



City of Pensacola

CITY COUNCIL

Regular Meeting Minutes

February 9, 2017

5:35 P.M.

Council Chambers

ROLL CALL

Present: Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,
Larry Johnson (left 7:02), P.C. Wu, Sherri Myers
Absent: None

INVOCATION

Given by Reverend Keith Johnson of Cokesbury United Methodist Church.

PLEDGE OF ALLEGIANCE

Lead by Council Member Johnson.

FIRST LEROY BOYD FORUM

At this time, Council President Spencer indicated **Item 6, Pensacola Energy - Award of Bid #17-011, Natural Gas Pipeline Construction West Pensacola Low Pressure Area Upgrades will be moved from the Consent Agenda to the Regular Agenda since a citizen would like to address Council.**

Before calling on the first speaker for LeRoy Boyd Forum, clarified the purpose of the forum is to address issues that are not on the agenda.

Barbara Mayall: First addressed Council President Spencer offering condolences for a recent death in his family. She then made comments on behalf of Police Chief David Alexander, III, noting him to be someone of high character.

The following individuals addressed Council urging the repeal of Ordinance No. 21-11, regarding City Code Section 10-4-16 *Installation of Services* related to natural gas programs of Pensacola Energy:

Damon Aligood
Andy Comfy
Larry Downs, Jr.

Alice Downs (read letter into record from attorney)
Diane Downs (finished reading of letter - - on file)
Chad Downs

FIRST LEROY BOYD FORUM (CONT'D.)

Gloria Horning: Addressed Council relaying the continued negative impacts on the neighborhood and on her (residence) property due to the construction of the Corinne Jones Stormwater Pond.

Council President Spencer indicated at this time the first segment of Boyd Forum has reached the allotted thirty (30) minutes, but there are ten (10) more speakers signed up.

A motion to waive the rules to allow the ten (10) speakers currently signed up to speak in the first Boyd Forum 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

Council President Spencer announced he will continue with speakers and reduced the time limit to two (2) minutes.

The following individuals addressed Council expressing support of Police Chief David Alexander, III as an exceptional leader and urging his tenure with the City be extended past his DROP (retirement) date:

| | |
|----------------|--|
| Blair Castro | Chris Hendricks |
| Nicole Barnes | Mike Hill |
| Lisa Rawson | Clorissti Mitchell |
| Dianne Krumel | Barry Bickham |
| Lisa Wiggins | Lucinda Martin (waived - - will address under Item 14) |
| Cheryl Poister | |

That concluded the first segment of LeRoy Boyd Forum.

REGULAR AGENDA**1. [16-00329 APPOINTMENT - PLANNING BOARD](#)**

Recommendation: That City Council appoint an individual who is a resident of the city or owner of property in the city, to the Planning Board to fill the unexpired term of Taylor "Chips" Kirschenfeld, expiring July 14, 2017.

Council Members were provided an opportunity to make comments on behalf of the nominees.

REGULAR AGENDA (CONT'D.)

The following nominees (for Item 1) were provided an opportunity to address Council:

Jared Moore

Melanie Nichols

The following individuals spoke on behalf of Melanie Nichols (with a reduced time limit of one minute per speaker):

James Scaminaci

Dianne Krumel

Lisa Rawson

William Caplinger

John Rickmon

Upon conclusion of discussion, Council President Spencer **called for a ballot vote.**

Upon tally of ballots, Council President Spencer announced that City Council appointed Jared Moore to fill an unexpired term expiring July 14, 2017.

AWARDS

Council President Spencer recognized Clerk Administrative Assistant Betty Allen, offering congratulations as this is her last meeting prior to retiring from the City after sixteen (16) years of service.

PRESENTATION**2. [16-00336 PRESENTATION BY QUINT STUDER REGARDING PRE-K LEARNING](#)**

Recommendation: That City Council allow a presentation by Quint Studer discussing Pre-K Learning and that this presentation be scheduled for the Regular City Council Meeting on February 9, 2017.

Mr. Quint Studer gave a verbal presentation (with a hand-out - - on file under item attachments) about Pre-K Learning.

Following the presentation Mr. Studer fielded comments and questions from Council Members.

APPROVAL OF MINUTES3. [17-00116 REGULAR MINUTES DATED JANUARY 12, 2017](#)

A motion to approve the minutes 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 |

APPROVAL OF AGENDA

No objections to the agenda as presented and indicated by Council President Spencer (as noted at the beginning of LeRoy Boyd Forum) that Consent Item 6, will move to the regular agenda.

CONSENT AGENDA4. [16-00300 AWARD OF CONTRACT - RFQ NO. 16-039 - FERRY LANDING CONSTRUCTION ENGINEERING INSPECTION \(CEI\) SERVICES](#)

Recommendation: That City Council award a contract for RFQ No. 16-039 Ferry Landing Construction Engineering Inspection (CEI) Services for the Pensacola Bay Ferry Project to Mott Macdonald Engineering. Further, that Council authorize the Mayor to execute all contracts and related documents and take all related actions necessary to complete the CEI requirements of the ferry project.

5. [17-00023 UNDERGROUND UTILITY EASEMENT FOR THE BILL GREGORY PARK REGIONAL STORMWATER TREATMENT FACILITY PROJECT](#)

Recommendation: That City Council approve granting a permanent underground utility easement to the Emerald Coast Utility Authority (ECUA) on the Bill Gregory Park property located at 120 North W Street.

A motion to approve consent agenda Items 4 and 5 was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.

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

6. [17-00052 PENSACOLA ENERGY - AWARD OF BID #17-011, NATURAL GAS PIPELINE CONSTRUCTION WEST PENSACOLA LOW PRESSURE AREA UPGRADES](#)

Recommendation: That City Council award Bid #17-011 Natural Gas Pipeline Construction to R.A.W. Construction, LLC., the lowest and most responsible bidder in the amount of \$1,986,875 for seven (7) natural gas infrastructure replacement projects, \$169,200 for the miscellaneous work option as outlined in the bid specifications plus a 10% contingency of \$215,608 for a total amount of \$2,371,683 for a period of one year. Further, that Council authorize the Mayor to execute a 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 Cannada-Wynn.

Council Member Myers made comments expressing her concern in supporting this award of bid. She asked City Administrator Olson if the contract would come back for Council's approval and he indicated it would not.

Public input was heard from Larry Downs, Jr.

Discussion continued with City Administrator Olson, Pensacola Energy Director Suarez, and City Attorney Bowling clarifying that the City's bidding and purchasing guidelines were followed in recommending this award of bid.

Upon conclusion of discussion, the vote was called.

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.)

7. [17-00059 QUASI-JUDICIAL HEARING: REVIEW OF ARCHITECTURAL REVIEW BOARD DECISION - 165 E. INTENDENCIA STREET, PALAFOX HISTORIC BUSINESS DISTRICT, C-2, SIGNAGE](#)

Recommendation: That City Council conduct a Quasi-Judicial hearing to review Architectural Review Board decisions of November 17, 2016 regarding 165 E. Intendencia Street (YMCA), Palafox Historic Business District, C-2, Signage.

Council President Spencer explained by reading into the record a summary of how a quasi-judicial process differs from Council's legislative process. He then asked for staff to describe the issue before Council.

City Attorney Bowling referred to a briefing she provided Council (dated 2/6/17 - - on file) as guidance in its review of the Architectural Review Board decision in connection with this agenda item.

Council President Spencer read City Attorney Bowling's briefing into the record. Prior to moving forward, **Council Members were asked to disclose any ex parte communications related to this issue. Council Members Spencer and Terhaar disclosed conversations with individuals associated with the YMCA project, but prior to the scheduling of this hearing and not related to the signage issues.**

At this time, the applicant's representative was called to provide documentary evidence and/or testimony.

Mr. Kramer Litvak, attorney representing the YMCA read into and provided for the record, (his) memorandum of law (Exhibit 1, dated 2/7/17 - - on file) **pertaining to their appeal of the ARB's decision to deny usage of internally illuminated signage because of their determination that it is prohibited by the Land Development Code within the zoning district; and whether or not the ARB has the authority to require specific placement of the "Baptist Hospital" signage.** Throughout the reading of the memorandum explaining their appeal(s), Mr. Litvak provided and entered into the record overhead slides (Exhibit 2 - - on file).

Mr. Litvak then indicated he would like to call on witness testimony. At the direction of City Attorney Bowling, Council President Spencer swore-in the witness on behalf of the applicant.

Mr. Ed Carson, testified under oath responding to questions of Mr. Litvak. As a thirty-year member of the YMCA and on-again-off-again over thirty years member of the YMCA Board, as well as being a property developer/manager/investor/building contractor, Mr. Carson was the "owner's representative" throughout the construction process.

ARB Minutes dated November 17, 2016 (Exhibit 3 - - on file) was Mr. Litvak's final introduction of evidence of the Board's decision(s) which the applicant is appealing.

REGULAR AGENDA (CONT'D.)

Council then asked questions of Mr. Litvak and Mr. Carson (regarding Quasi-Judicial Hearing Item 7) with City Attorney Bowling providing guidance as necessary related to Council Members' line of questioning.

Council President Spencer called on Carter Quina, member of the ARB to respond to questions. Mr. Litvak objected to a member of the ARB being called as a witness as the applicant he represents is appealing to Council (a higher authority) regarding the board's decision(s) based on evidence. City Attorney Bowling cautioned that questioning of a board member would be outside the evidence presented during this quasi-judicial proceeding. Council President Spencer withdrew from questioning Mr. Quina.

Elizabeth Benchley originally signed-up to address Council regarding this issue, but waived when she was called upon.

Deliberations took place among Council with City Attorney Bowling fielding comments and questions. During this time, Mr. Litvak also clarified his evidentiary filings for the record and acknowledged having a court reporter present to document this evening's proceedings.

Council President Spencer indicated he will entertain a motion(s) (regarding Quasi-Judicial Hearing Item 7).

A motion was made by Council Member Cannada-Wynn and seconded by Council Member Wu that City Council overturn the November 17, 2016 Architectural Review Board decision denying internally illuminated signage.

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 |

A motion was made by Council Member Terhaar and seconded by Council Member Wu that City Council overturn the November 17, 2016 Architectural Review Board decision to require relocation of the Baptist Healthcare signage and allow placement as originally presented to the ARB.

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.)

8. [16-00362](#) PUBLIC HEARING -- AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-2-10 - HISTORIC & PRESERVATION LAND USE DISTRICT, (A)(4) PROCEDURE FOR REVIEW

Recommendation: That City Council conduct the second of two Public Hearings on February 9, 2017, proposing an amendment to the Land Development Code, Section 12-2-10 - Historic & Preservation Land Use District, (A)(4) Procedure for Review, by adding subsection (f) allowing for Conceptual review and approval.

Council President Spencer as sponsor explained the intent of the proposed amendment. There being no public input, indicated he will entertain a motion.

A motion to approve the amendment was made by Council Member Myers 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 |

9. [05-17](#) PROPOSED ORDINANCE NO. 05-17 - AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-2-10 - HISTORIC & PRESERVATION LAND USE DISTRICT, (A)(4) PROCEDURE FOR REVIEW

Recommendation: That City Council approve proposed Ordinance No. 05-17 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-10 (A) (4) (f) OF THE CODE OF THE CITY OF PENSACOLA; AMENDING THE LAND DEVELOPMENT CODE, HISTORIC & PRESERVATION LAND USE DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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.)

10. [16-00315 PUBLIC HEARING: PROPOSED AMENDMENT TO SECTION 12-2-8 \(B\) \(1\) OF THE LAND DEVELOPMENT CODE - ADDITION OF MEDICAL MARIJUANA DISPENSARY](#)

Recommendation: That City Council conduct the second of two public hearings on February 9, 2017 to consider an amendment to the Land Development Code, Section 12-2-8 (B)(1), Commercial land use district, to add "Medical Marijuana Dispensary" under the uses permitted section.

Council Member Terhaar as sponsor explained the intent of the proposed amendment.

Council Member Wingate made comments indicating he will bring forward an item to include "medical marijuana dispensary" as a permitted use in the Residential Neighborhood Commercial (RN-C) zoning district.

There was no public input.

A motion to approve the amendment was made by Council Member Terhaar and seconded by Council Member Myers.

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 |

11. [06-17 PROPOSED ORDINANCE NO. 06-17 - PROPOSED AMENDMENT TO SECTION 12-2-8 \(B\) \(1\) OF THE LAND DEVELOPMENT CODE - ADDITION OF MEDICAL MARIJUANA DISPENSARY](#)

Recommendation: That City Council approve Proposed Ordinance No. 06-17 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-8 (B) (1) OF THE CODE OF THE CITY OF PENSACOLA; AMENDING THE LAND DEVELOPMENT CODE, ADDITION OF MEDICAL MARIJUANA DISPENSARY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

REGULAR AGENDA (CONT'D.)

The motion (on P.O. #06-17, first reading) 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

12. [16-00357 PUBLIC HEARING - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE- SECTION 12-14-1 DEFINITIONS- BUILDING HEIGHT.](#)

Recommendation: That City Council conduct a public hearing on February 9, 2017 to consider a proposed amendment to Section 12-14-1 of the City's Land Development Code pertaining to the definition of "Building Height".

Planning Services Administrator Morris responded accordingly to questions of Council Members.

There was no public input.

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

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

13. [07-17 PROPOSED ORDINANCE NO. 07-17 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-14-1 DEFINITIONS - BUILDING HEIGHT](#)

Recommendation: That City Council adopt Proposed Ordinance No. 07-17 on first reading.

[AN ORDINANCE AMENDING SECTION 12-14-1 DEFINITIONS OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.](#)

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

REGULAR AGENDA (CONT'D.)

The motion (on P.O. #07-17, first reading) 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

14. [17-00095](#) RESOLUTION OF COUNCIL'S EXPRESSION OF CONFIDENCE IN POLICE CHIEF DAVID ALEXANDER, III

Recommendation: That City Council adopt a resolution expressing the Council's confidence in Police Chief David Alexander, III.

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

Council Members Wingate and Wu made comments.

Public input was heard from the following individuals:

| | |
|-----------------------------------|--------------------------------------|
| Nicole Barnes | Dennis Wells, II (no longer present) |
| Barry Bickham (no longer present) | Mike Hill (no longer present) |
| Chris Hendricks | Gaye Brewer |
| Blair Castro (no longer present) | Amanda Richardson |
| Lisa Rawson (no longer present) | William Caplinger |
| Lisa Wiggins (no longer present) | Charles Sapp |
| Lucinda Martin | Geraldine Sapp |
| Doreen Swartz (no longer present) | Priscilla Sapp |

There being no further discussion, the vote was called.

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.)

15. [17-11](#) RESOLUTION 17-11 - CITY COUNCIL'S EXPRESSION OF CONFIDENCE IN POLICE CHIEF DAVID ALEXANDER, III

Recommendation: That City Council Adopt Resolution No. 17-11.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA EXPRESSING THE COUNCIL'S CONTINUED CONFIDENCE IN POLICE CHIEF DAVID ALEXANDER, III.

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

16. [17-00086](#) TREE REPLACEMENT AND REFORESTATION ALONG THE 12TH AVE TREE CANOPY

Recommendation: That City Council authorize the use of \$10,000 from the Tree Trust Fund for the replacement and reforestation of trees along the 12th Ave Tree Canopy with specific planting locations to be determined by the Environmental Advisory Board in conjunction with the Parks and Recreation Department as well as the arborist used by the city and authorize the Mayor to take the necessary action(s) to facilitate this authorization.

Council Member Myers as sponsor explained the intent of her recommendation.

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

City Administrator Olson advised he has spoken with Council Member Myers since Monday's conference and relayed that funding has been appropriated within the (current) budget in order for Parks and Recreation to move forward with planned improvements; and therefore, while this proposal would provide additional funding, specific guidance through the Environmental Advisory Board would delay moving forward with the planned improvements.

Council Member Myers made follow-up remarks. It was noted that the tree canopy is shared also by Council Member Wingate's representative district.

REGULAR AGENDA (CONT'D.)

A motion to amend (Item 16) was made by Council Member Wingate and seconded by Council Member Cannada-Wynn that language pertaining to working in conjunction with the Environmental Advisory Board be stricken.

Public input was heard from Amanda Richardson.

Council Member Myers made follow-up remarks and then, based on comments from City Administrator Olson, pulled this item in order for Parks and Recreation staff to work (individually) with Council Members Myers and Wingate on the currently planned improvements.

*****THE FOLLOWING RESOLUTION WAS WITHDRAWN*****

17. *17-12 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-12 - TREE REPLACEMENT AND REFORESTATION ALONG THE 12TH AVENUE TREE CANOPY*

Recommendation: That City Council adopt Supplemental Budget Resolution No. 17-12.

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

18. [17-00019 AMENDMENT TO CITY POLICY FOR DISPOSITION OF CITY OWNED REAL PROPERTY](#)

Recommendation: That City Council amend the policy for the Disposition of City Owned Real Property to include disbursement directly to the City Housing Division for use in the Lot Purchase Program and to adopt Lot Purchase Program guidelines.

Council Member Wingate as sponsor explained the intent of the proposed policy amendment.

A motion to approve was made by Council Member Wingate 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.)

19. [17-13](#) RESOLUTION NO. 17-13 AMENDING CITY POLICY FOR THE DISPOSITION OF CITY OWNED REAL PROPERTY

Recommendation: That City Council adopt Resolution No. 17-13.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA AMENDING CITY COUNCIL POLICY 4.29 – DISPOSITION OF CITY OWNED REAL PROPERTY TO INCLUDE DISBURSEMENT DIRECTLY TO THE CITY HOUSING DIVISION FOR USE IN THE LOT PURCHASE PROGRAM AND TO ADOPT LOT PURCHASE GUIDELINES.

A motion to adopt was made by Council Member Wingate 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

20. [17-09](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 17-09 - EMERGENCY WATERSHED PROTECTION PROGRAM MEASURES - TA

Recommendation: That City Council adopt Supplemental Budget Resolution No. 17-09.

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

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

The motion carried by the following vote (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.)21. 17-00099 INVOCATION POLICY

Recommendation: That City Council adopt a resolution establishing an Invocation Policy.

Council President Spencer as sponsor introduced the item and called on City Attorney Bowling who explained the intent in bringing forth this policy and confirmed the language was carefully drafted to be consistent with Supreme Court rulings.

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

Council Executive Kraher responded accordingly to questions of Council Members Wingate and Myers.

Council Member Myers referenced page three of the resolution, specifically, under subsection 1, noting the language in the first sentence should contain additional commas. City Attorney Bowling concurred with the recommendation and Council Executive Kraher ensured the document would be corrected for the final record.

Public input was heard from the following individuals:

Jonathan Huffmann
David Suhor

Jesse Simons
Doris Hayes

Council Members Myers and Wu made follow-up remarks. There being no further discussion, the vote was called.

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. [17-14 RESOLUTION NO. 17-14 - INVOCATION POLICY](#)

Recommendation: That City Council adopt Resolution No. 17-14.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, REGARDING A CEREMONIAL, OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE AT COUNCIL MEETINGS PRIOR TO OFFICIAL POLICYMAKING AND LEGISLATIVE FUNCTIONS; ADOPTING A POLICY OF NON-EXCLUSION AND SELECTION OF VOLUNTEER INVOCATION SPEAKERS AND A DIVERSITY OF VIEWPOINTS AND NON-EXCLUSION OF THOSE IN ATTENDANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

The motion carried by the following vote (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. [17-00018 AWARD OF CONTRACT - BID #17-010 EMERGENCY WATERSHED PROTECTION PROGRAM BAYWOODS GULLY WEST - PHASE II PROJECT](#)

Recommendation: That City Council award a contract for construction of Emergency Watershed Protection Program Baywoods Gully West Phase II Project to BKW, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$967,125.89, plus additive alternate #1 of \$13,464.50, plus a 10% contingency of \$98,059.04 for a total amount of \$1,078,649.43.

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

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.)

24. [03-17 PROPOSED ORDINANCE NO. 03-17 - AMENDMENT TO SECTION 3-1-13, COUNCIL RESERVE \(GENERAL FUND\) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA](#)

Recommendation: That City Council approve Proposed Ordinance No. 03-17 on first reading.

AN ORDINANCE AMENDING SECTION 3-1-13 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE COUNCIL RESERVE POLICY (GENERAL FUND); SEVERABILITY CLAUSE; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading 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

25. [17-00105 REQUEST FOR LEGAL OPINION - RECONSTRUCTION OF NONCONFORMING STRUCTURES AT 1812 AND 1814 E. LAKEVIEW](#)

Recommendation: That City Council request a legal opinion from the City Attorney, regarding reconstruction of nonconforming structures at 1812 and 1814 E. Lakeview Avenue.

Council President Spencer as sponsor explained the intent of the proposed action.

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

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.)26. [17-00049](#) FY 2017 STREET REHABILITATION - INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY

Recommendation: That City Council authorize the Mayor to take all necessary action to execute an Interlocal Agreement with Escambia County to facilitate the re-paving of certain streets on the border of the City/County Limits.

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

Council Member Cannada-Wynn asked for clarification regarding the terms of this agreement, as well as if the intersection of Pace Boulevard and Gonzalez Street is on this list for rehabilitation. City Administrator Olson responded accordingly regarding the terms of the agreement and he will get back to her regarding Pace and Gonzalez.

There being no further discussion, the vote was called.

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

27. [17-00056](#) INTERLOCAL AGREEMENT - PENSACOLA-ESCAMBIA COUNTY PROMOTION AND DEVELOPMENT COMMISSION

Recommendation: That City Council approve and authorize the Mayor to execute the Interlocal Agreement between the City and Escambia County related to the funding of the Pensacola-Escambia County Promotion and Development Commission (PEDC) for FY 2017.

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

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.)

28. [17-10 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-10 - REPLACEMENT OF DAMAGED VEHICLES - SANITATION SERVICES](#)

Recommendation: That City Council adopt Supplemental Budget Resolution No. 17-10.

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

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

The motion carried by the following vote (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

29. [01-17 PROPOSED ORDINANCE NO. 01-17 - AMENDMENT TO SECTION 3 OF ORDINANCE NO. 23-15, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION \(EDATE\) TO REAL PROPERTY AT 101 E. ROMANA STREET AND TANGIBLE PROPERTY FOR DAILY CONVO, LLC](#)

Recommendation: That City Council adopt Proposed Ordinance No. 01-17 on second reading.

AN ORDINANCE AMENDING ORDINANCE NO. 23-15, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION FOR CERTAIN IMPROVEMENTS TO REAL PROPERTY LOCATED AT 101 EAST ROMANA STREET AND TANGIBLE PROPERTY FOR DAILY CONVO, LLC; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (Ordinance No. 03-17)

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

Andrew Rothfeder, representing Daily Convo, LLC was in attendance and available to respond to questions.

There being no discussion, the vote was called.

REGULAR AGENDA (CONT'D.)

The motion (to adopt Ord. #01-17) 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

30. [17-15 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-15 - LOST IV FIRE APPARATUS PURCHASE](#)

Recommendation: That City Council adopt Supplemental Budget Resolution No. 17-15.

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

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

Brief discussion took place with Chief Financial Officer responding accordingly to questions from Council Members. Upon conclusion of discussion, the vote was called.

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

31. [17-00112 RESOLUTION IN SUPPORT OF ESCAMBIA COUNTY'S EFFORTS TO ENSURE TRIUMPH GULF COAST FUNDS COME TO THE EIGHT DISPROPORTIONATELY AFFECTED COUNTIES IN NORTHWEST FLORIDA](#)

Recommendation: That City Council adopt a resolution supporting Escambia County's efforts to ensure Triumph Gulf Coast funds come to the eight disproportionately affected counties in Northwest Florida.

Council Member Myers as sponsor explained the intent in bringing this issue forward.

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

REGULAR AGENDA (CONT'D.)

The motion (on Item 31) 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

32. [17-16 RESOLUTION NO. 17-16 - IN SUPPORT OF ESCAMBIA COUNTY'S EFFORTS TO ENSURE TRIUMPH GULF COAST FUNDS COME TO THE EIGHT DISPROPORTIONATELY AFFECTED COUNTIES IN NORTHWEST FLORIDA](#)

Recommendation: That City Council adopt Resolution No. 17-16.

[A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, IN SUPPORT OF ESCAMBIA COUNTY FLORIDA'S EFFORTS TO ENSURE TRIUMPH GULF COAST FUNDS COME TO THE EIGHT DISPROPORTIONATELY AFFECTED COUNTIES IN NORTHWEST FLORIDA](#)

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

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

DISCUSSION

None.

COUNCIL EXECUTIVE'S REPORT

Council Executive Kraher provided Council an update on convening the Port Economic Feasibility Study Committee. Based on comments regarding the availability of the membership, **Council President Spencer indicated it will be necessary to extend the occurrence of the first meeting from March 15th to April 15th. No Member of Council expressed any objection.**

MAYOR'S COMMUNICATION

In response to Council Member Cannada-Wynn's inquiry under Item 26, City Administrator Olson indicated the intersection of Pace and Gonzalez is scheduled for rehabilitation.

COUNCIL COMMUNICATIONS

None

CIVIC ANNOUNCEMENTS

Some Council Members advised of past or upcoming events throughout the community.

SECOND LEROY BOYD FORUM

Beverly Perry: Addressed Council regarding the various boards which conduct City business on behalf of and open to all citizens.

ADJOURNMENT

11:08 P.M.