



# City of Pensacola

## *CITY COUNCIL*

### Meeting Minutes

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November 8, 2018

5:30 P.M.

Council Chambers

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Council President Wingate called the meeting to order at 5:38 P.M.

#### **ROLL CALL**

**Council Members Present:** Gerald Wingate, Sherri Myers (arrived 7:00), Larry Johnson, Brian Spencer, Andy Terhaar, P.C. Wu

**Council Members Absent:** Cannada-Wynn

**Also Present:** Mayor Ashton J. Hayward, III (arrived 6:23)

#### **INVOCATION**

Pastor Rob Looper, McIlwain Presbyterian Church

#### **PLEDGE OF ALLEGIANCE**

Council Member Andy Terhaar

#### **FIRST LEROY BOYD FORUM**

**Colvin Rancifer:** Addressed Council regarding his concerns related to the lack of safety for pedestrians on Pace Boulevard and referred to the recent incident which two pedestrians were struck by a vehicle. He also urged City officials to install signage at Bruce Beach warning of deep water. Finally he referenced the timeline for improvements to the park at Morris Court and questioned the delay in starting construction.

That concluded the first segment of LeRoy Boyd Forum.

**PRESENTATIONS**

**\*\*\*THE FOLLOWING PRESENTATION WAS WITHDRAWN BY THE SPONSOR\*\*\***

1. 18-00388 PRESENTATION REGARDING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)'S 2015 COMPLETE STREET GUIDE BOOK AND DESIGN MANUAL ALONG WITH THE POSSIBLE ADOPTION BY REFERENCE INTO THE CITY CODE

***Recommendation:** That City Council be presented information regarding FDOT's 2015 Complete Street Guide Book and Design Manual, with a discussion of the advantage to adopting by reference the same into the City Code. This presentation will take place at the Thursday November 8, 2018 Council Meeting.*

**Withdrawn.**

**\*\*\*THE FOLLOWING PRESENTATION WAS WITHDRAWN BY THE SPONSOR  
(VIA COUNCIL EXECUTIVE)\*\*\***

2. 18-00378 PRESENTATION - ESCAMBIA COUNTY ANIMAL SHELTER

***Recommendation:** That City Council receive a presentation from John Robinson, Director of the Escambia County Animal Control Shelter. Further that this presentation be given at the City Council meeting on November 8, 2018.*

**Withdrawn.**

3. 18-00395 CLIMATE MITIGATION AND ADAPTATION TASK FORCE REPORT

***Recommendation:** That City Council accept a presentation from the Climate Mitigation and Adaptation Task Force for delivery of the Task Force Report. Further that this presentation be given at the November 8, 2018 City Council Meeting.*

Council Executive Kraher provided a brief summary of the background for the assembly of (the) task force.

Task Force Chair Elaine Sargent along with Task Force Member Dr. Haris Alibasic provided an overhead presentation *Climate Action Recommendations – A Blueprint for Addressing Climate Change at a Municipal Level* (on file with background materials).

Following the presentation, brief discussion took place among Council. Mayor Hayward was also provided an opportunity to make remarks.

Public input was heard from the following individuals:

Larry Chamblin

Christian Wagley

**AWARDS**

None.

**APPROVAL OF MINUTES**

4. [18-00425](#) **APPROVAL OF MINUTES: REGULAR MEETING DATED OCTOBER 11, 2018**

**A motion to approve was made by Council Member Terhaar and seconded by Council Member Spencer.**

**The motion carried by the following vote (with Council Member Myers not yet in attendance):**

Yes: 5	Gerald Wingate, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu
No: 0	None

**APPROVAL OF AGENDA**

Council President Wingate referenced hardcopies of an add-on item sponsored by Mayor Hayward at Council places and indicated **he will entertain a motion to approve adding the following item to the agenda:**

**18-00424 ADD-ON: INTERLOCAL AGREEMENT - PENSACOLA-ESCAMBIA COUNTY PROMOTION AND DEVELOPMENT COMMISSION**

**A motion to approve adding the (above) item to the agenda was made by Council Member Terhaar and seconded by Council Member Spencer.**

**The motion failed by the following vote (with Council Member Myers not yet in attendance):**

Yes: 4	Gerald Wingate, Andy Terhaar, Brian Spencer, P.C. Wu
No: 1	Larry Johnson

**A motion to approve the agenda was made by Council Member Terhaar and seconded by Council Member Spencer.**

**Council Member Spencer requested Item 17, 18-00329 LAND EXCHANGE AGREEMENT - PENSACOLA SOCCER COMPLEX, be moved up to the top of the regular agenda (prior to Item 10).**

**The motion approving the agenda (as amended) carried by the following vote (with Council Member Myers not yet in attendance):**

Yes: 5	Gerald Wingate, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu
No: 0	None

**CONSENT AGENDA**

5. [18-00375](#) HOME INVESTMENT PARTNERSHIPS ACT PROGRAM INTERLOCAL AGREEMENT

**Recommendation:** That City Council approve the HOME Investment Partnerships Act Program (HOME) interlocal agreement with Escambia County providing for the City of Pensacola's participation in the HOME program. Further, that City Council authorize the Mayor to execute all documents relating to the program's administration.

6. [18-00393](#) PENSACOLA AND PERDIDO BAYS ESTUARY PROGRAM INTERLOCAL AGREEMENT

**Recommendation:** That City Council approve entering into the Pensacola and Perdido Bay Estuary Program Interlocal Agreement. Further that City Council authorize the Mayor to execute all associated implementing documents.

7. [18-00397](#) PENSACOLA ENERGY - AWARD OF CONTRACT FOR WAREHOUSE RACKS AND EQUIPMENT

**Recommendation:** That City Council award a contract in the amount of \$49,515 to Carolina Handling, LLC of Charlotte, North Carolina for the replacement and installation of racks, warehouse fixtures, and equipment in the Pensacola Energy warehouse. Further, that Council authorize the Mayor to execute the contract and take all actions necessary to complete the work.

8. [18-00401](#) EXECUTIVE ASSISTANT TO COUNCIL AND COUNCIL ASSISTANT SALARY INCREASE

**Recommendation:** That the City Council approve salary increases for the Executive Assistant to Council and Council Assistant, effective October 1, 2018.

9. [18-00405](#) INTERLOCAL AGREEMENT BETWEEN ESCAMBIA COUNTY AND THE CITY OF PENSACOLA - FUNDING OF AEROSPACE MAINTENANCE, REPAIR AND OVERHAUL (MRO) CAMPUS EXPANSION AT PENSACOLA INTERNATIONAL AIRPORT

**Recommendation:** That City Council approve the Interlocal Agreement between the Escambia County Board of County Commissioners and the City of Pensacola related to the funding of the aerospace maintenance, repair and overhaul (MRO) campus expansion at the Pensacola International Airport. Further, that City Council authorize the Mayor to take all actions necessary to execute an Interlocal Agreement.

**A motion to approve consent agenda Items 5 through 9 was made by Council Member Terhaar and seconded by Council Member Spencer.**

**CONSENT AGENDA (CONT'D.)**

**The motion (to approve consent agenda Items 5 through 9) carried by the following vote (with Council Member Myers not yet in attendance):**

Yes: 5            Gerald Wingate, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu  
No: 0            None

**REGULAR AGENDA****17.    [18-00329](#) LAND EXCHANGE AGREEMENT - PENSACOLA SOCCER COMPLEX**

**Recommendation:** That City Council authorize a land exchange of a portion of city-owned real property located at 2130 Summit Boulevard, parcel reference number 331S307103000000, account number 033540010 with improved real property owned by the Young Men's Christian Association of Northwest Florida, Inc. located at 3215 Langley Avenue, parcel reference number 131S292102000001, account number 012324010 to further the development of a soccer complex. Further that City Council declare the city-owned property surplus and deem such exchange a valid municipal purpose. Finally, that City Council authorize the Mayor to take all action necessary for the exchange of the properties including but not limited to obtaining an appraisal, dividing and a survey of the properties.

**A motion to approve was made by Council Member Terhaar and seconded by Council Member Spencer.**

Public input was heard from the following individuals:

Sam Mathews	Zachary Peterson
Scott Grissett	Steve Willis
David Werdung	Phil Nickinson
Emily Morgan (with her son Berkley)	Spirit Meeks (with Samantha Pearson)
Patrick Smith	Charles Bare
Frency Moore	

There being no further discussion, the vote was called.

**The motion carried by the following vote (with Council Member Myers not yet in attendance):**

Yes: 5            Gerald Wingate, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu  
No: 0            None

**REGULAR AGENDA (CONT'D.)****10. [18-00361](#) PUBLIC HEARING - ANNEXATION OF PROPERTY - CAMPUS HEIGHTS PHASE II**

**Recommendation:** That City Council conduct the second of two required Public Hearings, on November 8, 2018, to consider the annexation of fifty-two (52) parcels in the Campus Heights area, which are all owned by the Pensacola International Airport.

Airport Director Flynn described the issue before Council as outlined in the agenda package dated 11/8/18.

There was no public input or discussion among Council.

**A motion to approve was made by Council Member Johnson and seconded by Council Member Terhaar.**

**The motion carried by the following vote:**

Yes: 6	Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu
No: 0	None

**11. [25-18](#) PROPOSED ORDINANCE NO. 25-18 - ANNEXATION OF PROPERTY - CAMPUS HEIGHTS PHASE II**

**Recommendation:** That City Council approve Proposed Ordinance No. 25-18 on first reading.

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE

**A motion to adopt was made by Council Member Terhaar and seconded by Council Member Johnson.**

**The motion carried by the following vote:**

Yes: 6	Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu
No: 0	None

**REGULAR AGENDA (CONT'D.)**

12. [18-00396](#) QUASI -JUDICIAL HEARING - REQUEST FOR CONDITIONAL USE PERMIT APPROVAL - 805 E. GADSDEN STREET - EAST HILL ANIMAL HOSPITAL & PET RESORT

**Recommendation:** That City Council conduct a quasi-judicial hearing on November 8, 2018 to consider the request for Conditional Use Permit approval for 805 E. Gadsden Street - East Hill Animal Hospital and Pet Resort.

Council President Wingate read into the record describing how a quasi-judicial proceeding differs from legislative action. He then called on City staff as to whether or not this issue is contested. **Planning Services Administrator Morris indicated she is not aware of any formal protest contesting the legality of (this) request.** Council President Wingate indicated they may dispense of formalities and called for evidence to be entered into the record by City staff.

Planning Services Administrator Morris presented evidence into the record on behalf of the City describing the issue and referencing all background materials provided in the agenda package dated 11/8/18, as well as overhead slides of the subject plat.

**Dr. Laura Hall:** The applicant of (this) request was in attendance and indicated she has no additional evidence to provide.

**A motion to approve was made by Council Member Johnson and seconded by Council Member Spencer.**

**The motion carried by the following vote:**

Yes: 6	Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu
No: 0	None

13. [18-00406](#) LETTER FROM CITY COUNCIL TO ALL MEMBERS SERVING ON CITY COUNCIL APPOINTED BOARDS, COMMISSIONS OR AUTHORITIES

**Recommendation:** That City Council authorize the Council President to author a letter to be sent to all members serving on City Council appointed Boards, Commissions or Authorities.

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

**The motion carried by the following vote:**

Yes: 6	Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu
No: 0	None

**REGULAR AGENDA (CONT'D.)****14. [18-00412](#) DECLARATION OF THE EXISTENCE OF EXIGENT CIRCUMSTANCES REGARDING PARCELS I, IA AND III INCLUDED IN THE SEVILLE HARBOR LEASE**

**Recommendation:** That City Council expressly declare that exigent circumstances exist regarding Parcels I, IA, and III included in the Seville Harbor Lease in accordance with Section 2-3-4 of the City Code. Further, that with this declaration, City Council authorize the Mayor to bring forth a Purchase and Sales Agreement regarding these parcels for consideration.

**A motion to approve was made by Council Member Terhaar and seconded by Council Member Johnson.**

Discussion ensued among Council with Mayor Hayward commenting.

Public input was heard from the following individuals:

John Bullock  
Ed Fleming

Ray Russenberger  
Collier Merrill

Council President Wingate made comments indicating he can support this declaration. There being no further discussion, called for the vote.

**Council Member Spencer stated he will abstain from the vote on this item due to his conflict of interest.**

**The motion carried by the following vote (with Council Member Spencer abstaining):**

Yes: 4	Sherri Myers, Andy Terhaar, Larry Johnson, P.C. Wu
No: 1	Gerald Wingate

**15. [18-00409](#) APPROVAL OF REAL PROPERTY PURCHASE - 605 WEST INTENDENCIA**

**Recommendation:** That City Council approve the property purchase and sales agreement for the purchase of real property located at 605 West Intendencia, parcel reference number, 000S009070036041, account number 152164000 located within the footprint of Corinne Jones Stormwater Park from Randall A. Seaward in the amount of \$121,091.70 plus closing costs and appraisal fee of \$774.45 for a total of \$121,866.15. Further that City Council authorize the Mayor to negotiate and execute all necessary documents related to the purchase of the property. Finally, that City Council approve a Supplemental Budget Resolution appropriating funds for the purchase of the property.

**A motion to approve was made by Council Member Johnson and seconded by Council Member Spencer.**

**REGULAR AGENDA (CONT'D.)**

**The motion (to approve Item 15) carried by the following vote:**

Yes: 6            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry  
                     Johnson, P.C. Wu  
No: 0            None

16. [18-54 SUPPLEMENTAL BUDGET RESOLUTION NO. 18-54 - 605 WEST INTENDENCIA](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 18-54.

[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 Wingate and seconded by Council Member Terhaar.**

**The motion carried by the following vote:**

Yes: 6            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry  
                     Johnson, P.C. Wu  
No: 0            None

18. [18-00391 CITY OF PENSACOLA HOMEBUYER INCENTIVE PROGRAM](#)

**Recommendation:** That City Council approve a modification to the City of Pensacola Homebuyer Incentive Program eligibility criteria to remove the essential services personnel requirement.

**A motion to approve was made by Council Member Terhaar and seconded by Council Member Spencer.**

**The motion carried by the following vote:**

Yes: 6            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry  
                     Johnson, P.C. Wu  
No: 0            None

**REGULAR AGENDA (CONT'D.)****19. [18-00415](#) TRANSFER OF FIVE FLAGS MEMORIAL PARK TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

**Recommendation:** That the City Council adopt a resolution authorizing the Mayor to execute a quitclaim deed transferring the Five Flags Memorial Park to the State of Florida Department of Transportation and to enter into an agreement with the State for appropriate replacement signage. Further that City Council declare the city-owned property surplus and deem such exchange a valid municipal purpose. Finally that City Council authorize the Mayor to take all action necessary for the exchange of the property.

**A motion to approve was made by Council Member Johnson and seconded by Council Member Terhaar.**

**The motion carried by the following vote:**

Yes: 5	Sherri Myers, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu
No: 1	Gerald Wingate

**20. [18-55](#) RESOLUTION NO. 18-55 - TRANSFER OF FIVE FLAGS MEMORIAL PARK TO FLORIDA DEPARTMENT OF TRANSPORTATION**

**Recommendation:** That City Council adopt Resolution No. 18-55:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, FINDING AND DECLARING THE DESIRABILITY AND NECESSITY OF TRANSFERRING OWNERSHIP OF THE FIVE FLAGS MEMORIAL PARK TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING IMPROVEMENTS RELATED TO THE REPLACEMENT OF THE THREE-MILE BRIDGE OVER PENSACOLA BAY, AND AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA, FLORIDA, TO EXECUTE A QUITCLAIM DEED TO SUCH PROPERTY TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND AN AGREEMENT PROVIDING FOR APPROPRIATE SIGNAGE IN CONNECTION THEREWITH, AND TO TAKE ALL OTHER ACTIONS NECESSARY RELATING TO THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

**A motion to adopt was made by Council Member Terhaar and seconded by Council Member Wingate.**

**The motion carried by the following vote:**

Yes: 6	Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu
No: 0	None

**REGULAR AGENDA (CONT'D.)**

21. 18-48 SUPPLEMENTAL BUDGET RESOLUTION NO. 18-48 - FY 2019 ENCUMBRANCE CARRYOVER BUDGET RESOLUTION

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 18-48.

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 Johnson and seconded by Council Member Terhaar.**

**The motion carried by the following vote:**

Yes: 6            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu  
No: 0            None

22. 18-49 SUPPLEMENTAL BUDGET RESOLUTION NO. 18-49 - FINAL AMENDMENT TO THE FISCAL YEAR 2018 BUDGET

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 18-49.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2018; PROVIDING FOR AN EFFECTIVE DATE.

**A motion to adopt was made by Council Member Terhaar and seconded by Council Member Johnson.**

**The motion carried by the following vote:**

Yes: 6            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu  
No: 0            None

23. 18-50 SUPPLEMENTAL BUDGET RESOLUTION NO. 18-50 - FY 2019 NON-ENCUMBERED CARRYOVER BUDGET RESOLUTION

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 18-50.

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

**REGULAR AGENDA (CONT'D.)**

**A motion to adopt (Res. No. 18-50) was made by Council Member Johnson and seconded by Council Member Terhaar.**

**The motion carried by the following vote:**

Yes: 6	Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Larry Johnson, P.C. Wu
No: 0	None

**DISCUSSION**

None.

**COUNCIL EXECUTIVE'S REPORT**

Council Executive Kraher advised he will be calling Council Members (individually) to schedule a special City Council meeting, regarding the Airport's Master Plan, either on November 27<sup>th</sup> (in the afternoon to proceed the reception following the two special meetings already scheduled) or on November 28<sup>th</sup>.

**MAYOR'S COMMUNICATION**

Mayor Hayward made remarks as this is his final (regular) meeting since serving two (2) terms as mayor. He thanked the Council for working with him, various staff, and commented on outgoing and incoming Council Members for Districts 4 and 6.

**COUNCIL COMMUNICATIONS**

Council Member Johnson made remarks as this is his final (regular) meeting since being first elected to the City Council ten (10) years ago.

Council Members Myers and Wu made remarks regarding the outgoing Council Members and Mayor Hayward.

**CIVIC ANNOUNCEMENTS**

None.

**SECOND LEROY BOYD FORUM**

**Dorothy Dubuisson:** Made announcements of upcoming events in the Belmont-DeVilliers neighborhood in conjunction with Foo Foo Festival. She, too, made farewell remarks of outgoing Council Members and the Mayor.

**SECOND LEROY BOYD FORUM (CONT'D.)**

**Council President Wingate:** Tagged on farewell remarks to outgoing elected officials.

That concluded the second segment of LeRoy Boyd forum.

**ADJOURNMENT**

WHEREUPON the meeting was adjourned at 8:20 P.M.

\*\*\*\*\*

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
R. Andy Terhaar, President of City Council

Attest:

\_\_\_\_\_  
Ericka L. Burnett, City Clerk