

A regular meeting of the Pensacola City Council was held on December 8, 2016 commencing at 5:30 P.M., with City Council President Brian Spencer presiding. Council Members present were Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Gerald Wingate, and P. C. Wu. Council Member Andy Terhaar was absent.

**COUNCIL PRESIDENT SPENCER:** Called the meeting to order. He called on Pastor C. Marcel Davis of Adoration For a New Beginning to give the invocation and Council Member Johnson to lead in the Pledge of Allegiance.

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

**FIRST LEROY BOYD FORUM:**

The following individuals addressed Council regarding a plumbing services program through Pensacola Energy expressing that the City is competing with the private sector:

Chad Downs	Diane Downs
Thomas Kimmons	Damon Aligood
Michele Downs	Andy Compy
Alice Downs	Hunter Motes
Larry Downs, Jr.	

**MARK STETTNER:** Addressed Council regarding the regulations required for taxi cab drivers versus the lack of any regulations for Uber drivers.

**JANELLE GORMLEY:** Addressed Council indicating she represents the Secular Student Alliance of UWF and encouraged Council to develop a policy discontinuing the practice of providing for invocations at City Council meetings and replace with a moment of silence.

**BARBARA MAYALL:** Referred to the Council's 2017 schedule of meetings and urged Council not to schedule meetings which occur on the same date and timeframe as Escambia County Board of County Commissioners' meetings.

**TIM DORSEY:** Addressed Council regarding various issues such as Council's 2017 schedule of meetings, the plumbers' issues with Pensacola Energy, taxi cab drivers versus Uber drivers, and potholes.

**ANDRE RYLAND:** Addressed Council as a celebrant of Humanists of Northwest Florida and urged Council to develop a policy for invocations at City Council meetings.

During the forum, Council President Spencer indicated that instead of individual Council Members making follow-up remarks following speakers' comments, Council Executive Kraher will compile the information brought forward by citizens. That will allow individual Council Members to follow-up with constituents following meetings.

**AWARDS:**

None.

**APPROVAL OF MINUTES:**

**COUNCIL PRESIDENT SPENCER:** First item of business being the minutes of a regularly scheduled meeting dated November 17, 2016, as well as three special meetings with two (2) dated November 22, 2016 (11:45 a.m. and 12:00 p.m.) and one (1) dated November 29, 2016; and asked if there were any corrections, omissions, or deletions.

**COUNCIL MEMBER CANNADA-WYNN:** Moved the approval.

**COUNCIL MEMBER WINGATE:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**APPROVAL OF AGENDA:**

**COUNCIL PRESIDENT SPENCER:** Indicated **Consent Item 8, Pensacola Energy – Approval of Task Order with R.A.W. Construction, LLC, will be moved to the regular agenda prior to Item 9, due to a member of the public wishing to address Council.**

**CITY ADMINISTRATOR OLSON:** Referenced a revised memorandum at Council's places regarding Item 17, P.O. No. 48-16 (on second reading), *Amendment to Group Insurance Amending Section 9-7-2* which explains the revised language (on file with background materials).

**COUNCIL MEMBER CANNADA-WYNN:** Moved the approval of the agenda.

**COUNCIL MEMBER WINGATE:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**CONSENT AGENDA:**

**COUNCIL PRESIDENT SPENCER:** Presented the following items for consent approval:

1. AIRPORT COMMERCE PARK – PROPERTY ACQUISITION B2408 – COLLEGE HEIGHTS

Recommendation:

That City Council authorize the purchase of B2408 (Parcel ID# 141S292100024002) from Tho Nguyen for \$74,000 along with relocation assistance of \$21,856, closing costs of \$1,900, 5% contingency in the amount of \$4,888, and moving costs of \$5,000 for a total amount of \$107,644.

2. AIRPORT COMMERCE PARK – PROPERTY ACQUISITION E2407 – COLLEGE HEIGHTS

Recommendation:

That City Council authorize the purchase of E2407 (Parcel ID# 141S292100004002) from Eain Semore for \$81,500 along with relocation assistance of \$73,400, closing costs of \$1,900, 5% contingency in the amount of \$7,840, and moving costs of \$5,000 for a total amount of \$169,640.

3. AIRPORT COMMERCE PARK – PROPERTY ACQUISITION E2408 – COLLEGE HEIGHTS

Recommendation:

That City Council authorize the purchase of E2408 (Parcel ID# 141S292100240001) from David C. Hicks for \$81,500 along with relocation assistance of \$73,500, closing costs of \$1,900, 5% contingency in the amount of \$7,845, and moving costs of \$5,000 for a total amount of \$169,745.

4. AIRPORT COMMERCE PARK – PROPERTY ACQUISITION E2411 – COLLEGE HEIGHTS

Recommendation:

That City Council authorize the purchase of E2411 (Parcel ID# 141S292100006002) from Thomas J. McKean for \$75,000 along with relocation assistance of \$17,860, closing costs of \$1,900, 5% contingency in the amount of \$4,738, and moving costs of \$5,000 for a total amount of \$104,498.

5. AIRPORT COMMERCE PARK – PROPERTY ACQUISITION E2417 – COLLEGE HEIGHTS

Recommendation:

That City Council authorize the purchase of E2417 (Parcel ID# 141S292100009002) from Merlina Gray for \$90,000, closing costs of \$1,900, 5% contingency in the amount of \$4,595, and moving costs of \$5,000 for a total amount of \$101,495.

**CONSENT AGENDA (cont'd):**

6. AIRPORT COMMERCE PARK – PROPERTY ACQUISITION E2418 – COLLEGE HEIGHTS

Recommendation:

That City Council authorize the purchase of E2418 (Parcel ID# 141S292100190001) from Michael A. and Jean A. Gray for \$88,000 along with relocation assistance of \$13,300, closing costs of \$1,900, 5% contingency in the amount of \$5,160, and moving costs of \$5,000 for a total amount of \$113,360.

7. AIRPORT COMMERCE PARK – PROPERTY ACQUISITION T5607 – COLLEGE HEIGHTS

Recommendation:

That City Council authorize the purchase of T5607 (Parcel ID# 141S292100001003) from Leonard D. Schick for \$82,400 along with a purchase additive of \$3,706, relocation assistance of \$13,524, closing costs of \$1,900, 5% contingency in the amount of \$5,077, moving costs of \$5,000, and reestablishment benefits of \$25,000, for a total amount of \$136,607.

**COUNCIL MEMBER CANNADA-WYNN:** Moved the approval of consent agenda Items 1 – 7.

**COUNCIL MEMBER JOHNSON:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**REGULAR AGENDA:**

**COUNCIL PRESIDENT SPENCER:** Introduced the following item:

8. PENSACOLA ENERGY – APPROVAL OF TASK ORDER WITH R.A.W. CONSTRUCTION, LLC

Recommendation:

That City Council approve the proposed task order for R.A.W. Construction, LLC under unit pricing awarded through ITB #14-029 FY2014-Pensacola Energy Natural Gas Pipeline Construction contract to install new natural gas services and mains as needed for system expansion in the estimated amount \$1,700,000. Further, authorize the Mayor to execute the task order agreement with R.A.W. Construction.

**COUNCIL MEMBER WINGATE:** Moved the approval of the agenda.

**COUNCIL MEMBER CANNADA-WYNN:** Seconded.

**REGULAR AGENDA (cont'd.):**

Public input (regarding Item 8) was heard from Larry Downs, Jr.

Brief discussion took place among Council related to the (procedural) issue of moving Item 8 from the consent agenda to the regular agenda. Discussion then focused on the recommendation before Council with City Administrator Olson responding accordingly to questions.

**COUNCIL PRESIDENT SPENCER:** Upon conclusion of discussion, called for the vote (on Item 8).

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

**COUNCIL PRESIDENT SPENCER:** Presented the following item:

9. APPOINTMENT – COMMUNITY REDEVELOPMENT AGENCY CHAIRPERSON

Recommendation:

That City Council appoint one member of the Community Redevelopment Agency (CRA) as Chairperson of the CRA, for a period of one year expiring in December of 2017.

**COUNCIL MEMBER JOHNSON:** Made a motion by acclamation that City Council appoint Council Member Jewel Cannada-Wynn as Chairperson of the CRA, for a period of one year expiring in December of 2017.

**COUNCIL MEMBER WINGATE:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**COUNCIL PRESIDENT SPENCER:** Presented the following item:

10. APPOINTMENT – COMMUNITY REDEVELOPMENT AGENCY VICE CHAIRPERSON

Recommendation:

That City Council appoint one member of the Community Redevelopment Agency (CRA) as Vice Chairperson of the CRA, for a period of one year expiring in December of 2017.

**COUNCIL MEMBER CANNADA-WYNN:** Made a motion by acclamation that City Council appoint Council Member Andy Terhaar as Vice Chairperson of the CRA, for a period of one year expiring in December of 2017.

**COUNCIL MEMBER JOHNSON:** Seconded.

**REGULAR AGENDA (cont'd.):**

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote (on Item 10).

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

**COUNCIL PRESIDENT SPENCER:** Presented the following item:

11. 2017 CITY COUNCIL MEETING SCHEDULE

Recommendation:

That City Council adopt the attached 2017 City Council Meeting Schedule.

**COUNCIL MEMBER JOHNSON:** Moved the approval.

**COUNCIL MEMBER CANNADA-WYNN:** Seconded.

Some discussion took place among Council as to whether or not the proposed schedule is in conflict with any meetings of the Escambia County Board of County Commissioners. Council Executive indicated he will look into the County's 2017 schedule and report back to Council following this meeting.

**COUNCIL PRESIDENT SPENCER:** Upon conclusion of discussion, called for the vote.

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

**COUNCIL PRESIDENT SPENCER:** Presented the following item:

12. ASSIGNMENT OF COUNCIL MEMBERS TO EXTERNAL BOARDS, AUTHORITIES & COMMISSIONS FOR COUNCIL TERM 2016 - 2018

Recommendation:

That the following external assignments be filled for a two year period, until new City Council Members take office in November of 2018.

Bay Area Resource Council (1)	Cannada-Wynn
Community Action Program (1)	Myers
Community Drug & Alcohol Commission (1)	Wingate
Community Enterprise Investments, Inc. (1)	Cannada-Wynn
Tourist Development Council (2)	Wu, Spencer
Transportation Planning Organization (5)	Wu, Wingate, Spencer, Johnson, Cannada-Wynn
Juvenile Justice Council (1)	Wingate
Keep Pensacola Beautiful, Inc. (1)	Terhaar
Pensacola Escambia Development Commission (2)	Johnson, Terhaar
Scenic Highway Corridor Management (1)	Terhaar
Tourism Administration Convention Committee (1)	Terhaar
West Florida Regional Planning Council (1)	Myers

**REGULAR AGENDA (cont'd.):**

**COUNCIL MEMBER CANNADA-WYNN:** Moved the approval (of Item 12).

**COUNCIL MEMBER WINGATE:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**COUNCIL PRESIDENT SPENCER:** Introduced the following item:

13. PUBLIC HEARING: PROPOSED AMENDMENT TO SECTION 12-2-24 OF THE LAND DEVELOPMENT CODE--NORTH 9TH AVENUE CORRIDOR MANAGEMENT OVERLAY DISTRICT

Recommendation:

That City Council conduct the second of two public hearings on December 8, 2016 to consider **an amendment to Section 12-2-24 of the Land Development Code - North 9th Avenue Corridor Management Overlay District.**

**COUNCIL MEMBER MYERS:** Presented this item and moved the approval.

**COUNCIL MEMBER WINGATE:** Seconded.

Public input was heard from Diane Mack and Mr. Hicks.

**COUNCIL PRESIDENT SPENCER:** Upon conclusion of discussion, called for the vote.

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

**COUNCIL PRESIDENT SPENCER:** Called on City Clerk Burnett to read the title of the proposed ordinance on first reading related to Item 13.

**CITY CLERK BURNETT:** Proposed Ordinance No. 47-16 to be entitled:

*AN ORDINANCE AMENDING SECTION 12-2-24 OF THE CODE OF THE CITY OF PENSACOLA; AMENDING THE LAND DEVELOPMENT CODE, NORTH 9<sup>TH</sup> AVENUE CORRIDOR MANAGEMENT OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.*

**COUNCIL MEMBER CANNADA-WYNN:** Moved the approval.

**COUNCIL MEMBER WINGATE:** Seconded.

**REGULAR AGENDA (cont'd.):**

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote (on P.O. No. 47-16).

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

**COUNCIL PRESIDENT SPENCER:** Introduced the following item:

14. QUASI-JUDICIAL HEARING - WATERFRONT REDEVELOPMENT DISTRICT SITE PLAN APPROVAL - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION "GULF COAST MARINE FISHERIES HATCHERY & ENHANCEMENT CENTER – 453 WEST MAIN STREET

**Recommendation:**

That City Council conduct a quasi-judicial hearing on December 8, 2016 **to consider the request for Waterfront Redevelopment District Site Plan approval for the Florida Fish and Wildlife Conservation Commission "Gulf Coast Marine Fisheries Hatchery & Enhancement Center" to be located at 453 West Main Street.**

**COUNCIL PRESIDENT SPENCER:** Explained by reading into the record a summary of how a quasi-judicial process differs from Council's legislative process. He then asked if staff is aware of any contest or objection regarding this issue.

**CITY ADMINISTRATOR OLSON:** Indicated staff is not aware of any contest or objection regarding this issue.

**COUNCIL PRESIDENT SPENCER:** Indicated they may dispense the formality of the process and called on staff to present evidence.

**PLANNING SERVICES ADMINISTRATOR MORRIS:** Provided a summary of the request before Council as outlined in the memorandum (dated 12/8/16) and **as stated above.** She also presented overhead graphics depicting the subject property and surrounding area.

Council Member Myers asked questions with Planning Services Administrator Morris responding accordingly.

Council President Spencer provided the applicant an opportunity to provide further evidence.

**PEARCE BARNETT:** Representing Florida Department of Environmental Protection was present and indicated he had nothing further to add.



**REGULAR AGENDA (cont'd.):**

**COUNCIL PRESIDENT SPENCER:** There being no further evidence or questions (related to Item 14), indicated he will entertain a motion to approve the request for Waterfront Redevelopment District Site Plan approval for the Florida Fish and Wildlife Conservation Commission "Gulf Coast Marine Fisheries Hatchery & Enhancement Center" to be located at 453 West Main Street.

**COUNCIL MEMBER WINGATE:** Moved the approval.

**COUNCIL MEMBER JOHNSON:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no further discussion, called for the vote.

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

**COUNCIL PRESIDENT SPENCER:** Introduced the following item:

15. FERRY LANDING PROJECT JOINT PARTICIPATION OF AGREEMENT (JPA) AND RESOLUTION OF SUPPORT

**Recommendation:**

That City Council adopt a Resolution of support that approves and authorizes the Mayor to execute a JPA and any related documents and agreements between the City of Pensacola and the Florida Department of Transportation for a project entitled Pensacola Bay Ferry Project. Further, that the City Council authorize the Mayor to take all actions necessary relating to the execution of this JPA. Finally, that City Council adopt a supplemental budget resolution to appropriate the grant funds.

**COUNCIL MEMBER JOHNSON:** Moved the approval.

**COUNCIL MEMBER CANNADA-WYNN:** Seconded.

Council Member Myers made comments requesting funding amounts be provided in the recommendation.

**COUNCIL PRESIDENT SPENCER:** There being no further discussion, called for the vote.

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

**REGULAR AGENDA (cont'd.):**

**COUNCIL PRESIDENT SPENCER:** Called on City Clerk Burnett to read the title(s) of the resolution(s) related to Item 15.

**CITY CLERK BURNETT:** Resolution No. 55-16 to be entitled:

*A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE, ON BEHALF OF THE PORT OF PENSACOLA, A JOINT PARTICIPATION AGREEMENT WITH THE DISTRICT SECRETARY OR THE DIRECTOR OF TRANSPORTATION DEVELOPMENT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A PROJECT ENTITLED PENSACOLA BAY FERRY LANDING*

**COUNCIL MEMBER CANNADA-WYNN:** Moved the approval.

**COUNCIL MEMBER JOHNSON:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**CITY CLERK BURNETT:** Supplemental Budget Resolution No. 56-16 to be entitled:

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

**COUNCIL MEMBER CANNADA-WYNN:** Moved the approval.

**COUNCIL MEMBER JOHNSON:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**REGULAR AGENDA (cont'd.):**

**COUNCIL PRESIDENT SPENCER:** Introduced the following item:

16. BUDGET ANALYST

Recommendation:

That City Council authorize the Council Executive to begin the search process for the position of Budget Analyst to the City Council, determining the scope of work, desired qualifications, and a salary range based on the scope of work.

**COUNCIL MEMBER CANNADA-WYNN:** Presented this item and moved the approval.

**COUNCIL MEMBER MYERS:** Seconded.

Discussion ensued among Council.

**COUNCIL PRESIDENT SPENCER:** Upon conclusion of discussion, called for the vote.

*(Electronic voting takes place indicating the motion failed 3 - 3. Council Members Johnson, Wingate, and Wu dissenting.)*

**COUNCIL PRESIDENT SPENCER:** Introduced the following item:

17. AMENDMENT TO GROUP INSURANCE AMENDING SECTION 9-7-2

Recommendation:

That City Council approve the Proposed Ordinance amending Section 9-7-2 providing for continued insurance coverage after employment with the City.

**CITY ADMINISTRATOR OLSON:** Referenced the revised memorandum at Council's places containing amended language to reflect **six (6) years of continuous employment, not eight (8) year.**

**COUNCIL MEMBER WINGATE:** Moved the approval.

**COUNCIL MEMBER JOHNSON:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**REGULAR AGENDA (cont'd.):**

**COUNCIL PRESIDENT SPENCER:** Called on City Clerk Burnett to read the title of the proposed ordinance on first reading (related to Item 17).

**CITY CLERK BURNETT:** Proposed Ordinance No. 48-16 to be entitled:

*AN ORDINANCE AMENDING THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR CONTINUED INSURANCE COVERAGE AFTER EMPLOYMENT; AMENDING SECTION 9-7-2; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.*

**COUNCIL MEMBER JOHNSON:** Moved the approval.

**COUNCIL MEMBER WINGATE:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**COUNCIL PRESIDENT SPENCER:** Introduced the following item:

18. FY 2017 NON-ENCUMBERED CARRYOVER BUDGET RESOLUTION

Recommendation:

That City Council approve the resolution amending the Fiscal Year 2017 Budget.

**COUNCIL MEMBER JOHNSON:** Moved the approval.

**COUNCIL MEMBER WINGATE:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**REGULAR AGENDA (cont'd.):**

**COUNCIL PRESIDENT SPENCER:** Called on City Clerk Burnett to read the title of the resolution related to Item 18.

**CITY CLERK BURNETT:** Supplemental Budget Resolution No. 57-16 to be entitled:

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

**COUNCIL MEMBER WINGATE:** Moved the approval.

**COUNCIL MEMBER JOHNSON:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**COUNCIL PRESIDENT SPENCER:** Introduced the following item:

19. PENSACOLA AIRPORT: CONSENT AND ESTOPPEL FOR PENSACOLA AVIATION CENTER, LLC.

**Recommendation:**

That City Council authorize the Mayor to execute a written consent and an estoppel letter for the benefit of Pensacola Aviation Center, LLC. Further, that City Council authorize the Mayor to execute an amendment to the Lease Agreement with Pensacola Aviation to correct a scrivener's error in a legal description contained in the agreement. Finally, that City Council authorize the Mayor to take all actions necessary to complete the transaction.

**COUNCIL MEMBER WINGATE:** Moved the approval.

**COUNCIL MEMBER JOHNSON:** Seconded.

**COUNCIL PRESIDENT SPENCER:** There being no discussion, called for the vote.

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

**DISCUSSION:**

None.

**COUNCIL EXECUTIVE’S REPORT:**

Council Executive Kraher discussed the following with Council:

- Reminded of the upcoming one-on-one training sessions to be scheduled individually for Council Members for the new agenda and legislative management software.
- He has a meeting scheduled with County Administrator Jack Brown (on December 9<sup>th</sup> ) to discuss the upcoming joint City /County meeting.

That concluded the Council Executive’s report.

**MAYOR’S COMMUNICATION:**

None.

**COUNCIL COMMUNICATIONS:**

None.

**CIVIC ANNOUNCEMENTS:**

Council Member Myers advised of the volunteer clean-up of Carpenter’s Creek held on December 3<sup>rd</sup> which was organized by Emerald Coast Keeper Laurie Murphy.

That concluded civic announcements.

**SECOND LEROY BOYD FORUM:**

The following individuals addressed Council regarding a plumbing services program through Pensacola Energy expressing that the City is competing with the private sector:

Larry Downs, Jr.  
Chad Downs  
Diane Downs

**COUNCIL PRESEIDENT SPENCER:** There being no additional speakers, adjourned the meeting.

WHEREUPON the meeting was adjourned at 7:29 P.M.

\*\*\*\*\*

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

Approved: \_\_\_\_\_  
Brian K. Spencer, President of City Council

Attest:

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