



City of Pensacola

CITY COUNCIL

Agenda Conference Minutes

February 22, 2021

3:30 P.M.

Council Chambers

The agenda conference was called to order by Council President Moore 3:33 P.M.

ROLL CALL

Council Members Present: Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Casey Jones, Sherri Myers, Delarian Wiggins

Council Members Absent: None

Also Present: Mayor Grover C. Robinson, IV (left 5:45)

Members of the public may NOT attend the meeting in person, as City Hall is closed to the public until further notice.

Members of the public may attend and participate via live stream and/or phone.

To watch the meeting live visit: [cityofpensacola.com/428/Live-Meeting-Video](https://www.cityofpensacola.com/428/Live-Meeting-Video).

To provide input:

- Public Input will only occur if an item is voted upon to remove from the agenda or add to the agenda (per Council's Rules & Procedures pertaining to agenda conferences)
 - citizens may submit an online form here <https://www.cityofpensacola.com/ccinput> beginning at 1:00 P.M. until **that agenda item has been voted upon** to indicate they wish to speak to a motion specific to an item on the agenda **and include a phone number. Staff will call the person** at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone. **Any form received after an agenda item has been voted upon will not be considered.**

PRESENTATION ITEMS

1. [21-00195 PRESENTATION - LAURIE MURPHY, EXECUTIVE DIRECTOR, EMERALD COASTKEEPERS - REGARDING CARPENTERS CREEK AND THE PENDING 9TH AVENUE BRIDGE REPLACEMENT](#)

Recommendation: That City Council receive a presentation from Laurie Murphy, Executive Director of Emerald Coastkeepers regarding Carpenters Creek and the pending 9th Avenue bridge replacement over Carpenters Creek.

Laurie Murphy, Executive Director of Emerald Coastkeepers provided an overhead presentation (on file with background materials). Following the presentation, Council Member Myers (sponsor) made comments and referred to a package of correspondence at Council's places (on file with background materials.) regarding communications with FDOT. She indicated that rip-rap is not recommended on a project such as this, but FDOT has planned to use such materials. She suggested she would like to bring forward a resolution for Council to consider, encouraging FDOT to not to use rip-rap on this project. Reference was also made to another handout of a map sourced from Florida Department of Environmental Protection on the location of septic tanks within areas of waterways (on file with background materials). Mayor Robinson also provided input. **Council Member Myers indicated she will work with Mayor Robinson and Ms. Murphy to bring a resolution forward to Council.**

2. [21-00197 PRESENTATION FROM DAVE ROBAU REGARDING EARTHPOD \(AFFORDABLE HOUSING\)](#)

Recommendation: That City Council accept a presentation from Dave Robau, CEM, LEED AP, of Gulf Coast Energy Network, regarding EarthPod, an affordable energy-efficient housing design.

Dave Robau, Executive Director of Gulf Coast Energy Network provided an overhead presentation (on file with background materials). Following the presentation, some Council Members made comments, as well as Mayor Robinson.

PRESENTATION ITEMS (CONT'D.)

- 3. [21-00198](#) PRESENTATION FROM DR. JUDY BENSE AND MARGO STRINGFIELD REGARDING THE 200TH ANNIVERSARY CELEBRATION OF FLORIDA BECOMING A STATE

Recommendation: That City Council accept a presentation from Dr. Judy Bense and Margo Stringfield updating Council on the progress and plans for the July 17th Commemoration event.

Dr. Judy Bense, Chair of the 200th Anniversary Commission provided an overhead presentation updating Council on progress of planning events for the community (on file with background materials). Unfortunately, Margo Stringfield, Co-Chair was not available to address Council as well. Following the presentation, Mayor Robinson made remarks.

REVIEW OF CONSENT AGENDA ITEMS

- 4. [21-00125](#) AIRPORT - APPROVAL OF AMENDMENT NO. 1 TO ELITE LINE SERVICES, INC. CONTRACT FOR REQUEST FOR PROPOSALS #16-042.

Recommendation: That City Council approve Amendment No. 1 to Elite Line Services, Inc. contract for Request for Proposals #16-042. Further, that City Council authorize the Mayor to take all actions necessary to execute Amendment No. 1.

Place on Consent Agenda

- 5. [21-00126](#) AIRPORT - APPROVAL OF AMENDMENT NO. 1 TO FLORIDA CLEANING SYSTEMS, INC. CONTRACT FOR INVITATION TO BID #19-008.

Recommendation: That City Council authorize the Mayor to execute Amendment No. 1 to Florida Cleaning Systems, Inc. contract for Invitation to Bid #19-008. Further, that City Council authorize the Mayor to take all actions necessary to execute Amendment No. 1.

Place on Consent Agenda.

- 6. [21-00156](#) SITE LICENSING AGREEMENT WITH HARMONI TOWERS, LLC

Recommendation: That City Council approve a five-year Site Licensing Agreement with Harmoni Towers, LLC to allow the City of Pensacola to attach Pensacola Energy's Automated Meter Reading (AMR) System transmission equipment for an annual fee of \$9,600 plus 2% annual escalation. Further, that Council authorize the Mayor to take all actions necessary to execute the agreement and all future contract extensions.

Place on Consent Agenda.

REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)

7. [21-00157](#) RELEASE OF LIENS FOR IMPROVEMENTS

Recommendation: That City Council approve the release of liens for improvements on the following six parcels:

- * 1021 North F Street, Property Account number 150646000;
- * 1100 W. Gonzalez Street, Property Account number 150635000;
- * 1021 North G Street, Property Account number 150781000;
- * 1017 North G Street, Historic Property Account number 150784100;
- * 1015 North G Street, Property Account number 150783000; and
- * 1209 W. Gonzalez Street, Property Account number 150780000.

Further, that City Council authorize the Mayor to take all actions necessary to execute any documents related to the release of liens.

Council President Moore referred to handout provided at Council's places providing a financial analysis (on file with background materials).

Place on Consent Agenda.

8. [21-00196](#) REFERRAL TO THE PLANNING BOARD - PROPOSED AMENDMENT TO SECTION 12-6-6 (8) OF THE LAND DEVELOPMENT CODE

Recommendation: That City Council refer to Planning Board for review and recommendation a proposed amendment to the Land Development Code Section 12-6-6 (8).

Council Member Myers requested this item be placed on the regular agenda. She indicated she believes the phrase "sensitive protected natural resources" is too vague and a definition should be provided. Assistant City Attorney Lindsay concurred indicating she has been discussing this with City Attorney Woolf and City Administrator Wilkins and is working to provide a definition for Council's consideration at the Council meeting (on 2/25/21). Council Member Brahier (sponsor) indicated she is aware of the discussions and agrees. Some follow-up discussion took place with input from Mayor Robinson as well.

Place on Regular Agenda

REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)

9. [21-00169](#) APPOINTMENT - BOARD OF TRUSTEES-FIREMEN'S RELIEF AND PENSION FUND

Recommendation: That City Council appoint one individual to the Board of Trustees-Firemen's Relief and Pension Fund for a term of two years, expiring December 31, 2022.

Place on Consent Agenda.

10. [21-00170](#) APPOINTMENTS - WESTSIDE COMMUNITY REDEVELOPMENT BOARD

Recommendation: That City Council appoint four (4) individuals to the Westside Community Redevelopment Board that is either a redevelopment area resident, member of an area neighborhood association or owner or operator of a business located in the redevelopment area, to a three year term expiring January 31, 2024.

Place on Consent Agenda.

11. [21-00180](#) APPOINTMENT - WEST FLORIDA PUBLIC LIBRARY BOARD OF GOVERNANCE

Recommendation: That City Council appoint one individual to the West Florida Public Library Board of Governance for a term of two years expiring February 28, 2023.

Place on Consent Agenda.

REVIEW OF REGULAR AGENDA ITEMS

12. [21-00130](#) DEVELOPMENT OF COMMUNITY MARITIME PARK PARCELS (LOTS 3 THROUGH 9)

Recommendation: That City Council award a contract to Kuhn Realty, LLC, with Andrew Rothfeder as the agent, for the real property services related to the development of the remaining seven (7) private development parcels at Community Maritime Park. Further, that City Council authorize the Mayor to execute the contract.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

13. [21-00161](#) AMENDMENT NO. 1 TO LEASE WITH MARITIME ONE, LLC

Recommendation: That City Council approve Amendment No. 1 to the Ground Lease with Maritime One, LLC, providing for the partial deferral and repayment of their lease obligations. Further, that City Council authorize the Mayor to take all actions necessary to execute and administer the amendment.

Brief discussion took place with Mayor Robinson responding to questions.

Place on Regular Agenda.

14. [21-00193](#) AMENDMENT NO. 5 TO THE NORTHWEST FLORIDA PROFESSIONAL BASEBALL LLC (NFPB) AGREEMENT AT COMMUNITY MARITIME PARK (CMP)

Recommendation: That City Council approve Amendment No. 5 to the Northwest Florida Professional Baseball LLC (NFPB) lease agreement for the stadium at the Vince S. Whibbs Community Maritime Park (CMP), which provides for the redistribution of park revenues, the shift of responsibility for maintenance and capital improvements, and extends the lease for an additional two 5-year terms. Further, that City Council authorize the Mayor to execute all necessary documents related to the implementation of this lease amendment.

Mayor Robinson (sponsor) pulled this item, indicating he will bring it back on a future agenda. However, Finance Director Lovoy will provide some information during City Administrator Communications.

Withdrawn.

15. [21-00167](#) EXTENSION OF MAYORAL DECLARATION OF STATE OF EMERGENCY FOR COVID-19

Recommendation: That City Council approve the Mayor's request for an extension of the Declaration of Emergency for the COVID-19 pandemic until the Council meeting scheduled for March 25, 2021.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

16. [21-00199](#) EXTENSION OF ORDINANCE NO. 15-20 REQUIRING THE MANDATORY WEARING OF FACE COVERINGS IN BUSINESSES WITHIN THE CITY LIMITS.

Recommendation: That City Council extend Ordinance No. 15-20 requiring the mandatory wearing of face coverings in businesses within the City Limits until March 25, 2021.

Place on Regular Agenda.

17. [21-00160](#) ACQUISITION OF REAL PROPERTY - 1621 ATWOOD DRIVE

Recommendation: That City Council approve the purchase of the real property located at 1621 Atwood Drive (Parcel No. 181S304313000000) from Communication Workers of America Local 3109 for \$575,000 plus an estimated \$25,000 in closing costs for a total amount of \$600,000. Further, that City Council authorize the Mayor to take all necessary actions and execute any documents related to the acquisition of the property. Finally, that City Council adopt a Supplemental Budget Resolution to appropriate the funds needed to purchase the property.

Place on Regular Agenda.

18. [2021-10](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-10 - ACQUISITION OF REAL PROPERTY - 1621 ATWOOD DRIVE

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2021-10.

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

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

19. [21-00159](#) DISPOSITION OF REAL PROPERTY - PORTION OF 711 NORTH HAYNE STREET

Recommendation: That City Council approve the disposition of the northern portion of the real property currently addressed as 711 North Hayne Street (Parcel Reference No. 000S009020012140) via sale in the amount of \$40,278 plus coverage of closing costs to Emerald Coast Utility Authority (ECUA), which staff has determined to be a fair offer. Further, that City Council authorize the Mayor to take all necessary actions to execute any deeds, contracts, or subsequent related documents for the disposition of this property. Finally, that City Council authorize that all net proceeds from the property's sale are placed in the Housing Initiatives Fund.

Place on Regular Agenda.

20. [21-00200](#) GUN BUY BACK INITIATIVE AND PROGRAM

Recommendation: That City Council approve the specifics of the Gun Buy Back Initiative / Program for the City of Pensacola.

Brief discussion took place.

Place on Regular Agenda.

21. [06-21](#) PROPOSED ORDINANCE NO. 06-21 - CREATING SECTION 11-4-104 THROUGH 11-4-109 OF THE CODE OF THE CITY OF PENSACOLA, RELATED TO COMPLETE STREETS

Recommendation: That City Council approve Proposed Ordinance No. 06-21 on first reading:

AN ORDINANCE CREATING SECTION 11-4-104 THROUGH SECTION 11-4-109 OF THE CODE OF THE CITY OF PENSACOLA FLORIDA; CREATING GUIDELINES AND REGULATIONS FOR THE DEVELOPMENT OF COMPLETE STREETS; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Council Executive Kraher referenced hardcopies at Council's places of a revised draft of Proposed Ordinance No. 06-21, explaining minor modifications have been made.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

22. [09-21](#) PROPOSED ORDINANCE NO. 09-21, AMENDING CHAPTER 14-2 OF THE CODE PERTAINING TO BUILDING AND CONSTRUCTION STANDARDS

Recommendation: That City Council approve Proposed Ordinance No. 09-21 on first reading:

AN ORDINANCE AMENDING CHAPTER 14-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING BUILDING CONSTRUCTION STANDARDS TO CONFORM SAME TO FLORIDA STATUTES AND ADMINISTRATIVE PROVISIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

23. [10-21](#) PROPOSED ORDINANCE NO. 10-21 AMENDING SECTION 9-5-72 OF THE CODE OF THE CITY OF PENSACOLA - PROHIBITING ADDITIONAL FUNDING OF THE FIREFIGHTERS' DEFERRED COMPENSATION PLAN

Recommendation: That City Council approve Proposed Ordinance No. 10-21 on first reading.

AN ORDINANCE AMENDING SECTION 9-5-72 (c) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING ADDITIONAL FUNDING OF THE FIREFIGHTERS' DEFERRED COMPENSATION PLAN; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

24. [01-21](#) PROPOSED ORDINANCE NO. 01-21 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-6 TREE/LANDSCAPE REGULATIONS AND CHAPTER 12-13 DEFINITIONS ENUMERATED

Recommendation: That City Council adopt Proposed Ordinance No. 01-21 on second reading.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, TITLE 12, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, STREAMLINING REVIEW AND ENFORCEMENT OF TREE/LANDSCAPE REGULATIONS IN CHAPTER 12-6 INTO ONE DEPARTMENT AND PROCESS, UPDATING AFFECTED DEFINITION IN CHAPTER 12-13, ENSURING COMPLIANCE WITH FLORIDA STATUTES, FUNDING OVERSIGHT AND ENFORCEMENT, AND PROTECTING HERITAGE TREES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)

25. [07-21 PROPOSED ORDINANCE NO. 07-21 CREATING SECTION 14-2-140 OF THE CITY CODE PROVIDING FOR UNSAFE STRUCTURE AND BUILDING ABATEMENT](#)

Recommendation: That City Council adopt Proposed Ordinance No. 07-21 on second reading.

AN ORDINANCE CREATING SECTION 14-2-140 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR UNSAFE STRUCTURE AND BUILDING ABATEMENT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Place on Regular Agenda.

DISCUSSION

26. [21-00194 DISCUSSION - CITY CHARTER SECTION 4.04\(B\) - PROHIBITIONS - INTERFERENCE WITH ADMINISTRATION](#)

Council Member Myers (sponsor) referenced the language of the (cited) Charter section asking for clarification as to Mayor Robinson's policy. Mayor Robinson and City Administrator Wilkins responded indicating **Council Members may contact department directors directly for information and if comfortable, may direct other staff to communicate with Council Members, as long as circumstances are not contentious, then rather it would be best to go directly to City Administration. Council Member Myers requested this clarification be sent to Council in writing.**

27. [21-00201 DISCUSSION - CODE SECTION OUTLINING THE NEED FOR PERMITS AND A GUIDE TO THE LOCATION OF THE REQUIREMENTS FOR EACH](#)

Council Member Myers (sponsor) explained her intent for bringing up this issue which is a matter of consumer protection. She indicated she is aware of a mold remediation business from out-of-town operating in her (residential) neighborhood and from her research such a business is highly regulated in Florida, therefore she is concerned about proper licensing and permitting of such business operations affecting consumers, especially after a natural disaster. Mayor Robinson addressed the issue and Council Member Brahier also inquired of how to provide information to consumers. **Mayor Robinson indicated he will work with Deputy Administrator Fiddler to address the issue.**

CONSIDERATION OF ANY ADD-ON ITEMS

None

READING OF ITEMS FOR COUNCIL AGENDA

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

COMMUNICATIONS

CITY ADMINISTRATOR'S COMMUNICATION

Finance Director Lovoy provided an overhead presentation regarding *North Florida Professional Baseball (NFPB) Lease Extension* (attached). Mayor Robinson made follow-up remarks and fielded comments and questions from Council Members. Deputy City Administrator Fiddler responded accordingly to questions related to maintenance of the stadium. Much of the discussion focused on lighting replacement and replacement of grass with turf.

Mayor Robinson advised Council of numerous items to be coming forward for Council's consideration in the next month or so.

CITY ATTORNEY'S COMMUNICATION

City Attorney Woolf (attending the meeting via Microsoft Teams) addressed Council advising Assistant City Attorney Lindsay is attending on the dais today and will be on 2/25/21 for the Council meeting. As well, Assistant City Attorney Moore will attend on the dais at the next agenda conference on 3/8/21 and the Council meeting on 3/11/21, as to provide each with experience with Council's meetings in case of her future absence.

QUARTERLY FINANCIAL REPORT - FINANCE DIRECTOR AMY LOVOY

28. [21-00164](#) QUARTERLY FINANCIAL REPORT - THREE MONTHS ENDING DECEMBER 31, 2020 (UNAUDITED) - FINANCE DIRECTOR AMY LOVOY

Finance Director Lovoy provided an overhead presentation on quarterly financial reporting, and at Council places a revision of the report was provided (on file with background materials). Following the presentation, she responded accordingly to questions from Council Members. City Attorney Woolf provided clarification regarding a question related to costs for bond counseling services.

CITY COUNCIL COMMUNICATION

None

ADJOURNMENT

6:10 P.M.

NFPB Lease Extension

Community Maritime Park (CMP)

- ▶ The CMP is a 32 acre site located in downtown Pensacola, Florida on a man-made peninsula.
- ▶ Notable Dates:
 - ▶ Panton-Leslie trading post - 1784
 - ▶ Greater land mass created - 1903-1926
 - ▶ Petroleum Depot - 1980's
 - ▶ CMPA formed and conceptual plan approved - 2005
 - ▶ Master Lease and Development agreement approved by Council/Voter referendum passes - 2006
 - ▶ Bonds approved for park construction - 2009
 - ▶ Stadium construction complete - 3/31/2012
 - ▶ First baseball game - 4/4/2012
- ▶ Prior to construction of the park the site was vacant for 30 years.
- ▶ Construction at the Maritime Park was completed in 2012

Pensacola Blue Wahoos (Wahoos)

- ▶ The Wahoos are owned by Northwest Florida Professional Baseball LLC (NFPB)
- ▶ Effective July 20, 2011 NFPB And the Community Maritime Park Associates (CMPA) entered into a Use Agreement to provide for the joint use of the Stadium for AA Baseball.
- ▶ The Use Agreement is for a 10-year period with two 5-year extensions available.
- ▶ The first 10-year period expires in 9/30/2021.

Major League Baseball (MLB)

- ▶ Major League Baseball is in the process of restructuring Minor League Baseball.
- ▶ Major League Baseball is in the process of reducing the number of minor league baseball teams.
 - ▶ They have reduced the number of teams from 160 to 120.
- ▶ The Wahoos are now an affiliate of the Miami Marlins

Stadium Capital Improvements

- ▶ In order to remain compliant with MLB standards an estimated \$2,000,000 of capital improvements at the stadium are necessary
- ▶ These improvements include but are not limited to:
 - ▶ Second batting cage
 - ▶ Artificial playing surface
 - ▶ Replace stadium lights with LED lights
 - ▶ Moving the bullpens to near left field

NFPB Lease Extension

- ▶ NFPB wishes to exercise both 5-year extensions to their contract guaranteeing baseball at the CMP stadium for another 10 year.
- ▶ In order to exercise both options NFPB needs all of the capital improvements to be made prior to the start of the baseball which now begins in May.
 - ▶ Under the current contract the City is responsible for all capital improvements.
- ▶ Staff from the City and NFPB have been working together to extend the contract, make all the improvements, work with the stakeholders and produce a revised contract for Council approval that is equitable to all stakeholders.

Contract Negotiation

- ▶ 10 year renewal
- ▶ How to construct and pay the \$2,000,000 in improvements in a timely manner
- ▶ Capital improvements
- ▶ Parking