



City of Pensacola

CITY COUNCIL

Meeting Minutes

September 14, 2017

5:30 P.M.

Council Chambers

Council Vice President Wingate called the meeting to order at 5:30 P.M.

ROLL CALL

Council Members Present: Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers

Council Members Absent: Brian Spencer, Larry Johnson

INVOCATION

Given by Reverend Clarence Myles, St. John Divine Missionary Baptist Church

PLEDGE OF ALLEGIANCE

Lead by Council Member Wu.

FIRST LEROY BOYD FORUM

Colvin Rancifer: Addressed Council for the need for improvements and resources for the residents in the area of Morris Court.

Gloria Horning: Addressed Council regarding her concerns regarding the Corinne Jones Stormwater Park project, asking for updates and expressing concern regarding the overgrown weeds and the retention pond not working.

Willie Blackwell: Expressed concerns regarding the condition of overgrown weeds under the interstate overpass, which he is a nearby resident on Hayne Street. Also, he has been unable to get assistance with a dead cat in the right-of-way which smells badly.

Scott Oliver: Inquired of upcoming hearings which may address issues related to the City's regulation of vehicles for rent to the public.

Marilynn Wiggins: Also addressed Council expressing concerns and asking for updates on the Corinne Jones Stormwater Park project.

FIRST LEROY BOYD FORUM (CONT'D.)

The following individuals addressed Council regarding national and local outcry regarding their support or opposition of removal of symbols of the Confederacy, in particular to our community the Robert E. Lee Monument at Lee Square, and other symbols which have been divisive within our country:

Jonathan Green	Mick Hinricks
Ken Daniel	Scott Mayo
Brian Hess	Felicita (Josie) Cossey
Dorrian Vance	Joe Roberts
Vickie Neapolitan	Paul Porterfield
Katherine Mahomond	Mary Collins
Alex Ratliff	Thomas Olsen
Charles McCaskill	Regina Carson (no longer present)
DeJuan Knight (no longer present)	Joshua Tyrone
Cal Daniel (no longer present)	Steven Poulin
David McCallister	

Following the first segment of LeRoy Boyd Forum, Council Vice President Wingate called for a brief recess at 6:42 P.M.

AWARDS

The meeting was reconvened by Council Vice President Wingate after a brief recess at 6:45 P.M.

Chief Financial Officer Barker along with accounting staff Laura Picklap and Lokia McNeal were recognized for their work in preparing the Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR) for which the City was awarded the *Government Finance Officers Association of the United States and Canada's (GFOA) Certificate of Achievement for Excellence Award.*

APPROVAL OF MINUTES**1. [17-00544](#) APPROVAL OF MINUTES DATED 8/10/17**

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: 5	Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0	None

APPROVAL OF AGENDA

Council Member Cannada-Wynn referenced hardcopies of an item for Council's consideration this evening and explained why this hearing will need to be scheduled by City Council:

[17-00543 PUBLIC HEARING REGARDING THE SALE OF THE HAWKSHAW PROPERTY \(ADD-ON ITEM\)](#)

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

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

Assistant City Administrator indicated he will pull Item 10, [17-00522 Port Warehouse #1 Lease Agreement with Offshore Inland Marine & Oilfield Services, Inc.](#)

A motion to approve the agenda as amended was made by Council Member Myers and seconded by Council Member Terhaar.

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

CONSENT AGENDA2. [17-00505 PATRONS' DOG PERMIT - NICK'S BOATHOUSE](#)

Recommendation: That City Council approve the permit request for Nick's Boathouse, 455 W. Main St., to allow patrons' dogs at permitted food service establishments in accordance with Section 12-12-8 of the City Code.

3. [17-00530 AWARD OF CONTRACT FOR SALE OF PROPERTY LOCATED AT 120 WEST GOVERNMENT STREET](#)

Recommendation: That City Council approve the award of contract for sale of surplus property located at 120 West Government Street to Steven P. Grimes and Norma Moreno Grimes, as Co-Trustees of the Steven P. Grimes and Norma Moreno Grimes Family Trust and Paul A. Grimes or permitted assigns in the amount of \$720,000. Further, that the City Council authorize the CRA Chairperson to execute all documents necessary for the sale of the property.

CONSENT AGENDA (CONT'D.)

A motion to approve consent agenda Items 2 and 3 was made by Council Member Terhaar and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
 No: 0 None

REGULAR AGENDA

4. [17-00351](#) DECLARATION OF SURPLUS PROPERTY AND METHOD OF DISPOSITION FOR 300 BLOCK HILARY STREET

Recommendation: That City Council declare the City-owned unimproved real property located at 300 Block Hilary Street, Parcel Identification Number 000S009070041055, Account Number 152240000 as surplus and authorize its disposition using the direct negotiation option.

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

Some discussion took place among Council with Assistant City Administrator Wilkins responding accordingly. Jason Rebol, of Rebol Battle & Associates was present on behalf of the buyer, and also responded to questions regarding the property.

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
 No: 0 None

5. [17-00481](#) PUBLIC HEARING - REQUEST TO VACATE RIGHT-OF-WAY - 1000 BLOCK EAST AVERY STREET

Recommendation: That City Council conduct a public hearing on September 14, 2017 to consider the request to vacate a portion of the East Avery Street right of way adjacent to property located at 1011 Fairnie Avenue.

Planning Services Administrator Morris provided an overview and explained the request as outlined in the background materials dated September 14, 2017, and overhead graphics of the subject property. She responded accordingly to questions from Council Members.

REGULAR AGENDA (CONT'D.)

A motion to approve the request (related to Public Hearing Item 5) was made by Council Member Terhaar and seconded by Council Member Cannada-Wynn.

There being no further discussion or public input, the vote was called.

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers

No: 0 None

6. [38-17 PROPOSED ORDINANCE NO. 38-17 VACATION OF RIGHT-OF-WAY - 1000 BLOCK OF EAST AVERY STREET](#)

Recommendation: That City Council approve Proposed Ordinance No. 38-17 on first reading.

[AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE AVERY STREET 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 Terhaar and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers

No: 0 None

7. [17-00480 QUASI-JUDICIAL HEARING - FINAL SUBDIVISION PLAT - GIRARD PLACE PHASE I](#)

Recommendation: That City Council conduct a quasi-judicial hearing on September 14, 2017 to consider approval of the final subdivision plat- Girard Place - Phase I.

Council Vice President Wingate read into the record describing how a quasi-judicial proceeding differs from legislative action. He then called on City staff as to whether or not this issue is contested. **Planning Services Administrator Morris indicated she is not aware of any formal contest, but public input was heard in opposition.** Council President Wingate indicated they may dispense of formalities and called for evidence to be entered into the record by City staff.

REGULAR AGENDA (CONT'D.)

Planning Services Administrator Morris presented evidence into the record on behalf of the City describing the issue and referencing all background materials provided in the agenda package dated 9/14/17, as well as overhead slides of the subject site plan.

The applicant Jason Rebol of Rebol Battle & Associates was provided an opportunity to present address Council and present further evidence. He indicated he had nothing further to add to the presentation.

A motion to approve the request (related to Quasi-Judicial Hearing Item 7) was made by Council Member Terhaar and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

8. [17-00520](#) SCHEDULE WORKSHOP FOR TRIUMPH FUNDS

Recommendation: That City Council schedule a workshop to discuss Triumph Gulf Coast Project Solicitation.

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

Discussion took place among Council with Council Myers (as sponsor) fielding comments and questions. Assistant City Administrator Wilkins also provided input on his understanding of the process for submitting projects to Escambia County.

Upon conclusion of discussion, the vote was called

The motion failed by the following vote:

Yes: 3 Gerald Wingate, Jewel Cannada-Wynn, Sherri Myers
No: 2 Andy Terhaar, P.C. Wu

REGULAR AGENDA (CONT'D.)9. [17-00521 ROAD RESURFACING MORITORIUM](#)

Recommendation: That City Council place a 60 - day moratorium on the current street resurfacing projects currently underway and that all resurfacing projects cease immediately until the City Council hires an inspector to inspect work completed and report back to City Council. Further, that the City Council authorize the Council President to obtain the services of a qualified inspector.

Council Member Myers (as sponsor) addressed Council explaining why she is bringing this forward for Council's consideration. City Attorney Bowling made brief comments indicating the proposed action is problematic from a contractual standpoint.

A motion to approve was made by Council Member Myers.

Lack of a second - - motion dies.

*****THE FOLLOWING ITEM WAS PULLED BY THE SPONSOR*****

10. [17-00522 PORT WAREHOUSE #1 LEASE AGREEMENT WITH OFFSHORE INLAND MARINE & OILFIELD SERVICES, INC.](#)

Recommendation: That City Council take action to respond to the request from Offshore Inland Marine & Oilfield Services, Inc. (OIMO) to continue to accept OIMO's monthly payment of \$10,000 after September 30, 2017, to be credited toward the principal and accruing interest due under Section 5(a) of the amended Lease Agreement.

Withdrawn.

11. [17-00466 FLORIDA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT - ACQUISITION AND DEMOLITION SERVICES AT AIRPORT COMMERCE PARK](#)

Recommendation: That City Council approve and authorize the Mayor to execute the acceptance of the Florida Department of Transportation Grant No. 44149419401 in the amount of \$1,396,069 for acquisition and demolition services at Airport Commerce Park at the Pensacola International Airport and to take all actions necessary relating to the finalization of the grant. Further, that City Council approve a supplemental budget resolution appropriating the grant funds; and also approve a resolution in support of the grant agreement.

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

REGULAR AGENDA (CONT'D.)**The motion (on Item 11) carried by the following vote:**

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

12. [17-50 RESOLUTION NO. 17-50 - FLORIDA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT - ACQUISITION AND DEMOLITION SERVICES AT AIR COMMERCE PARK](#)

Recommendation: That City Council approve Resolution No. 17-50.

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE ACQUISITION AND DEMOLITION SERVICES IN THE PENSACOLA INTERNATIONAL AIRPORT AIR COMMERCE PARK; PROVIDING FOR AN EFFECTIVE DATE.

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, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

13. [17-49 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-49 - FLORIDA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT - ACQUISITION AND DEMOLITION SERVICES AT AIR COMMERCE PARK](#)

Recommendation: That City Council approve Supplemental Budget Resolution No. 17-49.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.

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

REGULAR AGENDA (CONT'D.)**The motion (on Res. #17-49) carried by the following vote:**

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

14. [17-00489](#) FY18 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: LOCAL SOLICITATION

Recommendation: The City Council approve and authorize the Mayor to execute the acceptance of the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation, between the City of Pensacola and the U.S. Department of Justice, Office of Justice Programs in the amount of \$27,730 upon award of grant. Further, that City Council approve the supplemental budget resolution appropriating the grant funds.

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: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

15. [17-57](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-57 - FY18 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: LOCAL SOLICITATION.

Recommendation: City Council adopt supplemental Budget Resolution No. 17-57

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; 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: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)

16. [17-00506](#) FY18 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: STATE

Recommendation: That City Council approve and authorize the Mayor to execute the acceptance of the FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) State agreement between the City of Pensacola and the State of Florida Department of Law Enforcement (FDLE), Office of Criminal Justice Grants in the amount of \$62,000, upon award of the grant. Further, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant. Also, that City Council approve the supplemental budget resolution appropriating the grant funds.

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: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

17. [17-58](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-58 - FY 18 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: STATE

Recommendation: That City Council adopt Supplemental Budget Resolution No. 17-58.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.

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, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

18. [17-00507](#) ADMINISTRATIVE SERVICES INTERLOCAL AGREEMENT BETWEEN THE CITY OF PENSACOLA AND THE COMMUNITY REDEVELOPMENT AGENCY

Recommendation: That City Council approve an Interlocal Agreement for Administrative Services with the Community Redevelopment Agency.

REGULAR AGENDA (CONT'D.)

A motion to approve (Item 18) was made by Council Member Terhaar and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
 No: 0 None

19. [17-00509](#) URBAN CORE LANDSCAPE MAINTENANCE INTERLOCAL AGREEMENT BETWEEN THE CITY OF PENSACOLA AND THE COMMUNITY REDEVELOPMENT AGENCY

Recommendation: That City Council approve an Interlocal Agreement for Landscape, Park, Public Space Enhancement and Accessibility Improvement Maintenance Services with the Community Redevelopment Agency.

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, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
 No: 0 None

20. [17-48](#) RESOLUTION NO. 17-48 - AUTHORIZING THE ISSUANCE OF AN AIRPORT REFUNDING REVENUE NOTE, SERIES 2017, IN THE PRINCIPAL AMOUNT OF \$6,300,000 TO REFUND THE CITY'S OUTSTANDING AIRPORT REVENUE NOTE, SERIES 2012.

Recommendation: That City Council adopt Resolution No. 17-48.

A RESOLUTION AUTHORIZING THE ISSUANCE BY THE CITY OF PENSACOLA, FLORIDA OF AN AIRPORT REFUNDING REVENUE NOTE, SERIES 2017, IN THE PRINCIPAL AMOUNT OF \$6,300,000 TO REFUND THE CITY'S OUTSTANDING AIRPORT REVENUE NOTE, SERIES 2012, WHICH NOTE FINANCED CERTAIN CAPITAL IMPROVEMENTS AT THE PENSACOLA INTERNATIONAL AIRPORT; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH NOTE; PROVIDING FOR THE PAYMENT THEREOF; FIXING THE MATURITY, INTEREST RATE, PREPAYMENT PROVISIONS, AND OTHER DETAILS WITH RESPECT TO SUCH NOTE; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AWARDED THE SERIES 2017 NOTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING AN EFFECTIVE DATE.

REGULAR AGENDA (CONT'D.)

A motion to adopt (Res. #17-48) was made by Council Member Terhaar and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

21. [17-51 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-51 - AMENDING THE FISCAL YEAR 2017 BUDGET](#)

Recommendation: That City Council adopt Supplemental Budget Resolution No. 17-51.

[A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; 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: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

22. [17-52 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-52 - AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE DOWNTOWN IMPROVEMENT BOARD](#)

Recommendation: That City Council adopt Supplemental Budget Resolution No. 17-52.

[A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE DOWNTOWN IMPROVEMENT BOARD FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.](#)

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, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)

23. [17-60](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-60 - STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY COMMUNITY PLANNING TECHNICAL ASSISTANCE GRANT - COMMUNITY REDEVELOPMENT AREA OVERLAY

Recommendation: That the City Council adopt Supplemental Budget Resolution No. 17-60.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017, 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: 4 Gerald Wingate, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 1 Andy Terhaar

24. [17-00524](#) RECODIFICATION OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA

Recommendation: That the City Council review and approve the Recodification of the Code of the City of Pensacola, Florida, prior to or at its November 9, 2017 meeting and authorize the Mayor to direct the code publisher, Municode Corporation of Tallahassee, Florida, to prepare a finalized Code for adoption by ordinance of the City Council.

A motion to approve was made by Council Member Terhaar and seconded by Council Member Wu.

Discussion ensued among Council. Council Members Cannada-Wynn and Myers indicated this is something for Council to continuing discussing in workshop format and not rushed for approval by a time certain. Special Assistant Wells, staff assigned to coordinate this project, addressed Council.

Public input was heard from George Mead and Barbara Mayall.

Upon conclusion of discussion, the vote was called.

The motion failed by the following vote:

Yes: 2 Gerald Wingate, P.C. Wu
No: 3 Andy Terhaar, Jewel Cannada-Wynn, Sherri Myers

REGULAR AGENDA (CONT'D.)

25. [40-17 PROPOSED ORDINANCE NO. 40-17 PROVIDING FOR A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS AND PERMITS FOR THE INSTALLATION OF WIRELESS FACILITIES IN CITY RIGHTS-OF-WAY IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP REGULATIONS CONSISTENT WITH THE "ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT"](#)

Recommendation: That City Council approve Proposed Ordinance No. 40-17 on first reading.

AN ORDINANCE DECLARING, ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM WITHIN THE CITY OF PENSACOLA, FLORIDA ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF ANY PERMITS PERTAINING TO COLLOCATION ON EXISTING OR THE INSTALLATION OF NEW UTILITY POLES AND OTHER WIRELESS SUPPORT STRUCTURES IN THE RIGHT-OF-WAY TO SUPPORT SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES FOR A PERIOD OF 120 DAYS, IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP REGULATIONS CONSISTENT WITH CHAPTER 2017-136, LAWS OF FLORIDA, WHICH BECAME EFFECTIVE JULY 1, 2017; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND 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, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0	None

26. [24-17 PROPOSED ORDINANCE NO. 24-17 - REPEALING SECTION 8-1-28 - REGULATION OF CONDUCT IN THE DOWNTOWN VISITORS' DISTRICT](#)

Recommendation: That City Council adopt Proposed Ordinance No. 24-17, repealing Section 8-1-28 of the City Code on second reading.

AN ORDINANCE REPEALING SECTION 8-1-28 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, REGULATION OF CONDUCT IN THE DOWNTOWN VISITORS' DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (Ordinance No. 24-17)

REGULAR AGENDA (CONT'D.)

A motion to adopt (P.O. #24-17) was made by Council Member Myers and seconded by Council Member Cannada-Wynn.

Council Members Myers and Cannada-Wynn made comments.

Public input was heard from the following individuals:

Steven Poulin

Nathan Monk

Michael Kimberl

There being no further discussion, the vote was called.

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers

No: 0 None

27. [32-17 PROPOSED ORDINANCE NO. 32-17 - REQUEST FOR ZONING MAP AMENDMENT - 109 N. A STREET](#)

Recommendation: That City Council adopt Proposed Ordinance No. 32-17 on second reading.

[AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE. \(Ordinance No. 25-17\)](#)

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

The motion carried by the following vote:

Yes: 4 Gerald Wingate, Andy Terhaar, P.C. Wu, Sherri Myers

No: 1 Jewel Cannada-Wynn

REGULAR AGENDA (CONT'D.)

28. 33-17 PROPOSED ORDINANCE NO. 33-17 - REQUEST FOR FUTURE LAND USE MAP AMENDMENT - 109 N. A STREET

Recommendation: That City Council adopt Proposed Ordinance No. 33-17 on second reading.

AN ORDINANCE AMENDING THE FUTURE LAND USE CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE. (Ordinance No. 26-17)

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

The motion carried by the following vote:

Yes: 4 Gerald Wingate, Andy Terhaar, P.C. Wu, Sherri Myers
No: 1 Jewel Cannada-Wynn

29. 34-17 PROPOSED ORDINANCE NO. 34-17, AMENDMENT TO SECTION 10-4-19 - SCHEDULE OF GAS RATES AND CHARGES

Recommendation: That City Council adopt Proposed Ordinance No. 34-17 on second 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 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, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)**30. [17-00511](#) AWARD OF CONTRACT - BID #17-045 - PENSACOLA FIRE STATION #3 PROJECT**

Recommendation: That City Council award a contract for Invitation to Bid #17-045, construction of the Pensacola Fire Station #3 Project to A.E. New., Jr., Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$3,124,000, plus Additive Alternate #1 of \$70,000, plus a 5% contingency of \$159,700 for a total amount of \$3,353,700. Further, that City Council adopt a supplemental budget resolution.

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: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

31. [17-61](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-61 - LOST IV - FIRE STATION #3

Recommendation: That City Council adopt Supplemental Budget Resolution No. 17-61.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.

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, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0 None

34. [17-00543](#) PUBLIC HEARING REGARDING THE SALE OF THE HAWKSHAW PROPERTY (ADD-ON ITEM)

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

REGULAR AGENDA (CONT'D.)**The motion (on Item 34) carried by the following vote:**

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
 No: 0 None

DISCUSSION

32. [17-00496](#) DISCUSSION REGARDING ESTABLISHMENT, NAMING AND PRESERVATION OF HISTORICAL RESOURCES - SELECTION OF DATE FOR SPECIAL COUNCIL MEETING FOR PUBLIC INPUT (IF DESIRED)

Council President Spencer called on Council Executive Kraher to begin the discussion, which he indicated the intent is for Council to determine (in accordance with Council Policy 4.31) if they would like to call a special meeting to hear from the public if presented with any proposal regarding (removal of) historical resources.

Before calling for public input, some Council Members made comments.

Public input was heard from the following individuals:

Dorrian Vance	Haley Morrissette
James Scaminaci	Bill Caplinger
Cal Daniel	Nathan Monk
David McCallister	Barbara Mayall
Mick Hinricks (previously removed from chambers)	Kelli Green
Ken Daniel	

Council Members made follow-up remarks.

A motion was made by Council Member Myers and seconded by Council Member Cannada-Wynn that City Council direct the Council Executive to research and bring forward recommendations for Council to consider adoption of an ordinance to provide guidelines for the Establishment, Naming and Preservation of Historical Resources.

The motion carried by the following vote:

Yes: 5 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
 No: 0 None

DISCUSSION (CONT'D.)**33. [17-00526](#) EMERALD COAST UTILITY AUTHORITY (ECUA) PROPOSED STORAGE TANKS**

Council Member Myers began the discussion by referencing that the project has been permitted, to her surprise, without coming before City Council for approval which she believes ECUA deviated from statutory guidelines requiring a public process before the Council. She indicated she would like to hear from George Mead the attorney representing North Hill Preservation Association in a lawsuit filed against ECUA.

Council Member Cannada-Wynn indicated Council should first hear from City staff regarding the permitting process for this project. Inspections Services Administrator Weeks whose office issued the permit deferred to City Attorney Bowling and she indicated she would like further opportunity to look at the statute in detail, as well as ECUA's enabling act. She indicated she is aware of the lawsuit and suggested the Zoning Board of Adjustment and Appeal would be the appropriate venue to appeal the issuance of a permit. She responded to questions accordingly. Inspections Services Administrator Weeks clarified that the permit has been (legally) issued and construction started. Council Member Terhaar questioned the Council's legal authority to stop construction at this point.

Public input was heard from the following individuals:

Nicole Endacott
Melanie Nichols
George Mead

Lisa Mead
Stephanie Wilhelm

Council Member Myers made follow-up remarks.

A motion was made by Council Member Myers and seconded by Council Member Cannada-Wynn that City Council direct ECUA to cease construction pending a special City Council meeting on 9/20/17 (prior to the 5:30 Special City Council Meeting - Final Public Hearing on FY 2018 Proposed Budget and Millage Rate) in order for the City Attorney to provide an opinion on the process for approving such a project.

Council Member Cannada-Wynn indicated that there should be a time certain for construction to be ceased.

Council Member Myers added (as a friendly amendment) that construction be ceased for a period of fifteen (15) days.

Discussion ensued among Council regarding the motion with City Attorney Bowling responding accordingly to questions.

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

DISCUSSION (CONT'D.)

A motion (related to Discussion Item 33) was made by Council Member Myers and seconded by Council Member Terhaar that City Council hold a special meeting on 9/20/17 at 4:00 P.M. (prior to the 5:30 Special City Council Meeting - Final Public Hearing on FY 2018 Proposed Budget and Millage Rate) in order for the City Attorney to provide an opinion on the statutory process required and whether or not ECUA met such requirements for the planning and permitting of this construction project at the current location.

The motion carried by the following vote:

Yes: 5	Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers
No: 0	None

COUNCIL EXECUTIVE'S REPORT

Council Executive Kraher addressed Council regarding the following:

- Update on Budget Analyst selection process - - will bring forward for Council's consideration in next couple of months.
- Reminded Council Members to submit names to serve on the Complete Streets Committee.
- Upcoming event on *Sustainable Cities* - - looking for direction from Council as this may be a training opportunity for board members
 - ✓ **There was consensus among Council to offer this opportunity to board members and will be paid for from Council's budget.**

MAYOR'S COMMUNICATION

Following up on discussion during consideration of Item 8, 17-00520 *Schedule Workshop for Triumph Funds*, Assistant City Administrator Wilkins advised he has since received a communication confirming that the Escambia County Board of County Commissioners will hear proposals at their Committee of the Whole meeting on Thursday, October 12th.

A motion to reconsider Item 8, 17-00520 *Schedule Workshop for Triumph Funds* was made by Council Member Terhaar and seconded by Council Member Wingate.

The motion carried by the following vote:

Yes: 4	Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, Sherri Myers
No: 1	P.C. Wu

MAYOR'S COMMUNICATION (CONT'D.)

RECONSIDERATION: ITEM 8, 17-00520 SCHEDULE WORKSHOP FOR TRIUMPH FUNDS

A motion was made by Council Member Terhaar and seconded by Council Member Myers that City Council schedule a special meeting on Thursday, October 5, 2017 at 5:30 P.M. to discuss Triumph Gulf Coast Project Solicitation.

The motion carried by the following vote:

Yes: 4 Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, Sherri Myers
No: 1 P.C. Wu

COUNCIL COMMUNICATIONS

Council Member Cannada-Wynn referenced the media attention recently regarding a proposal headed up by Mayor Hayward to bring professional basketball to Pensacola, although no one has brought the idea to Council for discussion and input. She made comments indicating Pensacola needs a multi-use center to facilitate various sporting events and conferences. Council Member Wu made follow-up remarks.

CIVIC ANNOUNCEMENTS

Council Members Myers and Spencer announced upcoming events within the community.

SECOND LEROY BOYD FORUM

Molly Gibbons and Connie Ward were called, but no longer in attendance.

Barbara Mayall: Addressed Council regarding (their) newly appointed representative on the Escambia County Mass Transit Advisory Committee (MTAC).

Michael Kimberl: Thanked Council and staff for a wonderful meeting tonight. He expressed optimism in moving forward with important issues facing the community and working through such issues as homelessness.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 10:41 P.M.

Adopted: October 12, 2017

Approved: Brian K. Spencer, President of City Council

Attest:

Ericka L. Burnett, City Clerk