



# City of Pensacola

## CITY COUNCIL

### Agenda Conference Minutes

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September 26, 2022

3:30 P.M.

Hagler/Mason Conference Room

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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 3:36), Casey Jones, Jared Moore, Sherri Myers (arrived 3:34)

**Council Members Absent:** None

**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](https://cityofpensacola.com/428/Live-Meeting-Video).

#### PRESENTATION ITEMS

None

#### REVIEW OF CONSENT AGENDA ITEMS

1. [22-00880 AIRPORT - APPROVAL OF AMENDMENT NO. 5 TO THE NEWS AND GIFTS LEASE AND CONCESSION AGREEMENT](#)

**Recommendation:** That City Council approve Amendment No. 5 to the News and Gifts Lease and Concession Agreement between the City of Pensacola and Varona-Paradies, LLC. Further, that City Council authorize the Mayor to take those actions necessary to execute the Amendment No. 5.

**Place on Consent Agenda.**

**REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)**

2. [22-00928](#) COMMUNITY MARITIME PARK PARCEL 7 - THIRD ADDENDUM TO THE PARTIAL ASSIGNMENT TO VALENCIA DEVELOPMENT CORPORATION OF THE OPTION AGREEMENT BETWEEN THE CITY OF PENSACOLA AND STUDER PROPERTIES LLP

**Recommendation:** That City Council approve and authorize the Mayor to execute the Third Addendum to the Partial Assignment to Valencia Development Corporation of the Option Agreement between the City of Pensacola and Studer Properties LLP for the development of Parcel 7 of the Vince J. Whibbs Jr. Community Maritime Park, extending the agreement for twelve months through September 30, 2023.

**Place on Consent Agenda.**

3. [22-00934](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER JARED MOORE - DISTRICT 4

**Recommendation:** That City Council approve funding of \$1,000 for the Rally! Foundation for Childhood Cancer Research, \$1,000 for Ciclovía Pensacola, \$1,000 for Big Brothers Big Sisters of Northwest Florida, \$1,000 for OnBikes Pensacola and \$1,000 for Give It A Tri Youth Sports Organization from the City Council Discretionary Funds for District 4.

**Place on Consent Agenda.**

4. [22-00943](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL PRESIDENT ANN HILL - DISTRICT 6

**Recommendation:** That City Council approve funding of \$250 to 17:18 Ministries, Inc. d/b/a Pensacola Dream Center for expenses related to the Walk for Freedom event to be held on October 15, 2022 and \$250 to the Lamplighter Academic and Mentoring Program.

**Place on Consent Agenda.**

5. [22-00952](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL VICE PRESIDENT DELARIAN WIGGINS - DISTRICT 7

**Recommendation:** That City Council approve funding of \$1,000 for the Real Women Radio Foundation and \$500 for the Pensacola Omega Lamplighters from the City Council Discretionary Funds for District 7.

**Place on Consent Agenda.**

**REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)**

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

6. [22-00949 REFERRAL TO PARKS AND RECREATION BOARD - PROPOSED AMENDMENT TO CITY CODE SECTIONS 6-3-1, PARKS AND RECREATION SUPERVISION AND 6-3-2 PARKS AND RECREATION RULES AND REGULATIONS GENERALLY](#)

**Recommendation:** That City Council refer to the Parks and Recreation Board for review and recommendation proposed amendments to City Code Sections 6-3-1 and 6-3-2.

**Withdrawn.**

**REVIEW OF REGULAR AGENDA ITEMS**

7. [22-00742 PUBLIC HEARING: REQUEST TO VACATE RIGHTS OF WAY - AIRLINE DRIVE, ST. ANNE DRIVE, DOUGLAS AVENUE, SHERRILL AVENUE, AND EXECUTIVE PLAZA](#)

**Recommendation:** That City Council conduct a Public Hearing on September 15, 2022 to consider the request to vacate the Rights of Way - Airline Drive, St. Anne Drive, Douglas Avenue between Tippin Avenue and Airport Property, Sherrill Avenue, and Executive Plaza.

**Place on Regular Agenda.**

8. [50-22 PROPOSED ORDINANCE NO. 50-22 - REQUEST TO VACATE RIGHTS-OF-WAY - AIRLINE DRIVE, ST. ANNE DRIVE, DOUGLAS AVENUE, SHERRILL AVENUE, AND EXECUTIVE PLAZA](#)

**Recommendation:** That City Council approve Proposed Ordinance No. 50-22 on first reading:

AN ORDINANCE CLOSING, ABANDONING AND VACATING AIRLINE DRIVE, ST. ANNE DRIVE, DOUGLAS AVENUE, SHERRILL AVENUE, AND EXECUTIVE PLAZA LYING BETWEEN AND WITHIN THE PENSACOLA INTERNATIONAL AIRPORT - COLLEGE HEIGHTS ANNEXATION PHASE I IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

9. [22-00929](#) DECLARATION OF SURPLUS AND DISPOSITION OF REAL PROPERTY - 100 NORTH "F" STREET

**Recommendation:** That City Council declare the real property located at 100 North "F" Street (Parcel Ref. No. 000S009080161022) as surplus, authorize the Mayor to dispose of the property via direct negotiation or sale to adjacent homeowner(s), and authorize the Mayor to execute documents related to this authorized disposition of the property. Finally, that City Council authorize the proceeds from the sale, minus any associated miscellaneous costs, be placed in the Gas Utility (Pensacola Energy) Fund.

**Place on Regular Agenda.**

10. [22-00945](#) DECLARATION OF SURPLUS AND DISPOSITION OF REAL PROPERTY - 2012 N. 15TH AVENUE

**Recommendation:** That City Council declare the real property located at 2012 North 15th Avenue (Parcel Ref No. 000S009025020249) as surplus, authorize the Mayor to dispose of the property via the Attainable Infill Housing Program, and authorize the Mayor to execute documents related to this authorized disposition of the property.

**Place on Regular Agenda.**

11. [22-00946](#) DECLARATION OF SURPLUS AND DISPOSITION OF REAL PROPERTY - SPRING STREET (OR 113 NORTH SPRING STREET)

**Recommendation:** That City Council declare the real property located at Spring Street (a.k.a. 113 N. Spring Street, Parcel Ref. No. 000S009003001462) as surplus, authorize the Mayor to dispose of the property via the Attainable Infill Housing Program, and authorize the Mayor to execute documents related to this authorized disposition of the property.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

12. [2022-092](#) RESOLUTION NO. 2022-092 - LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION - FUNDING FOR DESIGN OF LEGION FIELD AND GLOBAL LEARNING ACADEMY MULTI MODAL IMPROVEMENTS

**Recommendation:** That City Council adopt Resolution No. 2022-092:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA AUTHORIZING THE CITY TO ENTER INTO A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION AND ACCEPT FUNDING FOR DESIGN OF LEGION FIELD AND GLOBAL LEARNING ACADEMY MULTI MODAL IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE.

**Place on Regular Agenda.**

13. [2022-091](#) SUPPLEMENTAL BUDGET RESOLUTION NO 2022-091 - FLORIDA DEPARTMENT OF TRANSPORTATION FUNDING FOR ENGINEERING DESIGN OF LEGION FIELD AND GLOBAL LEARNING ACADEMY MULTI MODAL IMPROVEMENTS.

**Recommendation:** That City Council adopted Supplemental Budget Resolution No. 2022-091.

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.**

14. [2022-094](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-094 - ADVANCEMENT OF FUNDING FROM THE BAYLEN STREET MARINA SEAWALL REFURBISHMENT FUND FOR UNDERWATER INSPECTION SERVICES FOR BAYLEN AND PALAFOX STREETS MARINAS

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 2022-094:

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.)**

15. [42-22 AMENDED PROPOSED ORDINANCE NO. 42-22 - AMENDING SECTION 12-6-4\(4\) OF THE CITY CODE - LANDSCAPE AND TREE PROTECTION PLAN OF THE LAND DEVELOPMENT CODE](#)

**Recommendation:** That City Council adopt amended Proposed Ordinance No. 42-22 on second reading:

AN ORDINANCE AMENDING SECTION 12-6-4 (4) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, LANDSCAPE AND TREE PROTECTION PLAN; PROVIDING FOR A TWENTY-ONE DAY POSTING REQUIREMENT PRIOR TO ISSUANCE OF PERMIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Place on Regular Agenda.**

**CONSIDERATION OF ANY ADD-ON ITEMS**

None

**DISCUSSION**

16. [22-00896 ROGER SCOTT TENNIS CENTER - TENNIS COURT IMPROVEMENTS PROJECT](#)

Mayor Robinson (sponsor) made opening remarks thanking staff for their work dealing with challenges of this project and finding solutions to offer alternatives in the most cost-effective manner. Deputy City Administrator Forte made comments and then introduced Public Works & Facilities staff indicating they provided a full-depth analysis of the court system. Mayor Robinson made follow-up remarks regarding the increased cost of concrete which led to staff seeking alternatives. Public Works & Facilities Deputy Director Cook addressed Council referencing handouts provided at Council's places providing a cost cutting plan reflected in two (2) different formats: 1) spreadsheet and 2) chart (on file with background materials) using different construction methods and materials. Discussion ensued with Mayor Robinson, Public Works & Facilities Deputy Director Cook, Public Works & Facilities Director Tootle, Deputy City Administrator Forte, Finance Director Lovoy, and Brock Sakey representing Gulf Coast Tennis Group, LLC who provides professional services and management of the Roger Scott Tennis Center responding accordingly to comments and questions from Council Members. During discussion, Council Member Myers provided a handout of photos (on file with background materials) and raised concerns regarding the need for ADA improvements throughout the Roger Scott Athletic Complex with Mayor Robinson and Finance Director Lovoy addressing her concerns.

**DISCUSSION (CONT'D.)**

Deputy Administrator Forte indicated that Public Works & Facilities staff will finalize the bid package for Request for Proposals to be solicited for improvements at Roger Scott Tennis Center and Mayor Robinson indicated that Finance Director Lovoy is working on finalizing the funding amount for ADA improvements throughout Roger Scott Athletic Complex both of which will be brought forward for Council's consideration.

**17. [22-00950 WHISTLEBLOWER ACT ORDINANCE](#)**

Council Member Myers (sponsor) indicated she has been meeting with Assistant City Attorney Lindsay and Council Executive Kraher on this issue and referenced F.S. 112.3187 *Whistleblower Act* (hardcopies at Council's places and provided in the agenda materials). She addressed Council summarizing the state-wide act. She indicated that the purpose of bringing this forward for discussion is to provide options for consideration to implement a method on a local level. Assistant City Attorney Lindsay referenced Miami-Dade's *Protection of Employees Disclosing Specified Information* (provided in agenda materials) as an example of a local process intended to add a layer of protection, accountability, and transparency that complements the state's process. She suggested one method is the possibility of amending the interlocal agreement between the City and Escambia County to develop a process through the Escambia-Pensacola Human Relations Commission.

Discussion ensued with Council Member Myers and Assistant City Attorney Lindsay fielding comments and questions from Council Members. Mayor Robinson also provided input. Wrapping up the discussion, **Council Member Myers indicated that she will continue to work with Assistant City Attorney Lindsay to meet with the executive director of the HRC to discuss the possibility of providing a local whistleblower process.**

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

**18. [22-00951 LEGISLATIVE INTERN PROGRAM](#)**

**Withdrawn.**

**READING OF ITEMS FOR COUNCIL AGENDA**

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

**COMMUNICATIONS**

**CITY ADMINISTRATOR'S COMMUNICATION**

Mayor Robinson indicated that City Administrator Fiddler is out to the office today. Deputy City Administrator Miller advised Council of the upcoming *United Way Day of Caring* which approximately eighty (80) City Employees will participate in projects throughout the community assisting those in need.

**CITY ATTORNEY'S COMMUNICATION**

Assistant City Attorney Lindsay indicated that she is filling in for City Attorney Peppler while he is out of the office this week on vacation.

**QUARTERLY FINANCIAL REPORT - FINANCE DIRECTOR AMY LOVOY****19. [22-00912 QUARTERLY FINANCIAL REPORT - NINE MONTHS ENDING JUNE 30, 2022 \(UNAUDITED\) - FINANCE DIRECTOR AMY LOVOY](#)**

Finance Director Lovoy provided an overhead presentation (on file with background materials) and responded accordingly to comments and questions. Mayor Robinson made follow-up remarks (on the slide) related to Inspection Fund trends/projections.

Following the presentation Special Assistant to the Council Executive McLellan responded to questions from Council Member Brahier regarding the upcoming audit of Re-Entry Alliance Pensacola (REAP), and Council Member Myers regarding history of millage rates for ad valorem taxation, Tree Trust Fund expenditures by District, and Local Option Gas Tax (LOGT). Mayor Robinson and Finance Director Lovoy also provided input.

**CITY COUNCIL COMMUNICATION**

Council Member Jones announced his upcoming joint town hall meeting with Mayor Robinson for District 3.

**ADJOURNMENT**

5:12 P.M.