



# City of Pensacola

## CITY COUNCIL

### Meeting Minutes

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May 10, 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, Jewel Cannada-Wynn, Larry Johnson (left 7:55), Andy Terhaar

**Council Members Absent:** Brian Spencer, P.C. Wu

#### INVOCATION

Pastor Jeff Pollard of Mount Zion Bible Church

#### PLEDGE OF ALLEGIANCE

Council Member Larry B. Johnson

#### FIRST LEROY BOYD FORUM

**Gloria Horning:** Indicated she represents the Tanyard Neighborhood Association and addressed Council regarding traffic safety concerns in their neighborhood.

**Teresa Hill:** Made comments indicating she has been a part of the petition drive in East Hill area to express their desire for new developments to consider the residents and the character of their neighborhood. She urged for stricter regulations for notice requirements to property owners with regard to new developments.

**Amber Hoverson:** Introduced herself as the new president for Old East Hill Property Owners Association and spoke about vibrant residential development taking place within the mostly commercially-zoned district which they welcome while working to promote preservation standards.

**David Kelley:** Addressed the need for increased traffic patrol and pointed to several fatal pedestrian versus vehicle accidents recently.

**Karen Kilpatrick:** Addressed Council regarding demolition to take place behind her property of an old church; inquired as to why the boat launch at Sanders Beach is closed; and expressed her dissent for the development of a fish hatchery on the former Bruce Beach site.

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

The following individuals addressed Council in anticipation of an add-on item (being sponsored by Mayor Hayward and Council Member Johnson) to be presented for tonight's agenda regarding *Award of Contract – Bid #18-009 Bayview Community Resource Center*:

David Johnstone  
Steven Shelley  
Michael Crawford  
Philip Faris

Emily Kupas  
Ryan Savage  
H. Miller Caldwell, III  
Cris Dosev

That concluded the first segment of LeRoy Boyd Forum.

## PRESENTATION

### 1. [18-00190 BLAKE DOYLE SKATE PARK UPDATE](#)

**Recommendation:** That City Council receive a presentation and update from Jon Shell on the Blake Doyle Skate Park at Hollice T. Williams Park. This presentation will be given at the Thursday May 10, 2018 regular City Council meeting.

Jon Shell founder of Upward Intuition provided an overhead presentation/video and updated Council regarding their funding activities for moving the project forward.

Public input was heard from Jay Massey.

Mr. Shell responded to questions from Council Members. Council Member Myers indicated she would like to meet with Mr. Shell to see if funding sources may be available within the Fiscal Year 2019 budget to assist with providing additional funding for the construction of the (proposed) skate park.

## AWARDS

None.

## APPROVAL OF MINUTES

### 2. [18-00203 APPROVAL OF REGULAR MEETING MINUTES DATED 4/12/18](#)

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

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

Yes: 5	Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson
No: 0	None

**APPROVAL OF AGENDA**

Council President Wingate indicated the **following items have been pulled** at the request of the sponsor:

**Item 6, 18-00182 PUBLIC HEARING: 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**

**Item 8, 18-00119 APPROVAL OF DOWNTOWN IMPROVEMENT BOARD (DIB) BY-LAW AMENDMENT AND RATIFICATION OF 2009 AMENDMENTS**

Council Member Myers requested Item 3, *Acceptance of Gift of Art (Turtle) Made from 1,000 Recycled Plastic Bags* which is on the consent agenda **be moved to the regular agenda** (immediately following the consent agenda).

Council President Wingate referenced (hardcopies of) an **action item being requested for add-on to the regular agenda**:

**18-00208 AWARD OF CONTRACT – BID #18-009 BAYVIEW COMMUNITY RESOURCE CENTER**

A motion to approve adding to the regular agenda was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.

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

Yes: 3            Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
No: 2            Gerald Wingate, Sherri Myers

Council Member Myers referenced hardcopies of two (2) discussion items she was going to present as add-on items, but indicated she will **withdraw** them at this time:

**18-00204 BURGESS ROAD PROJECT**

**18-00205 LIGHTING NEEDS FOR BAYOU BLVD. AND NINTH**

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

The motion carried by the following vote:

Yes: 5            Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
No: 0            None

**CONSENT AGENDA**4. [18-00184](#) REQUEST FOR LICENSE TO USE RIGHT-OF-WAY - SOUTHTOWNE

**Recommendation:** That City Council approve the License To Use agreement requested by Daily Convo, LLC for the improvements in connection with the Southtowne Development.

5. [18-00195](#) AWARD OF FIVE YEAR CONTRACT TO WARREN AVERETT, LLC FOR REQUEST FOR PROPOSALS (RFP) 18-010 PROFESSIONAL AUDITING SERVICES

**Recommendation:** That City Council, in accordance with Section 218.391 of the Florida Statute, select Warren Averett, LLC for award of a five (5) year contract for RFP 18-010 Professional Auditing Services. Further, that City Council authorize the Council President to take all actions necessary to negotiate and execute the contract, as well as approve and execute the annual letters of engagement.

**A motion to approve consent agenda items 4 and 5 was made by Council Member Myers and seconded by Council Member Johnson.**

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

Yes: 5            Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
No: 0            None

**REGULAR AGENDA**3. [18-00200](#) ACCEPTANCE OF GIFT OF ART (TURTLE) MADE FROM 1000 RECYCLED PLASTIC BAGS

**Recommendation:** That City Council accept this gift of art (Turtle) for display in City Hall as an educational tool regarding recycling and storm water efforts currently underway within the City.

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

Doreen Swartz, the donor of the artwork, was introduced by Council Member Myers who then introduced the artist.

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

Yes: 5            Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
No: 0            None

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

**\*\*\*THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR(S)\*\*\***

6. 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 first of two required public hearings on May 10, 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.

**Withdrawn**

7. 18-00191 LETTER OF SUPPORT FOR THE US29 CONNECTOR AND BEULAH INTERCHANGE JOINT PROJECT APPLICATION FOR CONSIDERATION OF THE TRIUMPH GULF COAST BOARD

**Recommendation:** That City Council authorize the Council President to send a letter of support for the US29 Connector and Beulah Interchange Joint Project Application to Triumph Gulf Coast Board.

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

Discussion took place among Council.

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

Yes: 4	Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson
No: 1	Sherri Myers

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

8. 18-00119 APPROVAL OF DOWNTOWN IMPROVEMENT BOARD (DIB) BY-LAW AMENDMENT AND RATIFICATION OF 2009 AMENDMENTS

**Recommendation:** That City Council approve the submitted amendment to the DIB By-Laws as required by said By-Laws as well as the State Enabling Act, Chapter 72-655, Laws of Florida. Further, that City Council ratify previous amendments made in 2009.

**Withdrawn**

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

9. [18-00185](#) APPROVAL OF INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY AND LETTER OF REQUEST TO FDOT FOR WEST CERVANTES CORRIDOR TRAFFIC FEASIBILITY STUDY

**Recommendation:** That City Council authorize the Mayor to take all necessary action to execute an Interlocal Agreement (ILA) with Escambia County relating to cost sharing for the West Cervantes Corridor Traffic Feasibility Study and approve a letter requesting the Florida Department of Transportation (FDOT) to program the locally-funded Traffic Feasibility Study.

**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: 5            Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
 No: 0            None

10. [18-00192](#) SHADE MEETING REGARDING POLICE COLLECTIVE BARGAINING

**Recommendation:** That City Council schedule a Shade meeting in accordance with Fla Stat 447.605 pertaining to Collective Bargaining.

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

Public input was heard from the following individuals:

Britney Sturgeon	Ed Fleming
Tiffany Daniel	F. A. Pete Bell
Nicole Heintzelman	

Discussion ensued among Council with input from City Administrator Olson, Council Executive Kraher, and City Attorney Bowling regarding the intent for scheduling such a meeting.

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

Yes: 5            Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
 No: 0            None

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

11. [18-00193](#) AMENDING CITY COUNCIL RULES AND PROCEDURES; ARTICLE IV. CODE OF ETHICS, BY ADDING SECTION 4.04 - INQUIRIES AND INVESTIGATIONS

**Recommendation:** That City Council amend Council Rules and Procedures by adding section 4.04, a process for conducting inquiries and investigations as promulgated within Section 4.02(a)(3) of the City Charter.

**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: 5            Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
No: 0            None

12. [18-00194](#) PENSACOLA ENERGY - APPROVAL OF NATURAL GAS SUPPLY CONTRACT WITH PUBLIC ENERGY AUTHORITY OF KENTUCKY

**Recommendation:** That City Council approve a thirty year contract for the purchase of natural gas through a pre-paid agreement with the Public Energy Authority of Kentucky (PEAK). Further, that City Council authorize the Mayor to take all actions necessary to execute the gas supply contract by May 15, 2018.

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

City Administrator Olson referenced hardcopies at Council's places of a revised recommendation striking language as follows:

**Recommendation:** That City Council approve a thirty year contract for the purchase of natural gas through a pre-paid agreement with the Public Energy Authority of Kentucky (PEAK). Further, that City Council authorize the Mayor to take all actions necessary to execute the gas supply contract ~~by May 15, 2018.~~

*No objections.*

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

Yes: 5            Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
No: 0            None

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

13. 18-16 RESOLUTION NO. 18-16 - NATURAL GAS SUPPLY CONTRACT WITH PUBLIC ENERGY AUTHORITY OF KENTUCKY

**Recommendation:** That the City Council adopt Resolution 18-16:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, (i) AUTHORIZING THE EXECUTION OF A GAS SUPPLY CONTRACT WITH THE PUBLIC ENERGY AUTHORITY OF KENTUCKY ("PEAK") FOR THE PURCHASE OF NATURAL GAS FROM PEAK; (ii) ACKNOWLEDGING THAT PEAK WILL ISSUE ITS GAS SUPPLY REVENUE BONDS TO FUND THE PURCHASE OF A SUPPLY OF NATURAL GAS FROM BP ENERGY COMPANY ("BPEC"), WHICH GAS WILL BE USED TO MAKE DELIVERIES UNDER THE CONTRACT; AND (iii) FOR OTHER PURPOSES.

**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: 5            Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
 No: 0            None

14. 18-18 RESOLUTION NO. 18-18 - RECOGNIZING AND HONORING ASHTON J. HAYWARD, III

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, RECOGNIZING AND HONORING MAYOR ASHTON J. HAYWARD, III, FOR HIS EFFORTS IN BRINGING THE VT MOBILE AREOSPACE ENGINEERING, INC. PROJECT TO THE PENSACOLA INTERNATIONAL AIRPORT.

**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: 5            Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
 No: 0            None



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

15. [18-19 RESOLUTION NO. 18-19 - A RESOLUTION AMENDING CITY COUNCIL FINANCIAL PLANNING AND ADMINISTRATION POLICY](#)

**Recommendation:** That City Council adopt Resolution No. 18-19.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA AMENDING THE FINANCIAL PLANNING AND ADMINISTRATION POLICY OF THE CITY COUNCIL

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

Strategic Budget Planner Hansen addressed Council indicating the proposed amendments are based on discussion during Council's March 20, 2018 workshop. Council Member Myers made follow-up remarks.

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

Yes: 5	Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson
No: 0	None

16. [04-18 PROPOSED ORDINANCE NO. 04-18 UPDATING FIRE CODE - CHAPTER 2 OF TITLE XIV](#)

**Recommendation:** That City Council adopt Proposed Ordinance No. 04-18 **on second reading as amended**, updating the City Code references to the Florida Fire Prevention Code and related regulations.

AN ORDINANCE AMENDING CHAPTER 2 OF TITLE XIV OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING THE CITY OF PENSACOLA FIRE CODE; AMENDING AND UPDATING REFERENCES TO APPLICABLE FIRE PREVENTION CODE; REGULATING FIREWORKS; REPEALING LIFE SAFETY CODE AND BUREAU OF FIRE PREVENTION PROVISIONS; CREATING PROVISIONS PROHIBITING OUTDOOR FIRES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 08-18)

**A motion to adopt (as amended) was made by Council Member Terhaar and seconded by Council Member Cannada-Wynn.**

Public input was heard from Karen Kilpatrick.

Council Member Myers made follow-up remarks.

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

**The motion (to adopt P.O. No. 04-18, as amended) carried by the following vote:**

Yes: 5            Gerald Wingate, Sherri Myers, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson  
No: 0            None

17. [09-18 PROPOSED ORDINANCE NO. 09-18 - AMENDING LAND DEVELOPMENT CODE SECTION 12-2-9 INDUSTRIAL LAND USE DISTRICT](#)

**Recommendation:** That City Council adopt Proposed Ordinance No. 09-18 on second reading, as amended.

AN ORDINANCE AMENDING SECTION 12-2-9 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE INDUSTRIAL LAND USE DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (Ordinance No. 09-18)

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

Council Member Terhaar made comments indicating he will not support the amendment.

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

Yes: 4            Gerald Wingate, Sherri Myers, Jewel Cannada-Wynn, Larry Johnson  
No: 1            Andy Terhaar

**DISCUSSION**

18. [18-00189 CITY OF PENSACOLA RECYCLING](#)

Council Member Myers began the discussion indicating she is concerned the governing body had not been kept apprised of a city-wide issue such as recycling, and that she would like City Administrator Olson to advise when Tarpon Paper stopped taking recyclables from the City.

City Administrator Olson referred to the memorandum (dated May 2, 2018 - - on file with background materials) sent to Council regarding the City of Pensacola Recycling Program in advance of this discussion, and reiterated the information provided at that time.

Public input was heard from Karen Kilpatrick.

Discussion continued among Council related to current negotiations with ECUA to handle recyclable materials collected by the City and the current market situation.

**COUNCIL EXECUTIVE'S REPORT**

None.

**MAYOR'S COMMUNICATION**

None.

**COUNCIL COMMUNICATIONS**

None.

**CIVIC ANNOUNCEMENTS**

Council Members Cannada-Wynn and Terhaar made announcements regarding upcoming or past events within the community.

**SECOND LEROY BOYD FORUM**

None.

**ADJOURNMENT**

WHEREUPON the meeting was adjourned at 8:09 P.M.

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

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

Attest:

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