



City of Pensacola

CITY COUNCIL

Regular Meeting Minutes

April 14, 2022

5:30 P.M.

Council Chambers

Council President Hill called the meeting to order at 5:32 P.M.

ROLL CALL

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

Council Members Absent: None

Also Present: Mayor Grover C. Robinson, IV (left 7:26)

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

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

To provide input:

- Leroy Boyd Forum, for items not on the agenda: citizens may submit an online form here <https://www.cityofpensacola.com/ccinput> **beginning at 3:00 P.M. until 5:30 P.M. only** to indicate they wish to speak during LeRoy Boyd Forum **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.
- Agenda Items, for specific items on the agenda: citizens may submit an online form here <https://www.cityofpensacola.com/ccinput> **beginning at 3:00 P.M. until that agenda item has been voted upon** to indicate they wish to speak to a specific 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.**

INVOCATION

Moment of Silence

PLEDGE OF ALLEGIANCE

Council Member Teniade Broughton

FIRST LEROY BOYD FORUM

Jimmy Moorer: Addressed Council indicating that (today) he was provided an opportunity to speak to Agriculture Commissioner Nikki Fried regarding Pensacola's affordable housing crisis. He expressed particular concern regarding the lack of affordable housing in the Tanyards area which is where he was raised. He also referenced increased costs of food and utilities. He urged that the City find housing solutions for those whose income is too high for funding assistance yet the market for decent and affordable housing is too high.

Some follow up discussion took place.

AWARDS

Mayor Robinson presented proclamations to individuals competing in the 2022 Special Olympics USA Games in Orlando, Florida.

APPROVAL OF MINUTES

1. [22-00386](#) **APPROVAL OF MINUTES: REGULAR MEETING DATED MARCH 24, 2022**

A motion to approve was made by Council Member Brahier and seconded by Council Member Wiggins.

The motion carried by the following vote:

Yes: 7	Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton, Casey Jones, Jared Moore, Sherri Myers
No: 0	None

APPROVAL OF AGENDA

A motion to approve was made by Council Member Moore and seconded by Council Member Jones.

The motion carried by the following vote:

Yes: 7	Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton, Casey Jones, Jared Moore, Sherri Myers
No: 0	None

CONSENT AGENDA

2. [22-00255](#) ESCAMBIA/PENSACOLA FY 2022-2024 STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY

Recommendation: That City Council approve the State Housing Initiatives Partnership (SHIP) program interlocal agreement with Escambia County providing for the joint implementation and administration of the Escambia/Pensacola SHIP program. Further, that City Council authorize the Mayor to take all actions necessary to execute all documents relating to the program's administration.

3. [22-00264](#) AWARD OF BID # 22-026 NORTH "P" & "S" STREETS RECONSTRUCTION PROJECT

Recommendation: That City Council award to BID # 22-0026 North "P" & "S" Streets Reconstruction Project to C.W. Roberts Contracting, Inc. of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$489,511.60 plus additive alternate #1, in the amount of \$42,634.00, plus a 10% contingency in the amount of \$53,214.56 for a total amount of \$585,360.16. Further, that City Council authorize the Mayor to execute the contract and take all action necessary to complete the project.

4. [22-00268](#) AIRPORT - EASEMENT AGREEMENT WITH FLORIDA POWER & LIGHT COMPANY FOR SERVICE TO AIRPORT ECONOMY LOT 3

Recommendation: That City Council approve the easement agreement for underground electric service installed by Florida Power & Light Company for service to Airport Economy Lot 3. Further, that City Council authorize the Mayor to take all actions necessary to execute the easement agreement.

5. [22-00314](#) AIRPORT - APPROVAL OF AMENDMENT NO. 3 - GROUND LEASE AND AGREEMENT WITH AERO PENSACOLA, LLC

Recommendation: That City Council authorize the Mayor to execute Amendment No. 3 to the Ground Lease and Agreement with Aero Pensacola, LLC. Further, that City Council authorize the Mayor to take all actions necessary to execute Amendment No. 3.

A motion to approve consent agenda items 2, 3, 4, and 5 was made by Council Member Brahier and seconded by Council Member Wiggins.

CONSENT AGENDA (CONT'D.)

The motion (to approve consent agenda items 2, 3, 4, and 5) carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
Casey Jones, Jared Moore, Sherri Myers
No: 0 None

REGULAR AGENDA

6. [22-00297 QUASI-JUDICIAL HEARING - REQUEST FOR A CONDITIONAL USE PERMIT - MT. LILY BAPTIST CHURCH - 209 NORTH A STREET](#)

Recommendation: That City Council conduct a Quasi-Judicial Hearing on April 14, 2022 to consider the request for a Conditional Use Permit to convert the existing structure at 209 North A Street into six (6) dwelling units of affordable renting housing.

Council President Hill read into the record a description of the requirements for conducting a quasi-judicial hearing. She indicated that **this issue is contested (petition provided with agenda materials)**. As required, she asked Council Members to disclose any ex parte communication, which **Council Member Broughton indicated that she has had ex parte communications** by way of conversations with the applicant, John Ellis, regarding the historical background of the property and building, has followed the discussions on FaceBook, and is aware of the petitioners concerns and communications with Mr. Ellis related to the intended conversion and reuse of the building. City Attorney Pepler has advised that Council Member Broughton does not have a conflict of interest (as defined by Section 112.3143, Florida Statutes), therefore, she would not be required to abstain from participating in the deliberation and voting on this issue.

Moving forward with the hearing process, Council President Hill called on City staff to present the necessary evidence for the record.

Assistant Planning & Zoning Manager Cannon presented evidence into the record on behalf of the City describing the issue as referenced in the background materials as provided in the agenda package dated 4/14/22 (on file). She also provided overhead slides of the subject property, building, and surrounding area (on file). Further, she referred to City Code Section 12-3-107 Conditional Use Permit which is the applicable regulations and standards for consideration of this request (copies at Council's places and on file). She indicated the Planning Board recommends approval of the requested Conditional Use Permit as proposed by the applicant (Planning Board Meeting Minutes dated 3/8/22 on file).

REGULAR AGENDA (CONT'D.)

City Attorney Peppler directed all individuals intending to provide testimony or evidence (related to Item 6, 22-00297 Quasi-Judicial Hearing) to please stand and he administered the swearing-in.

Mr. John Ellis, applicant and investment partner/developer for the proposed project addressed Council describing the intended reuse of the property and building in accordance with City Code Section 12-3-107 as provided for in the application and discussed at the Planning Board meeting. He also addressed expressed concerns of the neighborhood regarding sidewalks, walkways, parking, and trash receptacles. He responded accordingly to questions from Council Members. Jordan Yee, architect and investment partner/developer for the proposed project also responded to questions.

The following individuals addressed Council in opposition to the proposed project:

Robert Nay (provided a handout – on file)

Crystal Nay (provided a handout – on file)

Betty Bishop (via phone held up to a mic - - City Attorney Peppler administered swearing-in)

The following individual addressed Council providing general comments related to the proposed project:

Mark Gottschalk

Deliberation took place among Council Members with Deputy City Administrator Forte, Assistant Planning & Zoning Manager Cannon, Mr. Ellis responding accordingly to comments and questions. Alistair McKenzie, investment partner/developer for the proposed project also addressed Council.

An additional individual addressed Council in opposition to the proposed project:

Andre Tucker

Deliberation continued among Council Members with Deputy City Administrator Forte and Assistant Planning & Zoning Manager Cannon, Mr. Ellis responding accordingly to comments and questions. Mayor Robinson also provided input.

Public input was heard from Tommy White. Mr. Ellis was provided an opportunity to respond to Mr. White's questions with follow-up remarks from Mayor Robinson and some Council Members regarding affordable housing.

REGULAR AGENDA (CONT'D.)

A motion to approve (Item 6, 22-00297) request for a Conditional Use Permit to convert the existing structure at 209 North A Street into six (6) dwelling units of affordable renting housing was made by Council Member Jones and seconded by Council Member Moore.

There being no further deliberation, the vote was called.

The motion carried by the following vote:

Yes: 7	Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton, Casey Jones, Jared Moore, Sherri Myers
No: 0	None

7. [22-00341](#) APPOINTMENT - OPIOID ABATEMENT FUNDING ADVISORY BOARD

Recommendation: That City Council appoint one individual to the Opioid Abatement Funding Advisory Board for a term of two (2) years expiring May 1, 2024.

Council Member Brahier indicated that she would need to abstain from discussion and voting on this item due to a conflict of interest (as defined by Section 112.3143, Florida Statutes) with her niece being one of the nominees.

Allyson Wade, nominee, was in attendance and addressed Council

Council Member Jones indicated that his nominee, **Jarah Jacquay has withdrawn in support of Ms. Wade.**

Council Member Wiggins made comments on behalf of (his) nominee Tommy White.

Tommy White, nominee, was in attendance and addressed Council.

Mayor Robinson advised he has appointed former chief of police John Mathis as his representative.

Council President Hill called for a ballot vote.

Balloting and tallying take place.

Council President Hill announced City Council (with Council Member Brahier abstaining from voting) appointed Tommy White to the Opioid Abatement Funding Advisory Board for a term of two (2) years expiring May 1, 2024.

REGULAR AGENDA (CONT'D.)

8. [22-00296](#) REQUEST FOR LICENSE TO USE RIGHT OF WAY - 178 NORTH PALAFOX STREET

Recommendation: That City Council approve the request for a License to Use Right of Way for improvements at 178 North Palafox Street.

A motion to approve was made by Council Member Moore and seconded by Council Member Brahier.

The motion carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
Casey Jones, Jared Moore, Sherri Myers
No: 0 None

9. [22-00360](#) VETERANS MEMORIAL PARK FOUNDATION REQUEST FOR EXTENSION OF THE TEMPORARY RESTROOMS LOCATED AT ADMIRAL MASON PARK

Recommendation: That City Council approve an extension permitting the temporary restrooms at Admiral Mason Park to remain for a period not to exceed one (1) year. Further, that the restrooms be open to the public.

Council Member Brahier inquired of ongoing litigation related to this issue. City Attorney Peppler advised that it would be best to discuss this issue with Council in a private attorney client session (shade meeting). Council Member Broughton asked for clarification with Council Member Brahier responding.

A substitute motion was made by Council Member Myers and seconded by Council Member Brahier that this item be pulled from consideration due to ongoing litigation; and that a shade meeting be scheduled to update Council on the litigation.

Council President Hill (sponsor) inquired as the upcoming expiration date of the agreement. Mayor Robinson suggested Council could consider an extension following the shade meeting. Council Members Broughton and Hill made follow-up remarks.

Upon conclusion of discussion, **the vote on the substitute motion was called.**

The substitute motion carried by the following vote:

Yes: 6 Ann Hill, Delarian Wiggins, Jennifer Brahier, Casey Jones, Jared
Moore, Sherri Myers
No: 1 Teniade Broughton

REGULAR AGENDA (CONT'D.)

10. [22-00365](#) HIRING OF YVETTE MCLELLAN AS COUNCIL STAFF WITH THE TITLE OF SPECIAL ASSISTANT TO THE COUNCIL EXECUTIVE

Recommendation: That City Council approve the hiring of Yvette McLellan as Council Staff with the title of Special Assistant to the Council Executive.

A motion to approve was made by Council Member Jones and seconded by Council Member Moore.

The motion carried by the following vote:

Yes: 7	Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton, Casey Jones, Jared Moore, Sherri Myers
No: 0	None

11. [22-00366](#) APPROPRIATION OF TREE MITIGATION FEES FOR CALIBER CARWASH DEVELOPMENT (2660 CREIGHTON ROAD) TO THE MARKET PLACE GREENWAY PROJECT

Recommendation: That City Council appropriate the \$10,000 within the Tree Planting Trust Fund from Caliber Carwash (2660 Creighton Road) development to the Market Place Greenway project. Further that City Council adopt a supplemental budget resolution appropriating these funds.

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

Council Member Myers (sponsor) explained the intent of this appropriation. Discussion ensued among Council with Council Member Myers fielding comments and questions. Deputy City Administrator Forte, Public Works & Facilities Director Tootle, and City Administrator Fiddler also responded to questions.

Based on discussion, Council Member Myers withdrew the item from consideration and indicated that she will bring back another appropriation item for consideration of planting of trees elsewhere in District 2.

REGULAR AGENDA (CONT'D.)

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

12. 2022-044 SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-044 - APPROPRIATION OF TREE MITIGATION FEES FOR CALIBER CARWASH DEVELOPMENT (2660 CREIGHTON ROAD) TO THE MARKET PLACE GREENWAY PROJECT

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2022-044:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE

Withdrawn.

13. 22-00367 SCHOOL SAFETY IMPROVEMENTS ON COLLEGE PARKWAY

Recommendation: That City Council allocate up to \$150,000 for school safety improvements on College Parkway. Further, that City Council approve a supplemental budget resolution regarding this allocation.

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

Council Member Myers (sponsor) explained the intent of this allocation. Discussion ensued among Council with Council Member Myers fielding comments and questions. Deputy City Administrator Forte, Public Works & Facilities Director Tootle, and Finance Director Lovoy also responded to questions.

Based on discussion, Council Member Myers withdrew the item from consideration, but based on Finance Director Lovoy's suggestion, will ask Council to consider the following item for adoption of a supplemental budget resolution (for funding of future school safety improvements on College Parkway).

REGULAR AGENDA (CONT'D.)

14. [2022-045 SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-045 - SCHOOL SAFETY IMPROVEMENTS ON COLLEGE PARKWAY](#)

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2022-45:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

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

Discussion took place among Council with reference to discussion on the previous item (22-00367 which was withdrawn). Council Member Myers (sponsor) and Finance Director Lovoy responded to questions.

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote:

Yes: 5 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
 Sherri Myers
No: 2 Casey Jones, Jared Moore

15. [22-00205 PORT OF PENSACOLA - FLORIDA SEAPORT GRANT PROGRAM AND SEAPORT INVESTMENT PROGRAM NO. 445548-1-94-04 - RAILROAD MODERNIZATION INITIATIVE](#)

Recommendation: That City Council authorize the mayor to execute Florida Seaport Grant and Seaport Investment Program, Grant No. 445548-1-94-04, for railroad modernization initiative in the amount of \$850,353. Further, that City Council authorize the Mayor to take all actions necessary to accept, execute and administer the grant. Finally, that City Council adopt a supplemental budget resolution appropriating the grant funds.

A motion to approve was made by Council Member Jones and seconded by Council Moore.

The motion carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
 Casey Jones, Jared Moore, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)

16. [2022-030](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-030 - FLORIDA SEAPORT GRANT PROGRAM AND SEAPORT INVESTMENT PROGRAM GRANT NO. 445548-1-94-04 - RAILROAD MODERNIZATION INITIATIVE

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2022-030:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Jones and seconded by Council Member Brahier.

The motion carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
Casey Jones, Jared Moore, Sherri Myers
No: 0 None

17. [2022-032](#) RESOLUTION NO. 2022-032 - APPROVING THE ESCAMBIA/PENSACOLA 2022-2024 STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM LOCAL HOUSING ASSISTANCE PLAN

Recommendation: That City Council adopt Resolution No. 2022-032.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA, APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Moore and seconded by Council Member Brahier.

The motion carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
Casey Jones, Jared Moore, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)

18. [22-00304](#) PENSACOLA ENERGY - AWARD OF CONTRACT FOR ITB #22-025 PALAFOX STREET CNG FUELING STATION EXPANSION

Recommendation: That City Council award a contract for ITB #22-025 Palafox Street CNG Fueling Station Expansion to Zeit Energy, LLC of Irving, TX, the lowest and most responsible bidder, with a base bid of \$472,777 plus a 10% contingency of \$47,278 for a total of \$520,055. Further, that City Council authorize the Mayor to take all actions necessary to execute the contract and complete the project.

A motion to approve was made by Council Member Moore and seconded by Council Jones.

The motion carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
Casey Jones, Jared Moore, Sherri Myers
No: 0 None

19. [2022-039](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-039 - PENSACOLA ENERGY - FUNDING FOR CONSTRUCTION OF PALAFOX CNG FUELING STATION EXPANSION ASSOCIATED WITH AWARD OF BID #22-025

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2022-039.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Moore and seconded by Council Jones.

The motion carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
Casey Jones, Jared Moore, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)

20. [2022-040](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-040 - PENSACOLA ENERGY - ACQUISITION OF NATURAL GAS UTILITY METERS AND REMOTE TRANSMITTERS

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2022-040.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Moore and seconded by Council Jones.

The motion carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
Casey Jones, Jared Moore, Sherri Myers
No: 0 None

21. [2022-041](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2022-041 - PENSACOLA ENERGY - ADDITIONAL FUNDING FOR BUDGETED NATURAL GAS COST

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2022-041.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Moore and seconded by Council Jones.

The motion carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
Casey Jones, Jared Moore, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)**22. 16-22 PROPOSED ORDINANCE NO. 16-22 - CREATING CHAPTER 7-12 OF THE CITY CODE - REQUIREMENTS FOR BOOTING A VEHICLE**

Recommendation: That City Council adopt Revised Proposed Ordinance No. 16-22 on second reading:

AN ORDINANCE CREATING CHAPTER 7-12 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING DEFINITIONS; REQUIRING OCCUPATIONAL BUSINESS LICENSE; PROVIDING REQUIREMENTS FOR BOOTING; PROVIDING SIGN NOTICE REQUIREMENTS; ESTABLISHING BOOTING RATES; ENFORCEMENT AND PENALTIES OF BOOTING; PROVIDING A PROCESS FOR CITIZEN COMPLAINTS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. **(Ordinance No. 06-22)**

A motion to adopt was made by Council Member Moore and seconded by Council Jones.

Council Member Moore addressed Council proposing revised language for Section(s) 7-12-3 (b) and (i). Discussion took place among Council with Council Member Jones (sponsor) and City Attorney Peppler fielding comments and questions.

Public input was heard from Philip Olivier.

Based on discussion, **friendly amendments were offered by Council Member Myers with the concurrence of Council Member Jones (sponsor) and accepted by Council as follows: 1) Section 7-12-3 (b) adding language: The vehicle is not occupied by a person or animal; or if so occupied by a person or animal, only after Law Enforcement is notified; and 2) Section 7-12-3 (i) striking and replacing: A booted vehicle shall not remain immobilized on private property for more than ~~twenty-four (24)~~ seventy-two (72) hours. After such period of time has expired, the vehicle shall be released from the boot and may be towed or removed pursuant to this article, and no fee shall be assessed for release of the booting device.**

Upon conclusion of discussion, the vote was called.

The motion (with friendly amendments) carried by the following vote:

Yes: 7	Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton, Casey Jones, Jared Moore, Sherri Myers
No: 0	None

REGULAR AGENDA (CONT'D.)

23. [13-22 PROPOSED ORDINANCE NO. 13-22 - AMENDMENT TO SECTION 12-11-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, APPEALS, MODIFICATIONS, AND VARIANCES; CREATING SECTION 12-11-2 \(f\), MODIFICATIONS OF THE COMMUNITY REDEVELOPMENT AREA URBAN DESIGN OVERLAY STANDARDS](#)

Recommendation: That City Council adopt Proposed Ordinance No. 13-22 on second reading:

AN ORDINANCE AMENDING SECTION 12-11-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, APPEALS, MODIFICATIONS, AND VARIANCES; CREATING SECTION 12-11-2 (f), MODIFICATIONS, OF THE COMMUNITY REDEVELOPMENT AREA URBAN DESIGN OVERLAY STANDARDS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. [\(Ordinance No. 07-22\)](#)

A motion to adopt was made by Council Member Moore and seconded by Council Jones.

The motion carried by the following vote:

Yes: 7	Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton, Casey Jones, Jared Moore, Sherri Myers
No: 0	None

24. [09-22 PROPOSED ORDINANCE NO. 09-22 - AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-6-6 PROTECTED TREES](#)

Recommendation: That City Council adopt Proposed Ordinance No. 09-22 on second reading.

AN ORDINANCE AMENDING SECTION 12-6-6 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PROTECTED TREES, PROVIDING FOR SETBACK DEVIATION PROCESS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. [\(Ordinance No. 08-22\)](#)

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

The motion carried by the following vote:

Yes: 7	Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton, Casey Jones, Jared Moore, Sherri Myers
No: 0	None

REGULAR AGENDA (CONT'D.)

25. [10-22](#) PROPOSED ORDINANCE NO. 10-22 - REQUEST FOR VOLUNTARY ANNEXATION - BAPTIST HOSPITAL OWNED PROPERTIES

Recommendation: That City Council adopt Proposed Ordinance No.10-22 on second reading.

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE. [\(Ordinance No. 09-22\)](#)

A motion to adopt was made by Council Member Jones and seconded by Council Member Brahier.

The motion carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
Casey Jones, Jared Moore, Sherri Myers
No: 0 None

26. [11-22](#) PROPOSED ORDINANCE NO. 11-22 - REQUEST FOR VOLUNTARY ANNEXATION - 315 EAST SELINA STREET AND 4908 CHANEY STREET.

Recommendation: That City Council adopt Proposed Ordinance No. 11-22 on second reading.

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE. [\(Ordinance No. 10-22\)](#)

A motion to adopt was made by Council Member Moore and seconded by Council Member Jones.

The motion carried by the following vote:

Yes: 7 Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton,
Casey Jones, Jared Moore, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)

27. [12-22 PROPOSED ORDINANCE NO. 12-22 - REQUEST FOR VOLUNTARY ANNEXATION - RICHARDS MEMORIAL UNITED METHODIST CHURCH PROPERTY](#)

Recommendation: That City Council adopt Proposed Ordinance No. 12-22 on second reading.

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE. [\(Ordinance No. 11-22\)](#)

A motion to adopt was made by Council Member Jones and seconded by Council Member Moore.

The motion carried by the following vote:

Yes: 7	Ann Hill, Delarian Wiggins, Jennifer Brahier, Teniade Broughton, Casey Jones, Jared Moore, Sherri Myers
No: 0	None

COUNCIL EXECUTIVE'S REPORT

None

MAYOR'S COMMUNICATION

Deputy City Administrator Miller addressed Council to correct information she provided during the Community Redevelopment Agency Board meeting on 4/11/22 related to the lease agreement with the Monument to Women Veterans Foundation. She clarified that she misspoke that a lease amendment has been approved by Council, rather the amendment to lease is forthcoming for Council's approval.

COUNCIL COMMUNICATIONS

Council President Hill advised of an upcoming town hall meeting for District 6 on April 21st.

CIVIC ANNOUNCEMENTS

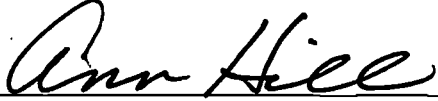
None

SECOND LEROY BOYD FORUM

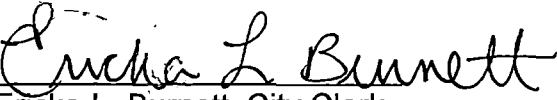
None

ADJOURNMENT

WHEREUPON the meeting was adjourned at 9:01 P.M.

Adopted: April 28, 2022Approved: 
Ann Hill, 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 Brahier, Jennifer M.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Pensacola City Council	
MAILING ADDRESS 3610 Overland Dr		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pensacola	COUNTY Escambia	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 4/14/2022		NAME OF POLITICAL SUBDIVISION: City Council / City of Pens.	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTEE	

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).

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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.

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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, Jennifer M Brahm, hereby disclose that on April 14, 2022

(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, Allyson Wade;
- ☐ 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:

Opiate Abatement Funding
Advisory Board Appointment

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.

Date Filed

4/14/2022

Signature

JMB

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.