



City of Pensacola

CITY COUNCIL

Agenda Conference Minutes

March 21, 2022

3:30 P.M.

Hagler/Mason Conference Room

The agenda conference was called to order by Council President Hill at 3:31 P.M.

ROLL CALL

Council Members Present: Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton (arrived 3:35; left 5:55), Casey Jones, Sherri Myers

Council Members Absent: Jared Moore

Also Present: Mayor Grover C. Robinson, IV

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

The meeting can also be watched live stream at: cityofpensacola.com/428/Live-Meeting-Video.

PRESENTATION ITEMS

1. [22-00289 PRESENTATION - CICLOVIA](#)

Recommendation: That City Council receive a presentation from Rand Hicks regarding Ciclovía 2022.

Rand Hicks, Chairman of Ciclovía Pensacola addressed Council and provided a brief video advertising Ciclovía 2022. He responded accordingly to questions and comments from Council Members. Mayor Robinson also provided input.

PRESENTATION ITEMS (CONT'D.)2. [22-00291](#) PRESENTATION REGARDING PENTACHLOROPHENOL

Recommendation: That City Council receive a presentation from Council Member Sherri Myers regarding Pentachlorophenol.

Council Member Myers provided an overhead presentation, as well as handouts: 1) her presentation to the Environmental Advisory Board on 5/26/2010; 2) minutes from Environmental Advisory Board meeting on 8/17/2010; and 3) pictures (on file with background materials). Discussion took place following the presentation with Council Member Myers responding accordingly to comments and questions. **Council Member Myers indicated that she will be bringing forward an action item to an upcoming meeting for Council to consider referring this issue to the Environmental Advisory Board.** Mayor Robinson also provided input.

REVIEW OF CONSENT AGENDA ITEMS3. [22-00265](#) APPOINTMENTS - PARKS AND RECREATION BOARD

Recommendation: That City Council appoint four (4) individuals to the Parks and Recreation Board for a term of three (3) years, expiring March 31, 2025.

Place on Consent Agenda.

4. [22-00266](#) APPOINTMENTS - ENVIRONMENTAL ADVISORY BOARD

Recommendation: That City Council appoint one individual who is an employed or retired environmental professional, or member of local environmental organizations or business with an interest in City environmental issues; and appoint one at-large resident or property owner of the City to a term of two (2) years, expiring March 1, 2024.

Place on Consent Agenda.

5. [22-00267](#) THIRD AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF PENSACOLA AND HARBOURVIEW CORPORATION ON THE BAY

Recommendation: That the City Council approve the Third Lease Amendment between the City of Pensacola and Harbourview of Pensacola LLC for the parking garage located across from their building at 25 West Cedar St. Further, that City Council authorize the Mayor to take all necessary actions to execute and administer the lease amendment.

Place on Consent Agenda.

REVIEW OF REGULAR AGENDA ITEMS

- 6. [22-00192](#) PUBLIC HEARING: PROPOSED AMENDMENT TO SECTION 12-6-6 PROTECTED TREES

Recommendation: That City Council conduct a public hearing on March 10, 2022 to consider a proposed amendment to Section 12-6-6 Protected Trees.

Mayor Robinson (sponsor) made brief comments.

Place on Regular Agenda.

- 7. [09-22](#) PROPOSED ORDINANCE NO. 09-22 - AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-6-6 PROTECTED TREES

Recommendation: That City Council approve Proposed Ordinance No. 09-22 on first reading.

AN ORDINANCE AMENDING SECTION 12-6-6 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PROTECTED TREES, PROVIDING FOR SETBACK DEVIATION PROCESS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

- 8. [22-00273](#) PUBLIC HEARING: PROPOSED AMENDMENT TO SECTION 12-11-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, APPEALS, MODIFICATIONS, AND VARIANCES; CREATING SECTION 12-11-2 (F), MODIFICATIONS OF THE COMMUNITY REDEVELOPMENT AREA URBAN DESIGN OVERLAY STANDARDS

Recommendation: That City Council conduct a Public Hearing on March 24, 2022, to consider the proposed amendment to Section 12-11-2 of the Code of the City of Pensacola, Florida, Appeals, Modifications, and Variances; creating Section 12-11-2 (f), Modifications of the Community Redevelopment Area Urban Design Overlay standards.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

9. [13-22](#) PROPOSED ORDINANCE NO. 13-22 - AMENDMENT TO SECTION 12-11-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, APPEALS, MODIFICATIONS, AND VARIANCES; CREATING SECTION 12-11-2 (f), MODIFICATIONS OF THE COMMUNITY REDEVELOPMENT AREA URBAN DESIGN OVERLAY STANDARDS

Recommendation: That City Council approve Proposed Ordinance No. 13-22 on first reading:

AN ORDINANCE AMENDING SECTION 12-11-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, APPEALS, MODIFICATIONS, AND VARIANCES; CREATING SECTION 12-11-2 (f), MODIFICATIONS, OF THE COMMUNITY REDEVELOPMENT AREA URBAN DESIGN OVERLAY STANDARDS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Council Member Broughton asked for clarification of the amendments with Development Services Director Morris responding accordingly to questions.

Place on Regular Agenda.

10. [22-00217](#) REQUEST FOR VOLUNTARY ANNEXATION - BAPTIST HOSPITAL-OWNED PROPERTIES.

Recommendation: That City Council approve the request for the voluntary annexation of two (2) parcels owned by Baptist Hospital.

Place on Regular Agenda.

11. [10-22](#) PROPOSED ORDINANCE NO. 10-22 - REQUEST FOR VOLUNTARY ANNEXATION - BAPTIST HOSPITAL OWNED PROPERTIES

Recommendation: That City Council approve Proposed Ordinance No. 10-22 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.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

12. [22-00219](#) REQUEST FOR VOLUNTARY ANNEXATION - 315 EAST SELINA STREET AND 4908 CHANEY STREET

Recommendation: That City Council approve the request for the voluntary annexation of two (2) parcels located at 315 East Selina Street and 4908 Chaney Street.

Place on Regular Agenda.

13. [11-22](#) PROPOSED ORDINANCE NO. 11-22 - REQUEST FOR VOLUNTARY ANNEXATION - 315 EAST SELINA STREET AND 4908 CHANEY STREET.

Recommendation: That City Council approve Proposed Ordinance No. 11-22 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.

Place on Regular Agenda.

14. [22-00221](#) REQUEST FOR VOLUNTARY ANNEXATION - RICHARDS MEMORIAL UNITED METHODIST CHURCH PROPERTY

Recommendation: That City Council approve the request for the voluntary annexation of the portion of the Richards Memorial United Church lying outside the City limits.

Mayor Robinson (sponsor) responded to questions from Council Member Jones regarding the property.

15. [12-22](#) PROPOSED ORDINANCE NO. 12-22 - REQUEST FOR VOLUNTARY ANNEXATION - RICHARDS MEMORIAL UNITED METHODIST CHURCH PROPERTY

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

16. [22-00288](#) FUNDING AMENDMENT FOR HARNESSING OPPORTUNITY AND POWER OF EDUCATION, INC. (H.O.P.E.)/HUTS 4 OUR FRIENDS, INC.

Recommendation: City Council approve a change in the scope of services provided by H.O.P.E. Foundation/Huts 4 our Friends.

Discussion ensued with Mayor Robinson, Finance Director Lovoy, Neighborhood Service Administrator Powell, and Fire Chief Cranor responding to questions.

Place on Regular Agenda.

17. [2022-037](#) RESOLUTION NO. 2022-037 - ENCOURAGING THE ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS TO ADOPT AN ORDINANCE REGARDING THE DEFACEMENT OF PROPERTY

Recommendation: That City Council adopt Resolution No. 2022-037:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA ENCOURAGING THE ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS TO ADOPT AN ORDINANCE REGARDING THE DEFACEMENT OF PROPERTY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND EFFECTIVE DATE.

Mayor Robinson made comments with Council Member Myers (sponsor) responding.

Place on Regular Agenda.

18. [2022-034](#) RESOLUTION NO. 2022-034 ESTABLISHING THE POLICY FOR ACQUISITION OF REAL PROPERTY

Recommendation: That City Council adopt Resolution No. 2022-034:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA ESTABLISHING THE POLICY FOR ACQUISITION OF REAL PROPERTY; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

19. [22-00174](#) PORT OF PENSACOLA - FLORIDA SEAPORT GRANT PROGRAM AND SEAPORT INVESTMENT PROGRAM GRANT NO. 445548-1-94-03 - UPLAND CARGO IMPROVEMENTS INITIATIVE

Recommendation: That City Council authorize the Mayor to execute Florida Seaport Grant and Seaport Investment Program grant No. 445548-1-94-03, for Upland Cargo Improvements Initiative in the amount of \$1,524,565. Further, that City Council authorize the Mayor to take all actions necessary to accept, execute and administer the grant. Finally, that City Council adopt a supplemental budget resolution appropriating the grant funds.

Place on Regular Agenda.

20. [2022-028](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-028 FLORIDA SEAPORT GRANT PROGRAM AND SEAPORT INVESTMENT PROGRAM GRANT NO.445548-1-94-03 - UPLAND CARGO IMPROVEMENTS INITIATIVE

Recommendation: That City Council adopt supplemental Budget Resolution 2022-028:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

Place on Regular Agenda.

21. [22-00253](#) STATE OF FLORIDA OF ENVIRONMENTAL PROTECTION (FDEP) GRANT NO. LPA0210, BAYOU CHICO STORMWATER STUDY

Recommendation: That City Council authorize the Mayor to execute State of Florida Department of Environmental Protection (FDEP) Grant No. LPA0210 to conduct a study to evaluate possible erosion and stormwater runoff issues into Bayou Chico and provide conceptual solutions to mitigate these issues. Further, that City Council authorize the Mayor to take all actions necessary to accept, execute and administer the grant. Finally, that City Council adopt a supplemental budget resolution appropriating the grant funds.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

22. [2022-031](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-031 - BAYOU CHICO STORMWATER STUDY - GRANT

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2022-031:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022, PROVIDING FOR AN EFFECTIVE DATE.

Place on Regular Agenda.

23. [22-00261](#) JOINT PARTICIPATION AGREEMENT BETWEEN STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND CITY OF PENSACOLA - LANDSCAPING OF THE STATE ROAD 289 N 9TH AVE STATE ROAD 742 CREIGHTON ROAD INTERSECTION

Recommendation: That City Council authorize the Mayor to execute a joint participation agreement between the State of Florida Department of Transportation and the City of Pensacola for landscaping installation on State Road 289 North 9th Avenue at State Road 742 Creighton Road Intersection, Pensacola, Florida. Further, that City Council adopt a Supplemental Budget Resolution appropriating funding for this project.

Place on Regular Agenda.

24. [2022-033](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-033 - JOINT PARTICIPATION AGREEMENT - LANDSCAPING OF THE STATE ROAD 289 N 9TH AVE AT STATE ROAD 742 CREIGHTON ROAD INTERSECTION

Recommendation: That the City Council adopt Supplemental Budget Resolution No. 2022-033:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

25. [22-00284](#) DECLARATION OF SURPLUS AND DISPOSITION (SALE) OF REAL PROPERTY - CORNER OF LEONARD AND PALAFOX STREETS

Recommendation: That City Council declare as surplus a small portion of the real property located at the corner of Leonard and Palafox Streets (Parcel Ref No. 182S305001000000) and authorize the Mayor to dispose of this portion of the parcel via direct negotiation with the State of Florida Department of Transportation (FDOT) per their Purchase Agreement for the right of way acquisition. Also, that City Council waive section 3 of the Policy for Disposition of City-Owned Real Property regarding the pre-disposition notice to property owners within a 300-ft radius of the subject parcel. Finally, that City Council authorize the Mayor to take all actions necessary and execute any documents related to the disposition and sale of this property.

Mayor Robinson (sponsor) and City Administrator Fiddler responded accordingly to questions from Council Member Broughton.

Place on Regular Agenda.

26. [2022-035](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-035 - DISPOSITION (SALE) OF REAL PROPERTY - CORNER OF LEONARD AND PALAFOX STREETS

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2022-035:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

Place on Regular Agenda.

27. [06-22](#) PROPOSED ORDINANCE NO. 06-22 - AMENDING SECTION 3-1-8 - ADDING PROVISIONS FOR THE PURCHASE OF OUTSIDE LEGAL SERVICES

Recommendation: That City Council approve Proposed Ordinance No. 06-22 on first reading:

AN ORDINANCE AMENDING SECTION 3-1-8 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ADDING PROVISIONS FOR THE PURCHASE OF OUTSIDE LEGAL SERVICES; PROVIDING FOR SEVERABILITY, REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

28. [08-22](#) PROPOSED ORDINANCE NO. 08-22 - AMENDING SECTION 3-3-1 REGULATING CONTRACTING AND PURCHASE OF LEGAL SERVICES

Recommendation: That City Council approve Proposed Ordinance No. 08-22 on first reading:

AN ORDINANCE AMENDING SECTION 3-3-1 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; REGULATING CONTRACTING AND PURCHASE OF LEGAL SERVICES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

Place on Regular Agenda.

29. [14-22](#) PROPOSED ORDINANCE NO. 14-22 - CREATING SECTION 2-3-5 OF CITY CODE - APPLICATION OF CERTAIN CHEMICALS IN CITY FACILITIES WHILE OPEN TO THE PUBLIC PROHIBITED AND REQUIREMENTS FOR SAFETY DATA

Recommendation: That City Council approve proposed Ordinance No. 14-22 on first reading:

AN ORDINANCE CREATING SECTION 2-3-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; APPLICATION OF CERTAIN CHEMICALS IN CITY FACILITIES WHILE OPEN TO THE PUBLIC PROHIBITED AND REQUIREMENTS FOR SAFETY DATA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

*****THE FOLLOWING ITEM WAS PULLED BY THE SPONSOR*****

30. [15-22](#) PROPOSED ORDINANCE NO. 15-22 - AMENDING CITY CODE SECTION 11-2-50 - RELATED TO METERED PARKING SPACES AND RATES

Recommendation: That City Council approve proposed Ordinance No. 15-22 on first reading:

AN ORDINANCE AMENDING CHAPTER 11-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 11-2-50, PROVIDING TIME LIMITS AND RATES FOR PARKING IN METERED SPACES; FINES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Withdrawn.

31. [16-22 PROPOSED ORDINANCE NO. 16-22 - CREATING CHAPTER 7-12 OF THE CITY CODE - REQUIREMENTS FOR BOOTING A VEHICLE](#)

Recommendation: That City Council approve Proposed Ordinance No. 16-22 on first reading:

AN ORDINANCE CREATING CHAPTER 7-12 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING DEFINITIONS; REQUIRING OCCUPATIONAL BUSINESS LICENSE; PROVIDING REQUIREMENTS FOR BOOTING; PROVIDING SIGN NOTICE REQUIREMENTS; ESTABLISHING BOOTING RATES; ENFORCEMENT AND PENALTIES OF BOOTING; PROVIDING A PROCESS FOR CITIZEN COMPLAINTS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Council Member Jones (sponsor) responded accordingly to comments and questions from Council Members and Mayor Robinson. Council Executive Kraher also provided input.

Place on Regular Agenda.

CONSIDERATION OF ANY ADD-ON ITEMS

Council President Hill referenced hardcopies of **an add-on action item for the Council meeting:**

[22-00123](#) AWARD OF BID NO. 22-018 COMMENDENCIA SLIP HURRICANE REPAIRS PROJECT

Mayor Robinson (sponsor) and Public Works & Facilities Director Tootle explained the necessity for adding the item for consideration at the upcoming meeting and indicated there was an issue with the item approval queue due to staff being out of the office. Council Executive Kraher suggested this item be placed on the consent agenda.

A motion to add-on (to the consent agenda) was made by Council Member Brahier and seconded by Council Member Jones.

Discussion took place with Mayor Robinson and Public Works & Facilities Director Tootle responding accordingly to questions.

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote

Yes: 6	Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers
No: 0	None

DISCUSSION**32. [22-00247](#) QUARTERLY FINANCIAL REPORT - THREE MONTHS ENDING DECEMBER 31, 2021 (UNAUDITED) - FINANCE DIRECTOR AMY LOVOY**

Finance Director Lovoy provided an overhead presentation (included in agenda materials) and responded accordingly to questions throughout the presentation. Mayor Robinson also responded to comments and questions.

Following the presentation and discussion, Mayor Robinson made comments updating Council on negotiations for lease agreements related to Parcels 4, 5, and 9 at the Community Maritime Park and that he anticipates bringing forward to for Council's consideration at second meeting in April (4/28/22) and first meeting in May (5/26/22).

READING OF ITEMS FOR COUNCIL AGENDA

City Clerk Burnett read as presented above. *No objections.*

COMMUNICATIONS**CITY ADMINISTRATOR'S COMMUNICATION**

None

CITY ATTORNEY'S COMMUNICATION

City Attorney Peppler advised Council that he will be out of the office April 6th – 12th.

CITY COUNCIL COMMUNICATION

Council Member Jones advised he is planning a town hall meeting on April 3rd.

Council Member Brahier raised the issue of organizations which have arrangements with the City for youth sports programs at City facilities but charge the same rate for residents and non-residents. She indicated that she would like Council to further discuss this in the near future. Council Member Myers made follow-up remarks.

Council Member Wiggins advised he is planning a town hall meeting on April 19th. He also thanked staff for assisting him with preparing (proposed) amendments to City Code Section 11-2-50 related to metered parking spaces and rates which he withdrew from the agenda but intends to bring back for consideration at a later date.

ADJOURNMENT

6:03 P.M.