



# City of Pensacola

## CITY COUNCIL

### Meeting Minutes

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October 12, 2017

5:30 P.M.

Council Chambers

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

#### ROLL CALL

**Council Members Present:** Brian Spencer, Gerald Wingate, Jewel Cannada-Wynn, Larry B. Johnson (left 6:57), Sherri Myers (left 8:20), Andy Terhaar, P.C. Wu (arrived 5:35)

**Council Members Absent:** None

#### INVOCATION

Given by Elder C.F. Causey, Pastor of Fellowship Prayer Temple.

#### PLEDGE OF ALLEGIANCE

Lead by Council Member Cannada-Wynn.

#### FIRST LEROY BOYD FORUM

**Dan Lindemann:** Addressed Council regarding the City-owned property within the Urban Core Community Redevelopment Area District commonly referred to as Bruce Beach, which is proposed as the site for the *Gulf Coast Marine Fisheries Hatchery & Enhancement Center* and was leased to the State of Florida Fish and Wildlife Commission (FWC) for such purpose. He indicated he believes the lease is no longer valid due to terms specifying “commencement of construction” by a date certain, and that date has passed without commencement of construction on the site. He provided copies to Council Members of a conceptual drawing of Bruce Beach within the approved 2010 Urban Core Redevelopment Plan and suggested a fish hatchery is not the best use of the property versus the vision within the plan document, and recommended the project be moved to the Port.

**Jerry Holzworth:** Made follow-up remarks regarding Mr. Lindemann’s comments, stating his concerns indicating he also believes the Fish Hatchery should be placed at the Port.

**FIRST LEROY BOYD FORUM (CONT'D.)**

**Jonathan Green:** Addressed Council regarding issues of racism on a national, state, and local level, urging meaningful change as a matter of human rights. He also spoke of his participation (peacefully) attending a protest of the Lee Monument at which he was a victim of racism.

**Bobby Booker:** Also addressed Council regarding issues of racism and relayed his personal experience, as an attendee of the protest of the Lee Monument which he, too, experienced racism.

That concluded the first segment of LeRoy Boyd Forum.

**PRESENTATION**

1. [17-00574](#) PRESENTATION OF RESOLUTION REGARDING MENTAL HEALTH AWARENESS DAY

**Recommendation:** That City Council be presented with a resolution on behalf of the University of West Florida in congruence with the Student Government Association, *requesting January 12, 2018 be proclaimed as Mental Health Awareness Day*. This presentation is to take place at the City Council meeting.

UWF Student Body President Kishane Patel and Rachel Witbracht addressed Council regarding the need to educate the community on issues of mental health.

Council Members made follow-up remarks.

**Council Member Myers indicated she would like to work with UWF's SGA to draft a resolution for Council's adoption at the November (9<sup>th</sup>) Council meeting proclaiming January 12<sup>th</sup> as *Mental Health Awareness Day*.**

**AWARDS**

None.

**APPROVAL OF MINUTES**

2. [17-00584 APPROVAL OF MINUTES – SPECIAL MEETING 9/13/17; REGULAR MEETING 9/14/17; SPECIAL MEETINGS 9/20/17, 4:00 PM; 9/20/17, 5:30 PM; 9/26/17; AND 10/5/17](#)

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

**The motion carried by the following vote:**

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

**APPROVAL OF AGENDA**

**Council Member Johnson requested Item 3, *Appointments – Architectural Review Board* be moved from consent and placed on the regular agenda.**

**Council Member Terhaar requested Item 13, *Sale of Surplus Property to ADSYNC Properties – West Intendencia* be moved from consent and placed on the regular agenda.**

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

**The motion carried by the following vote:**

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

**CONSENT AGENDA**

4. [17-00558 APPOINTMENTS - ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION](#)

**Recommendation:** That City Council reappoint Candace Drake Cardin and Gloria Wiggins to the Escambia-Pensacola Human Relations Commission for a term of two years expiring September 30, 2019.

**CONSENT AGENDA (CONT'D.)**

5. [17-00370](#) AWARD OF BID #17-035 19TH AVENUE AND BLACKSHEAR AVENUE OUTFALL AT BAYOU TEXAR PROJECT

**Recommendation:** That City Council award Bid #17-035 19th Avenue and Blackshear Avenue Outfall at Bayou Texar Project to J. Miller Construction, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$894,870.00, plus 10% contingency of \$89,487.00 for a total amount of \$984,357.00. Further, that City Council authorize the Mayor to execute the contract and take all action necessary to complete the project.

6. [17-00371](#) AWARD OF BID #17-037 CLEMATIS STREET AT CARPENTER CREEK STORMWATER TREATMENT ENHANCEMENT PROJECT

**Recommendation:** That City Council award Bid # 17-037 Clematis Street at Carpenter Creek Stormwater Treatment Enhancement to BKW, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$416,173.45, plus 10% contingency of \$41,617.35 for a total amount of \$457,790.80. Further, that City Council authorize the Mayor to execute the contract and take all action necessary to complete the project.

7. [17-00514](#) URBAN INFILL HOUSING DEVELOPMENT INITIATIVES INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY

**Recommendation:** That City Council approve the Urban Infill Housing Development Initiatives Interlocal Agreement with Escambia County Housing Finance Authority. Further, that City Council authorize the Mayor to execute all documents relating to the initiative's implementation and administration.

8. [17-00525](#) AIRPORT - APPROVAL OF TERMINAL BUILDING LEASE AGREEMENT WITH AVIONICS SOLUTIONS LLC

**Recommendation:** That City Council authorize the Mayor to execute a Terminal Building Lease Agreement with Avionics Solutions LLC at Pensacola International Airport. Further, that City Council authorize the Mayor to take all necessary actions to execute the Lease Agreement.

9. [17-00538](#) AIRPORT COMMERCE PARK - PROPERTY ACQUISITION N6116 - COLLEGE HEIGHTS

**Recommendation:** That City Council authorize the purchase of N6116 (Parcel ID#141S292102000001) from Holly D. Terrell for \$93,000, closing costs of \$1,900, a 5% contingency in the amount of \$4,745, moving costs of \$5,000, for a total amount of \$104,645.

**CONSENT AGENDA (CONT'D.)**

10. [17-00539](#) AIRPORT COMMERCE PARK - PROPERTY ACQUISITION E2416 - COLLEGE HEIGHTS

**Recommendation:** That City Council authorize the purchase of E2416 (Parcel ID#141S292100200001) from Mark L. Comeau for \$97,000, relocation assistance of \$35,000, closing costs of \$1,900, a 5% contingency in the amount of \$6,695, moving costs of \$5,000, and reestablishment benefits of \$25,000, for a total amount of \$170,595.

11. [17-00540](#) AIRPORT COMMERCE PARK - PROPERTY ACQUISITION N6200 - COLLEGE HEIGHTS

**Recommendation:** That City Council authorize the purchase of N6200 (Parcel ID#141S292100001002) from Owen E. Farley and Clara Moonean for \$120,000 along with a purchase additive of \$6,000, closing costs of \$1,900, a 5% contingency in the amount of \$6,395, and moving costs of \$5,000, for a total amount of \$139,295.

12. [17-00552](#) DISPOSITION OF SURPLUS PROPERTY - 900 BLOCK WEST BELMONT (FORMERLY IDENTIFIED AS 400 BLOCK WEST BELMONT)

**Recommendation:** That City Council approve the sale of 900 Block West Belmont Street (formerly identified as 400 Block West Belmont), Parcel Identification Number 000S009060030022, Account Number 150263000 to the only responsive bidder, Philip Krupp, in the amount of \$16,000. Further that City Council authorize the Mayor to negotiate and execute all necessary documents related to the sale of the property. Finally, that 50 percent of the proceeds, after costs associated with the final transaction, are allocated to the Housing Initiatives Fund.

14. [17-00567](#) RESCHEDULING OF PUBLIC HEARING REGARDING THE SALE OF THE HAWKSHAW PROPERTY

**Recommendation:** That City Council reschedule the public hearing regarding the sale of the Hawkshaw property at 9th Ave and Romana Street, from October 12, 2017 to the November 9, 2017 City Council Meeting.

**A motion to approve consent agenda Items 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14 was made by Council Member Cannada-Wynn and seconded by Council Member Johnson.**

**The motion carried by the following vote:**

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

That concluded all consent agenda items.

**REGULAR AGENDA**3. [17-00557](#) APPOINTMENTS - ARCHITECTURAL REVIEW BOARD

**Recommendation:** That City Council reappoint Nina Campbell a planning board member or resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District; Susan Campbell Hatler a Property or Business Owner in the Palafox Historic Business District; and George R. Mead, II a resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District, for a term of two years, expiring September 30, 2019

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

Council Member Johnson expressed concerns indicating he believes one of the incumbents may have a conflict of interest in serving and suggested that the nomination process be reopened and current members may continue serving for the time-being.

**Council Member Johnson made a substitute motion to postpone this item for sixty (60) days.**

*Lack of a second - - motion dies.*

There being no further discussion, the vote was called on the original motion.

**The (original) motion carried by the following vote:**

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

13. [17-00564](#) SALE OF SURPLUS PROPERTY TO ADSYNC PROPERTIES - WEST INTENDENCIA

**Recommendation:** That City Council approve the sale of West Intendencia Street, parcel identification number 000S009080014094, account number 153145000 to the second highest and most responsive bidder, Adam Adkinson, ADSYNC Properties, LLC, in the amount of \$19,250. Further that City Council authorize the Mayor to negotiate and execute all necessary documents related to the sale of the property. Finally, that 50 percent of the proceeds, after costs associated with the final transaction, are allocated to the Housing Initiatives Fund.

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

**REGULAR AGENDA (CONT'D.)**

City Administrator Olson referenced hardcopies at Council's places of a revised sales contract which corrects purchase price from ~~\$19,250~~ to **\$19,500** for Item 13.

**Council Member Terhaar indicated he will abstain from voting on Item 13 due to a conflict of interest related to his employer representing the buyer in this transaction.**

There being no further discussion, the vote was called on Item 13.

**The motion as corrected carried by the following vote:**

Yes: 6	Brian Spencer, Gerald Wingate, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu, Sherri Myers
No: 0	None
Abstained: 1	Andy Terhaar

15. [17-00569](#) VOTE OF CONFIDENCE FOR COUNCIL PRESIDENT

**Recommendation:** That City Council express, by vote, a Vote of Confidence for the Council President in reference to the September 20, 2017 Special City Council Meeting.

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

Discussion ensued among Council with reference to the letter from Mayor Hayward to Council President Spencer regarding the Special City Council meeting on 9/20/17 (attachment provided in agenda materials).

Public input was heard from Dorothy Dubuisson.

Upon conclusion of discussion, the vote was called.

**The motion carried by the following vote:**

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

**REGULAR AGENDA (CONT'D.)**16. [17-00570 HIRING CITY COUNCIL ATTORNEY](#)

**Recommendation:** That City Council direct the Council Executive to contact the top three (3) candidates identified in July of 2016 for the position of City Council Attorney and determine the continued interest of any of the candidates.

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

Discussion ensued among Council.

**Council Member Cannada-Wynn suggested that Council start the process over and open up for new candidates, as well as the top three (3) candidates from 2016 if they so choose, and direct the Council Executive to re-issue solicitations for the position of Council Attorney. Council Member Myers accepted as a friendly amendment and Council President Spencer agreed.**

Further discussion indicated additional information is needed.

*Council Member Myers, withdrew this item for consideration at this time, indicating she will bring an amended item forward for the November 9<sup>th</sup> Council meeting.*

17. [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.

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

Discussion ensued among Council with City Administrator Olson and Port Director Miller responding accordingly to questions.

Input was heard from the following individuals:

Jack Berglund representing OIMO

Mark Toler representing Emerald Coast Constructors (see Item 18)



**REGULAR AGENDA (CONT'D.)**

Upon conclusion of discussion, the vote was called (on Item 17).

**The motion carried by the following vote with Council (with Council Member Johnson no longer in attendance):**

Yes: 5            Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers  
No: 1            Brian Spencer

18. [17-00527](#) AWARD OF BID# 17-033 - PORT OF PENSACOLA WAREHOUSE #1 MODIFICATION PROJECT

**Recommendation:** That City Council award ITB # 17-033 Port of Pensacola Warehouse #1 Modification to Emerald Coast Constructors Inc., the sole bidder with a base bid of \$1,495,383.90 plus a 5% contingency of \$74,769.20 for a total amount of \$1,570,153.10 Further, that Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.

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

**The motion carried by the following vote (with Council Member Johnson no longer in attendance):**

Yes: 6            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu, Sherri Myers  
No: 0            None

19. [28-17](#) PROPOSED ORDINANCE NO. 28-17 AMENDING CHAPTER 7-10 OF THE CITY CODE - VEHICLES FOR RENT TO THE PUBLIC

**Recommendation:** That City Council approve Ordinance No. 28-17 on first reading.

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING CHAPTER 7-10, PERTAINING TO VEHICLES FOR RENT; AMENDING SEC. 7-10-134 TO PROVIDE FOR AN AIRPORT TAXI CAB PICKUP FEE; AMENDING SEC. 7-10-17, PROVIDING DEFINITIONS; REPEALING AND REPLACING SEC. 7-10-177, PROVIDING FOR PERMITS AND FEES; 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.**

Discussion ensued among Council with Airport Director Flynn responding accordingly to questions.

**REGULAR AGENDA (CONT'D.)**

Input (regarding P.O. #28-17) was heard from Naomi Stone an owner/subcontractor cab service.

Council Member Myers asked follow-up questions with Airport Director Flynn responding accordingly.

Upon conclusion of discussion the vote was called.

**The motion (to adopt P.O. #28-17) carried by the following vote (with Council Member Johnson no longer in attendance):**

Yes: 6            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C.  
                      Wu, Sherri Myers  
No: 0            None

20. [17-00572 COUNCIL EXECUTIVE SALARY INCREASE](#)

**Recommendation:** That City Council approve a salary increase for the Council Executive, in an amount to be determined by the City Council and such increase to become effective as of October 9, 2017.

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

Discussion ensued among Council.

Council Member Wingate made comments suggesting Council approve a ten percent (10%) salary increase for Council Executive Kraher.

Council Member Myers expressed her concerns regarding the process for bringing (this) forward for consideration and her concerns regarding performance related to lack of supervision as well as internal policies to provide staff guidance.

Council Member Cannada-Wynn agreed that standard operating procedures need to be established, and during the budget process Council should have addressed performance evaluations and salary increases for all its staff.

Council President Spencer made comments suggesting Council approve a five percent (5%) salary increase for Council Executive Kraher.

**REGULAR AGENDA (CONT'D.)**

Council Member Terhaar made comments (during discussion of Item 20) pointing out Council Executive Kraher's current tenure of 2 years which he has not yet received an increase, and suggested an increase based on three percent (3%) over last two (2) years as follows:

**A motion was made by Council Member Terhaar and seconded by Council Member Wingate that City Council approve an annual salary increase of six percent (6%) for Council Executive Kraher, and such increase to become effective as of October 9, 2017.**

Some Council Members made follow-up remarks.

Upon conclusion of discussion, the vote was called on Item 20.

**The motion carried by the following vote (with Council Member Johnson no longer in attendance):**

Yes: 4            Brian Spencer, Gerald Wingate, Andy Terhaar, P.C. Wu  
No: 2            Jewel Cannada-Wynn, Sherri Myers

21. [17-00554](#) U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) CLEAN-UP GRANT AGREEMENT

**Recommendation:** That City Council authorize the Mayor to accept and execute the U.S. Environmental Protection Agency Grant Agreement number 00D59017 in the amount of \$200,000 to clean-up hazardous substances and petroleum contaminants at the Community Maritime Park. Further, that City Council authorize the Mayor to take all actions necessary related to the finalization of the grant. Finally, 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 (with Council Member Johnson no longer in attendance):**

Yes: 6            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C.  
                      Wu, Sherri Myers  
No: 0            None

**REGULAR AGENDA (CONT'D.)**

22. 17-69 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-69 - U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) CLEAN-UP GRANT AGREEMENT

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-69.

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 Terhaar and seconded by Council Member Cannada-Wynn.**

**The motion carried by the following vote (with Council Member Johnson no longer in attendance):**

Yes: 6            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C.  
                      Wu, Sherri Myers  
No: 0            None

23. 17-65 RESOLUTION NO. 17-65 - AUTHORIZING A FINANCING IN THE PRINCIPAL AMOUNT OF \$25,000,000 TO FINANCE CAPITAL IMPROVEMENTS ELIGIBLE TO BE FINANCED FROM THE LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.

**Recommendation:** That City Council adopt Resolution No. 17-65.

A RESOLUTION AUTHORIZING THE ISSUANCE BY THE CITY OF PENSACOLA, FLORIDA OF AN INFRASTRUCTURE SALES SURTAX REVENUE BOND, SERIES 2017, IN THE PRINCIPAL AMOUNT OF \$25,000,000 TO FINANCE INFRASTRUCTURE CAPITAL IMPROVEMENTS WITHIN THE CITY; PLEDGING THE PLEDGED REVENUES FOR THE PAYMENT OF SAID SERIES 2017 BOND; PROVIDING FOR THE PAYMENT OF THE SERIES 2017 BOND AND THE EXECUTION OF THE RELATED FINANCING DOCUMENTS IN CONNECTION THEREWITH; AUTHORIZING THE AWARD OF THE SALE OF THE SERIES 2017 BOND; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF THE SERIES 2017 BOND; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

**REGULAR AGENDA (CONT'D.)**

Discussion ensued (regarding Res. #17-65) among Council with questions related to funding totals for Local Option Sales Tax (LOST) Series IV projects approved during the budget process for FY 2018 and the timeline related to the financing of such projects with (this) proposed bond funding. Council Executive Kraher provided a listing of projects and totals as he understood during the budget hearings as amended by Council (attached to agenda materials) and indicated there is a discrepancy with the total provided by Financial Services. In response, Chief Financial Officer Barker also provided hardcopies of a listing projects and funding amounts (without addressing the discrepancy) and clarified the bond funding needs to be expended within thirty-six (36) months which he is responsible for applying to such proceeds, but does not direct commencement of projects.

Upon conclusion of discussion, the vote was called.

**The motion (to adopt Res. #17-65) carried by the following vote (with Council Member Johnson no longer in attendance):**

Yes: 6            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C.  
                      Wu, Sherri Myers  
No: 0             None

24. [17-68 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-68 - APPROPRIATING FUNDING IN CONNECTION WITH THE INFRASTRUCTURE SALES SURTAX REVENUE BOND, SERIES 2017.](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-68.

**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 Wingate.**

**The motion carried by the following vote (with Council Member Johnson no longer in attendance):**

Yes: 6            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C.  
                      Wu, Sherri Myers  
No: 0             None

**REGULAR AGENDA (CONT'D.)**

25. 17-70 RESOLUTION NO. 17-70 - IN SUPPORT OF ACCESS AND USE OF PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING WITHIN THE CITY OF PENSACOLA

**Recommendation:** That City Council adopt Resolution 17-70.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, ADOPTING A PROPERTY ASSESSED CLEAN ENERGY ("PACE") PROGRAM WITHIN THE CITY OF PENSACOLA AND JOINING THE FLORIDA GREEN FINANCE AUTHORITY, FLORIDA PACE FUNDING AGENCY, GREEN CORRIDOR AND FLORIDA RESILIENCY AND ENERGY DISTRICT IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; AUTHORIZING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE AGREEMENTS WITH THE FLORIDA GREEN FINANCE AUTHORITY, FLORIDA PACE FUNDING AGENCY, GREEN CORRIDOR AND FLORIDA RESILIENCY AND ENERGY DISTRICT FOR ADMINISTRATION OF THE PACE PROGRAM WITHIN THE CITY OF PENSACOLA; 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.**

Input was heard from the following individuals:

Terry Stark representing the Florida Green Finance Authority  
Dan Gardner representing Compass Solar Energy

There being no further discussion, the vote was called.

**The motion carried by the following vote (with Council Members Johnson and Myers no longer in attendance):**

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

26. 17-72 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-72 - APPROPRIATION OF FUNDS FROM THE SALE OF SURPLUS CRA PROPERTY AT 150 S BAYLEN STREET

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-72.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2018, PROVIDING FOR AN EFFECTIVE DATE.

**REGULAR AGENDA (CONT'D.)**

A motion to adopt (Res. #17-72) was made by Council Member Cannada-Wynn and seconded by Council Member Wingate.

The motion carried by the following vote (with Council Members Johnson and Myers no longer in attendance):

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

27. [38-17 PROPOSED ORDINANCE NO. 38-17 VACATION OF RIGHT-OF-WAY - 1000 BLOCK OF EAST AVERY STREET](#)

**Recommendation:** That City Council adopt Proposed Ordinance No. 38-17 on second reading as amended (to include full legal description).

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. (Ordinance No. 28-17)

**Council President Spencer noted hardcopies of a revised draft of P.O. #38-17 (on file) which includes the full legal description of the subject property.**

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

The motion carried by the following vote (with Council Members Johnson and Myers no longer in attendance):

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

**REGULAR AGENDA (CONT'D.)**

28. [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 adopt Proposed Ordinance No. 40-17 on second 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. (Ordinance No. 29-17)

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

**The motion carried by the following vote (with Council Members Johnson and Myers no longer in attendance):**

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

29. [17-00581](#) TRIUMPH GULF COAST PROJECT SOLICITATION

**Recommendation:** That City Council approve a list of projects/programs submitted by the City Council, the Mayor's Office and the CRA to be transmitted to the Escambia County Board of County Commissioners under the Triumph Gulf Coast Project Solicitation.

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



**REGULAR AGENDA (CONT'D.)**

**The motion (to approve Item 29) carried by the following vote (with Council Members Johnson and Myers no longer in attendance):**

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

That concluded all regular agenda items.

**DISCUSSION**

*\*\*\*THE SPONSOR OF THE FOLLOWING ITEM WAS NO LONGER IN ATTENDANCE, THEREFORE THIS ITEM WAS WITHDRAWN FROM THE AGENDA BY COUNCIL PRESIDENT SPENCER\*\*\**

*30.    17-00571 EVALUATION PROCESS FOR CITY COUNCIL STAFF*

*Withdrawn - - Sponsor may bring to November 9<sup>th</sup> meeting.*

*\*\*\*THE SPONSOR OF THE FOLLOWING ITEM WAS NO LONGER IN ATTENDANCE, THEREFORE THIS ITEM WAS WITHDRAWN FROM THE AGENDA BY COUNCIL PRESIDENT SPENCER\*\*\**

*31.    17-00573 CITY COUNCIL ISSUANCE OF PROCLAMATIONS*

*Withdrawn - - Sponsor may bring to November 9<sup>th</sup> meeting.*

**COUNCIL EXECUTIVE'S REPORT**

None.

**MAYOR'S COMMUNICATION**

None.

**COUNCIL COMMUNICATIONS**

Council Member Wu made follow-up remarks regarding public comment on the proposed fish hatchery on Bruce Beach (discussed during the first segment of LeRoy Boyd Forum) and indicated he would like Mayor Hayward to be advised he is still in favor of the fish hatchery but on a different parcel rather than Bruce Beach.

Council Member Terhaar advised that although he had been working with a private group to implement the downtown New Year's Eve Pelican Drop this year, those interests have waned and therefore the event likely will not take place.

**CIVIC ANNOUNCEMENTS**

None.

**SECOND LEROY BOYD FORUM**

None.

**ADJOURNMENT**

WHEREUPON the meeting was adjourned at 8:38 P.M.

\*\*\*\*\*

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
Brian K. Spencer, 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 <b>TERHAAR RICHARD ANDREW</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>PENSACOLA CITY COUNCIL</b>
MAILING ADDRESS <b>3142 OXFORD CIR</b>	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 <b>PENSACOLA</b>	COUNTY <b>ESCAMBIA</b>
DATE ON WHICH VOTE OCCURRED <b>10/12/17</b>	NAME OF POLITICAL SUBDIVISION: 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).

\* \* \* \* \*

### 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.

\* \* \* \* \*

### 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 10/12, 20 17:

(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, \_\_\_\_\_;
- 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:

ITEM 13: 17-00564 SALE OF SURPLUS PROPERTY TO AOSYNC PROPERTIES  
MY REAL ESTATE COMPANY IS REPRESENTING THE BUYER IN THE TRANSACTION, I WILL BENEFIT FINANCIALLY FROM THE SALE

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.

10/12/17  
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.