reading.

RESOLUTIONS:

COUNCIL PRESIDENT WU: Called on City Clerk Burnett to read the title of the resolution.

CITY CLERK BURNETT: Item 16A is Proposed Ordinance No. 10-13 to be entitled:

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 "BERTH 6 REHAB".

COUNCIL MEMBER CANNADA-WYNN: Moved the approval.

COUNCIL MEMBER SPENCER: Seconded.

COUNCIL PRESIDENT WU: There being no discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 8 - 0. Council Member Terhaar absent for the vote.)

That concluded resolutions.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

COUNCIL MEMBER CANNADA-WYNN: Made a motion that City Council have a discussion item at the Committee of the Whole meeting (on July 15th) regarding the establishment of a task force on homelessness.

COUNCIL MEMBER MYERS: Seconded.

Some Council Members made comments.

COUNCIL PRESIDENT WU: Following remarks, called for the vote.

(Electronic voting takes place indicating the motion passed 8 - 0. Council Member Terhaar absent for the vote.)

COUNCIL MEMBER MYERS: Requested of the City Administrator to provide Council with information (at the next Committee of the Whole meeting) as to which City staff is responsible for coordinating tree trimming/cutting by utilities.

CITY ADMINISTRATOR REYNOLDS: Indicated he would look into providing such information.

That concluded new business.

OPEN FORUM:

MR. MICHAEL KIMBERL: First, thanked Council for voting to discuss the establishment of a task force to address homelessness. He then made comments regarding tree trimming in the East Hill area. He also made remarks regarding Council's application of *Robert's Rules of Order* during meetings.

Some Council Members made follow-up remarks.

MR. ALAN GRAY: Representing Pensacola's *Young Professionals (PYP)* advised that their upcoming debate forum will include both the election for State House Representative as well as the City Referendum on the proposed Charter Amendment to eliminate the two (2) at-large seats. Also announced PYP beautification project scheduled for the Belmont-DeVilliers area.

OPEN FORUM (cont'd.)

MR. GARY SANSING: Made comments regarding tree trimming; and proposed State bill(s) regarding citizens' right to speak at public meeting which has passed in the Senate and is not going to the House.

COUNCIL PRESIDENT WU: There being no additional speakers, adjourned the meeting.

WHEREUPON the meeting was adjourned at 9:23 P.M.

Adopted: _____

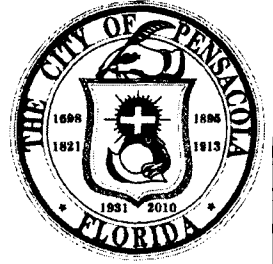
Approved: _____
P. C. Wu, President of City Council

Attest:

Ericka L. Burnett, City Clerk

CITY COUNCIL MEMORANDUM

May 23, 2013
Item 7A



TO: City Council

FROM: P.C. Wu, Council President *P.C. Wu*

SUBJECT: Quasi-Judicial Hearing: Approval of Final Subdivision Plat – Vince Whibbs Sr. Community Maritime Park

SUMMARY:

It is necessary that City Council conduct a quasi-judicial to consider approval of the final plat for the Vince Whibbs Sr. Community Maritime Park.

The entire park property is located in the Waterfront Redevelopment District (WRD). The plat proposed is the same lot configuration originally approved for the site, and complies with the zoning regulations for the site.

The City Engineer, City Departments, and utility providers have all reviewed and recommend approval of the final plat.

On May 14, 2013, the Planning Board unanimously recommended approval of the final plat.

ATTACHMENTS:

PREVIOUSLY PROVIDED AND ON FILE IN THE CITY CLERK'S OFFICE.

PRESENTATION:

Yes.

Report of Consent Agenda

May 23, 2013

Item 11



Members: P. C. Wu, Jewel Cannada-Wynn, Charles Bare, Larry B. Johnson, Sherri Myers, Megan B. Pratt, Brian Spencer, Andy Terhaar, and Gerald Wingate

Members Absent: None

All Items Passed Unanimously in Committee of the Whole – May 20, 2013

CONSENT AGENDA

A. APPOINTMENTS – HUMAN SERVICES APPROPRIATIONS COMMITTEE

That City Council reappoint Audra Carter and Danny Lewis to the Human Services appropriations Committee for a term of three years, expiring May 31, 2016.

B. REVISIONS TO ENVIRONMENTAL ADVISORY BOARD ORDINANCE

That City Council task staff with making recommendations for revisions in the ordinance establishing the Environmental Advisory Board.

C. CITY OF PENSACOLA'S PUBLIC HOUSING AGENCY (PHA) FY2013-2014 ANNUAL PLAN

That City Council approve the City of Pensacola's Public Housing Agency (PHA) FY2013-2014 Annual Plan.

D. REVISION TO EXISTING LICENSE TO USE – LEONARD STREET RIGHT OF WAY

That City Council approve the request to revise the existing license to use right of way to include a newly acquired contiguous parcel.

E. DECLARATION OF SURPLUS PROPERTY AND METHOD OF DISPOSITION FOR 600 BLOCK OF WEST INTENDENCIA

That City Council declare the City-owned property at the 600 block of West Intendencia surplus and authorize the Mayor to dispose of the property by open bid.

F. AUTHORIZATION TO EXECUTE THE GENERAL RELEASES AS TO THE CITY OF PENSACOLA AS A CONDITION OF THE TRANSFER OF PENSACOLA ENERGY'S PENSACOLA BEACH FRANCHISE TO THE CITY OF GULF BREEZE

That City Council authorize the execution of the General Releases As To The City of Pensacola as a condition of the agreement providing for the transfer of Pensacola Energy's Pensacola Beach Franchise to the City of Gulf Breeze for the total sum of \$470,000.

Report of the Committee of the Whole

May 23, 2013

Item 12



Members: P. C. Wu, Jewel Cannada-Wynn, Charles Bare, Larry B. Johnson, Sherri Myers, Megan B. Pratt, Brian Spencer, Andy Terhaar, and Gerald Wingate

Members Absent: None

May 20, 2013

COMMITTEE REPORT

A. APPOINTMENT – GENERAL PENSION BOARD

That City Council reappoint James M. “Mick” Novota to the General Pension Board for a term of six (6) years, expiring June 30, 2019.

The motion passed 6 – 1. Council Member Myers dissenting; and Council Members Cannada-Wynn and Wu absent for the vote.

B. APPLICATION FOR GREEN LOCAL GOVERNMENT CERTIFICATION

The Environmental Advisory Board (EAB) and staff recommend that the City of Pensacola pursues becoming a Green Local Government certified by the Florida Green Building Coalition (FGBC).

The motion passed 7 – 1. Council Member Bare dissenting; and Council Member Cannada-Wynn absent for the vote.

C. MAYORAL APPOINTMENT – DOWNTOWN IMPROVEMENT BOARD

That City Council confirm the Mayoral appointment of Teri Levin to the Downtown Improvement Board (DIB) to fill the unexpired term of Evan Levin expiring June 30, 2014.

The motion passed 7 – 1. Council Member Bare dissenting; and Council Member Cannada-Wynn absent for the vote.

D. HELIWORKS, LLC LEASE AND OPERATING AGREEMENT AMENDMENT NO. 3

That City Council authorize the Mayor to execute Amendment No. 3 to the Lease and Operating Agreement of Heliworks LLC and to execute the underground distribution easement Agreement for utility lines to be installed by Heliworks, LLC to service the temporary facility covered under this Amendment.

The motion passed 6 – 0. Council Member Spencer abstaining; and Council Members Cannada-Wynn and Johnson absent for the vote.

E. PROPOSED AMENDMENT TO THE CITY OF PENSACOLA'S CDBG HOUSING REHABILITATION PROGRAM POLICY

That City Council approve proposed policy changes to the City's Community Development Block Grant (CDBG) Housing Rehabilitation Program to include 1) a program enhancement offering limited repair assistance targeting immediate health and safety deficiencies for families not otherwise able to participate in the CDBG Housing Rehabilitation Program; 2) a reduction in the maximum per-unit cost for CDBG Housing Rehabilitation projects from \$53,000 to \$40,000, with a reduction in the maximum cost of handicap accessible improvements from \$10,000 to \$5,000 and a reduction in the maximum cost of performing lead-based paint hazard reduction work from \$12,000 to \$6,000; 3) mandatory credit and financial responsibility training for all program participants to be provided by Housing; and 4) technical corrections to incorporate administrative changes.

The motion passed 7 – 1. Council Member Myers dissenting; and Council Member Cannada-Wynn absent for the vote.

F. CLAIM OF LISA LOOPER

That City Council approve the settlement between the City of Pensacola and Lisa Looper and authorize payment of \$49,999.00 as full settlement of any and all claims.

The motion passed 8 – 1. Council Member Myers dissenting.

G. CITY TECHNOLOGY ACCEPTABLE USE POLICY

That City Council approve the adoption of the proposed Acceptable Use Policy for the City's technology resources.

The motion passed 7 – 2. Council Members Bare and Myers dissenting.

H. CREATING SECTION 8-1-25 OF THE CITY CODE – PROHIBITING AGGRESSIVE PANHANDLING

That City Council adopt the proposed ordinance creating Section 8-1-25 to prohibit aggressive solicitation, begging or panhandling in certain areas at certain times.

The motion passed 7 – 1. Council Member Myers dissenting; and Council Member Pratt absent for the vote.

Report of the Committee of the Whole

May 23, 2013

Page 3

I. REVISIONS TO PARKS AND RECREATION ORDINANCE

That City Council direct the City Attorney to draft an ordinance and refer to the Parks and Recreation for review and recommendation.

The motion passed 7 – 1. Council Member Wu dissenting; and Council Member Johnson absent for the vote.

J. CITY OF PENSACOLA CRIME STATISTICS

That the City Administration/Pensacola Police Department provide a monthly update on crime statistics as reported in the Uniform Crime Report including a breakdown of crimes by type and by City Council District.

The motion passed 5 – 1. Council Member Wu dissenting; and Council Members Johnson, Spencer, and Wingate absent for the vote.

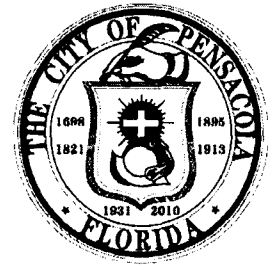
K. JOINT MEETING WITH ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS

That the City Council meet in a joint session with the Escambia County Board of County Commissioners within the next 120 days and that the Council Executive be placed in charge of working with the County Administrator to setup this meeting.

The motion passed unanimously.

CITY COUNCIL MEMORANDUM

May 23, 2013
Item 14A



TO: City Council

FROM: P.C. Wu, Council President *P.C. Wu*

SUBJECT: Proposed Ordinance No. 20-13 - Creating Section 8-1-25 of the City Code - Prohibiting Aggressive Panhandling

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 20-13 on first reading.

SUMMARY:

Proposed Section 8-1-25 will address the increasing problem of aggressive panhandling occurring at points in the City of Pensacola. Aggressive soliciting, begging or panhandling warrants justifiable alarm or immediate concern for the safety of persons or property and can cause apprehension and fear in the intended target of the soliciting, begging or panhandling. Soliciting, begging or panhandling on the public roadways or rights-of-way creates a safety hazard for both pedestrians and those travelling upon the roadways and rights-of-way, and poses a disruption to the free flow of traffic.

The City of Pensacola has a significant interest in protecting the health, safety and welfare of those peacefully moving about within the city.

Soliciting, begging or panhandling has a negative impact on the attraction of businesses to the area as well as the ability to retain existing businesses. In addition, soliciting, begging or panhandling causes a sense of fear and intimidation, particularly at night, on roadways or in confined areas. Soliciting, begging or panhandling contributes to the negative perception of those areas where it occurs, which discourages shoppers and visitors and contributes to the lack of enjoyment of public places within those areas.

This ordinance mirrors the current Escambia County Code of Ordinances (Chapter 86, Article VIII, Sections 86-250 through 253) that deals with aggressive panhandling in the unincorporated areas of Escambia County.

PRIOR ACTION:

May 6, 2013 - City Council voted to bring the proposed ordinance to May 20, 2013 Committee of the Whole.

FUNDING: Budget: N/A
Actual: N/A

ATTACHMENTS: (1) Proposed Ordinance No. 20-13

PRESENTATION: No.

PROPOSED
ORDINANCE NO. 20-13

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 8-1-25 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING PANHANDLING; PROVIDING DEFINITIONS; PROVIDING A PENALTY THEREFORE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 8-1-25 of the Code of the City of Pensacola, Florida, is hereby created to read:

Sec. 8-1-25. Panhandling.

(1) Legislative Findings:

The City Council of the City of Pensacola, Florida, hereby makes the following findings:

(a) Aggressive soliciting, begging or panhandling warrants justifiable alarm or immediate concern for the safety of persons or property and can cause apprehension and fear in the intended target of the soliciting, begging or panhandling.

(b) Soliciting, begging or panhandling on the public roadways or rights-of-way creates a safety hazard for both pedestrians and those travelling upon the roadways and rights-of-way, and poses a disruption to the free flow of traffic.

(c) The City of Pensacola has a significant interest in protecting the health, safety and welfare of those peacefully moving about within the city.

(d) Studies have shown that soliciting, begging or panhandling has a negative impact on the attraction of businesses to the area as well as the ability to retain existing businesses, and

(e) Studies have shown that soliciting, begging or panhandling causes a sense of fear and intimidation, particularly at night, on roadways or in confined areas; and

(f) Studies have shown that soliciting, begging or panhandling contributes to the negative perception of those areas where it occurs, which discourages shoppers and visitors and contributes to the lack of enjoyment of public places within those areas.

(2) Definitions.

(a) Arterial roadway means a roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every Unites States numbered highway is an arterial road.

(b) Begging means, for purposes of this section only, the same as soliciting, below.

(c) Community outreach services means a public or private services provider that offers residential, rehabilitative, medical or social services assistance, including, but not limited to, mental health treatment, drug or alcohol rehabilitation or homeless assistance services for individuals in need thereof. One example of an entity that can help individuals access such services is First Call For Help.

(d) Community redevelopment areas means those areas of the City the City Council has found to be areas of slum and blight as set forth in F.S. §§ 163.330 - 163.463. The City's community redevelopment area is the Urban Core Community Redevelopment Area described in Ordinance No. 13-84, bounded by the west by "A" Street; on the north by Cervantes Street; on the east by 17th Avenue, the L&N Railroad trestle and the mouth of Bayou Texar; and on the south by Pensacola Bay. The City Council may establish additional community redevelopment areas pursuant to F.S. §§ 163.330 - 163.463.

(e) Panhandling means, for purposes of this section only, the same as soliciting, below.

(f) Soliciting means, for purposes of this section only, any request made in person on a street, sidewalk or public place, asking for an immediate donation of money or other thing of value, including the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is a donation. Soliciting shall not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing the request to any specific person.

(3) Soliciting prohibited in certain areas or under certain circumstances.

It shall be unlawful for any person to solicit, beg or panhandle in the City limits of the City of Pensacola in the following areas or under the following circumstances:

(a) On any day after sunset, or before sunrise; or

(b) When either the panhandler or the person being solicited is located at any of the following locations:

1. At a bus stop.

2. In any public transportation vehicle.

3. In any public transportation facility.

4. In a vehicle which is parked or stopped on a public street or alley.
5. In a sidewalk cafe.
6. Within 20 feet from any ATM machine or entrance to a bank.
7. Within 20 feet of a public toilet facility.
8. From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this prohibition shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle; or

(c) In an aggressive manner, to include any of the following:

1. Touching the solicited person without the solicited person's consent.
2. Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment.
3. Blocking the path of a person being solicited, or the entrance to any building or vehicle.
4. Following behind, ahead or alongside a person who walks away from the panhandler after being solicited.
5. Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled.
6. Panhandling in a group of two or more persons, or

(d) Within 500 feet of the intersection of two arterial roads in any Community Redevelopment Area (CRA).

(4) Penalties.

Violation of this section shall be enforced by application of the penalties set forth in Sec. 1-1-8 of the Code of the City of Pensacola, Florida.

In addition, the officer issuing a citation under this article may elect to contact community outreach services, such as United Way's First Call For Help, in order to determine whether a referral can be made or services offered to assist the individual cited. In the event the officer is unable to contact community outreach services at the time of the officer's contact with the person accused of violating this section, the officer may supply the person with information sufficient for the person to make such contact at a later time.

SECTION 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk

Legal in form and valid as drawn:

City Attorney

CITY COUNCIL MEMORANDUM

May 23, 2013

Item 15A



TO: City Council

FROM: P.C. Wu, Council President *P.C. Wu*

SUBJECT: Proposed Ordinance No. 17-13 - Creating Section 8-1-22 of the City Code - Prohibiting Camping on Public Property

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 17-13 on second reading.

SUMMARY:

The City of Pensacola has, in the past, adopted ordinances regulating the construction of temporary shelters and the activity of utilizing recreational vehicles for living purposes in order to foster the aesthetics, sanitation, and public health and safety of the citizens. The City desires to extend such oversight to other public property in order to continue to provide for public health and safety, and to clarify the activities that are being prohibited. The attached proposed ordinance is drawn from a similar ordinance adopted by the City of Orlando and upheld in federal court litigation by the Eleventh Circuit Court of Appeals. The ordinance prohibits camping on public property or on residential property without the owner's permission, under defined circumstances.

PRIOR ACTION:

December 12, 2011 - Tabled by City Council.

May 9, 2013, City Council approved Proposed Ordinance No. 17-13 on first reading.

FUNDING: Budget: N/A
Actual: N/A

ATTACHMENTS: (1) Proposed Ordinance No. 17-13

PRESENTATION: No.

PROPOSED
ORDINANCE NO. 17-13

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 8-1-22 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING CAMPING AS DEFINED ON ALL PUBLIC PROPERTY OF THE CITY; PROVIDING EXCEPTIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pensacola, Florida, hereby finds that in order to provide for, secure and promote the aesthetics, sanitation, public health, and safety of its citizens, it is necessary and in the public interest to adopt an Ordinance prohibiting in part and regulating the conduct of camping on public property, as defined, within the city limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 8-1-22 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

Sec. 8-1-22. Camping prohibited; exceptions

(1) For purposes of this section, "camping" is defined as:

(a) Cooking over an open flame or fire out-of-doors; or

(b) Bathing in public for purposes of personal hygiene; or

(c) Sleeping out-of-doors under one of the following circumstances:

(i) adjacent to or inside a tent or sleeping bag, or

(ii) atop and/or covered by materials such as a bedroll, cardboard, newspapers, or

(iii) inside some form of temporary shelter.

(2) Camping is prohibited on all public property, except as may be specifically authorized by the appropriate governmental authority.

- (3) Camping is prohibited on all property in the City used for residential purposes; provided, however, that camping is permitted on such property with the permission and consent of the property owner.
- (4) An individual in violation of this ordinance who has no private shelter, shall be advised of available shelter in the City of Pensacola or Escambia County, in addition to any penalties of law.

SECTION 2. In any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk

Legal in form and valid as drawn:

City Attorney

CITY COUNCIL MEMORANDUM

May 23, 2013

Item 15B



TO: City Council

FROM: P.C. Wu, Council President *P.C. Wu*

SUBJECT: Proposed Ordinance No. 18-13 - Creating Section 8-1-23 of the City Code - Prohibiting Activities in City Restrooms

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 18-13 on second reading.

SUMMARY:

City-owned buildings contain restroom facilities intended for public use. Although there is rarely an unfortunate or unintended use made of those facilities, with the new airport and library expansions an opportunity exists to provide specific regulations regarding the use of all City-provided restroom facilities which are open to the public. The proposed ordinance would create Section 8-1-23 of the City Code and will enumerate and specify the activities that are to be prohibited.

PRIOR ACTION:

December 12, 2011 - Tabled by City Council.

May 9, 2013, City Council approved Proposed Ordinance No. 18-13 on first reading.

FUNDING: Budget: N/A
Actual: N/A

ATTACHMENTS: (1) Proposed Ordinance No. 18-13

PRESENTATION: No.

PROPOSED
ORDINANCE NO. 18-13

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 8-1-23 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR THE PROHIBITION OF ACTIVITIES IN CITY-OWNED OR CITY-PROVIDED RESTROOM FACILITIES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 8-1-23 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

Sec. 8-1-23. City Restrooms - Prohibited Activities

It shall be unlawful for any person to perform any of the following activities in any restroom facility provided by the City or located on City-owned property:

- (a) Sleep
- (b) Shave, bathe or shower; provided, however, that showering is permitted where shower facilities are specifically provided for public use;
- (c) Construct a bed or other shelter;
- (d) Prepare for consumption any food or drink;
- (e) Launder any article of clothing;
- (f) Ignite, light or stoke an open flame, fire, sterno or other flammable device or substance;
- (g) Mark upon or otherwise deface any surface of the facility.

SECTION 2. In any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk

Legal in form and valid as drawn:

City Attorney

CITY COUNCIL MEMORANDUM

May 23, 2013
Item 15C



TO: City Council

FROM: P.C. Wu, Council President *P.C. Wu*

SUBJECT: Proposed Ordinance No. 19-13 - Creating Section 8-1-24 Prohibiting Public Elimination

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 19-13 on second reading.

SUMMARY:

Proposed Section 8-1-24 makes it unlawful to urinate or defecate in a public space. This section is specifically designed to address the environmental and sanitation issues currently present in the downtown district due to the repeated use of public space for elimination purposes.

PRIOR ACTION:

May 9, 2013, City Council approved Proposed Ordinance No. 19-13 on first reading.

FUNDING: Budget: N/A
Actual: N/A

ATTACHMENTS: (1) Proposed Ordinance No. 19-13

PRESENTATION: No.

PROPOSED
ORDINANCE NO. 19-13

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 8-1-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING ELIMINATION IN PUBLIC PLACES; PROVIDING A PENALTY THEREFOR; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the elimination of bodily waste in public places is a health hazard to the citizens of the City of Pensacola; and

WHEREAS, the City of Pensacola has a duty to preserve the health, safety and welfare of the residents of Pensacola, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 8-1-24 of the Code of the City of Pensacola, Florida, is hereby created to read:

Sec. 8-1-24. Public Elimination Prohibited.

(1) It shall be unlawful to urinate or defecate in a public space other than one set aside and designated for that particular purpose.

(2) Violation of this section shall be as provided by Sec. 1-1-8 of the Code of the City of Pensacola, Florida.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk

Legal in form and valid as drawn:

City Attorney