



# City of Pensacola

## CITY COUNCIL

### Meeting Minutes

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July 19, 2018

5:30 P.M.

Council Chambers

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Council President Wingate called the meeting to order at 5:35 P.M.

#### ROLL CALL

**Council Members Present:** Gerald Wingate, Sherri Myers (left 11:48), Jewel Cannada-Wynn, Larry Johnson (arrived 6:35), Brian Spencer, Andy Terhaar, P.C. Wu (arrived 5:43)

**Council Members Absent:** None

#### INVOCATION

Pastor Richard Lindsey, Cornerstone Abundant Life Church

#### PLEDGE OF ALLEGIANCE

Council Member Andy Terhaar

#### FIRST LEROY BOYD FORUM

**Colvin Rancifer:** Addressed Council regarding the need for improvements at the park for Morris Court and addressed pedestrian safety in the area of West Cervantes Street and Pace Boulevard.

**Walter Wallace:** Addressed Council regarding the (current) study the Port of Pensacola being conducted by Moffat & Nichols and public input being sought through surveys and workshops which he believes is not inclusive of all neighborhoods particularly the westside. He stated he feels the City has forgotten about neighborhoods.

**Derek Cosson:** Expressed his disappointment in the decisions and actions of City Administrator Olson which led to the City to halt recycling, unbeknownst to the public, while in actuality such materials were taken to the landfill. He urged Council to conduct an investigation into the issue.

**Lawrence Powell:** *Not in attendance when called.*

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

**John Lee:** Addressed Council regarding infrastructure issues related to property he owns at 14 East Lee Street which he has contacted all levels of City officials yet his issues go unresolved. He thanked Council Member Cannada-Wynn for contacting him and meeting him at the property which is being affected by nearby development.

**Council Member Myers on behalf of Jon Shell:** Providing an update on funding for the Blake Doyle Skate Park at Hollice T. Williams Park (since Mr. Shell was out-of-town).

That concluded the first segment of LeRoy Boyd Forum.

**PRESENTATIONS**

2. [18-00281 ARCHAEOLOGICAL REVIEW PROCEDURE AND CONSTRUCTION ON CITY OWNED PROPERTY](#)

Council Member Spencer (sponsor) referred to hardcopies of the revised memorandum (on file with background materials) clarifying the information to be presented. He then introduced Dr. Judy Bense, President Emeritus of the University of West Florida (UWF).

Dr. Bense addressed Council regarding the City's valuable archaeological history and the need to proactively protect such history. She recommended Council: 1) review and amend (as needed) its policy on Archaeological Review Procedure; 2) discuss the budgeting of a position for an historic preservation officer (example job description provided with background materials); review current procedures and processes to ensure compliance with current policy; and discuss needed "stop gap" measures to help reduce future loss to our archaeological history. And she offered her assistance in accomplishing the (above) recommendations.

Dr. Bense responded accordingly to questions and comments. Council Member Spencer made follow-up remarks.

**PRESENTATIONS (CONT'D.)**

1. [18-27 RESOLUTION NO. 18-27 - A RESOLUTION RECOGNIZING THE 28TH ANNIVERSARY OF THE PASSAGE OF THE AMERICANS WITH DISABILITIES ACT AND THE CONTRIBUTIONS OF PEOPLE WITH DISABILITIES IN THE CITY OF PENSACOLA](#)

**Recommendation:** That City Council adopt Resolution No. 18-27.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, RECOGNIZING THE 28TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT AND THE CONTRIBUTIONS OF PEOPLE WITH DISABILITIES IN THE CITY OF PENSACOLA AND DESIGNATING JULY 26, 2018, AMERICANS WITH DISABILITIES ACT AWARENESS DAY.

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

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

|        |  |
|--------|--|
| Yes: 6 | Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, P.C. Wu |
| No: 0  | None   |

Following the vote, Council President Wingate invited the staff from the Center for Independent Living – Disability Resource Center who were in attendance to the dais to be formally recognized. Council Executive Kraher read Resolution No. 18-27 in its entirety and a framed copy was presented to them.

Carolyn Grawi, Executive Director and Lavesta Feagin, Assistant Technology Specialist provided an overhead presentation regarding the Disability Resource Center (on file with background materials).

**AWARDS**

Grant award check in the amount of \$250,000 from the West Florida Regional Planning Council for the Brownsfield Program at the Community Maritime Park to remove pilings and submerged land in Pensacola Bay was presented to Council.

Government Finance Officers' Association of the United States and Canada (GFOA) *Distinguished Budget Preparation Award – Fiscal Year 2018* was presented to Chief Financial Officer Richard Barker, Jr., Budget Manager Yvette McLellan, and Budget Analyst Mindy Miller.

**APPROVAL OF MINUTES****3. [18-00288](#) APPROVAL OF MINUTES: REGULAR MEETING DATED JUNE 14, 2018**

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

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

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                         Cannada-Wynn, Larry Johnson, P.C. Wu

No: 0            None

**APPROVAL OF AGENDA**

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

*Council Member Myers requested Item 7 be moved from the consent agenda to the regular agenda.*

**Council President Wingate indicated Item 7 will be moved from the consent agenda and placed on the regular agenda prior to item 13. He then called on the vote to approve the agenda as amended.**

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

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                         Cannada-Wynn, Larry Johnson, P.C. Wu

No: 0            None

**CONSENT AGENDA****4. [18-00178](#) AWARD OF BID #18-018 WOODCLIFF DRIVE AT LIVINGSTON OUTFALL STORMWATER TREATMENT ENHANCEMENT PROJECT**

**Recommendation:** That City Council award Bid #18-018 Woodcliff Drive at Livingston Outfall Stormwater Treatment Enhancement Project to B&W Utilities Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$354,556.20, plus alternate #1 of \$8,730.00, plus 10% contingency of \$36,328.62 for a total amount of \$399,614.82. Further, that City Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.

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

5. [18-00215](#) ASSIGNMENT OF LEASE FROM SUMMIT GOLF, INC. TO FLIGHTLINE GOLF, LLC AND AMEMDMENT TO LEASE AND OPERATING AGREEMENT

**Recommendation:** That City Council consent to the assignment of the lease and operating agreement for the driving range at the Pensacola International Airport from Summit Golf, Inc. to Flightline Golf, LLC. Further, that City Council consent to the amendment to the lease and operating agreement. Finally, that Council authorize the Mayor to take all actions necessary to execute the Consent Agreement and the Lease Amendment.

6. [18-00247](#) CITY OF PENSACOLA FY 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND HOME INVESTMENT PARTNERSHIPS ACT (HOME) PROGRAM BUDGET AND ACTIVITIY SUMMARY

**Recommendation:** That City Council approve the FY 2018-2019 CDBG Annual Action Plan for the period October 1, 2018 through September 30, 2019, for submission to U. S. Department of Housing and Urban Development, and the City of Pensacola 2018-2019 CDBG and HOME Programs Proposed Budgets and Activities Summary. Further, that City Council authorize the Mayor to execute all documents relating to the programs' administration.

8. [18-00256](#) AWARD OF CONTRACT TO AE NEW, JR., INC. FOR INVITATION TO BID (ITB) #18-022 BAYVIEW SENIOR CENTER REPAIRS AND RENOVATIONS

**Recommendation:** That City Council award a contract to AE New, Jr., Inc. for Bayview Senior Center Repairs and Renovations for \$252,000.00 plus a 10% contingency of \$25,200.00 for a total amount of \$277,200.00. Further, that City Council authorize the Mayor to execute all contracts, related documents, and take all related actions necessary to complete the project.

9. [18-00259](#) AWARD OF BID #18-017 - BROWNFIELDS CLEANUP OF SUBMERGED LANDS FOR THE CITY OF PENSACOLA

**Recommendation:** That City Council award a contract for Brownsfield Cleanup of Submerged Land for the City of Pensacola to H.G. Harders & Son, Inc. of Panama City, Florida, the lowest and most responsible bidder with a base bid of \$394,552, calculated at a daily rate of \$11,796 for a 18 days, plus mobilization of \$40,672 with a not to exceed cost of \$253,000 for piling debris removal in Pensacola Bay south of Community Maritime Park, contingent upon receipt of all required permits. Further, that City Council authorize the Mayor to execute the contract and take all action necessary to complete the project.

**CONSENT AGENDA (CONT'D.)**10. 18-00261 AWARD OF CONTRACTS RFP #18-012 THREE (3) YEAR PREPOSITION CONTRACT FOR DISASTER DEBRIS MANAGEMENT SERVICES

**Recommendation:** That City Council approve the ranking of the selection committee for RFP #18-012 "Three (3) Year Prepositioned Contract for Disaster Debris Management Services," with D & J Enterprises, Inc. of Auburn, Alabama submitting the best proposal. Further, that Council award the primary contract for the disaster debris management services to D & J Enterprises Inc., and that secondary contracts be awarded to Crowder Gulf Joint Venture, Inc. and Phillips & Jordan, Inc. in the event D & J Enterprises is unable to perform the required services or in the event circumstances require more than one firm to adequately respond to a disaster. Finally, that City Council authorize the Mayor to execute a contract with each named firm and take all related actions necessary to respond to any disaster or emergency.

11. 18-00242 AIRPORT COMMERCE PARK - PROPERTY ACQUISITION E2403 - COLLEGE HEIGHTS

**Recommendation:** That City Council authorize the purchase of E2403 (Parcel ID# 141S292100002002) from Wade C. Zwies for \$95,600, relocation assistance of \$59,300, closing costs of \$1,900, a 5% contingency in the amount of \$7,840, and moving costs in the amount of \$5,000 for a total amount of \$169,640.

12. 18-00280 AWARD OF BID # 18-021 SANDERS BEACH BOAT RAMP REPAIRS

**Recommendation:** That City Council award bid #18-021 Sanders Beach Boat Ramp Repairs to DKE Marine Services, Inc. of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$117,998.33, plus 10% contingency of \$11,799.84 for a total amount of \$129,798.17. Further, that City Council authorize the Mayor to execute the contract, related documents, and take all related actions necessary to complete the project.

**A motion to approve consent agenda items 4, 5, 6, and 8 through 12 was made by Council Member Terhaar and seconded by Council Member Johnson.**

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

|        |   |
|--------|---|
| Yes: 7 | Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu |
| No: 0  | None  |

**REGULAR AGENDA****7. [18-00248](#) RE-APPOINTMENT TO THE DOWNTOWN IMPROVEMENT BOARD (DIB)**

**Recommendation:** That the City Council affirm the Mayor's re-appointment of John Peacock to the Downtown Improvement Board (DIB) for a term of three years expiring June 30, 2021.

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

Council Member Myers indicated she will not support the reappointment of Mr. Peacock and specified some issues of concern. Some discussion took place with other Council Members indicating if Council Member Myers had expressed her concerns at agenda conference then Mr. Peacock would have had the opportunity to be in attendance this evening to address Council.

Upon conclusion of discussion, the vote was called.

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

Yes: 6            Gerald Wingate, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn,  
                      Larry Johnson, P.C. Wu  
No: 1             Sherri Myers

**13. [18-00250](#) REVISED: APPOINTMENTS - ZONING BOARD OF ADJUSTMENT**

**Recommendation:** That City Council appoint three (3) individuals that are residents or property owners of the City to the Zoning Board of Adjustments for a term of three (3) years, expiring July 14, 2021.

Council President Wingate referenced the revised memorandum providing for an additional nominee to be considered in order to fill the three (3) available positions.

**A motion by acclamation was made by Council Terhaar and seconded by Council Member Cannada-Wynn that City Council reappoint Troy Stepherson, and appoint Steven Sebold and Jonathon Wiggins whom are residents or property owners of the City to the Zoning Board of Adjustment for a term of three (3) years, expiring July 14, 2021.**

There being no discussion, the vote was called.

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

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                      Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0             None

**REGULAR AGENDA (CONT'D.)**14. [18-00267](#) APPOINTMENT OF DIRECTOR OF SANITATION SERVICES/FLEET MANAGEMENT

**Recommendation:** That City Council consent to the appointment of Dennis Fleming as Director of Sanitation Services/Fleet Management.

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

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

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu  
 No: 0            None

15. [18-00182](#) PUBLIC HEARING: PROPOSED AMENDMENT TO LAND DEVELOPMENT CODE SECTION 12-2-10 (C)(4)(b) HISTORIC AND PRESERVATION LAND USE DISTRICT ; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

**Recommendation:** That City Council conduct the second of two required public hearings on July 19, 2018 to consider the proposed amendment to the Land Development Code Section 12-2-10 (C)(4)(b) Historic and Preservation Land Use District; Old East Hill Preservation Zoning District; Uses Permitted; OEHC-1, Neighborhood Commercial District.

Planning Services Administrator Morris summarized the (requested) proposed amendment of the Land Development Code before Council as outlined in the memorandum dated 7/19/18 and referring to the first public hearing held on 6/14/18. She also provided an overhead graphic map of the district and photos of Dr. Laura Hall's property. **She further indicated that the Planning Board recommended approval of the requested amendment with the stipulation that outside exercise areas must be supervised and limited to five (5) or fewer animals at one time.** She responded accordingly to questions of Council Members.

Public input was heard from the following individuals:

Diana Barnes  
 Beverly Elliott  
 Mark Casson  
 Maria Harrell  
 Susan Agnew  
 Melanie Nichols  
 Stephen Hayes  
 Laura Hall  
 Miles McDaniel

Barbara Chapman  
 Susan Wheeler-beck  
 Ken Norris  
 David Kelley  
 Jean Hagan  
 William Stokes  
 George Mead  
 Danny Agnew

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

Discussion took place (regarding Public Hearing Item 15) during public input with Council Members asking questions of speakers. Planning Services Administrator Morris also responded to questions.

Much discussion also followed public input.

**A motion was made by Council Member Wu and seconded by Council Member Cannada-Wynn that City Council approve the (requested) proposed amendment, as revised, to the Land Development Code Section 12-2-10 (C)(4)(b) Historic and Preservation Land Use District; Old East Hill Preservation Zoning District; Conditional Uses Permitted; OEHC-1, Neighborhood Commercial District as follows: *Conditional Uses Permitted: animal hospitals, veterinary clinics and pet resorts with the stipulation that kennels must be fully enclosed, outside runs are not permitted, and outside exercise areas are permitted but must be supervised and limited to five (5) or fewer animals at one time.***

Discussion continued with Council Members asking questions of speakers. Planning Services Administrator Morris also responded to questions. **During discussion it was clarified that the proposed ordinance language is referred to staff to be drafted for first reading on August 9<sup>th</sup>.**

Upon conclusion of discussion and clarification of the motion, the vote was called.

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

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

**\*\*\*DRAFT ORDINANCE TO BE REVISED AS INDICATED ABOVE AND SCHEDULED FOR FIRST READING ON 8/9/18\*\*\***

16. ***11-18 PROPOSED ORDINANCE NO. 11-18 - AMENDING LAND DEVELOPMENT CODE SECTION 12-2-10 (C)(4)(b) HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT***

***Recommendation: That City Council approve Proposed Ordinance No. 11-18 on first reading.***

***AN ORDINANCE AMENDING SECTION 12-2-10 (C)(4)(b) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.***

**REGULAR AGENDA (CONT'D.)****17. [18-00251](#) PUBLIC HEARING: REQUEST TO VACATE RIGHT-OF-WAY - 1600 BLOCK OF NORTH 18TH AVENUE**

**Recommendation:** That City Council conduct a public hearing on July 19, 2018 to consider the request to vacate a portion of the 1600 Block of North 18th Avenue between Moreno and Mallory Streets (adjacent to properties located at 1771 East Mallory Street and 1774 East Moreno Street).

Planning Services Administrator Morris summarized the request before Council as outlined in the memorandum dated 7/19/18. She also provided an overhead graphic map of the district and photos of (the) adjacent properties. **She further indicated that the Planning Board approved the right-of-way vacation request with the stipulation of a 5 foot landscape strip, 5 foot sidewalk, total right-of-way to be maintain at no less than 60 feet, sidewalk to be constructed within 90 days, sidewalk to be built to the road and to City of Pensacola and ADA standards.** She responded accordingly to questions of Council Members.

City Administrator Olson and Public Works & Facilities Director Owens also responded to questions and provided input regarding street (width) requirements and utility easements.

Public input was heard from the following individuals:

Jonathon & Ryan Wiggins  
Michael Tracey

Butch Cook  
Christian Wagley

Discussion took place during public input with Council Members asking questions of speakers. Planning Services Administrator Morris also responded to questions.

**A motion was made by Council Member Johnson and seconded by Council Member Terhaar that City Council approve the request, as amended, vacating a 29.4 foot portion of the 1600 Block of North 18th Avenue between Moreno and Mallory Streets (adjacent to the properties located at 1771 East Mallory Street and 1774 East Moreno Street).**

Discussion continued among Council Members. Planning Services Administrator Morris also provided input. **During discussion it was clarified that the proposed ordinance may move forward at this time on first reading and a revised draft will be brought forward for second reading on 8/9/18.**

Upon conclusion of discussion and clarification of the motion, the vote was called.

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

Yes: 6            Gerald Wingate, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn,  
                      Larry Johnson, P.C. Wu  
No: 1             Sherri Myers

**REGULAR AGENDA (CONT'D.)****18. [12-18 PROPOSED ORDINANCE NO. 12-18 - VACATION OF RIGHT-OF-WAY 1600 BLOCK OF NORTH 18TH AVENUE](#)**

**Recommendation:** That City Council approve Proposed Ordinance No. 12-18 on first reading.

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 1600 BLOCK OF NORTH 18TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**A motion to approve on first reading was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.**

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

Yes: 6            Gerald Wingate, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn,  
                         Larry Johnson, P.C. Wu  
No: 1             Sherri Myers

**19. [18-00270 LEASE AGREEMENT FOR PORT WAREHOUSE #9 AND #10](#)**

**Recommendation:** That City Council authorize the Mayor to negotiate and execute a lease agreement for Port Warehouse #9 and #10 and approximately 6.5 acres of immediately adjacent undeveloped land with Incoa Performance Minerals, LLC.

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

Scott Luth, Executive Director of FloridaWest introduced the principals of Incoa Performance Minerals, LLC.

Steve Creamer, Chief Executive Officer and Tyson Creamer, Senior Vice President of Operations provided an overhead presentation of their proposal. They responded accordingly to questions from Council Members.

City Administrator Olson was provided an opportunity to address Council and indicated that while the Mayor's office is aware of the proposal, City Administration has had limited discussions leading up to the proposal being brought to Council for consideration. He also referred to the on-going work of consultants Moffat & Nichols working on an analysis of the Port. He further indicated that he is open to Council's direction, but the the results of the study are not expected until September.

Discussion continued among Council.

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

Public input was heard from the following individuals (regarding Item 19):

|                       |                                       |
|-----------------------|---------------------------------------|
| Alex Kozmon           | Drew Buchanan                         |
| John Bullock          | Janet Walsh (no longer in attendance) |
| Sherry Webber         | Jonathan Green                        |
| Maxine Zoellner Burke | Margaret Sheridan                     |
| Leonard Swartz        | Erik Petersen                         |
| Gerald Holzworth      | William Dunaway                       |
| Bob Moulton           | Derek Cosson                          |
| Ajit Patel            | Bill Fetke                            |
| Mike Arbrouer         | Peter Gaddy                           |
| Tom McCulley          | Andrew Rothfeder                      |

Discussion continued among Council.

**A motion to amend was made by Council Member Cannada-Wynn and seconded by Council Member Johnson striking language as follows: That City Council authorize the Mayor to negotiate ~~and execute~~ a lease agreement for Port Warehouse #9 and #10 and approximately 6.5 acres of immediately adjacent undeveloped land with Incoa Performance Minerals, LLC.**

Discussion took place among Council regarding the amendment.

Upon conclusion of discussion, **the vote on the amendment was called.**

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

|        |   |
|--------|---|
| Yes: 6 | Gerald Wingate, Sherri Myers, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu |
| No: 1  | Andy Terhaar  |

There being no further discussion, **the vote on the main motion as amended was called.**

**The main motion as amended carried by the following vote:**

|        |   |
|--------|---|
| Yes: 7 | Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu |
| No: 0  | None  |

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

20. [18-00277](#) LETTER SUPPORTING FAST TRACKING CONSTRUCTION OF SHORT TERM SAFETY IMPROVEMENTS TO THE WEST CERVANTES STREET CORRIDOR

**Recommendation:** That City Council authorize the Council President to send a letter to Phillip Gainer, Secretary of the Florida Department of Transportation, supporting fast tracking construction of the short term safety improvements identified in FDOT's West Cervantes Street Corridor Management Plan (CMP).

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

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

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

**\*\*\*THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR  
INDICATING IT WILL BE BROUGHT BACK 8/9/18\*\*\***

21. [13-18](#) PROPOSED ORDINANCE NO. 13-18 - AMENDING SECTION 3-3-2 - REGULATING CONTRACTING AND PURCHASE OF COMMODITIES AND SERVICES

**Recommendation:** That City Council approve Proposed Ordinance No. 13-18 - Amending Section 3-3-2 of the Code - Regulating contracting and purchase of commodities and services adding language to cover purchase of legal services, on first reading.

*AN ORDINANCE AMENDING SECTION 3-3-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CONTRACTS FOR PUBLIC WORK AND PURCHASES OF OTHER COMMODITIES AND SERVICES; LOWEST AND BEST RESPONSIBLE BIDDER; REJECTION OF BIDS; APPROVAL OF COUNCIL AND MAYOR; EMERGENCY PURCHASES; REGULATING CONTRACTING AND PURCHASE OF LEGAL SERVICES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.*

**Withdrawn.**

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

**\*\*\*THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR  
INDICATING IT WILL BE BROUGHT BACK 8/9/18\*\*\***

22. 14-18 PROPOSED ORDINANCE NO. 14-18 - AMENDING SECTION 2-6-3 CODE OF ETHICS - PROHIBITIONS

**Recommendation:** That City Council approved Proposed Ordinance No. 14-18 on first reading:

AN ORDINANCE AMENDING SECTION 2-6-3 CODE OF ETHICS; PROHIBITIONS; OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Withdrawn.**

**\*\*\*THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR  
INDICATING IT WILL BE BROUGHT BACK 8/9/18\*\*\***

23. 18-00269 ANALYSIS OF GENTRIFICATION DUE TO URBAN REVITALIZATION

**Recommendation:** That City Council allocate \$200,000 to hire a consultant to perform an analysis of the impact of urban revitalization in the CRA urban core on the African American population in the city limits and that the consultant provide Council with recommendations to mitigate the dislocation, displacement, economic loss of affordable housing, and community resources in historically African American and low income communities.

**Withdrawn.**

24. 18-24 SUPPLEMENTAL BUDGET RESOLUTION NO. 18-24 - APPROPRIATING FUNDING IN CONNECTION WITH THE SALE OF 113 NORTH "C" STREET - FORMER BLOUNT SCHOOL PROPERTY.

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 18-24.

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 Cannada-Wynn and seconded by Council Member Terhaar.**

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

|        |   |
|--------|---|
| Yes: 7 | Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu |
| No: 0  | None  |

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

26. [18-00253](#) FY17 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) - DRUG ENFORCEMENT ADMINISTRATION (DEA) FEDERAL GRANT AWARD #G17GC0007A

**Recommendation:** That City Council approve and authorize the Mayor to execute the acceptance of the FY 17 High Intensity Drug Trafficking Area (HIDTA) between the Santa Rosa County Sheriff's Office (SRCO) being the fiscal agent on behalf of the Gulf Coast High Intensity Drug Trafficking Area for the Drug Enforcement Administration in the amount of \$26,153. Further, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant. Finally, that City Council approve a supplemental budget resolution appropriating the grant funds

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

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

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

27. [18-25](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 18-25- APPROPRIATING FUNDING IN CONNECTION WITH THE FY17 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) - DRUG ENFORCEMENT ADMINISTRATION (DEA) FEDERAL GRANT AWARD #G17GC0007A

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 18-25.

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 Cannada-Wynn.**

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

Yes: 6            Gerald Wingate, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

**REGULAR AGENDA (CONT'D.)**28. 18-00260 TENTATIVE MILLAGE RATE - FISCAL YEAR 2019

**Recommendation:** That City Council set the tentative fiscal year 2019 millage rate for the City of Pensacola at 4.2895 mils and for the Downtown Improvement District at 2.0000 mils and authorize the Mayor to set final levies in compliance with the new property tax reform regulations. Further that the Mayor may administratively adjust the final adopted millage rate upon receipt of the final valuation if the City's final current year gross taxable value is reduced by more than 1%. Finally, that the first public hearing on fiscal year 2019 millage rates be held on September 12, 2018 at 5:30 p.m. in Council Chambers.

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

**The motion carried by the following vote (with Council Member Myers no longer in attendance):**

|        |   |
|--------|---|
| Yes: 6 | Gerald Wingate, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu |
| No: 0  | None  |

**\*\*\*THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR (FOLLOWING HER WITHDRAWING ITEMS 21, 22, & 23) INDICATING IT WILL BE BROUGHT BACK 8/9/18\*\*\***

25. 18-00275 REQUEST FOR LEGAL OPINION REGARDING TAXING CIGARETTES, INCLUDING E-CIGARETTES

**Recommendation:** That City Council request a legal opinion from the City Attorney regarding the City's ability to impose a tax on cigarettes, including e-cigarettes, and that the opinion be delivered to City Council no later than Friday July 27, 2018.

**Withdrawn.**

**DISCUSSION**

**\*\*\*THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR INDICATING IT WILL BE BROUGHT BACK AS AN ACTION ITEM ON 8/9/18\*\*\***

29. 18-00233 HISTORIC PRESERVATION BOARD

**Withdrawn.**

**COUNCIL EXECUTIVE'S REPORT**

Council Executive Kraher addressed Council regarding the following:

- Reminded of Budget Workshops scheduled for August 1<sup>st</sup> and 2<sup>nd</sup>.
- Thanked Assistant City Clerk Tice for handling the duties of tonight's meeting absent of City Clerk Burnett who could not be here.

**MAYOR'S COMMUNICATION**

None.

**COUNCIL COMMUNICATIONS**

None

**CIVIC ANNOUNCEMENTS**

None.

**SECOND LEROY BOYD FORUM**

The following individuals addressed Council regarding Item 25, 18-00275 *Request for Legal Opinion Regarding Taxing Cigarettes, Including E-Cigarettes*, which was withdrawn by the sponsor:

Brandon Fortson  
Eugenia Crump  
Rodel Manimtim

City Attorney Bowling made follow-up remarks indicating if Council had discussed the issue she would advise that there are constitutional limits to what municipalities may regulate and that currently the state has not provided authority to municipalities to impose such a tax.

That concluded LeRoy Boyd forum.

**ADJOURNMENT**

WHEREUPON the meeting was adjourned at 12:00 midnight.

\*\*\*\*\*

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

Approved: \_\_\_\_\_  
Gerald C. Wingate, President of City Council

Attest:

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