



City of Pensacola

CITY COUNCIL

Meeting Minutes

August 9, 2018

5:30 P.M.

Council Chambers

Council President Wingate called the meeting to order at 5:34 P.M.

ROLL CALL

Council Members Present: Gerald Wingate, Sherri Myers, Jewel Cannada-Wynn, Larry Johnson (left 9:46), Brian Spencer (arrived 5:40), Andy Terhaar, P.C. Wu

Council Members Absent: None

INVOCATION

Pastor Lonnie D. Wesley, III , Greater Little Rock Baptist Church

PLEDGE OF ALLEGIANCE

Council Member P. C. Wu

FIRST LEROY BOYD FORUM

David Johnstone: Addressed Council regarding the design and construction of the (new) Bayview Community Resource Center.

The following individuals addressed Council regarding the invocation policy and their disapproval of (its) implementation:

David Suhor

Andre Ryland

The following individuals representing the Tanyards Neighborhood Association addressed Council regarding issues related to the construction of the Corinne Jones Stormwater Retention Pond and Park:

Marilynn Wiggins

Gloria Horning

Jonathan Green: Addressed Council regarding the City Charter suggesting a lack of checks and balances which he believes should be strengthened.

FIRST LEROY BOYD FORUM (CONT'D.)

Dorothy Dubuisson: Made comments related to children returning to school next week and announced an event in the Belmont-DeVilliers neighborhood organizing contributions to provide children the necessary materials to be prepared for the upcoming school year. She encouraged participation to help those in need.

That concluded the first segment of LeRoy Boyd Forum.

AWARDS

None.

APPROVAL OF MINUTES**1. [18-00318 APPROVAL OF MINUTES: REGULAR MEETING DATED JULY 19, 2018](#)**

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

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

APPROVAL OF AGENDA

Council Member Johnson requested Council Member Myers (sponsor) consider pulling Item 16, (18-00314) *Vote of "No Confidence" for the City Administrator Related to the Handling of the Recycling Issue*, since Eric Olson is no longer the City Administrator. Council Member Myers indicated she is not inclined to do so.

Council President Wingate indicated he will entertain a motion to approve the agenda as presented.

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

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

CONSENT AGENDA**2. [18-00207 PENSACOLA ENERGY - AMENDMENT TO TASK ORDER 8, NATURAL GAS PIPELINE CONSTRUCTION MISCELLANEOUS WORK](#)**

Recommendation: That City Council approve an amendment to extend Task Order 8, Natural Gas Pipeline Construction Miscellaneous Work, to R.A.W. Construction, LLC for 90 days for the period from October 1, 2018 through December 31, 2018 with a not to exceed amount of \$250,000. Further, that Council authorize the Mayor to execute the amendment to the task order and take all actions necessary to complete the work.

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

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

REGULAR AGENDA**3. [18-00287 PUBLIC HEARING FOR THE ANNUAL ASSESSMENT RESOLUTION IMPOSING STORMWATER SERVICE ASSESSMENTS AND APPROVAL OF 2018 STORMWATER ASSESSMENT ROLL](#)**

Recommendation: That City Council conduct a public hearing on August 9, 2018 to adopt the final assessment resolution imposing stormwater service assessments and approving the 2018 Stormwater Assessment Roll.

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

City Administrator Wilkins read (as required by state law) the purpose of the hearing and indicated there are no rate changes from last year.

Public input was heard from the following individuals:

Dan Reid

Gloria Horning

Brief discussion took place with comments from Council Members. City Administrator Wilkins indicated he will follow-up with Mr. Reid to address his questions.

Upon conclusion of discussion, the vote was called.

REGULAR AGENDA (CONT'D.)

The motion to approve (Public Hearing Item 3) 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

4. [18-32](#) RESOLUTION NO. 18-32- IMPOSING STORMWATER SERVICE ASSESSMENTS AND APPROVAL OF 2018 STORMWATER ASSESSMENT ROLL

Recommendation: That City Council adopt Resolution No. 18-32:

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES PROVIDED BY THE CITY'S STORMWATER UTILITY; REIMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST DEVELOPED PROPERTY LOCATED WITHIN THE STORMWATER SERVICE AREA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

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

REGULAR AGENDA (CONT'D.)

5. [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; CONDITIONAL 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; CONDITIONAL USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading was made by Council Member Terhaar and seconded by Council Member Johnson.

Council Member Myers made comments indicating she does not support the passage of (this) ordinance.

Public input was heard from the following individuals:

Amber Hoverson
Susan Agnew
George Mead

Laura Hall
William Stokes

Based on concerns expressed by the (first) three (3) speakers, Council Member Cannada-Wynn inquired of adding definitions related to the proposed conditional use language. Planning Services Administrator responded explaining definitions are provided within a separate chapter under 12-14 and can be addressed with a separate ordinance.

There being no further discussion, the vote was called.

The motion carried by the following vote:

Yes: 5 Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu
No: 2 Gerald Wingate, Sherri Myers

REGULAR AGENDA (CONT'D.)**6. [12-18 PROPOSED ORDINANCE NO. 12-18 - VACATION OF RIGHT-OF-WAY 1600 BLOCK OF NORTH 18TH AVENUE](#)**

Recommendation: That City Council adopt Proposed Ordinance No. 12-18 on second 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.

A motion to adopt was made by Council Member Johnson and seconded by Council Member Terhaar.

Public input was heard from the following individuals:

Robert Kiser	Christian Wagley
Carolyn Grawi	Ryan Wiggins
Michael Tracy	Bill Chavis
Joseph Wesolowski	Mike Thomas
Ron Helms	Audrey Tucker
Butch Cook	

Discussion ensued among Council with Planning Services Administrator Morris and City Administrator Wilkins fielding comments and questions. Discussion focused on concerns expressed related to the existing sidewalk which will not be reinstated along with the (planned) improvements. City Attorney Bowling responded to questions related to ADA compliance.

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote:

Yes: 5	Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu
No: 2	Sherri Myers, Brian Spencer

REGULAR AGENDA (CONT'D.)

7. [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.

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

Council Member Cannada-Wynn asked questions as to how the proposed legislation may negatively impact City operations and business operations. City Administrator Wilkins and City Attorney Bowling responded indicating it would impede the effectiveness of regular business practices.

Council Member Cannada-Wynn withdrew her second to the motion.

Motion dies due to lack of a second.

*****THE FOLLOWING PROPOSED ORDINANCE WAS WITHDRAWN BY THE SPONSOR*****

8. [14-18 PROPOSED ORDINANCE NO. 14-18 - AMENDING SECTION 2-6-3 CODE OF ETHICS - PROHIBITIONS](#)

Recommendation: That City Council approve 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.

Council Member Myers indicated she would like City Attorney Bowling to review the language of the proposed amendment and (advise) if preempted by state law.

REGULAR AGENDA (CONT'D.)9. [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.

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

Discussion took place among Council.

Based on discussion, *Council Member Myers (sponsor) indicated she will withdraw this item in order for Council Member Spencer to take sponsorship and bring back to the next Council meeting (on 9/13/18) with a recommended allocation based on his research.* However, she would like to hear from individuals signed up to speak to this item tonight.

Public input was heard from the following individuals:

Gloria Horning

Ann Hill

10. [18-35 RESOLUTION NO. 18-35 - SUPPORT OF THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION](#)

Recommendation: That City Council adopt Resolution No. 18-35:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, IN SUPPORT OF THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION, URGING BOTH ESCAMBIA COUNTY AND THE CITY OF PENSACOLA CONTINUED FUNDING OF COMMISSION.

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

Council Member Myers asked questions of City Administrator Wilkins related to his knowledge of the issue, which he responded accordingly.

Council Member Cannada-Wynn offered a friendly amendment (adding) a caveat that the City and Escambia County work together to resolve the issues reported in the audit of the EPHRC and provide a (responding) report of corrective action.

Upon conclusion of discussion, the vote was called.

REGULAR AGENDA (CONT'D.)

The motion (to adopt Res. #18-35) 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

11. [18-00282 AMERICAN CREOSOTE SITE \(ACW\)](#)

Recommendation Corrected: That City Council give its authorization for ~~City~~ **the Mayor's** staff to proceed with the following strategies regarding the ACW:

1. Complete any remaining title searches on rights of way
2. Pursue acquisition of the parcels owned by the now dissolved American Creosote Works Florida, Inc. and the Pensacola Creosoting Co.
3. Continue discussions with BNSF Railroad regarding their portions and possible acquisition

A motion to approve as corrected (above) was made by Council Member Cannada-Wynn and seconded by Andy Terhaar.

Some discussion took place among Council with input from City Administrator Wilkins.

Upon conclusion of discussion the vote was called.

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

12. [18-31 RESOLUTION NO. 18-31 - THE GLADES PROJECT](#)

Recommendation: That City Council adopt Resolution No. 18-31.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, CERTIFYING THAT THE NORTHWEST FLORIDA HOUSING DEVELOPMENT CORPORATION'S PROPOSED DISASTER RECOVERY HOUSING PROGRAM IS CONSISTENT WITH LOCAL PLANS AND REGULATIONS INCLUDING COMPREHENSIVE PLANS

A motion to adopt was made by Council Member Terhaar and seconded by Council Member Myers.

Some discussion took place among Council with Council Executive Kraher explaining the history and intent of this item.

REGULAR AGENDA (CONT'D.)

The motion (to adopt Res. #18-31) carried by the following vote:

Yes: 6 Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel
Cannada-Wynn, Larry Johnson
No: 1 P.C. Wu

13. [18-29 SUPPLEMENTAL BUDGET RESOLUTION NO. 18-29 - APPROPRIATING FUNDING IN CONNECTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM](#)

Recommendation: That the City Council adopt Supplemental Budget Resolution No. 18-29.

[A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2018; PROVIDING FOR AN EFFECTIVE DATE.](#)

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

14. [16-18 PROPOSED ORDINANCE NO. 16-18 - AMENDMENT TO SECTION 4-3-97, SANITATION COLLECTION FEE AND EQUIPMENT SURCHARGE](#)

Recommendation: That City Council approve Proposed Ordinance No. 16-18 on first reading.

[AN ORDINANCE AMENDING SECTION 4-3-97 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR INCREASE IN SANITATION FEES AND SANITATION EQUIPMENT SURCHARGE; 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 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

REGULAR AGENDA (CONT'D.)

15. [20-18 PROPOSED ORDINANCE NO. 20-18, AMENDMENT TO SECTION 10-4-19 - SCHEDULE OF GAS RATES AND CHARGES](#)

Recommendation: That City Council approve Proposed Ordinance No. 20-18 on first reading.

AN ORDINANCE AMENDING SECTION 10-4-19 OF THE CODE OF THE CITY OF PENSACOLA ENTITLED: "SCHEDULE OF RATES AND CHARGES"; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading 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

16. [18-00314 VOTE OF "NO CONFIDENCE" FOR THE CITY ADMINISTRATOR RELATED TO THE HANDLING OF THE RECYCLING ISSUE](#)

Recommendation: That City Council take a vote of "No Confidence" for the City Administrator, Eric Olson, in relation to his handling of the recycling issue.

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

Public input was heard from Teresa Hill.

Some discussion took place among Council.

Upon conclusion of discussion, the vote was called.

The motion failed by the following vote:

Yes: 2 Sherri Myers, Brian Spencer
No: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu

REGULAR AGENDA (CONT'D.)**17. [18-00316](#) BAYVIEW COMMUNITY RESOURCE CENTER ARCHITECTURAL AND ENGINEERING SERVICES**

Recommendation: That City Council approve the cost breakdown as outlined by Caldwell Associates for the rebid of the Bayview Community Resource Center and authorize the acceptance of the additional architectural and engineering services.

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

Discussion ensued with input from Chief Financial Officer Barker, H. Miller Caldwell, III, architect of record, along with associate architect Michael Crawford, and (in-house) Contract Counselor Wells. Council asked questions throughout discussion. Council's Strategic Budget Planner Hansen also was called on for input providing a summary of his cost analysis.

Upon conclusion of lengthy discussion, the vote was called.

The motion carried by the following vote:

Yes: 5	Sherri Myers, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu
No: 2	Gerald Wingate, Andy Terhaar

DISCUSSION

None.

COUNCIL EXECUTIVE'S REPORT

None.

MAYOR'S COMMUNICATION

City Administrator Wilkins addressed Council regarding the following:

- New Sanitation Services & Fleet Management Director starts on 8/28/18.
- New Building Inspections Administrator starts on 8/20/18.
- In his new role as City Administrator it is his pleasure to be here and to serve and work with the Council.

COUNCIL COMMUNICATIONS

None

CIVIC ANNOUNCEMENTS

Council Member Myers announced an upcoming town hall meeting she will be hosting.

Council Member Cannada-Wynn announced an upcoming meeting regarding affordable housing.

Council President Wingate noted the start of the upcoming 2018-2019 school year and warned against acts of violence or even threats of violence.

That concluded Civic Announcements.

SECOND LEROY BOYD FORUM

None.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 9:52 P.M.

Adopted: _____

Approved: _____
Gerald C. Wingate, President of City Council

Attest:

Ericka L. Burnett, City Clerk