



City of Pensacola

AGENDA CONFERENCE

Meeting Minutes

July 16, 2018

3:30 P.M.

Hagler/Mason Conference Room

The agenda conference was called to order by Council President Wingate at 3:40 P.M

ROLL CALL

Council Members Present: Gerald Wingate, Sherri Myers, Jewel Cannada-Wynn, Larry Johnson, Brian Spencer, Andy Terhaar (left 5:00), P.C. Wu

Council Members Absent: None.

PRESENTATION ITEMS

1. [18-27 RESOLUTION NO. 18-27 - A RESOLUTION RECOGNIZING THE 28TH ANNIVERSARY OF THE PASSAGE OF THE AMERICANS WITH DISABILITIES ACT AND THE CONTRIBUTIONS OF PEOPLE WITH DISABILITIES IN THE CITY OF PENSACOLA](#)

Recommendation: That City Council adopt Resolution No. 18-27.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, RECOGNIZING THE 28TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT AND THE CONTRIBUTIONS OF PEOPLE WITH DISABILITIES IN THE CITY OF PENSACOLA AND DESIGNATING JULY 26, 2018, AMERICANS WITH DISABILITIES ACT AWARENESS DAY.

Place for Presentation.

REVIEW OF CONSENT AGENDA ITEMS

2. [18-00178](#) AWARD OF BID #18-018 WOODCLIFF DRIVE AT LIVINGSTON OUTFALL STORMWATER TREATMENT ENHANCEMENT PROJECT

Recommendation: That City Council award Bid #18-018 Woodcliff Drive at Livingston Outfall Stormwater Treatment Enhancement Project to B&W Utilities Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$354,556.20, plus alternate #1 of \$8,730.00, plus 10% contingency of \$36,328.62 for a total amount of \$399,614.82. Further, that City Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.

Place on Consent Agenda.

3. [18-00215](#) ASSIGNMENT OF LEASE FROM SUMMIT GOLF, INC. TO FLIGHTLINE GOLF, LLC AND AMEMDMENT TO LEASE AND OPERATING AGREEMENT

Recommendation: That City Council consent to the assignment of the lease and operating agreement for the driving range at the Pensacola International Airport from Summit Golf, Inc. to Flightline Golf, LLC. Further, that City Council consent to the amendment to the lease and operating agreement. Finally, that Council authorize the Mayor to take all actions necessary to execute the Consent Agreement and the Lease Amendment.

Place on Consent Agenda.

4. [18-00247](#) CITY OF PENSACOLA FY 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND HOME INVESTMENT PARTNERSHIPS ACT (HOME) PROGRAM BUDGET AND ACTIVITIY SUMMARY

Recommendation: That City Council approve the FY 2018-2019 CDBG Annual Action Plan for the period October 1, 2018 through September 30, 2019, for submission to U. S. Department of Housing and Urban Development, and the City of Pensacola 2018-2019 CDBG and HOME Programs Proposed Budgets and Activities Summary. Further, that City Council authorize the Mayor to execute all documents relating to the programs' administration.

Place on Consent Agenda.

REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)

5. [18-00250](#) APPOINTMENTS - ZONING BOARD OF ADJUSTMENT

Recommendation: That City Council appoint two (2) individuals that are residents or property owners of the City to the Zoning Board of Adjustments for a term of three (3) years, expiring July 14, 2021.

Council Member Johnson indicated he is aware of a third vacant position, but was unable to provide an additional nomination by the deadline. He indicated he would like to nominate someone for this position at the meeting Thursday. City Clerk Burnett clarified under Council's Rules and Procedures this would be permissible under the existing circumstances. **Council Member Johnson followed-up indicating he will ensure Council is in receipt of his (additional) nomination for Thursday's meeting as well as the nominee's information, in order to fill all three (3) positions.**

Place on Regular Agenda.

6. [18-00248](#) RE-APPOINTMENT TO THE DOWNTOWN IMPROVEMENT BOARD (DIB)

Recommendation: That the City Council affirm the Mayor's re-appointment of John Peacock to the Downtown Improvement Board (DIB) for a term of three years expiring June 30, 2021.

Place on Consent Agenda.

7. [18-00256](#) AWARD OF CONTRACT TO AE NEW, JR., INC. FOR INVITATION TO BID (ITB) #18-022 BAYVIEW SENIOR CENTER REPAIRS AND RENOVATIONS

Recommendation: That City Council award a contract to AE New, Jr., Inc. for Bayview Senior Center Repairs and Renovations for \$252,000.00 plus a 10% contingency of \$25,200.00 for a total amount of \$277,200.00. Further, that City Council authorize the Mayor to execute all contracts, related documents, and take all related actions necessary to complete the project.

Place on Consent Agenda.

REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)

8. [18-00259](#) AWARD OF BID #18-017 - BROWNFIELDS CLEANUP OF SUBMERGED LANDS FOR THE CITY OF PENSACOLA

Recommendation: That City Council award a contract for Brownsfield Cleanup of Submerged Land for the City of Pensacola to H.G. Harders & Son, Inc. of Panama City, Florida, the lowest and most responsible bidder with a base bid of \$394,552, calculated at a daily rate of \$11,796 for a 18 days, plus mobilization of \$40,672 with a not to exceed cost of \$253,000 for piling debris removal in Pensacola Bay south of Community Maritime Park, contingent upon receipt of all required permits. Further, that City Council authorize the Mayor to execute the contract and take all action necessary to complete the project.

Place on Consent Agenda.

9. [18-00261](#) AWARD OF CONTRACTS RFP #18-012 THREE (3) YEAR PREPOSITION CONTRACT FOR DISASTER DEBRIS MANAGEMENT SERVICES

Recommendation: That City Council approve the ranking of the selection committee for RFP #18-012 "Three (3) Year Prepositioned Contract for Disaster Debris Management Services," with D & J Enterprises, Inc. of Auburn, Alabama submitting the best proposal. Further, that Council award the primary contract for the disaster debris management services to D & J Enterprises Inc., and that secondary contracts be awarded to Crowder Gulf Joint Venture, Inc. and Phillips & Jordan, Inc. in the event D & J Enterprises is unable to perform the required services or in the event circumstances require more than one firm to adequately respond to a disaster. Finally, that City Council authorize the Mayor to execute a contract with each named firm and take all related actions necessary to respond to any disaster or emergency.

Place on Consent Agenda.

REVIEW OF REGULAR AGENDA ITEMS

10. [18-00267](#) APPOINTMENT OF DIRECTOR OF SANITATION SERVICES/FLEET MANAGEMENT

Recommendation: That City Council consent to the appointment of Dennis Fleming as Director of Sanitation Services/Fleet Management.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

11. 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 second of two required public hearings on July 19, 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.

Place on Regular Agenda.

12. 11-18 PROPOSED ORDINANCE NO. 11-18 - AMENDING 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 approve Proposed Ordinance No. 11-18 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-10 (C)(4)(b) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

13. 18-00251 PUBLIC HEARING: REQUEST TO VACATE RIGHT-OF-WAY - 1600 BLOCK OF NORTH 18TH AVENUE

Recommendation: That City Council conduct a public hearing on July 19, 2018 to consider the request to vacate a portion of the 1600 Block of North 18th Avenue between Moreno and Mallory Streets.

Planning Services Administrator Morris provided information clarifying the request before Council and considerations evaluated when drafting the language for the proposed ordinance and further indicated any amendments to the ordinance language can be accomplished on 2nd reading of the ordinance. Council Executive Kraher made reference to the required signage for placement of subject property with Planning Services Administrator Morris responding accordingly.

Place on Regular Agenda

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

14. [12-18 PROPOSED ORDINANCE NO. 12-18 - VACATION OF RIGHT-OF-WAY 1600 BLOCK OF NORTH 18TH AVENUE](#)

Recommendation: That City Council approve Proposed Ordinance No. 12-18 on first reading.

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 1600 BLOCK OF NORTH 18TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

15. [18-00270 LEASE AGREEMENT FOR PORT WAREHOUSE #9 AND #10](#)

Recommendation: That City Council authorize the Mayor to negotiate and execute a lease agreement for Port Warehouse #9 and #10 and approximately 6.5 acres of immediately adjacent undeveloped land with Incoa Performance Minerals, LLC.

Council Member Johnson expressed his concerns regarding leasing Port property to a business entity he has no information on and referenced the on-going study of the Port which the consultant has not yet provided their final report. **He indicated he would like that additional information provided to him by Thursday's meeting. City Administrator Olson made comments indicating City Administration nor Port staff has been involved in bringing this issue forward and deferred to Council Executive Kraher to provide additional information.**

Place on Regular Agenda.

16. [18-00277 LETTER SUPPORTING FAST TRACKING CONSTRUCTION OF SHORT TERM SAFETY IMPROVEMENTS TO THE WEST CERVANTES STREET CORRIDOR](#)

Recommendation: That City Council authorize the Council President to send a letter to Phillip Gainer, Secretary of the Florida Department of Transportation, supporting fast tracking construction of the short term safety improvements identified in FDOT's West Cervantes Street Corridor Management Plan (CMP).

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

17. 13-18 PROPOSED ORDINANCE NO. 13-18 - AMENDING SECTION 3-3-2 - REGULATING CONTRACTING AND PURCHASE OF COMMODITIES AND SERVICES

Recommendation: That City Council approve Proposed Ordinance No. 13-18 - Amending Section 3-3-2 of the Code - Regulating contracting and purchase of commodities and services adding language to cover purchase of legal services, on first reading.

AN ORDINANCE AMENDING SECTION 3-3-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CONTRACTS FOR PUBLIC WORK AND PURCHASES OF OTHER COMMODITIES AND SERVICES; LOWEST AND BEST RESPONSIBLE BIDDER; REJECTION OF BIDS; APPROVAL OF COUNCIL AND MAYOR; EMERGENCY PURCHASES; REGULATING CONTRACTING AND PURCHASE OF LEGAL SERVICES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

18. 14-18 PROPOSED ORDINANCE NO. 14-18 - AMENDING SECTION 2-6-3 CODE OF ETHICS - PROHIBITIONS

Recommendation: That City Council approved Proposed Ordinance No. 14-18 on first reading:

AN ORDINANCE AMENDING SECTION 2-6-3 CODE OF ETHICS; PROHIBITIONS; OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

19. 18-00269 ANALYSIS OF GENTRIFICATION DUE TO URBAN REVITALIZATION

Recommendation: That City Council allocate \$200,000 to hire a consultant to perform an analysis of the impact of urban revitalization in the CRA urban core on the African American population in the city limits and that the consultant provide Council with recommendations to mitigate the dislocation, displacement, economic loss of affordable housing, and community resources in historically African American and low income communities.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

20. 18-24 SUPPLEMENTAL BUDGET RESOLUTION NO. 18-24 - APPROPRIATING FUNDING IN CONNECTION WITH THE SALE OF 113 NORTH "C" STREET - FORMER BLOUNT SCHOOL PROPERTY.

Recommendation: That City Council adopt Supplemental Budget Resolution No. 18-24.

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.

21. 18-00275 REQUEST FOR LEGAL OPINION REGARDING TAXING CIGARETTES, INCLUDING E-CIGARETTES

Recommendation: That City Council request a legal opinion from the City Attorney regarding the City's ability to impose a tax on cigarettes, including e-cigarettes, and that the opinion be delivered to City Council no later than Friday July 27, 2018.

Place on Regular Agenda.

22. 18-00253 FY17 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) - DRUG ENFORCEMENT ADMINISTRATION (DEA) FEDERAL GRANT AWARD #G17GC0007A

Recommendation: That City Council approve and authorize the Mayor to execute the acceptance of the FY 17 High Intensity Drug Trafficking Area (HIDTA) between the Santa Rosa County Sheriff's Office (SRCO) being the fiscal agent on behalf of the Gulf Coast High Intensity Drug Trafficking Area for the Drug Enforcement Administration in the amount of \$26,153. 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.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

23. [18-25](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 18-25- APPROPRIATING FUNDING IN CONNECTION WITH THE FY17 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) - DRUG ENFORCEMENT ADMINISTRATION (DEA) FEDERAL GRANT AWARD #G17GC0007A

Recommendation: That City Council adopt Supplemental Budget Resolution No. 18-25.

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. [18-00260](#) TENTATIVE MILLAGE RATE - FISCAL YEAR 2019

Recommendation: That City Council set the tentative fiscal year 2019 millage rate for the City of Pensacola at 4.2895 mils and for the Downtown Improvement District at 2.0000 mils and authorize the Mayor to set final levies in compliance with the new property tax reform regulations. Further that the Mayor may administratively adjust the final adopted millage rate upon receipt of the final valuation if the City's final current year gross taxable value is reduced by more than 1%. Finally, that the first public hearing on fiscal year 2019 millage rates be held on September 12, 2018 at 5:30 p.m. in Council Chambers.

Council Member Myers expressed concern about setting and approving the millage rate when Council has not yet had its budget workshops. She inquired of the procedure for modifying the rate later. Chief Financial Officer Barker indicated the deadline to provide the set rate to the Property Appraiser is August 4th and explained the process for amending the millage rate based on whether the rate is increased or decreased.

Place on Regular Agenda.

FOR DISCUSSION

25. [18-00233](#) HISTORIC PRESERVATION BOARD

Place for Discussion.

26. [18-00281](#) ARCHAEOLOGICAL REVIEW PROCEDURE AND CONSTRUCTION ON CITY OWNED PROPERTY

Council Executive Kraher pointed out this item should have been indicated as providing a presentation. **Council Member Spencer (sponsor) requested this item be placed towards the top of the agenda. Council President Wingate indicated it should be placed as the second item under *Presentations*.**

No objections.

Place for Presentation.

INFORMATIONAL ITEMS

None.

CONSIDERATION OF ANY ADD-ON ITEMS

City Administrator Olson provided hardcopies of the following items requesting (they) be added to the agenda and Council President read it into the record:

ADD-ON: 18-00242 AIRPORT COMMERCE PARK - PROPERTY ACQUISITION
E2403 - COLLEGE HEIGHTS

A motion to add the (above) item was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.

The motion carried by the following vote:

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

Council Member Terhaar made follow-up remarks indicating the (above) item be placed on the Consent Agenda.

No objections.

CONSIDERATION OF ANY ADD-ON ITEMS (CONT'D.)

ADD-ON: 18-00280 AWARD OF BID#18-021 SANDERS BEACH BOAT RAMP REPAIRS

A motion to add the (above) item was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.

The motion carried by the following vote:

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

Council Member Terhaar made follow-up remarks indicating the (above) item be placed on the Consent Agenda.

No objections.

READING OF ITEMS FOR COUNCIL AGENDA

Council President Wingate asked if there were any objections to moving Item 15, 18-00270 LEASE AGREEMENT FOR PORT WAREHOUSE #9 AND #10 earlier in the agenda.

Council Member Johnson objected indicating he may be a few minutes late for the meeting and does not want to miss discussion of the item.

Council Member Myers made comments indicating any item tied to the attendance of consultants or attorneys, whether it be on behalf of the City or a citizen, such items should be placed as early as possible in the agenda. Council Member Wu made follow-up remarks to such suggestion.

City Clerk Burnett read the items as presented above.

No further objections.

COMMUNICATIONS

27. 18-00226 CITY ADMINISTRATOR COMMUNICATION

- City Administrator Olson provided a hand-out to Council from NAI Halford regarding *Maritime Park – Current Prospects* (on file) and indicated Dee Dee Davis is in attendance. He continued indicated they need Council to provide direction if there is any interest in pursuing any of the prospects. Some discussion took place.
- City Administrator Olson provided an update on the efforts of the architect for the construction of the *Bayview Community Resource Center* within approved budget and will be sent out for re-bid.
- City Administrator provided an update related to the delay of small projects due to construction industry at this time and contractors not being available for small scope projects. Council Member Cannada-Wynn suggested combining projects to make more worthwhile for contractors to respond.
- City Administrator Olson responded to questions regarding Supreme Court interpretation justifying payment of sales tax on internet sales.

CITY ATTORNEY'S COMMUNICATION

None.

28. 18-00030 MONTHLY FINANCIAL REPORT – JUNE 2018 - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.

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

FISCAL YEAR 2019 BUDGET PRESENTATION

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

CITY COUNCIL COMMUNICATION

Council President Wingate referred to the hand-out provided by Council Executive Kraher regarding the proposed *Budget Workshop Schedule* and referred to the workshops being tentatively scheduled for July 30th and July 31st. Discussion took place among Council Members regarding (individual) availability to attend.

Upon consensus of Council Members, workshops to review the Fiscal Year 2019 Proposed Budget will be held on August 1st and August 2nd.

ADJOURNMENT

5:50 P. M.