

November 20, 2008
Pensacola, Florida

A regular meeting of the Pensacola City Council was held on November 20, 2008, commencing at 7:00 P.M. with Mayor John Fogg presiding. Council Members present were Jewel Cannada-Wynn (arrived 7:38), Mike DeSorbo, Marty Donovan, Sam Hall, John Jerrals, Jack Nobles, Ronald Townsend, Mike Wiggins, and P. C. Wu (arrived 7:07). No Members were absent.

MAYOR FOGG: Called the meeting to order. He indicated the invocation would be given by Associate Pastor Jon DuBois of Olive Baptist Church. He asked Council Member DeSorbo to lead us in the Pledge of Allegiance.

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

MAYOR FOGG: First item of business were the minutes of a regular meeting of the Council dated October 23, 2008 and minutes of a special meeting of the Council on November 10, 2008, and asked if there were any additions, corrections or deletions?

COUNCIL MEMBER NOBLES: Moved the approval.

DEPUTY MAYOR JERRALDS: Seconded.

MAYOR FOGG: There being no discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 8 - 0. Council Members Cannada-Wynn and Wu absent for the vote.)

AWARDS AND PRESENTATIONS:

MAYOR FOGG: Called on City Manager Coby to join him for awards and presentations.

The first presentation was recognizing Chief George B. "White Antelope" Dodge, Sr., for his involvement with the First Nations Intertribal Association, Inc. working with local communities in Northwest Florida. Mike Burns, Special Assistant to Governor Charlie Crist also made a presentation to Chief Dodge on behalf of Governor Crist. Chief Dodge then made comments regarding his work to bring education and awareness to the public in order to encourage better understanding of Native culture, history and conditions.

AWARDS AND PRESENTATIONS cont'd:

The next presentation was an award of merit presented to Police Sgt. Lalesa Stokes and Officer Eric Angivine who both responded to a duress alarm at the Hertz Rental Car counter at the Gulf Coast Regional Airport.

The employee of the month for November was unable to be present at this meeting and will be recognized at the December City Council meeting.

Finally, employee service pins were presented to those employees recognizing years of service in five-year intervals.

That concluded awards and presentations.

PUBLIC HEARINGS:

MAYOR FOGG: Indicated due to the number of individuals who would like to address Council this evening he would invoke the three minute rule per speaker.

He then called on City Clerk Burnett to read the subject of item 5-A.

CITY CLERK BURNETT: Item 5-A is a public hearing to consider:

*PENSACOLA GULF COAST REGIONAL AIRPORT –
AIRPORT RESTRICTED ZONE PERMITTED USES*

MAYOR FOGG: Indicated there was one individual from the audience who would like to address Council regarding this issue and called on him.

MR. T. R. EAGAN: Began making comments (regarding an airport issue which would be reported under the Enterprise Operations Committee later in the meeting).

MAYOR FOGG: Indicated he would call on Mr. Eagan when the issue he really meant to address comes up later in the agenda. He indicated to Council no one else from the audience wishes to address Item 5-A and he would entertain a motion.

PUBLIC HEARINGS cont'd:

COUNCIL MEMBER NOBLES: Moved to approve the expansion of permitted uses allowed within the Airport Restricted Zone (ARZ) designation to include hotels, motels, extended stay facilities, pharmacy, restaurant and drive through facilities, banks, offices, post secondary education facilities, meeting facilities, dry cleaner, health club, exercise center, martial arts facility, bakery, floral shop, day care/child care facility, medical clinic, doctor and dentist offices, retail services to include specialty shops and studios; or other similar or compatible uses.

COUNCIL MEMBER WIGGINS: Seconded.

MAYOR FOGG: There being no further discussion, called for the vote on Item 5-A.

(Electronic voting takes place indicating the motion passed 9 - 0. Council Member Cannada-Wynn absent for the vote.)

MAYOR FOGG: Called on City Clerk Burnett to read the subject of Item 5-B.

CITY CLERK BURNETT: Item 5-B is a public hearing to consider:

*REQUEST FOR CONSIDERATION OF AN AMENDMENT
TO THE LAND DEVELOPMENT CODE – OEHC-1 ZONING
DISTRICT PERMITTED USES.*

MAYOR FOGG: Indicated there were individuals in the audience who would like to address Council regarding this issue.

CITY MANAGER COBY: Indicated staff has information to present regarding this request, if that would be appropriate before hearing from the public?

MAYOR FOGG: Yes.

PLANNING SERVICES ADMINISTRATOR MORRIS: Indicated this request was brought forward from a private citizen, Dr. Laura Hall who has asked for consideration of a Land Development Code amendment which would add "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas" to the permitted uses allowed in the Old East Hill Neighborhood Commercial District (OEHC-1).

PUBLIC HEARINGS cont'd:

PLANNING SERVICES ADMINISTRATOR MORRIS: She provided overhead graphics to depicting maps of the district boundaries, as well as the property owned by Dr. Hall within the district; and information as to the current zoning uses within the Old East Hill district. She also gave a summary of the process that has taken place regarding Dr. Hall's request, which included going before the Planning Board (as outlined in the committee memorandum dated November 17, 2008).

MAYOR FOGG: Following the staff presentation began calling on the individuals wishing to address Council, which were as follows:

Diana Barnes
Pat McGrath
Dr. Laura Hall

MAYOR FOGG: Indicated that concluded public input.

Discussion ensued among Council Members with Planning Services Administrator fielding questions and comments.

COUNCIL MEMBER DONOVAN: Made a motion to approve the request for an amendment to the Land Development Code adding "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas" to the permitted uses allowed in the Old East Hill Neighborhood Commercial District (OEHC-1).

COUNCIL MEMBER NOBLES: Seconded.

DEPUTY MAYOR JERRALDS: Made comments indicating he is not in support of the motion.

MAYOR FOGG: There being no further discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 7 - 3. Council Members Jerrals, Townsend, and Wu dissenting.)

PUBLIC HEARINGS cont'd:

MAYOR FOGG: Called on City Clerk Burnett to read the subject of Item 5-C.

CITY CLERK BURNETT: Item 5-C is a public hearing to consider:

*FUTURE LAND USE MAP/ZONING MAP AMENDMENT –
1421 SONIA STREET AND PROPERTIES IN THE 900
BLOCK OF SOUTH "I" STREET*

MAYOR FOGG: Indicated there are several individuals from the audience who would like to address Council regarding this issue and began calling on them as follows:

Nancy Neiger	Bobby Switzer
Bob Neiger	Blake Jochum
Sterling Stoudenmire	Jose Corredera
Dr. Tom Ferretti	Laura Jochum
Ann Bruno Ferretti	James Veal

Throughout public input Council Members asked questions of Planning Services Administrator Morris regarding comments made by speakers as it relates to this zoning amendment request.

MAYOR FOGG: Upon conclusion of public input indicated he would entertain a motion.

COUNCIL MEMBER DESORBO: Made a motion (amending the recommendation as outlined in the City Council memorandum dated November 20, 2008) to approve amending the City's Future Land Use Map from Medium Density Residential (MDR) to High Density Residential (HDR) and Conservation (CO) and the City's Zoning Map from R-1AA (One and Two Family Residential) to R-2B (Multi-Family Residential) and Conservation (CO), which includes (based on Dr. Ferretti's comments) a reduction of the Conservation (CO) zoning and FLU at the north property line which will allow R-2B/HDR to extend to the eastern boundary of the subject property, for properties located at 1421 Sonia Street, 900 South "I" Street, 902 South "I" Street and 904 South "I" Street; and transmit the request to the Department of Community Affairs (DCA) for review and comment prior to final adoption.

COUNCIL MEMBER NOBLES: Seconded.

PUBLIC HEARINGS cont'd:

Discussion ensued among Council Members with Planning Services Administrator Morris fielding comments and questions.

DEPUTY MAYOR JERRALDS: During discussion asked a direct question of Mr. Jochum regarding the motion on the floor and he responded accordingly.

MAYOR FOGG: Upon conclusion of discussion called for the vote on Item 5-C.

(Electronic voting takes place indicating the motion passed 6 - 4. Council Members Cannada-Wynn, Donovan, Hall and Jerrals dissentsing.)

That concluded public hearings.

QUASI-JUDICIAL HEARINGS:

None.

MAYOR AND COUNCIL COMMUNICATIONS:

DEPUTY MAYOR JERRALDS: Made comments regarding the following 1) Library operations at the Westside Branch and Century Branch; 2) notification by Mundy Maintenance and Services, LLC in care of the Solutia facility in Pensacola to permanently layoff employees on or about November 21, 2008; and 3) the remarks made by Chief Dodge during awards and presentations.

COUNCIL MEMBER TOWNSEND: Made comments regarding Gulf Power's current proposal for upgrading transmission lines through neighborhoods (west of North Hill) and how it is causing upset in the community. He then **made a motion that this issue be referred to the Neighborhood Services Committee for thorough review in order to make recommendations to Gulf Power.**

COUNCIL MEMBER CANNADA-WYNN: Seconded.

MAYOR FOGG: Indicated that a motion to refer to committee is not debatable and called for the vote.

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

PETITIONS:

CITY CLERK BURNETT: Indicated she is in receipt of petitions (copies provided to Council Members at their places) urging Council to support the Department of Parks and Recreation, Gull Point Recreation Center Dance Program.

MAYOR FOGG: Indicated that petition would be entered into the record.

That concluded petitions.

REPORTS OF STANDING COMMITTEES:

MAYOR FOGG: Indicated the first committee to report would be the Finance Committee and called on Deputy Mayor Jerrals, Chair to render the report.

DEPUTY MAYOR JERRALDS: Indicated the Finance Committee met on Monday, November 17, 2008. Committee Members present were Jerrals, Cannada-Wynn, Nobles, Townsend, and Wiggins. Mayor Fogg was absent. There were three action items.

1. SUBJECT: AIRPORT FINANCING – RENTAL CAR SERVICE FACILITY FINANCING AMENDMENT

Reference Material:

Committee Memorandum November 17, 2008

Recommendation:

That City Council approve an amendment to Resolution #03-08 decreasing the Bank of America borrowing amount from \$21,000,000 to \$19,000,000.

The motion passed unanimously.

2. SUBJECT: WIRELESS SERVICE – ADDITIONAL VENDOR

Reference Material:

Committee Memorandum November 17, 2008

REPORTS OF STANDING COMMITTEES cont'd:

Recommendation:

That City Council approve adding Verizon Wireless as a second vendor for wireless service using State of Florida voice contract #725-330-05-1 and GSA contract GSA-FSS GS-35F-0119F.

The motion passed unanimously.

3. SUBJECT: FY 2009 ENCUMBRANCE CARRYOVER BUDGET RESOLUTION

Reference Material:

Committee Memorandum November 17, 2008

Recommendation:

That the resolution amending the fiscal year 2009 budget be approved.

The motion passed unanimously.

And moved the approval of all three items.

COUNCIL MEMBER NOBLES: Seconded.

MAYOR FOGG: There being no discussion, called for the vote.

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

That concluded the report of the Finance Committee.

MAYOR FOGG: Indicated the next standing committee to report would be the Neighborhood Services Committee and called on Council Member Townsend, Chair to give the report.

COUNCIL MEMBER TOWNSEND: Indicated the Neighborhood Services Committee met on Monday, November 17, 2008. Committee Members present were Townsend, DeSorbo, Hall, and Jerrals. Council Member Wu was absent. There were twelve action items.

REPORTS OF STANDING COMMITTEES cont'd:

1. SUBJECT: MUTUAL AID AGREEMENT - PENSACOLA POLICE DEPARTMENT AND THE UNIVERSITY OF WEST FLORIDA POLICE DEPARTMENT

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council authorize the City Manager to execute a mutual aid agreement with the University of West Florida allowing for a combined operational assistance and voluntary cooperation agreement between the Pensacola Police Department and the UWF Police Department.

The motion passed unanimously.

2. SUBJECT: ARCHITECTURAL/ENGINEERING DESIGN SERVICES - PENSACOLA POLICE DEPARTMENT BUILDING RENOVATION AND EXPANSION

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council authorize Townes Plus Architects, P.A. to proceed with architectural/engineering design services for renovation and expansion of the Pensacola Police Department Headquarters for a fee of \$185,000.

The motion passed unanimously.

3. SUBJECT: AWARD OF PURCHASE - SEDANS AND LIGHT DUTY TRUCKS

Reference Material:

Committee Memorandum dated November 17, 2008

REPORTS OF STANDING COMMITTEES cont'd:

Recommendation:

That City Council award a contract for the purchase of one (1) half-ton standard cab pickup truck (\$13,047) and one (1) half-ton extended cab pickup truck (\$17,695) to Orville Beckford Ford/Mercury of Milton, FL; one Chevrolet Impala police pursuit sedan (\$19,668) to Garber Chevrolet, Green Cove Springs, FL and one (1) Dodge Charger police pursuit sedan (\$22,110) to Maroone Dodge, LLC of Miami, FL under Florida Sheriff's Association Contract number 08-16-0908 and four (4) Chevrolet Impala administrative sedans (\$16,026) to Garber Chevrolet, Green Cove Springs, FL under Florida Sheriff's Association Contract #07-15-0827, for a total award of \$136,624.

The motion passed unanimously.

4. **SUBJECT: AWARD OF PURCHASE – STREET SWEEPER**

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council award a contract for the purchase of one (1) Elgin "Eagle" dual broom street sweeper to Sansom Equipment Company, Mobile, AL, under the City of Tallahassee, Florida bid #1619, in the amount of \$184,886.

The motion passed unanimously.

5. **SUBJECT: PRIVATE STREET MAINTENANCE REQUEST - VICTORIA STATION HOMEOWNERS' ASSOCIATION**

Reference Material:

Committee Memorandum dated November 17, 2008

REPORTS OF STANDING COMMITTEES cont'd:

Recommendation:

That City Council approve the request from the Victoria Station Homeowners' Association to accept the private streets located within the Victoria Station Subdivisions, subject to execution of a public right-of-way dedication and access easement.

The motion passed unanimously.

6. SUBJECT: AWARD OF BID #08-054 – "A" STREET APPROACH CHANNEL DREDGING PROJECT

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council approve a contract with National Hydraulic Dredge LLC. of Clearwater Florida, the lowest and best responsible bidder, in the amount of \$222,800 plus a 10% contingency for the "A" Street Approach Channel Dredging Project.

The motion passed unanimously.

7. SUBJECT: ROMANA STREET OUTFALL DRAINAGE IMPROVEMENT PROJECT

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council approve Service Authorization No. 18 with Baskerville –Donovan, Inc. (BDI) in an amount not to exceed \$69,329 for the preparation of construction documents, necessary survey work, geotechnical investigation and contract administration for the Romana Street Outfall Drainage Improvements Project.

The motion passed unanimously.

REPORTS OF STANDING COMMITTEES cont'd:

8. SUBJECT: AWARD OF CONTRACT - RESTROOM BUILDING - OSCEOLA GOLF COURSE

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council approve the purchase and installation of a new pre-cast concrete restroom building at Osceola Golf Course in the amount of \$53,350 from AES Precast Company, Inc., Northport, Alabama, under GSA Contract #GS-07F-0331L and authorize the expenditure of \$18,920 for related costs associated with the installation, including a 10% Contingency.

The motion passed unanimously.

9. SUBJECT: PURCHASE OF PLAYGROUND EQUIPMENT FOR BAYVIEW PARK

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council approve the purchase and installation of a playground structure and related equipment for Bayview Park from Playmore Recreational Products & Services in the amount of \$131,360.76 under City of Jacksonville Contract # SC-0511-06.

The motion passed unanimously.

REPORTS OF STANDING COMMITTEES cont'd:

10. SUBJECT: PURCHASE OF PLAYGROUND EQUIPMENT, SHADE COVER AND PICNIC TABLES FOR BAYCLIFF PARK

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council approve the purchase and installation of playground equipment, shade cover and picnic tables for Baycliff Park from J.A Dawson and Company, Inc. in the amount of \$56,202.09 under City of Jacksonville Contract # SC-0511-06 and allow the balance of \$13,797.91 to be used for a concrete walkway, fencing and parking barriers.

The motion passed unanimously.

11. SUBJECT: ARCHITECTURAL/ENGINEERING DESIGN SERVICES - PARKS AND RECREATION PROJECTS

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council authorize the Parks and Recreation Department to award continuing professional service contracts to PBS&J, Hernandez Calhoun Design International and Quina Grundhoefer Architects for architectural and engineering design services for various Parks and Recreation Penny for Progress Projects.

The motion passed unanimously.

REPORTS OF STANDING COMMITTEES cont'd:

12. SUBJECT: SANITATION REORGANIZATION – YARD TRASH

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council reclassify three (3) Sanitation Equipment Operator I positions to Sanitation Equipment Operator II positions as part of the reorganization of the Sanitation Yard Trash collection activity.

The motion passed unanimously.

And moved the approval of all twelve items.

COUNCIL MEMBER CANNADA-WYNN: Seconded.

COUNCIL MEMBER DONOVAN: Requested to hold item #7.

MAYOR FOGG: Called for the vote on items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, and 12.

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

COUNCIL MEMBER TOWNSEND: Item 7, SUBJECT: ROMANA STREET OUTFALL DRAINAGE IMPROVEMENT PROJECT.

COUNCIL MEMBER DONOVAN: Indicated he would need to abstain from the vote on this item due to a conflict of interest.

MAYOR FOGG: There being no further discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 9 - 0. Council Member Donovan abstaining from the vote.)

DEPUTY MAYOR JERRALDS: Inquired of an update on the status of a pre-disparity study which the City has engaged a consultant to handle?

REPORTS OF STANDING COMMITTEES cont'd:

MAYOR FOGG: Asked Deputy Mayor Jerrals to bring up under unfinished business.

COUNCIL MEMBER WIGGINS: Mentioned a presentation given on Monday, November 17, 2008 during the Neighborhood Services Committee meeting regarding curbside recycling.

That concluded the report of the Neighborhood Services Committee.

MAYOR FOGG: Indicated the next standing committee to report would be the Economic and Community Development Committee and called on Council Member Wiggins to render the report.

COUNCIL MEMBER WIGGINS: Indicated the Economic and Community Development Committee met on Monday, November 17, 2008. Committee Members present were Wiggins, Donovan, Cannada-Wynn, Hall, and Nobles. No Members were absent. There were five action items.

1. SUBJECT: PENSACOLA GULF COAST REGIONAL AIRPORT- AIRPORT RESTRICTED ZONE PERMITTED USES

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council conduct a public hearing on November 20, 2008 to consider expansion of permitted uses allowed within the Airport Restricted Zone (ARZ) designation to include hotels motels, extended stay facilities, pharmacy, restaurant and drive through facilities, banks, office, post secondary education facilities, meeting facilities, dry cleaner, health club, exercise center, martial arts facility, bakery, floral shop, day care/child care facility, medical clinic, doctor and dentist offices, and retail services to include specialty shops and studios; or other similar or compatible uses.

The motion passed unanimously.

REPORTS OF STANDING COMMITTEES cont'd:

2. SUBJECT: 16 SOUTH PALAFOX PLACE

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council reject the proposal submitted in response to RFP #08-056 for the acquisition of surplus property located at 16 South Palafox.

The motion passed unanimously.

3. SUBJECT: REQUEST FOR CONSIDERATION OF AN AMENDMENT TO THE LAND DEVELOPMENT CODE- OEHC-1 ZONING DISTRICT PERMITTED USES

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council conduct a public hearing on November 20, 2008 to consider the request for an amendment to the Land Development Code adding "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas" to the permitted uses allowed in the Old East Hill Neighborhood Commercial District (OEHC-1).

The motion passed unanimously.

REPORTS OF STANDING COMMITTEES cont'd:

4. SUBJECT: FUTURE LAND USE MAP/ZONING MAP AMENDMENT - 1421 SONIA STREET AND PROPERTIES IN THE 900 BLOCK OF SOUTH "I" STREET

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council conduct a public hearing on November 20, 2008 to consider amending the City's Future Land Use Map from Medium Density Residential (MDR) to High Density Residential (HDR) and Conservation (CO) and the City's Zoning Map from R-1AA (One and Two Family Residential) to R-2B (Multi-Family Residential) and Conservation (CO) for properties located at 1421 Sonia Street, 900 South "I" Street, 902 South "I" Street and 904 South "I" Street; and transmit the request to the Department of Community Affairs (DCA) for review and comment prior to final adoption.

The motion passed unanimously.

5. SUBJECT: INTERLOCAL AGREEMENT BETWEEN UNIVERSITY OF WEST FLORIDA AND THE CITY OF PENSACOLA REGARDING PERMITTING, PLAN REVIEW AND INSPECTIONS OF STRUCTURES OWNED BY THE UNIVERSITY OF WEST FLORIDA LOCATED WITHING THE CITY OF PENSACOLA.

Reference Material:

Committee Memorandum dated November 17, 2008

Recommendation:

That City Council approve an interlocal agreement between the University of West Florida and the City of Pensacola.

The motion passed unanimously.

REPORTS OF STANDING COMMITTEES cont'd:

COUNCIL MEMBER WIGGINS: Moved the approval of items 1 – 5.

COUNCIL MEMBER NOBLES: Seconded.

MAYOR FOGG: Indicated an individual from the audience wishes to address Council regarding item #2.

COUNCIL MEMBER TOWNSEND: Indicated he would also like to speak to item #2.

DEPUTY MAYOR JERRALDS: Requested to hold items 3 and 4.

MAYOR FOGG: Called for the vote on items 1 and 5.

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

COUNCIL MEMBER WIGGINS: Item #2, SUBJECT: 16 SOUTH PALAFOX PLACE.

MAYOR FOGG: Called on the individual in the audience.

MR. TOSH BELSINGER: Made comments as a representative for the principals of Palafox 16, LLC (who was the sole response submitted for the acquisition of the subject property) indicating they would like further negotiations with the City.

MAYOR FOGG: Made follow-up remarks clarifying Mr. Belsinger's comments.

COUNCIL MEMBER HALL: Made comments regarding the process for disposing of this property.

COUNCIL MEMBER WIGGINS: Made comments regarding Mr. Belsinger's request to further negotiations and offered a **substitute motion to refer this issue back to the Economic and Community Development Committee for discussion at the December 8, 2008 meeting.**

COUNCIL MEMBER HALL: Seconded.

REPORTS OF STANDING COMMITTEES cont'd:

MAYOR FOGG: Indicated a motion to refer to committee is not debatable and called for the vote on the substitute motion to refer Economic and Community Development item #2 back to committee.

(Electronic voting takes place indicating the motion passed 7 - 3. Council Members Nobles, Townsend, and Wu dissenting.)

COUNCIL MEMBER WIGGINS: Item #3, SUBJECT: REQUEST FOR CONSIDERATION OF AN AMENDMENT TO THE LAND DEVELOPMENT CODE – OEHC-1 ZONING DISTRICT PERMITTED USES. And indicated the public hearing was held earlier in this meeting.

DEPUTY MAYOR JERRALDS: Made comments regarding why he cannot (and did not support in the public hearing) this request.

MAYOR FOGG: There being no further discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 8 - 2. Council Members Jerrals and Wu dissenting.)

COUNCIL MEMBER WIGGINS: Item #4, SUBJECT: FUTURE LAND USE MAP/ZONING MAP AMENDMENT – 1421 SONIA STREET AND PROPERTIES IN THE 900 BLOCK OF SOUTH "I" STREET. And indicated the public hearing was held earlier in this meeting.

DEPUTY MAYOR JERRALDS: Indicated he held this item to express the same sentiments he alluded to when he made remarks regarding item #3.

MAYOR FOGG: There being no further discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 9 - 1. Deputy Mayor Jerrals dissenting.)

That concluded the report of the Economic and Community Development Committee.

MAYOR FOGG: Indicated the next standing committee to report would be the Enterprise Operations Committee and called on Council Member Nobles, Chair to render the report.

REPORTS OF STANDING COMMITTEES cont'd:

COUNCIL MEMBER NOBLES: Indicated the Enterprise Operations Committee met on Monday, November 17, 2008. Committee Members present were Nobles, DeSorbo, Donovan, and Wiggins. Council Member Wu was absent. There were four action items.

1. SUBJECT: PENSACOLA GULF COAST REGIONAL AIRPORT – GROUND LEASE AND DEVELOPMENT AGREEMENT WITH SANDSPUR DEVELOPMENT, LLC

Reference Material:

Committee Memorandum dated November 17, 2008.

Recommendation:

That City Council approve the Ground Lease and Development Agreement with Sandspur Development LLC to lease 11.44 acres of property for the development of a hotel and other commercial uses; provided that the value of the property that will be used to determine all lease amounts is \$6,478,000 and that specific paragraphs are included on landscaping requirements, stormwater treatment requirements, and an architectural guideline process for development.

The motion passed unanimously.

2. SUBJECT: PENSACOLA GULF COAST REGIONAL AIRPORT – PROPERTY ACQUISITION – CAMPUS HEIGHTS SUBDIVISION

Reference Material:

Committee Memorandum dated November 17, 2008.

Recommendation:

That City Council authorize the purchase of parcel S2589 in the Campus Heights Subdivision at the purchase price of \$200,000 plus \$93,000 for replacement housing, moving, incidentals, and other payments in accordance with federal guidelines plus \$48,565 for closing, miscellaneous, and contingency expenses of both the existing and replacement housing.

The motion passed 3-0. Council Member Wiggins absent for the vote.

REPORTS OF STANDING COMMITTEES cont'd:

3. SUBJECT: HOUSING DEPARTMENT – APPROVAL OF FY2008/2009 STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) FIRST TIME HOMEBUYER AGREEMENTS WITH PARTICIPATING LENDERS

Reference Material:

Committee Memorandum dated November 17, 2008.

Recommendation:

That City Council approve, in conjunction with Escambia County Board of County Commissioners, the FY2008/2009 SHIP Agreements with participating local lenders committing a total of \$1,020,000 for down payment and/or closing cost assistance for SHIP eligible homebuyers and with concurrence of the City Manager authorize the County Administrator to approve reallocation of available FY2008 and FY2009 funds between participating lenders as required to meet the demand for SHIP assistance.

The motion passed 3-0. Council Member Wiggins absent for the vote.

4. SUBJECT: PORT OF PENSACOLA – HALCORP LEASE AMENDMENT 5

Reference Material:

Committee Memorandum dated November 17, 2008.

Recommendation:

That City Council approve Lease Amendment 5 to the existing lease between Halcorp Inc., and the City of Pensacola.

The motion passed 3 – 1 with Councilmember Wiggins dissenting.

And moved the approval of items 2, 3, and 4. He requested to hold item #1.

COUNCIL MEMBER CANNADA-WYNN: Seconded.

REPORTS OF STANDING COMMITTEES cont'd:

Council Members Hall and Wiggins requested to hold Enterprise Operations item #4.

MAYOR FOGG: Called for the vote on items 2 and 3.

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

COUNCIL MEMBER NOBLES: Item #1, SUBJECT: PENSACOLA GULF COAST REGIONAL AIRPORT – GROUND LEASE AND DEVELOPMENT AGREEMENT WITH SANDSPUR DEVELOPMENT, LLC.

MAYOR FOGG: Indicated several members of the audience wish to address Council regarding this item as well.

COUNCIL MEMBER NOBLES: Indicated there is an amendment to the recommendation for this item and that the City Manager would like to address this item.

CITY MANAGER COBY: Indicated that there is an amendment to the recommendation and read it into the record as follows:

“That City Council approve the Ground Lease and Development Agreement with Sandspur Development, LLC to lease 11.44 acres of Airport Property for the development of a hotel and other commercial uses based on a Seven Million Dollar (\$7,000,000) value of the property that will determine all lease amounts, with specific paragraphs added to the lease to address landscaping requirements, stormwater requirements, and architectural guidelines for the project.

Further, that the “Right-of-First Refusal” granted to Sandspur Development for years 26-50 of the agreement be deleted from the lease.”

He indicated the amended recommendation has been reviewed by Sandspur Development. He went on to make comments addressing and apologizing for errors made by staff regarding the appraisals for the subject Airport property. He then called on Assistant City Manager Payne for further clarification regarding this proposed lease.

REPORTS OF STANDING COMMITTEES cont'd:

ASST. CITY MANAGER PAYNE: Addressed errors made regarding the appraisals of the subject property, the additional language being added to address landscaping, stormwater, and architectural requirements, as well as the deletion of "Right-of-First Refusal" in years 26-50. He then called on Airport Director Miller for further details of the actions that have occurred regarding this item and the amended recommendations.

AIRPORT DIRECTOR MILLER: Read a statement into the record explaining errors that occurred and what may have caused the errors in the process of handling the appraisals for the proposed lease for this property.

COUNCIL MEMBER NOBLES: Moved the approval of the amended recommendation that City Council approve the Ground Lease and Development Agreement with Sandspur Development, LLC to lease 11.44 acres of Airport Property for the development of a hotel and other commercial uses based on a Seven Million Dollar (\$7,000,000) value of the property that will determine all lease amounts, with specific paragraphs added to the lease to address landscaping requirements, stormwater requirements, and architectural guidelines for the project.

Further, that the "Right-of-First Refusal" granted to Sandspur Development for years 26-50 of the agreement be deleted from the lease."

COUNCIL MEMBER DONOVAN: Seconded.

Discussion ensued among Council Members with comments and questions being directed to Airport Director Miller regarding the actions of staff related to the negotiations of the lease and development agreement for the subject property, as well as the amended recommendation. Airport Director Miller responded accordingly.

MAYOR FOGG: There being no further comments or questions for staff began calling on members of the audience who indicated they would like to address Council regarding this issue.

The following individuals addressed Council:

Jim Cronley
Dave Cleveland
Gary Watson
Robert Beasley
T. R. Eagan

Joe Buehler
John Peacock
Gregg Beck
Derek Cosson
John Griffing

Malcolm Cobb
Todd Snyder
Julian MacQueen

REPORTS OF STANDING COMMITTEES cont'd:

Throughout public input Council Members asked direct questions of speakers and City staff.

Following public input further discussion ensued among Council Members.

COUNCIL MEMBER WIGGINS: Made comments and offered a substitute motion that Enterprise Operations item #1 be referred back to staff to set a date for a future meeting.

COUNCIL MEMBER TOWNSEND: Seconded.

MAYOR FOGG: Indicated a motion to refer to staff is debatable.

COUNCIL MEMBER TOWNSEND: Made comments in favor of the substitute motion to enable the public to have clear understanding of the issue.

MAYOR FOGG: There being no further discussion, called for a vote on the substitute motion.

(Electronic voting takes place indicating the motion failed 3 - 7. Council Members Hall, Townsend, and Wiggins assenting.)

MAYOR FOGG: Made follow-up remarks regarding the motion as recommended and then called for the vote.

(Electronic voting takes place indicating the motion passed 7 - 3. Council Members Hall, Townsend, and Wiggins dissenting.)

COUNCIL MEMBER NOBLES: Item #4, SUBJECT: PORT OF PENSACOLA – HALCORP LEASE AMENDMENT 5.

Council Members Wiggins, Hall, DeSorbo, Cannda-Wynn, and Fogg made comments regarding their position on this item.

MAYOR FOGG: Upon conclusion of discussion, called for the vote.

(Electronic voting takes place indicating the motion passed 7 - 3. Mayor Fogg and Council Members Wiggins and Wu dissenting.)

REPORTS OF STANDING COMMITTEES cont'd:

COUNCIL MEMBER NOBLES: Mentioned the City Council Memorandum (dated November 20, 2008) updating Council on Pate Stevedore Company Freezer Lease Amendment #1, which will be discussed at the December 8, 2008 Enterprise Operations Committee meeting.

DEPUTY MAYOR JERRALDS: Made comments regarding future business uses at the Port.

That concluded the report of the Enterprise Operations Committee.

MAYOR FOGG: Indicated the next committee to report would be the Committee of the Whole, of which he is Chair but was absent for the meeting. He called on Deputy Mayor Jerrals, Vice Chair to give the report.

DEPUTY MAYOR JERRALDS: Indicated the Committee of the Whole met on Monday, November 17, 2008. Committee Members present were Jerrals, Cannada-Wynn, DeSorbo, Donovan, Hall, Nobles, Townsend, and Wiggins. Mayor Fogg and Council Member Wu were absent. There was one action item.

1. **SUBJECT: ESCAMBIA ALL FOR ONE**

Reference Material:

Committee Memorandum November 17, 2008

Recommendation:

That City Council approve the proposed resolution (as written by the City) on the concept of consolidated government in Escambia County.

The motion passed unanimously.

And moved the approval.

COUNCIL MEMBER CANNADA-WYNN: Seconded.

CITY ATTORNEY WELLS: Indicated that the Escambia County Board of County Commissioners at their meeting earlier today adopted a similar resolution of support for this issue, but included additional language which the Council may wish to consider adding to the resolution before them this evening.

REPORTS OF STANDING COMMITTEES cont'd:

CITY ATTORNEY WELLS: Such language would include asking the delegation to bring their recommended (consolidated) plan before the City Council for approval or disapproval before placing on a referendum ballot and that staff is prepared to add such language to the final resolution if Council wishes to include the amended verbiage.

COUNCIL MEMBER WIGGINS: Asked City Attorney Wells for clarification regarding the amended language and he responded accordingly.

COUNCIL MEMBER TOWNSEND: Asked if the amended language would affect the efforts of the delegation?

MR. SCOTT REMMINGTON: Representing Escambia All For One responded accordingly.

COUNCIL MEMBER DONOVAN: Made a motion to amend the proposed resolution to include additional language as outlined by the City Attorney.

COUNCIL MEMBER NOBLES: Seconded.

MAYOR FOGG: There being no further discussion, called for the vote on the amendment.

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

MAYOR FOGG: Called for the vote on the main motion as amended.

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

DEPUTY MAYOR JERRALDS: Made follow-up remarks.

That concluded the report of the Committee of the Whole.

REPORT OF THE COMMUNITY REDEVELOPMENT AGENCY:

MAYOR FOGG: Called on Council Member Cannada-Wynn, Chair to render the CRA report.

COUNCIL MEMBER CANNADA-WYNN: Indicated the CRA met on Monday, November 17, 2008. CRA Members present were Cannada-Wynn, DeSorbo, Donovan, Hall, Jerrals, Nobles, Townsend, and Wiggins. CRA Members absent were Fogg and Wu. There was one action item.

1. **SUBJECT: APPROVAL OF THE MINUTES**

Reference Material:

Transcription of Minutes dated October 20, 2008

Recommendation:

That the Community Redevelopment Agency approved the minutes of the October 20, 2008 meeting as presented.

The motion passed unanimously.

Before concluding the report, reminded the audience and viewers that CRA meeting are held on the Mondays preceding Thursday City Council meetings.

That concluded the report of the CRA.

ORDINANCES: FIRST READING:

None.

November 20, 2008

ORDINANCES: SECOND READING:

MAYOR FOGG: Called on City Clerk Burnett to read the titles of the ordinances on second reading.

CITY CLERK BURNETT: Item 12-A is Proposed Ordinance No. 37-08 to be entitled:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA, FLORIDA TO INCLUDE A PUBLIC SCHOOL FACILITIES ELEMENT (PSFE); REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 43-08)

COUNCIL MEMBER NOBLES: Moved the approval.

COUNCIL MEMBER WIGGINS: Seconded.

MAYOR FOGG: There being no discussion, called for the vote.

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

CITY CLERK BURNETT: Item 12-B is Proposed Ordinance No. 38-08 to be entitled:

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION FOR CERTAIN IMPROVEMENTS TO REAL PROPERTY LOCATED AT 512 HEWITT STREET FOR GENESIS PROPERTY HOLDING, LLC; REPEALING CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. (Ordinance No. 44-08)

COUNCIL MEMBER NOBLES: Moved the approval.

DEPUTY MAYOR JERRALDS: Seconded.

MAYOR FOGG: There being no discussion, called for the vote.

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

RESOLUTIONS:

MAYOR FOGG: Called on City Clerk Burnett to read the titles of the resolutions.

CITY CLERK BURNETT: Item 13-A is Resolution No. 33-08 to be entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA AUTHORIZING AN AMENDMENT TO THE LINE OF CREDIT WITH BANK OF AMERICA, N.A.; AND PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBER NOBLES: Moved the approval.

DEPUTY MAYOR JERRALDS: Seconded.

MAYOR FOGG: There being no discussion, called for the vote.

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

CITY CLERK BURNETT: Item 13-B is Resolution No. 34-08 to be entitled:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009; PROVIDING FOR AN EFFECTIVE DATE.

COUNCIL MEMBER NOBLES: Moved the approval.

COUNCIL MEMBER DESORBO: Seconded.

MAYOR FOGG: There being no discussion, called for the vote.

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

RESOLUTIONS cont'd:

CITY CLERK BURNETT: Item 13-C is Resolution No. 35-08 to be entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, REQUESTING THE MEMBERS OF THE LEGISLATIVE DELEGATION WITH CONSTITUENTS IN ESCAMBIA COUNTY, FLORIDA TO INTRODUCE LEGISLATION CREATING A UNIFIED GOVERNMENT CHARTER STUDY COMMISSION TO PREPARE A CONSOLIDATION PLAN FOR ESCAMBIA COUNTY, FLORIDA, WHICH SHALL BECOME EFFECTIVE IF APPROVED BY VOTE OF THE ELECTORS OF THE COUNTY AND MUNICIPALITIES AFFECTED, AS PROVIDED IN THE PLAN; PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBER DESORBO: Moved the approval as amended (when reported out of the Committee of the Whole).

DEPUTY MAYOR JERRALDS: Seconded.

MAYOR FOGG: There being no discussion, called for the vote.

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

That concluded resolutions.

UNFINISHED BUSINESS:

DEPUTY MAYOR JERRALDS: As indicated earlier, asked that Council be provided with updated information, possibly at the next round of meetings, regarding progress on the pre-disparity study.

CITY MANAGER COBY: Indicated staff has been working with the consultants and currently reviewing the working document which is quite lengthy and involves quite a bit of case law. He indicated that it would come forward under the new Council (to be seated on January 12, 2009).

UNFINISHED BUSINESS:

DEPUTY MAYOR JERRALDS: Also mentioned that he would like to further discuss the possibility of an ordinance to address minority participation in City bid processes.

COUNCIL MEMBER TOWNSEND: Regarding Chief Dodge's comments (during awards and presentations) indicated he would like the CRA to look into the possibility of funding a monument for Native Americans.

COUNCIL MEMBER WU: Made comments regarding his daughter's wedding which recently took place indicating that was why he missed the Committee Meetings (on Monday, November 17, 2008).

That concluded unfinished business.

NEW BUSINESS:

None.

OPEN FORUM:

MAYOR FOGG: Indicated there were a couple of citizens still in attendance who wish to address Council and began calling on them.

MR. MALCOLM COBB: Wished Council Member Nobles well as he completes his final term of office and thanked him for saving the City money by not having an at-large run-off election. He also expressed concerns about expenses related to the development of property at the Airport and the Community Maritime Park.

MR. STERLING SToudenMIRE: Made comments regarding an application he would like to process with the Army Corps of Engineers to build on City-owned submerged lands (in front of Sanders Beach) and inquired if the City would be agreeable.

CITY MANAGER COBY: Indicated that he has had conversations with Mr. Stoudenmire relating to his proposal and provided some details of the proposed project he would like to apply for through the Army Corps of Engineers. He indicated he would schedule a meeting with Mr. Stoudenmire to further discuss the application he is seeking.

Mayor Fogg and Council Members Townsend and Wu made follow-up remarks regarding Mr. Stoudenmire's proposal.

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OPEN FORUM cont'd:

DEPUTY MAYOR JERRALDS: Made an announcement inviting the public to attend a presentation (on Friday, November 21, 2008) of a proclamation for *National Adoption Month*. He also wished everyone a Happy Thanksgiving.

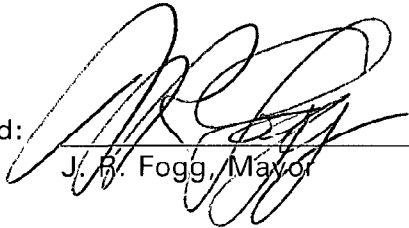
COUNCIL MEMBER WIGGINS: Reminded Council Members of the annual Employee Luncheon being held tomorrow (November 21, 2008) at the Vickrey Center.

COUNCIL MEMBER TOWNSEND: Reminded everyone of the Municipal Run-Off Election to be held on Tuesday, November 25, 2008.


MAYOR FOGG: There being no further discussion, adjourned the meeting.

WHEREUPON the meeting was adjourned at 11:22 P.M.

Adopted: December 11, 2008

Approved: 
J. B. Fogg, Mayor

Attest:


Ericka L. Burnett, City Clerk