



City of Pensacola

CITY COUNCIL

Regular Meeting Minutes

July 18, 2019

5:30 P.M.

Council Chambers

ROLL CALL

Council Members Present: Andy Terhaar, P.C. Wu, Jewel Cannada-Wynn, Ann Hill, Jared Moore, Sherri Myers (arrived 5:38), Gerald Wingate

Council Members Absent: None

Also Present: Mayor Grover C. Robinson, IV

INVOCATION

Reverend Randy Blankschaen, Pastor of Immanuel Lutheran Church

PLEDGE OF ALLEGIANCE

Council Vice President P. C. Wu

FIRST LEROY BOYD FORUM

Anthony Caldwell: Identified himself as Athletic Director for East Pensacola Student Athlete Program, Inc. and addressed Council providing a letter with photo attachments (copies distributed by the City Clerk's office via email the following day) regarding requested improvements for Magee Field.

Mayor Robinson indicated he has been speaking with Parks and Recreation Director Cooper and Council Member Hill regarding the needed improvements for facilities at Magee Field. Council Members Hill and Wu made follow-up remarks.

Bill Weeks: Indicated he filed a complaint with the Ethics Commission in January regarding Council's appointment of a non-City resident to the Planning Board. He also made comments questioning why there are no term limits for board members.

FIRST LEROY BOYD FORUM (CONT'D.)

Warren Rhea: Identified himself as a local attorney, new resident of the City (downtown), and member of *350 Pensacola*. He urged the implementation of recommendations provided by the City's *Climate Mitigation and Adaption Task Force*; and provided information regarding solar energy and an upcoming public meeting to discuss solar co-ops.

Derek Cosson: Made comments regarding the recent police officer involved shooting and death of an African-American man whom allegedly resisted a traffic stop by an officer whom allegedly smelled marijuana coming from his vehicle.

That concluded the first segment of LeRoy Boyd Forum.

AWARDS

Government Finance Officers' Association of the United States and Canada (GFOA) *Distinguished Budget Preparation Award – Fiscal Year 2019* was presented to Chief Financial Officer Richard Barker, Jr., Budget Manager Yvette McLellan, and Budget Analyst Mindy Miller.

Mayoral Proclamation presented to Carolyn Grawi, Executive Director of *Center for Independent Living* recognizing the 29th Anniversary of the Americans with Disabilities Act.

That concluded awards.

APPROVAL OF MINUTES

1. [19-00357 APPROVAL OF MINUTES: REGULAR MEETING DATED JUNE 13, 2019](#)

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

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0	None

APPROVAL OF AGENDA

Council President Terhaar referenced **revisions to the following items:**

Item 14 (19-00312) Public Hearing and Item 15 (P.O. No. 24-19) *Proposed Amendment to the Code of the City of Pensacola Land Development Code, Section 12-12-5 – Building Permits – To Include Historic Building Demolition Review* **providing revised language.**

Item 18 (19-00339) *Traffic Engineering Study of Certain State Roadways* **providing a revised recommendation.**

Mayor Robinson requested **moving up to the top of the Regular Agenda (following Consent Agenda approval) the following items:**

Item 18 (19-00339) *Traffic Engineering Study of Certain State Roadways.*

Item 21 (Res. No. 2019-31) *Authorizing A Financing in the Principal Amount not to Exceed \$58,200,000 to Finance the Advance Refunding of the Outstanding City of Pensacola, Florida Redevelopment Revenue Bonds, Series 2009b, and Fund Certain Community Redevelopment Improvements in the Urban Core Community Redevelopment Area, and Authorizing an Interlocal Agreement between the City of Pensacola and the Community Redevelopment Agency Relating to such Financing.*

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

The motion carried by the following vote:

Yes: 7 Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore,
 Jewel Cannada-Wynn, Sherri Myers
No: 0 None

CONSENT AGENDA**2. [19-00335](#) REFERRAL TO ENVIRONMENTAL ADVISORY BOARD (EAB)**

Recommendation: That City Council refer to the Environmental Advisory Board (EAB) a request for the Board to examine the chemicals used on athletic fields and parks in the City of Pensacola and report the findings to City Council with recommendations on how to improve the safety of playing fields and parks.

CONSENT AGENDA (CONT'D.)

3. [19-00341](#) APPROVAL OF LOCALLY FUNDED AGREEMENT WITH STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR SAFETY IMPROVEMENTS WEST CERVANTES STREET CORRIDOR TRAFFIC FEASIBILITY STUDY

Recommendation: That City Council authorize the Mayor to take all necessary action to execute a Locally Funded Agreement (LFA) with FDOT relating to cost sharing for the West Cervantes Street corridor pedestrian safety improvement, complete streets and corridor management project.

4. [19-00306](#) PENSACOLA ENERGY - AWARD OF TASK ORDERS 1-5 NATURAL GAS PIPELINE CONSTRUCTION MISCELLANEOUS UNIT PRICE WORK

Recommendation: That City Council award Task Orders 1-5, Natural Gas Pipeline Construction Miscellaneous Work with R.A.W. Construction, LLC, in the amount of \$1,111,300 for the natural gas infrastructure replacement projects under the unit price and miscellaneous work option in Bid #19-005. In addition, that Council approve a 10% contingency of \$111,130 for a total approved amount of \$1,222,430 for a period of one year. Further, that Council authorize the Mayor to execute the task orders and take all actions necessary to complete the work.

5. [19-00303](#) CITY OF PENSACOLA FY 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND HOME INVESTMENT PARTNERSHIPS ACT (HOME) PROGRAM

Recommendation: That City Council approve the FY 2019-2020 CDBG Annual Action Plan for the period October 1, 2019 through September 30, 2020, for submission to U. S. Department of Housing and Urban Development, and the City of Pensacola 2019-2020 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.

6. [19-00334](#) AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF PENSACOLA

Recommendation: That the City Council approve Amendment No. 1 to the Interlocal Agreement for Administrative Services between the Community Redevelopment Agency of the City of Pensacola, Florida and the City of Pensacola, Florida.

CONSENT AGENDA (CONT'D.)7. [19-00319](#) APPOINTMENT - WESTSIDE COMMUNITY REDEVELOPMENT BOARD

Recommendation: That City Council appoint Norman Baker to the Westside Community Redevelopment Board that is either a redevelopment area resident, member of an area neighborhood association or owner or operator of a business located in the redevelopment area, to fill an unexpired term ending January 31, 2021.

8. [19-00325](#) APPOINTMENTS - ZONING BOARD OF ADJUSTMENT

Recommendation: That City Council reappoint David Del Gallo, Steven Shelley, and Robby Williams who are residents or property owners of the City to the Zoning Board of Adjustment for a term of three (3) years, expiring July 14, 2022.

9. [19-00321](#) REVISED: APPOINTMENTS - PLANNING BOARD

Recommendation: That City Council reappoint Danny Grundhoefer, Kurt Larson, Laurie Murphy, Ryan N. Wiggins, and Paul Ritz, Licensed Florida Architect; and appoint Charletha Powell and Eladies Sampson to the Planning Board for a term of two years, expiring July 14, 2021.

10. [19-00317](#) REFERRAL TO PLANNING BOARD AND ENVIRONMENTAL ADVISORY BOARD - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE, SECTION 12-6 - TREE / LANDSCAPE REGULATIONS

Recommendation: That City Council refer to the Planning Board and Environmental Advisory Board for review and recommendation a proposed amendment to Section 12-6 of the Land Development Code - Tree / Landscape Regulations.

11. [19-00316](#) MEMORANDUM OF AGREEMENT FOR ADVANCE TRAFFIC MANAGEMENT SYSTEM

Recommendation: That City Council authorize the Mayor to execute the Memorandum of Agreement for the Unified Development, Operation, and Maintenance and Stakeholder Allocation of a Regional Advanced Traffic Management System (ATMS) and a Regional Transportation Management Center (TMC).

A motion to approve consent agenda Items 2 through 11 was made by Council Member Cannada-Wynn and seconded by Council Member Wingate.

CONSENT AGENDA (CONT'D.)

The motion (to approve consent agenda Items 2 through 11) carried by the following vote:

Yes: 7 Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore,
 Jewel Cannada-Wynn, Sherri Myers
No: 0 None

REGULAR AGENDA**18. 19-00339 TRAFFIC ENGINEERING STUDY OF CERTAIN STATE ROADWAYS**

~~**Recommendation:** That the City conduct a traffic study on the following state roadways:~~

- ~~* Pace Boulevard from Main Street to the City Limits~~
- ~~* Barrancas Avenue from Pace Boulevard to Garden Street~~
- ~~* Garden Street from Pace Boulevard to Alcaniz Street~~
- ~~* 9th Avenue from Bayfront Parkway to Creighton Road~~
- ~~* Bayfront Parkway / Main Street from the New Pensacola Bay Bridge to "A" Street~~

~~Additionally, the study will include the needs for traffic signals, lighting, traffic signs, intersection management, road surface markings and flooding. Further, the study should also focus on safe patterns of pedestrian traffic as well as ADA compliance within the movement of people.~~

~~**Revised Recommendation:** That the City priority rank the following state roadways within the City for complete street methodology updates and upgrades:~~

~~In priority rank order:~~

- ~~1. 9th Ave from Bayfront Parkway to Olive Road~~
- ~~2. Pace Boulevard from Main Street to the City Limits~~
- ~~3. Garden Street from Pace Boulevard to Alcaniz Street~~
- ~~4. Barrancas Avenue from Pace Boulevard to Gonzalez Street~~

~~The complete streets methodology will include but not be limited to the needs for traffic signals, lighting, traffic signs, intersection management, road surface markings and flooding. Further, the study should also focus on safe patterns of multimodal transportation as well as ADA compliance within the movement of people.~~

A motion to approve as amended was made by Council Member Moore, seconded by Council Member Cannada-Wynn.

REGULAR AGENDA (CONT'D.)

Discussion ensued among Council (regarding Item 18, 19-00339) with Mayor Robinson providing input throughout.

Council Member Myers asked Council Member Cannada-Wynn (sponsor and second to the motion) if she would be willing to strike from the listed streets, 4. *Barrancas Avenue from Pace Boulevard to Gonzalez Street*. Council Member Cannada-Wynn indicated she will accept as a friendly amendment; with no objection from Council Member Moore (mover of the motion).

Brief follow-up discussion took place.

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0	None

Next Item 21, beginning on the following page

REGULAR AGENDA (CONT'D.)

21. [2019-31 RESOLUTION NO. 2019-31 - AUTHORIZING A FINANCING IN THE PRINCIPAL AMOUNT NOT TO EXCEED \\$58,200,000 TO FINANCE THE ADVANCE REFUNDING OF THE OUTSTANDING CITY OF PENSACOLA, FLORIDA REDEVELOPMENT REVENUE BONDS, SERIES 2009B, AND FUND CERTAIN COMMUNITY REDEVELOPMENT IMPROVEMENTS IN THE URBAN CORE COMMUNITY REDEVELOPMENT AREA, 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. 2019-31.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AUTHORIZING THE ISSUANCE BY THE CITY OF AN URBAN CORE REDEVELOPMENT REFUNDING AND IMPROVEMENT REVENUE BOND, SERIES 2019, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$58,200,000 TO FINANCE THE ADVANCE REFUNDING OF THE OUTSTANDING CITY OF PENSACOLA, FLORIDA REDEVELOPMENT REVENUE BONDS, SERIES 2009B (FEDERALLY TAXABLE - BUILD AMERICA BONDS - DIRECT PAYMENT) AND CERTAIN COMMUNITY REDEVELOPMENT IMPROVEMENTS IN THE URBAN CORE COMMUNITY REDEVELOPMENT AREA AS DESCRIBED HEREIN; PLEDGING AS SECURITY FOR THE PAYMENT OF SAID SERIES 2019 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 2019 BOND; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE AWARD OF THE SALE OF THE SERIES 2019 BOND; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING AN ESCROW HOLDER THEREUNDER; APPOINTING A VERIFICATION AGENT; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF THE SERIES 2019 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.

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

Discussion ensued among Council with Chief Financial Officer Barker fielding comments and questions. Mayor Robinson also provided input.

REGULAR AGENDA (CONT'D.)

The motion (to adopt Res. No. 2019-31) carried by the following vote:

Yes: 5 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn
No: 2 Gerald Wingate, Sherri Myers

12. [19-00057 PUBLIC HEARING: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 12-10 FLOODPLAIN MANAGEMENT](#)

Recommendation: That City Council conduct a public hearing on July 18, 2019 to consider an amendment to the Land Development Code Chapter 12-10 Floodplain Management.

Inspections Services Administrator Bilby provided a summary of the issue before Council.

There being no discussion, Council President Terhaar indicated he will entertain a motion to approve.

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

There being no discussion, the vote was called.

The motion carried by the following vote:

Yes: 7 Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)

13. [05-19](#) PROPOSED ORDINANCE NO. 05-19 - AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 12-10 FLOODPLAIN MANAGEMENT AND CREATING SECTION 14-1-133 LOCAL GOVERNMENT AMENDMENTS TO FLORIDA CODE

Recommendation: That City Council approve Proposed Ordinance No. 05-19 on first reading.

AN ORDINANCE REPEALING AND REPLACING SECTION 12-10-1 THROUGH SECTION 12-10-6 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR FLOODPLAIN MANAGEMENT REGULATIONS, DEVELOPMENT STANDARDS AND PROCEDURES FOR CONSTRUCTION IN AREAS SUBJECT TO FLOODING; CREATING SECTION 12-10-7 THROUGH SECTION 12-10-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR INSPECTION OF FLOODPLAIN CONSTRUCTION; VARIANCES AND APPEALS; DEFINITIONS; REGULATING CONSTRUCTION AND SITING OF BUILDINGS, SUBDIVISIONS, MANUFACTURED HOMES, RECREATIONAL VEHICLES AND TRAILERS, TANKS AND OTHER DEVELOPMENTS; CREATING SECTION 14-1-133 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FLOODPLAIN AMENDMENTS SUPPLEMENTAL TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading was made by Council Member Cannada-Wynn and seconded by Council Member Hill.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0	None

REGULAR AGENDA (CONT'D.)

14. [19-00312](#) PUBLIC HEARING: PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE, SECTION 12-12-5 - BUILDING PERMITS - TO INCLUDE HISTORIC BUILDING DEMOLITION REVIEW

Recommendation: That City Council conduct a public hearing on July 18, 2019 to consider an amendment to the Code of the City of Pensacola, Land Development Code Section 12-12-5 - Building Permits - to include Historic Building Demolition Review.

Council Member Hill (sponsor) provided an overview of the issue before Council. She referenced hardcopies of the revised language provided at Council's places indicating the revisions address the concerns expressed during Agenda Conference.

Discussion ensued among Council with Council Member Hill fielding comments and questions. Input was also provided by Council Executive Kraher, Inspections Services Administrator Bilby, and Planning Services Administrator Morris. Much of the discussion focused on concerns regarding the length of the proposed review process (if a structure is deemed to potentially have historical significance); statistics from 2018 regarding demolition permits of structures; and development of an inventory listing.

During discussion, Inspections Services Administrator Bilby referenced Florida Statutes Chapter 553.79 regarding permitting and indicated there may be a conflict with the proposed ordinance language specifying the permit process not exceed one hundred fifty (150) days, whereas F.S. 553.79 requires permits be issued (from date of application) not more than thirty (30) days for residential and forty-five (45) days for commercial.

Discussion continued regarding the possible conflict with City Attorney Woolf responding accordingly to procedural questions.

Council Member Hill withdrew the item for consideration at this time and indicated she will bring back at a future meeting after further review of the language.

REGULAR AGENDA (CONT'D.)*****THE FOLLOWING PROPOSED ORDINANCE WAS WITHDRAWN*****

15. [24-19 PROPOSED ORDINANCE NO. 24-19 - AMENDING THE CODE OF THE CITY OF PENSACOLA, LAND DEVELOPMENT CODE, SECTION 12-12-5 - BUILDING PERMITS; PROVIDING FOR HISTORIC DEMOLITION REVIEW](#)

Recommendation: That City Council approve Proposed Ordinance No. 24-19 on first reading:

AN ORDINANCE AMENDING SECTION 12-12-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SUBSECTION 12-12-5(E) ESTABLISHING A PROCESS FOR THE REVIEW OF REQUESTS TO DEMOLISH BUILDINGS OF HISTORICAL, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE TO THE CITY; PROVIDING DEFINITIONS; PROVIDING ARCHITECTURAL REVIEW BOARD CRITERIA AND PROCEDURES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

16. [19-00314 TENTATIVE MILLAGE RATE - FISCAL YEAR 2020](#)

Recommendation: That City Council set the tentative Fiscal Year 2020 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 the Fiscal Year 2020 millage rates be held on September 11, 2019 at 5:30 p.m. in Council Chambers.

A motion to approve was made by Council Member Moore and seconded by Council Member Hill.

Council Member Myers asked questions with Chief Financial Officer Barker responding accordingly.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0	None

REGULAR AGENDA (CONT'D.)**17. [19-00322](#) REQUIRE PARKS AND RECREATION BOARD TO CHANGE MONTHLY MEETING TIME**

Recommendation: That City Council direct the Parks and Recreation Board to change their monthly meeting time from 8:00 a.m. to a time between 1:00 - 4:00 p.m. in order to allow greater citizen participation.

A motion to approve was made by Council Member Myers and seconded by Council Member Wingate.

Council Member Myers (sponsor) explained her intent for bringing this issue forward. She referenced hardcopies of information provided by Council Executive Kraher which was requested during Agenda Conference (on file with background materials).

Current Parks and Recreation Board Member Rand Hicks addressed Council relaying the board's discussion of moving the time of their meetings.

Discussion ensued among Council with Council Executive Kraher responding accordingly to questions, as well as Mr. Hicks.

Upon conclusion of discussion, the vote was called.

The motion failed by the following vote:

Yes: 2 Ann Hill, Sherri Myers
No: 5 Andy Terhaar, P.C. Wu, Jewel Cannada-Wynn, Jared Moore, Gerald Wingate

LATER UNDER COUNCIL EXECUTIVE'S REPORT, COUNCIL MEMBER HILL INDICATED SHE VOTED INCORRECTLY FOR ITEM 18 (19-00322) AND REQUESTED COUNCIL RECONSIDER THE VOTE.

A motion to reconsider was made by Council Member Cannada-Wynn and seconded by Council Member Moore.

The motion carried by the following vote:

Yes: 7 Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)

A motion to approve Item 18 (19-00322) was made by Council Member Wingate and seconded by Council Member Moore.

The motion failed by the following vote:

Yes: 1 Sherri Myers

No: 6 Andy Terhaar, P.C. Wu, Jewel Cannada-Wynn, Ann Hill, Jared Moore, Gerald Wingate

19. [19-00329](#) CITY COUNCIL APPROVAL OF THE STRATEGIC PLAN MISSION, VALUES AND PRIORITY AREAS

Recommendation: That City Council approve and adopt the Strategic Plan Mission, Values and Priority Areas.

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

The motion carried by the following vote:

Yes: 7 Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore, Jewel Cannada-Wynn, Sherri Myers

No: 0 None

20. [2019-01](#) RESOLUTION NO. 2019-01 - AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY PERTAINING TO THE ISSUANCE BY THE CITY OF PENSACOLA GAS SYSTEM REVENUE BONDS.

Recommendation: That City Council adopt Resolution No. 2019-01.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY; PROVIDING FOR THE ISSUANCE OF GAS SYSTEM REVENUE BONDS TO PAY THE COST OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S GAS SYSTEM AND TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; PLEDGING THE NET REVENUES OF THE GAS SYSTEM TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

REGULAR AGENDA (CONT'D.)

The motion (to adopt Res. No. 2019-01) carried by the following vote:

Yes: 7 Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore,
 Jewel Cannada-Wynn, Sherri Myers
No: 0 None

22. [2019-32](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-32 - APPROPRIATING FUNDING IN CONNECTION WITH THE URBAN CORE REDEVELOPMENT REFUNDING AND IMPROVEMENT REVENUE BOND, SERIES 2019.

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-32.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

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

Chief Financial Officer Barker responded accordingly to Council Member Wingate's inquiry.

There being no further discussion, the vote was called.

The motion carried by the following vote:

Yes: 5 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn
No: 2 Gerald Wingate, Sherri Myers

23. [2019-38](#) SUPPLEMENTAL BUDGET RESOLUTION 2019-38 - RENTAL CAR CONCESSION AGREEMENT & REAL PROPERTY LEASE AMENDMENT 2

Recommendation: That City Council approve Supplemental Budget Resolution No. 2019-38.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING AN EFFECTIVE DATE.

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

REGULAR AGENDA (CONT'D.)

The motion (to adopt Res. No. 2019-38) carried by the following vote:

Yes: 7 Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore,
 Jewel Cannada-Wynn, Sherri Myers
No: 0 None

24. [20-19 PROPOSED ORDINANCE NO. 20-19 PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE SECTION 12-2-11 AIRPORT LAND USE DISTRICT - RECREATIONAL FACILITIES - NOT-FOR-PROFIT](#)

Recommendation: That City Council adopt Proposed Ordinance No. 20-19 on second reading.

AN ORDINANCE AMENDING SECTION 12-2-11 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, AIRPORT LAND USE DISTRICT; RECREATIONAL FACILITIES - NOT FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. **(Ordinance No. 14-19)**

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

The motion carried by the following vote:

Yes: 6 Andy Terhaar, P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore,
 Jewel Cannada-Wynn
No: 1 Sherri Myers

25. [21-19 PROPOSED ORDINANCE NO. 21-19 - VACATION OF RIGHT-OF-WAY 400 BLOCK OF 11TH AVENUE](#)

Recommendation: That City Council adopt Proposed Ordinance No. 21-19 on second reading.

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 400 BLOCK OF 11TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. **(Ordinance No. 15-19)**

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

REGULAR AGENDA (CONT'D.)

The motion (to adopt P.O. No. 21-19) carried by the following vote (with Council Member Terhaar abstaining):

Yes: 6 P.C. Wu, Ann Hill, Gerald Wingate, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0 None
Abstained: 1 Council Member Terhaar

COUNCIL EXECUTIVE'S REPORT

None.

MAYOR'S COMMUNICATION

None.

COUNCIL COMMUNICATIONS

None.

CIVIC ANNOUNCEMENTS

Some Council Members made announcements regarding upcoming events and meetings.

SECOND LEROY BOYD FORUM

None.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 8:20 P.M.

Adopted: _____

Approved: _____
R. Andy Terhaar, President of City Council

Attest:

Ericka L. Burnett, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME TERHAAR RICHARD ANDREW	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PENSACOLA CITY COUNCIL
MAILING ADDRESS 3142 OXFORD CIR	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY PENSACOLA, FL ESCAMBIA	NAME OF POLITICAL SUBDIVISION: DISTRICT 3
DATE ON WHICH VOTE OCCURRED 7/18/19	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, RICHARD TERHARR, hereby disclose that on 7/18, 20 19:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, ANTHONY TERHARR;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

PROPOSED ORDINANCE NO - 21-19 - VACATION OF RIGHT WAY 400 BLOCK OF 11TH AVE. APPLICANT WAS MY FATHER.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/24/19
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.