



City of Pensacola

CITY COUNCIL

Agenda Conference Minutes

January 17, 2023

3:30 P.M.

Council Chambers

The agenda conference was called to order by Council President Wiggins at 3:30 P.M.

ROLL CALL

Council Members Present: Delarian Wiggins, Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton, Jared Moore, Allison Patton

Council Members Absent: None

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

PRESENTATION ITEMS

None

REVIEW OF CONSENT AGENDA ITEMS

1. [23-00005 AWARD OF CONTRACT - BID #23-002 PORT OF PENSACOLA ASPHALT PAVING PROJECT](#)

Recommendation: That City Council award a contract for ITB #23-002 Port of Pensacola Asphalt Paving Project to C.W. Roberts Contracting Inc. of Pensacola, Florida, the lowest and most responsible bidder, with a base bid of \$254,000 plus a 10% contingency of \$25,400 for a total of \$279,400.00. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete this work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

Place on Consent Agenda.

REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)

2. [23-00021](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL PRESIDENT DELARIAN WIGGINS - DISTRICT 7

Recommendation: That City Council approve funding of \$500 to Project Empower of Northwest Florida and \$500 to the Leadership Pensacola Class of 2023 from the City Council Discretionary Funds for District 7.

Place on Consent Agenda.

3. [23-00050](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER CHARLES BARE - DISTRICT 2

Recommendation: That City Council approve funding of \$1,000 to the Veteran's Memorial Park Foundation for the Military War Dog Memorial, \$500 to the Bream Fisherman's Association, \$500 to ARC Gateway and \$500 to the Ronald McDonald House Charities of Northwest Florida from the City Council Discretionary Funds for District 2.

Place on Consent Agenda.

4. [23-00052](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER ALLISON PATTON - DISTRICT 6

Recommendation: That City Council approve funding of \$300 to Opening Doors Northwest Florida to purchase items needed for the National Street and Shelter Point-In-Time Count Program from the City Council Discretionary Funds for District 6.

Place on Consent Agenda.

5. [23-00038](#) FIRST AMENDMENT TO FLORIDA PUBLIC UTILITIES COMPANY GAS TRANSPORTATION SERVICE AGREEMENT

Recommendation: That City Council approve the First Amendment to Florida Public Utilities Company Gas Transportation Service Agreement between the City of Pensacola and Florida Public Utilities (FPU). Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this First Amendment to Florida Public Utilities Company Gas Transportation Service Agreement, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

Council Member Bare requested this item be **moved to the Regular Agenda.**

Place on Regular Agenda.

REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)

6. [23-00030](#) SITE LEASE AND NATURAL GAS SUPPLY AGREEMENT WITH EMERALD COAST UTILITIES AUTHORITY

Recommendation: That City Council approve the Site Lease and Natural Gas Supply Agreement between the City of Pensacola and Emerald Coast Utilities Authority (ECUA). Further, that City Council authorize the Mayor to take actions necessary to execute and administer this Site Lease and Natural Gas Supply Agreement, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

Council Member Bare requested this item be **moved to the Regular Agenda**.

Place on **Regular Agenda**.

7. [23-00022](#) APPOINTMENT - BOARD OF TRUSTEES-FIREFIGHTERS' RELIEF AND PENSION FUND

Recommendation: That City Council appoint one individual to the Board of Trustees-Firefighters' Relief and Pension Fund for a term of two years, expiring December 31, 2024.

Place on **Consent Agenda**.

REVIEW OF REGULAR AGENDA ITEMS

*****THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR*****

8. [22-01188](#) APPROVAL TO ALLOCATE A PORTION OF LOST IV FUNDING FOR THE PAVING OF THE FIRST CITY ART CENTER PARKING LOT

Recommendation: That City Council approve the transfer of LOST IV funding in the amount of \$60,000 from the Pavement Management project to a project for the rehabilitation of the parking lot at the First City Art Center parking lot located at 1060 N. Guillemard St.

Withdrawn.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

9. [23-00014](#) CONSENT TO MAYOR'S APPOINTMENT OF DARRYL SINGLETON, DIRECTOR OF PENSACOLA ENERGY

Recommendation: That City Council consent to the Mayor's appointment of Darryl Singleton to the position of Director of Pensacola Energy.

Council Member Bare inquired of the selection process with City Administrator Fiddler responding accordingly. Deputy City Administrator Miller elaborated providing Mr. Singleton's employment history with Pensacola Energy.

Place on Regular Agenda.

10. [23-00019](#) QUASI-JUDICIAL HEARING - REQUEST FOR A CONDITIONAL USE PERMIT - UNITY CHURCH OF CHRISTIANITY - 716 NORTH 9TH AVENUE

Recommendation: That City Council conduct a Quasi-Judicial Hearing on January 19, 2023 to consider the request for a Conditional Use Permit to convert the existing structure at 716 North 9th Avenue into an event and meeting facility.

Planning & Zoning Manager Cannon responded accordingly to questions from Council Member Bare.

Place on Regular Agenda.

11. [23-00026](#) APPROVAL OF AMENDED AND RESTATED LEASE AGREEMENT MALCOLM YONGE GYMNASIUM - 900 EAST JACKSON STREET

Recommendation: That City Council approve the Amended and Restated Lease Agreement between the City of Pensacola and the Lighthouse Private Christian Academy, Inc. for the Malcolm Yonge Gymnasium at 900 East Jackson Street. Further, that City Council authorize the Mayor to take the action necessary to execute and administer this Amendment, consistent with the terms and of the agreement and the Mayor's Executive Powers as granted in the City Charter.

Special Projects Superintendent Carmody responded accordingly to questions from Council Member Bare.

Place on Regular Agenda.

REGULAR AGENDA (CONT'D.)

12. [23-00010](#) APPROVAL TO USE TREE PLANTING TRUST FUNDING FOR THE REMOVAL OF TREES ON CITY RIGHTS-OF-WAY OR PUBLIC PROPERTY THAT HAVE BECOME HAZARDOUS TO PERSONS AND/OR PROPERTY AND INSTALLATION OF NEW PLANTINGS

Recommendation: That City Council authorize the Parks and Recreation Department the approval to use Tree Planting Trust Funding for the removal of trees that have become hazardous to persons and/or property, and installation of a new tree at or near the location of the removed tree.

Discussion ensued among Council with Deputy City Administrator Forte, City Arborist Stultz, City Administrator Fiddler, and Finance Director Lovoy responding to questions accordingly.

Place on Regular Agenda.

13. [23-00013](#) APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH FIRST CITY FOOTBALL CLUB FOR THE USE OF THE PENSACOLA TECHNOLOGY PARK FIELD

Recommendation: That the City Council approve a Memorandum of Understanding (MOU) with the First City Football Club and the City of Pensacola Parks and Recreation Department to establish the terms and responsibilities of both parties as to the use of the Pensacola Technology Park Field for organized youth sports practice. Further, that City Council authorize the Mayor to take the action necessary to execute and administer this memorandum of understanding, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

Deputy City Administrator Forte responded accordingly to questions from Council Member Bare. City Attorney Pepler also provided input.

Place on Regular Agenda.

REGULAR AGENDA (CONT'D.)14. [23-00015](#) APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH PURE PILATES

Recommendation: That the City council approve a Memorandum of Understanding (MOU) with Pure Pilates to establish terms and the responsibilities of both parties as to the use of City owned facilities by the provider. Further, that City Council authorize the Mayor to take the action necessary to execute and administer this MOU, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

Council Executive Kraher referenced hardcopies at Council's places of an updated version of the MOU related to this item and the following item (23-00025). Deputy City Administrator Forte responded accordingly to questions from Council Members Bare and Broughton.

Place on Regular Agenda.

15. [23-00025](#) APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH BREATHE YOGA AND WELLNESS CENTER, LLC.

Recommendation: That the City council approve a Memorandum of Understanding (MOU) with Breathe Yoga and Wellness Center, LLC., to establish the responsibilities of both parties and to establish clear terms as to the use of City owned facilities by the provider. Further, that City Council authorize the Mayor to take the action necessary to execute and administer this MOU, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

Place on Regular Agenda.

16. [23-00057](#) AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT FOR COMMUNITY POLICING FOR FISCAL YEAR 2023

Recommendation: That the City Council approve Amendment No. 1 to the Interlocal Agreement for Community Policing for the Fiscal Year 2023 with the City of Pensacola to increase the allocation to an amount not to exceed \$291,700 to increase police presence within the Urban Core Community Redevelopment Area, particularly during night and weekend hours

Discussion ensued among Council with Deputy City Administrator Forte, DIB Executive Director Wilson, and City Administrator Fiddler responding to questions accordingly.

Place on Regular Agenda.

REGULAR AGENDA (CONT'D.)17. [23-00023](#) WORKSHOP REGARDING SHORT TERM RENTALS

Recommendation: That City Council schedule a workshop with the topic being Short Term Rentals. Further that the Council President and Council Executive schedule the workshop at the earliest possible convenience.

Place on Regular Agenda.

18. [2023-008](#) RESOLUTION 2023-008 - PROVIDING FOR THE REMOVAL OF A BOARD MEMBER FROM THE WESTSIDE REDEVELOPMENT BOARD

Recommendation: That City Council adopt Resolution 2023-008.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA; PROVIDING FOR THE REMOVAL OF A BOARD MEMBER FROM THE WESTSIDE REDEVELOPMENT BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Council Executive Kraher responded accordingly to questions from Council Member Bare.

Place on Regular Agenda.

19. [2023-004](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2023-004 - FY 2023 NON-ENCUMBERED CARRYOVER BUDGET RESOLUTION

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2023-004.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING FOR AN EFFECTIVE DATE.

Discussion ensued among Council with City Administrator Fiddler, Deputy City Administrator Forte, and Finance Director Lovoy responding to questions accordingly.

Place on Regular Agenda.

REGULAR AGENDA (CONT'D.)

20. [2023-003](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2023-003 - LAW ENFORCEMENT TRUST FUND (LETF) PURCHASES FOR THE PENSACOLA POLICE DEPARTMENT

Recommendation: That the City Council adopt Supplemental Budget Resolution No. 2023-003.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING FOR AN EFFECTIVE DATE.

Place on Regular Agenda.

21. [2023-002](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2023-002 - PROCEEDS FROM AMENDED INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY FOR LIBRARY SERVICES

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2023-002:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING FOR AN EFFECTIVE DATE.

Place on Regular Agenda.

22. [23-00035](#) AWARD CONTRACT TO REPLACE (5) HVAC UNITS AT THE TRYON BRANCH LIBRARY.

Recommendation: That City Council award this contract to the Wright Company the lowest and best responsible respondent, for a base quote of \$72,680.00 plus 10 % contingency in the amount of \$7,268.00 for a total contract price of \$79,948.00. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete this work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

Place on Regular Agenda.

REGULAR AGENDA (CONT'D.)

23. [56-22](#) PROPOSED ORDINANCE NO. 56-22 AMENDING SECTION 6-3-2 OF THE CITY CODE - PROHIBITING SMOKING AND USE OF VAPOR-GENERATING DEVICES WITHIN PUBLIC PARKS

Recommendation: That City Council adopt Proposed Ordinance No. 56-22 on second reading.

AN ORDINANCE AMENDING SECTION 6-3-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING SMOKING AND USE OF VAPOR-GENERATING DEVICES WITHIN CITY OF PENSACOLA PUBLIC PARKS; PROVIDING GRAMMATICAL AMENDMENT CLARIFYING (a); PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

24. [57-22](#) PROPOSED ORDINANCE NO. 57-22 - AMENDING SECTION 9-3-3 - RELATED TO ADDING JUNETEENTH AND PRESIDENTS' DAY TO THE OFFICIAL HOLIDAYS OBSERVED BY THE CITY

Recommendation: That City Council adopt Proposed Ordinance No. 57-22 on second reading.

AN ORDINANCE AMENDING SECTION 9-3-3 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ADDING JUNETEENTH AND PRESIDENTS' DAY TO THE OFFICIAL HOLIDAYS OBSERVED BY THE CITY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

CONSIDERATION OF ANY ADD-ON ITEMS

None

FOR DISCUSSION

None

READING OF ITEMS FOR COUNCIL AGENDA

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

COMMUNICATIONS**CITY ADMINISTRATOR'S COMMUNICATION**

City of Pensacola Cultural Resources Coordinator Adrienne Walker provided an update regarding *Miraflores Park Burial Ground Study* and Dr. Katie Miller Wolf, RPA with UWF Department of Anthropology provided a *Bioarcheological Report on Miraflores Park*. Some follow-up discussion took place with Cultural Resources Coordinator Walker responding accordingly to questions.

CITY ATTORNEY'S COMMUNICATION

City Attorney Pepler advised of newly hired Legal Assistant Gabrielle Taite.

CITY COUNCIL COMMUNICATION

Council Member Bare made follow-up remarks regarding his request(s) to move two (2) items from the Consent Agenda to the Regular Agenda (as indicated above) and other items which he will seek answers to his questions.

Council Member Brahier addressed Council regarding the permitting process for the removal of trees at Cordova Square.

Council Member Patton advised of next week's *National Shelter and Street Homeless Point-In-Time Count*.

Council President Wiggins provided an update on the American Creosote Works (ACW) site. He also acknowledged Council Member Broughton's recent article(s) in the *Pensacola News Journal*.

ADJOURNMENT

4:42 P.M.