



City of Pensacola

CITY COUNCIL

Agenda Conference Minutes

March 22, 2021

3:30 P.M.

Council Chambers

The agenda conference was called to order by Council President Moore at 3:31 P.M.

ROLL CALL

Council Members Present: Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton (attended remotely via Microsoft Teams), Casey Jones, Sherri Myers, Delarian Wiggins

Council Members Absent: None

Also Present: Mayor Grover C. Robinson, IV (arrived 3:40)

Members of the public may attend the meeting in person; however, there will be limited seating capacity. Consistent with CDC guidelines, attendees will be required to sit at least 6 feet apart and to wear face coverings that cover their nose and mouth.

The meeting can be watched live stream at: cityofpensacola.com/428/Live-Meeting-Video.

PRESENTATION ITEMS

1. [21-00211](#) TRANSITION TEAM RECOMMENDATION - SUSTAINABILITY UPDATE

Recommendation: That City Council accept a presentation from the Sustainability Coordinator, Mark Jackson with the Public Works and Facilities Department, regarding the Mayoral Transition Team Recommendations.

Sustainability Coordinator Jackson provided an overhead presentation updating Council on current initiatives (on file with background materials). Discussion took place following the presentation with Sustainability Coordinator Jackson, Public Works and Facilities Director Owens, Deputy City Administrator Fiddler, and Mayor Robinson fielding comments and questions.

REVIEW OF CONSENT AGENDA ITEMS

2. [21-00176](#) AIRPORT - APPROVAL OF LEASE NO. HSBP-7120-L-IN0487 BETWEEN THE CITY OF PENSACOLA AND THE UNITED STATES OF AMERICA - CUSTOMS AND BORDER PROTECTION

Recommendation: That City Council approve lease No. HSBP-7120-L-IN0487 between the City of Pensacola and the United States of America for airport property located at 4121 Maygarden Road, Pensacola, Florida, for use by the U.S. Customs and Border Protection. Further, that City Council authorize the Mayor to take all actions necessary to execute the lease.

Mayor Robinson made comments.

Place on Consent Agenda.

3. [21-00246](#) AIRPORT - EASEMENT AGREEMENT WITH GULF POWER FOR ELECTRIC SERVICE AT GENERAL AVIATION FACILITY CUSTOMS AND BORDER PROTECTION FACILITY.

Recommendation: That City Council approve the easement agreement for electric service installed by Gulf Power for the development of 4121 Maygarden Road. Further, that City Council authorize the Mayor to take all actions necessary to execute the easement agreement.

Place on Consent Agenda.

4. [21-00220](#) AWARD OF CONTRACT FOR ITB #21-005 REPLACEMENT OF EXISTING MAQUAY CHILLER AT THE DOWNTOWN PENSACOLA LIBRARY

Recommendation: That the City Council award a contract for ITB #21-005 Replacement of the existing MaQuay Chiller at the Downtown Pensacola Library to Prime Mechanical, Inc. of Pensacola Florida, the lowest and most responsible bidder with a base bid amount of \$171,000, plus a 10% contingency of \$17,100 for a total amount of \$188,100. Further, that Council authorize the Mayor to execute a contract and take all actions necessary to complete the project.

Place on Consent Agenda.

REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)

5. [21-00247](#) AWARD OF CONTRACT INVITATION TO BID (ITB) #21-014 ROGER SCOTT TENNIS CENTER REPAIRS - HURRICANE SALLY PROJECT

Recommendation: That City Council award a contract to Harris-Inman Construction Company, Inc. for ITB #21-014 Roger Scott Tennis Center Repairs - Hurricane Sally Project for \$102,101.00 and a 20% contingency of \$20,420.20 for a total amount of \$122,521.20.

Place on Consent Agenda.

6. [21-00270](#) APPOINTMENTS - PARKS AND RECREATION BOARD

Recommendation: That City Council appoint three (3) individuals to the Parks and Recreation Board for a term of three (3) years, expiring March 31, 2024.

Place on Consent Agenda.

7. [21-00282](#) APPOINTMENT - WESTSIDE COMMUNITY REDEVELOPMENT BOARD

Recommendation: That City Council appoint one (1) individual 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 a three year term expiring January 31, 2024.

Place on Consent Agenda.

8. [21-00297](#) REASSIGNMENT OF COUNCIL MEMBERS TO EXTERNAL BOARDS, COMMISSIONS & AUTHORITIES FOR COUNCIL TERM 2020-2022

Recommendation: That City Council remove Council Member Myers from the Pensacola Escambia Development Commission (PEDC) and the Transportation Planning Organization (TPO). Further the Council assign Council Member Broughton to the PEDC and Councilman Jones to the TPO.

Place on Consent Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

9. [21-00272](#) EXTENSION OF ORDINANCE NO. 15-20 REQUIRING THE MANDATORY WEARING OF FACE COVERINGS IN BUSINESSES WITHIN THE CITY LIMITS.

Recommendation: That City Council extend Ordinance No. 15-20 requiring the mandatory wearing of face coverings in businesses within the City Limits until April 22, 2021.

Mayor Robinson made comments regarding issues of code enforcement and some discussion took place. Mayor Robinson and City Attorney Woolf responded to questions from Council Member Broughton regarding vaccine data of City employees and residents.

Place on Regular Agenda.

10. [2021-16](#) RESOLUTION 2021-16 - CITY COUNCIL ENCOURAGES THE WEARING OF FACE COVERINGS WITHIN PUBLIC SETTINGS AND BUSINESSES WITHIN THE CITY.

Recommendation: That City Council adopt Resolution No. 2021-16:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA ENCOURAGING THE WEARING OF FACE COVERINGS IN PUBLIC SETTINGS AND WITHIN BUSINESSES WITHIN THE CITY OF PENSACOLA; AND PROVIDING AN EFFECTIVE DATE

Some discussion took place. Council President Moore responded to questions from Council Member Hill regarding his intent in bringing forward a resolution. City Attorney Woolf responded to questions from Council Member Brahier regarding extension of the ordinance versus adoption of a resolution and applicability of enforcement. Mayor Robinson made follow-up remarks.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

11. [21-00264](#) FIRST ADDENDUM TO THE PARTIAL ASSIGNMENT TO VALENCIA DEVELOPMENT CORPORATION OF THE OPTION AGREEMENT BETWEEN THE CITY OF PENSACOLA AND STUDER PROPERTIES, LLP

Recommendation: That City Council authorize the Mayor to execute the First Addendum to the Partial Assignment to Valencia Development Corporation of the Option Agreement between the City of Pensacola and Studer Properties, LLP.

City Attorney Woolf responded to questions concerning payments related to the option agreement. Mayor Robinson responded to questions regarding allocations and spending of funds related to option payments.

Place on Regular Agenda.

12. [21-00299](#) FIRST ADDENDUM TO THE PARTIAL ASSIGNMENT TO INSPIRED COMMUNITIES OF FLORIDA, LLC, OF THE OPTION AGREEMENT BETWEEN THE CITY OF PENSACOLA AND STUDER PROPERTIES, LLP

Recommendation: That City Council authorize the Mayor to execute the First Addendum to the Partial Assignment to Inspired Communities of Florida, LLC, of the Option Agreement between the City of Pensacola and Studer Properties, LLP.

Place on Regular Agenda.

13. [21-00298](#) FIRST ADDENDUM TO THE PARTIAL ASSIGNMENT TO SILVER HILLS DEVELOPMENT, INC., OF THE OPTION AGREEMENT BETWEEN THE CITY OF PENSACOLA AND STUDER PROPERTIES, LLP

Recommendation: That City Council authorize the Mayor to execute the First Addendum to the Partial Assignment to Silver Hills Development, Inc., of the Option Agreement between the City of Pensacola and Studer Properties, LLP.

Place on Regular Agenda.

14. [21-00263](#) LEGAL OPINION REGARDING THE MAYOR'S POLICIES REGARDING COUNCIL MEMBERS COMMUNICATING WITH MAYORAL STAFF AND COMPLIANCE WITH CITY CHARTER SECTION 4.04 - PROHIBITIONS (B) - INTERFERENCE WITH ADMINISTRATION.

Recommendation: That City Council request a legal opinion from the City Attorney as to whether the Mayor's policies regarding Council communicating with Mayoral staff complies with Section 4.01 (b) of the City Charter.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

15. [21-00266](#) LEGAL OPINION - REQUEST FOR A LEGAL OPINION FROM THE CITY ATTORNEY REGARDING THE CHARTER AMENDMENT PROCESS

Recommendation: That the City Council request a legal opinion from the City Attorney seeking to determine if the second sentence in the Charter for the City of Pensacola ("Charter") Section 8.02.(b) Initiation by Petition that reads - "Each petition proposing amendments to this Charter shall be commenced in the same manner as an ordinance proposed by initiative in Article VII of this Charter." - is preempted by Section 166.031 Charter Amendments, Florida Statutes.

Council Member Myers (sponsor) explained her reason for bringing this issue forward. Mayor Robinson made comments.

Place on Regular Agenda.

16. [21-00277](#) LEGAL OPINION - UNDER WHAT LEGAL AUTHORITY, IF ANY, CAN THE GOVERNOR VOID, NULLIFY OR REPEAL AN ORDINANCE OF A CITY OR MUNICIPALITY.

Recommendation: That City Council request a legal opinion from the City Attorney asking the following question:

Under what legal authority can the Florida Governor void, nullify or repeal an ordinance of a City or Municipality?

Place on Regular Agenda.

17. [21-00262](#) OFFICE OF CITY COUNCIL STAFF - LEGAL AIDE (LEGAL COUNSEL TO THE CITY COUNCIL)

Recommendation: That City Council direct the Council Executive to begin the search for a Legal Counsel to the City Council.

Place on Regular Agenda.

18. [21-00265](#) CREATION OF A CITY COUNCIL WEBPAGE

Recommendation: That City Council direct the Council Executive to work with IT in creating a webpage that will give public information regarding issues the Council is working on as well as projects happening in each district.

Council President Moore asked for clarification on the intent of this item with Council Member Myers (sponsor) responding accordingly.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

19. [21-00207](#) FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) SUBGRANT FOR HIGHWAY TRAFFIC FUNDS

Recommendation: That City Council accept the FY 2021 Florida Department of Transportation (FDOT) Subgrant for Highway Traffic Safety Funds in the amount of \$36,000. Further, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant. Finally, that City Council adopt the supplemental budget resolution appropriating grant funds.

Place on Regular Agenda.

20. [2021-12](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-12 FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) SUBGRANT FOR HIGHWAY TRAFFIC FUNDS

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2021-12.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.

Place on Regular Agenda.

21. [12-21](#) PROPOSED ORDINANCE NO. 12-21 - REGULATIONS FOR BREEDING DOMESTICATED ANIMALS, PROVIDING FEE FOR LOCAL BUSINESS TAX FOR HOBBY BREEDERS

Recommendation: That City Council approve Proposed Ordinance No. 12-21 on first reading:

AN ORDINANCE CREATING SECTION 4-2-45 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING REGULATIONS FOR THE BREEDING OF DOMESTICATED ANIMALS; REQUIREMENTS FOR LICENSURE AND PERMITTING FOR HOBBY BREEDERS; PROVIDING FOR DEFINITIONS; AMENDING SECTION 7-2-9 TO PROVIDING FEE FOR LOCAL BUSINESS TAX FOR HOBBY BREEDERS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Council Member Myers (sponsor) explained her reason for bringing this issue forward and referred to copies of photos at Council's places (on file with background materials).

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

22. [11-21](#) AN ORDINANCE AMENDING SECTIONS 14-2-132 AND 14-2-133 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA

Recommendation: That City Council approve Proposed Ordinance No. 11-21 on first reading:

AN ORDINANCE AMENDING SECTIONS 14-2-132 AND 14-2-133 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, ADOPTING THE PENSACOLA REGULATIONS TO IMPLEMENT CHAPTER 1 OF THE FLORIDA BUILDING CODE; ADOPTING APPENDICES J AND Q OF THE FLORIDA BUILDING CODE, RESIDENTIAL; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

CONSIDERATION OF ANY ADD-ON ITEMS

Council President Moore referenced hardcopies of an add-on discussion item for today as follows:

[21-00303](#) PARKS AND RECREATION BOARD RESOLUTION REGARDING VETERANS MEMORIAL PARK RESTROOMS

Council Member Brahier made a motion to add-on the item for discussion and Council Member Myers seconded.

The motion passed unanimously.

DISCUSSION

ADD-ON: 21-00303 PARKS AND RECREATION BOARD RESOLUTION REGARDING VETERANS MEMORIAL PARK RESTROOMS

Council Member Hill inquired about public input. Council President Moore indicated typically discussion items during agenda conference do not provide for public input.

Council Member Myers (sponsor) began the discussion asking questions related to the appropriation of a donation in the amount of \$50,000 as approved by Council's adoption of Resolution No. 2021-07 but asked for answers to questions (as outlined in the memorandum provided for discussion – hardcopies at Council's places and on file.) indicating such information was not provided to Council at the time of considering the resolution for adoption which appropriated the funding.

Discussion ensued among Council regarding the \$50,000 allocation coming from unencumbered funds Council had frozen, but identification of the funds was not provided in the background information when Council considered adoption of Resolution No. 2021-07; that the restroom facilities were to be located on Admiral Mason Park rather than within the boundaries of Veterans Memorial Park; and no aesthetic review process through the Planning Board. Mayor Robinson fielded comments and questions. Planning Services Director Morris responded to questions regarding the Planning Board review process for the Gateway Review District and Deputy Finance Director McLellan responded to questions inquiring if the \$50,000 donation has been fully expended.

Council President Moore indicated he would like to bring forward an add-on action item for Thursday's (3/25/21) Council meeting to consider freezing the remaining \$25,000 (of the \$50,000 donation) which has not yet been expended and referring the development of restroom facilities to the Planning Board for review. City Attorney Woolf responded accordingly to questions related to Council's authority to refer the development to the Planning Board. Some follow-up discussion took place clarifying the type of action item to bring forward. Council President Moore requested the City Attorney and Council Executive collaborate to bring the item forward in proper form.

READING OF ITEMS FOR COUNCIL AGENDA

City Clerk Burnett read as presented above. *No objections.*

COMMUNICATIONS

CITY ADMINISTRATOR'S COMMUNICATION

None

CITY ATTORNEY'S COMMUNICATION

None

CITY COUNCIL COMMUNICATION

Council Member Brahier provided a hand-out related to leasing of parcels at the Community Maritime Park (attached). Some discussion took place among Council with Mayor Robinson responding to the information.

ADJOURNMENT

5:19 P.M.

Year	Payments	Discounts	Present Value
1	\$ 500,000.00	\$ -	\$ 500,000.00
2	\$ 500,000.00	\$ 8,150.00	\$ 491,850.00
3	\$ 500,000.00	\$ 16,300.00	\$ 483,700.00
4	\$ 500,000.00	\$ 24,450.00	\$ 475,550.00
5	\$ 500,000.00	\$ 32,600.00	\$ 467,400.00
6	\$ 500,000.00	\$ 40,750.00	\$ 459,250.00
7	\$ 500,000.00	\$ 48,900.00	\$ 451,100.00
8	\$ 500,000.00	\$ 57,050.00	\$ 442,950.00
9	\$ 500,000.00	\$ 65,200.00	\$ 434,800.00
10	\$ 500,000.00	\$ 73,350.00	\$ 426,650.00
11	\$ 500,000.00	\$ 81,500.00	\$ 418,500.00
12	\$ 500,000.00	\$ 89,650.00	\$ 410,350.00
13	\$ 500,000.00	\$ 97,800.00	\$ 402,200.00
14	\$ 500,000.00	\$ 105,950.00	\$ 394,050.00
15	\$ 500,000.00	\$ 114,100.00	\$ 385,900.00
16	\$ 500,000.00	\$ 122,250.00	\$ 377,750.00
17	\$ 500,000.00	\$ 130,400.00	\$ 369,600.00
18	\$ 500,000.00	\$ 138,550.00	\$ 361,450.00
19	\$ 500,000.00	\$ 146,700.00	\$ 353,300.00
20	\$ 500,000.00	\$ 154,850.00	\$ 345,150.00
21	\$ 500,000.00	\$ 163,000.00	\$ 337,000.00
22	\$ 500,000.00	\$ 171,150.00	\$ 328,850.00
23	\$ 500,000.00	\$ 179,300.00	\$ 320,700.00
24	\$ 500,000.00	\$ 187,450.00	\$ 312,550.00
25	\$ 500,000.00	\$ 195,600.00	\$ 304,400.00
TOTALS	\$ 12,500,000.00	\$ 2,445,000.00	\$ 10,055,000.00

INPUTS:

1	= "0" if pd Arrears, "1" if pd Advance.
0	= # of periods present pmt is made ahead of 1st scheduled payment.
1.63%	= Discount Rate per Period
0.00%	= Payment Increase per Period

1914-2021 Average CPI = 3.23%