



# City of Pensacola

## CITY COUNCIL AGENDA CONFERENCE

### Meeting Minutes

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November 6, 2017

3:37 P.M.

Hagler-Mason Conference Room

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The agenda conference was called to order by Council President Spencer at 3:38 P.M.

#### ROLL CALL

**Council Members Present:** Brian Spencer, Gerald Wingate, Jewel Cannada-Wynn, Larry Johnson, Sherri Myers, Andy Terhaar, P.C. Wu

**Council Members Absent:** None

#### PRESENTATION ITEMS

None.

#### REVIEW OF CONSENT AGENDA ITEMS

1. [17-00566 DISPOSITION OF SURPLUS PROPERTY - 400 BLOCK WEST GADSDEN STREET](#)

**Recommendation:** That City Council approve the conveyance via warranty deed of 400 Block West Gadsden Street, parcel identification number 00 OS 00 9010 300 028, account number 131205000 to Escambia County Housing Finance Authority. Further that City Council authorize the Mayor to negotiate and execute all necessary documents related to the conveyance of the property. Finally, that any proceeds, after costs associated with the final transaction, are allocated to the City Housing Initiatives Fund.

**Place on Consent Agenda.**

2. [17-00580 APPOINTMENT - BOARD OF TRUSTEES - FIREMEN'S RELIEF AND PENSION FUND](#)

**Recommendation:** That City Council appoint a resident of the City to the Board of Trustees, Firemen's Relief and Pension Fund for a term of two years, expiring December 31, 2019.

**Place on Consent Agenda.**

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

3. [17-00586](#) AWARD OF BID# 17-042 PORT OF PENSACOLA FERRY LANDING - LANDSIDE FEATURES

**Recommendation:** That City Council award Bid #17-042 for construction of the Port of Pensacola Ferry Landing Landside Features to Green Simmons Company, the lowest and most responsible bidder with a base bid of \$1,666,589 plus Add Alternates #1 and #2 for \$171,000, for a total bid of \$1,837,589 with a 10% contingency of \$183,758 for a total amount of \$2,021,347. Further, that the City Council authorize the Mayor to execute a contract and take all actions necessary to complete the project.

**Place on Consent Agenda.**

4. [17-00587](#) FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY COMMUNITY PLANNING TECHNICAL ASSISTANCE GRANT AGREEMENT - COMMUNITY REDEVELOPMENT AREA OVERLAY

**Recommendation:** That City Council approve and authorize the Mayor to execute the acceptance of the Florida Department of Economic Opportunity (DEO) Community Planning Technical Assistance grant in the amount of \$40,000 for the establishment of a Community Redevelopment Area Overlay. Further, that the City Council authorize the Mayor to take any and all action necessary to execute the grant agreement and finalize the grant award.

**Place on Consent Agenda.**

5. [17-00611](#) EASTSIDE LANDSCAPE, PARK, PROPERTY MANAGEMENT, LEASING, PUBLIC SPACE ENHANCEMENT, ACCESSIBILITY IMPROVEMENTS AND FACILITIES MAINTENANCE SERVICES INTERLOCAL AGREEMENT BETWEEN THE CITY OF PENSACOLA AND THE COMMUNITY REDEVELOPMENT AGENCY

**Recommendation:** That the City Council approve an Interlocal Agreement for Landscape, Park, Property Management, Leasing, Public Space Enhancement, Accessibility Improvements and Facilities Maintenance Services with the Community Redevelopment Agency.

**Place on Consent Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS**6. [17-00578](#) APPOINTMENTS - INTERNATIONAL RELATIONS ADVISORY BOARD

**Recommendation:** That City Council appoint five individuals to the International Relations Advisory Board, for a term of two years expiring December 31, 2019.

**Place on Regular Agenda.**

7. [17-00591](#) PUBLIC HEARING - AMENDMENT TO THE LAND DEVELOPMENT CODE SECTION 12-2-21 PALAFOX HISTORIC BUSINESS DISTRICT

**Recommendation:** That City Council hold a public hearing to consider an amendment to the Land Development Code (LDC) Section 12-2-21 (F)(4)(a) prohibiting internally illuminated signs in the Palafox Historic Business District (PHBD).

**Place on Regular Agenda.**

8. [41-17](#) PROPOSED ORDINANCE NO. 41-17 - AMENDING SECTION 12-2-21 PALAFOX HISTORIC BUSINESS DISTRICT OF THE LAND DEVELOPMENT CODE

**Recommendation:** That City Council approve Proposed Ordinance No. 41-17 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-21 (F)(4)(a) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR A PROHIBITION OF INTERNALLY ILLUMINATED SIGNS IN THE PALAFOX HISTORIC BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

**Place on Regular Agenda**

9. [17-00543](#) PUBLIC HEARING REGARDING THE SALE OF THE HAWKSHAW PROPERTY

**Recommendation:** That City Council conduct a public hearing at the November 9, 2017 City Council meeting regarding the sale of the Hawkshaw property.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**10. [17-00594 HAWKSHAW PROPERTY DEVELOPMENT AGREEMENT AND SALE](#)

**Recommendation:** That City Council approve the development agreement/contract for sale of the surplus property at 9th Avenue and Romana Street (Hawkshaw) submitted by Robert Montgomery in the amount of \$1,600,000 and that City Council approve the award. Further, that City Council authorize the CRA Chairperson to execute all documents necessary to sell the property.

**Place on Regular Agenda.**11. [17-78 RESOLUTION NO. 17-78 - AUTHORIZING A FINANCING IN THE PRINCIPAL AMOUNT OF \\$8,000,000 TO FINANCE ELIGIBLE CAPITAL PROJECTS IN THE COMMUNITY REDEVELOPMENT AGENCY'S URBAN CORE TAX INCREMENT FINANCING DISTRICT, PROVIDING CERTAIN AMENDMENTS TO RESOLUTION NO. 33-09 AND AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PENSACOLA AND THE COMMUNITY REDEVELOPMENT AGENCY RELATING TO SUCH FINANCING.](#)

**Recommendation:** That City Council adopt Resolution No. 17-78.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AUTHORIZING THE ISSUANCE BY THE CITY OF AN URBAN CORE REDEVELOPMENT REVENUE BOND, SERIES 2017, IN THE PRINCIPAL AMOUNT OF \$8,000,000 TO FINANCE CERTAIN COMMUNITY REDEVELOPMENT IMPROVEMENTS IN THE URBAN CORE COMMUNITY REDEVELOPMENT AREA AS DESCRIBED HEREIN; PLEDGING AS SECURITY FOR THE PAYMENT OF SAID SERIES 2017 BOND THE TAX INCREMENT REVENUES OF THE URBAN CORE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR THE RIGHTS, SECURITY, AND REMEDIES FOR THE REGISTERED OWNER OF THE SERIES 2017 BOND; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE AWARD OF THE SALE OF THE SERIES 2017 BOND; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF THE SERIES 2017 BOND; PROVIDING CERTAIN AMENDMENTS TO RESOLUTION NO. 33-09; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Council Member Myers indicated she would like to meet with Chief Financial Officer Barker prior to the (November 9<sup>th</sup>) meeting.

**Place on Regular Agenda.**

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

12. [17-79 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-79 - APPROPRIATING FUNDING IN CONNECTION WITH THE URBAN CORE REDEVELOPMENT REVENUE BOND, SERIES 2017.](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-79.

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

**Place on Regular Agenda.**

13. [17-00613 FISH HATCHERY LEASE](#)

**Recommendation:** That City Council declare the Lease with the Florida Fish and Wildlife Commission void in accordance with Paragraph 20 of the Lease; based on the Commission's failure to commence construction of the Florida Gulf Coast Marine Fisheries Hatchery/Enhancement Center at Bruce Beach within the three (3) years of execution of the Lease on May 12, 2014.

City Attorney Bowling addressed Council referencing a memorandum she prepared (hardcopies at Council's places and e-mailed - - on file with background materials) dated November 6<sup>th</sup> regarding *Notice of Lawsuit Filed and Legal Advice Relating to November 6, 2017 Legislative Action Item Nos. (17-00595, 17-00613, 17-00614, 17-00615, and 17-00616)* advising that (those) items be pulled from the agenda and no discussion take place regarding those items.

Some discussion took place among Council with City Attorney Bowling fielding comments and questions.

***Council Member Myers, as sponsor, withdrew this item.***

14. [17-00616 FISH HATCHERY LEASE](#)

**Recommendation:** That City Council determine the Lease between the City of Pensacola and the Florida Fish and Wildlife Commission for the construction of the Gulf Cost Marine Fisheries Hatchery/Enhancement Center to be VOID in accordance with Section 20 (Performance Schedule) of the Lease.

***Based on City Attorney Bowling's legal opinion (discussed during Item 13) Council President Spencer, as sponsor, withdrew this item.***

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

15. [17-00614](#) REFER REDEVELOPMENT OF BRUCE BEACH TO THE COMMUNITY REDEVELOPMENT AGENCY FOR REVIEW AND ACTION

**Recommendation:** That City Council refer the matter of the redevelopment of Bruce Beach to the Community Redevelopment Agency that has the legal authority to redevelop the 44.45 acres of prime commercial waterfront property, appraised for tax purposes by the Escambia County Property Appraiser at approximately \$6.9 million dollars, with the CRA Urban Core.

*Based on City Attorney Bowling's legal opinion (discussed during Item 13) Council Member Myers, as sponsor, withdrew this item.*

16. [17-00595](#) REFER TO THE COMMUNITY REDEVELOPMENT AGENCY (CRA) THE POTENTIAL REDEVELOPMENT OF THE PROPERTY KNOWN AS BRUCE BEACH.

**Recommendation:** That City Council, in accordance with Resolution No. 55-80 and Resolution No. 36-80 as well as prior CRA activities, refer to the CRA any potential redevelopment of the property known as Bruce Beach.

*Based on City Attorney Bowling's legal opinion (discussed during Item 13) Council President Spencer, as sponsor, withdrew this item.*

17. [17-00615](#) APPRAISAL BRUCE BEACH PROPERTY

**Recommendation:** That City Council obtain an appraisal to determine the fair market value of the 44.45 acres of land known as Bruce Beach and report the findings to the City Council at the next Council meeting in December of 2017.

Council Member Myers questioned why this item is being recommended for withdrawal, with City Attorney Bowling indicated she is recommending this item be pulled out of an abundance of caution.

*Based on City Attorney Bowling's legal opinion Council Member Myers, as sponsor, withdrew this item.*

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

18. [17-00618](#) EXPLORE THE BUY OUT OPTIONS WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE PORT ADMINISTRATION BUILDING, MAINTENANCE BUILDING AND PARKING LOT

**Recommendation:** That City Council explore the buyout options with FDOT for the Port Administration Building, Maintenance Building and Parking Lot in accordance with the Joint Participation Agreement between the Florida Department of Transportation and the Port of Pensacola for Construction of a New Port Administration Building, Maintenance Building and Parking Lot entered into in August of 1999. Further determining the cost, process and result of such a buyout.

Council Member Wingate questioned if this item should be withdrawn as well, even though it was not referenced in City Attorney Bowling's opinion (discussed during Item 13). Council President Spencer (sponsor) indicated he believes this action is independent of the pending lawsuit regarding the proposed fish hatchery. City Attorney Bowling indicated she will look into this item and if she concludes it could have some bearing on the pending litigation, then she will advise to have the item withdrawn.

**Place on Regular Agenda.**

19. [17-00620](#) REFERRAL TO PLANNING BOARD - LAND DEVELOPMENT CODE AMENDMENT TO SECTION 12-2-22 - GOVERNMENTAL CENTER DISTRICT

**Recommendation:** That City Council approve the concept of a new redevelopment district which will replace the Governmental Center District. Further, that City Council refer to the Planning Board the redevelopment district concept for review and recommendation.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**20. 17-00579 SIGNATORY AIRLINE OPERATING AGREEMENT AND TERMINAL BUILDING LEASE

**Recommendation:** That City Council adopt the Airline Operating Agreement and Terminal Building Lease for signatory airlines setting forth the rights, privileges, and obligations for operating at Pensacola International Airport. Further, that City Council authorize the Mayor to execute the Airline Operating Agreement and Terminal Lease for each airline throughout the term and to take all actions necessary relating to the finalization of the agreement.

Airport Director Flynn responded accordingly to questions from Council Members.

Council President Spencer suggested this item be placed on the consent agenda.

*No objections.*

**Place on Consent Agenda.**

21. 17-74 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-74 - FINAL AMENDMENT TO THE FISCAL YEAR 2017 BUDGET

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-74.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.

**Place on Regular Agenda.**

22. 17-75 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-75 - FY 2018 ENCUMBRANCE CARRYOVER BUDGET RESOLUTION

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-75.

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

**Place on Regular Agenda.**



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

23. [17-76](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-76 - FY 2018 NON-ENCUMBERED CARRYOVER BUDGET RESOLUTION

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-76.

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

**Place on Regular Agenda.**

24. [17-00598](#) ACCEPTANCE OF 2017 FEDERAL PORT SECURITY GRANT

**Recommendation:** That City Council approve and authorize the Mayor to execute the acceptance of a U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) 2017 Port Security Grant Program grant in the amount of \$315,375 for the purchase and installation of a Maritime Fire Training Simulator. 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.

**Place on Regular Agenda.**

25. [17-77](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-77 - 2017 FEDERAL PORT SECURITY GRANT AWARD

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-77.

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

**Place on Regular Agenda.**

26. [17-00601](#) AMENDMENT NO. 2 TO THE LEASE AGREEMENT BETWEEN THE CITY OF PENSACOLA AND OFFSHORE INLAND MARINE & OILFIELD SERVICES, INC. FOR WAREHOUSE #1 AT THE PORT OF PENSACOLA.

**Recommendation:** That City Council authorize the Mayor to take all action necessary to amend, by second amendment, the Lease Agreement for Port Warehouse #1 with Offshore Inland Marine & Oilfield Services, Inc.

**Place on Regular Agenda.**

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

27. [17-00603](#) INTERLOCAL AGREEMENT - PENSACOLA-ESCAMBIA COUNTY PROMOTION AND DEVELOPMENT COMMISSION

**Recommendation:** That City Council approve and authorize the Mayor to take all actions necessary to execute the Interlocal Agreement between the Escambia County Board of County Commissioners and the City of Pensacola relating to the funding of the Pensacola-Escambia County Promotion and Development Commission (PEDC) for FY 2018.

Council Member Cannada-Wynn indicated she would like information regarding the efforts and successes of the PEDC, for the November 9<sup>th</sup> meeting. City Administrator Olson responded indicating he will provide the requested information. Council Member Myers suggested this item be placed on the consent agenda and if discussion is needed upon receipt of the information then the item can be moved to the regular agenda on the 9<sup>th</sup>.

*No objections.*

**Place on Consent Agenda.**

28. [17-81](#) RESOLUTION NO. 17-81 - DESIGNATING JANUARY 12, 2018 AS MENTAL HEALTH AWARENESS DAY

**Recommendation:** That City Council adopt Resolution No. 17-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA DESIGNATING JANUARY 12, 2018 AS MENTAL HEALTH AWARENESS DAY IN THE CITY OF PENSACOLA.

Council Member Myers requested this item be moved to the beginning of the regular agenda, in order to accommodate any students in attendance whom she worked with to bring forth this designation.

*No objections.*

**Place on Regular Agenda (prior to Item 6).**

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

29. [28-17 PROPOSED ORDINANCE NO. 28-17 AMENDING CHAPTER 7-10 OF THE CITY CODE - VEHICLES FOR RENT TO THE PUBLIC](#)

**Recommendation:** That City Council adopt Ordinance No. 28-17 on second reading.

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING CHAPTER 7-10, PERTAINING TO VEHICLES FOR RENT; AMENDING SEC. 7-10-134 TO PROVIDE FOR AN AIRPORT TAXI CAB PICKUP FEE; AMENDING SEC. 7-10-17, PROVIDING DEFINITIONS; REPEALING AND REPLACING SEC. 7-10-177, PROVIDING FOR PERMITS AND FEES; PROVIDING FOR SEVERABILITY, REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

**Place on Regular Agenda.**

**FOR DISCUSSION**

None.

**INFORMATIONAL ITEMS**

None.

**CONSIDERATION OF ANY ADD-ON ITEMS**

**Council President Spencer referenced hardcopies of the following item sponsored by Mayor Hayward for Council to consider adding to the November 9<sup>th</sup> agenda:**

[17-00624 ADD-ON: AWARD OF CONTRACT FOR RFP #17-024 OPERATION AND MANAGEMENT OF ROGER SCOTT TENNIS CENTER](#)

**Recommendation:** That City Council approve the Mayor's award recommendation to Gulf Coast Tennis Group, LLC for RFP #17-024 Operation and Management of Roger Scott Tennis Center.

**A motion to add this item to the regular agenda was made by Council Member Cannada-Wynn and seconded by Council Member Johnson.**

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

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

**READING OF ITEMS FOR COUNCIL AGENDA**

City Clerk Burnett read the items as presented above.

*No objections.*

**COMMUNICATIONS****30. 17-00160 CITY ADMINISTRATOR COMMUNICATION**

- Fire Chief Allen provided a verbal update to Council on Fire Department operations, first responder initiatives related to the opioid epidemic, and recruiting of cadets. He responded accordingly to questions of Council Members.
- City Administrator Olson advised Council (as required) regarding a request received by the City for a “Browfield” designation of property located at 1717 West Cervantes Street, and that two public hearings will take place at Council’s regular meetings in December and January. Further, he advised of needed improvements in Council Chambers related to ADA compliance in accessing the dais; and at this time the City is accepting applications for *Pensacola Neighborhood Challenge Grants* until January 5<sup>th</sup>. He responded to questions of Council Members.

**CITY ATTORNEY'S COMMUNICATION**

None.

**31. 17-00203 MONTHLY CRIME REPORT - OCTOBER 2017 – POLICE CHIEF TOMMI LYTER**

Police Chief Lyter provided an overhead (on file with background materials) presentation and responded accordingly to questions.

**32. 17-00151 MONTHLY FINANCIAL REPORT - OCTOBER 2017 - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.**

Chief Financial Officer Barker provided an overhead (on file with background materials) presentation and responded accordingly to questions.

**CITY COUNCIL COMMUNICATION**

Council Member Johnson made comments expressing his delight with the vibrancy of activity within the downtown. Council Member Myers made follow-up remarks.

**ADJOURNMENT**

5:13 P.M.

