



# City of Pensacola

## CITY COUNCIL

### Regular Meeting Minutes

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June 13, 2019

5:30 P.M.

Council Chambers

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

#### ROLL CALL

**Council Members Present:** Andy Terhaar, P.C. Wu, Jewel Cannada-Wynn, Ann Hill, Jared Moore, Sherri Myers (left 9:18)

**Council Members Absent:** Gerald Wingate

**Also Present:** Mayor Grover C. Robinson, IV

#### INVOCATION

Pastor Norman Baker, Springhill Baptist Church

#### PLEDGE OF ALLEGIANCE

Council Member Sherri Myers

#### FIRST LEROY BOYD FORUM

**Michael Conrad:** Representing the *Gallery Night – Board of Directors* invited all to a street performance to be held at their upcoming event on June 21<sup>st</sup>.

That concluded the first segment of LeRoy Boyd Forum.

#### AWARDS

Mayor Robinson presented a proclamation honoring and highlighting *Alzheimer's and Brain Awareness Month*.

That concluded awards.

**APPROVAL OF MINUTES**

1. [19-00300](#) APPROVAL OF MINUTES: REGULAR MEETING DATED MAY 30, 2019

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

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

Yes: 6	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0	None

**APPROVAL OF AGENDA**

Council Member Terhaar indicated he will entertain a motion to approve the agenda.

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

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

Yes: 6	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0	None

**CONSENT AGENDA**

2. [19-00277](#) CHANGE OF AUGUST 2019 AGENDA CONFERENCE AND CITY COUNCIL MEETING DATES

**Recommendation:** That City Council change the August 2019 Agenda Conference and City Council Meeting Dates to August 5th and August 8th, 2019, respectively.

3. [19-00279](#) APPOINTMENT - GENERAL PENSION BOARD

**Recommendation:** That City Council reappoint James M. Novota to the General Pension Board for a term of six (6) years, expiring June 30, 2025.

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

4. [19-00281](#) APPOINTMENT - PENSACOLA-ESCAMBIA DEVELOPMENT COMMISSION

**Recommendation:** That City Council reappoint Clorissti Shoemo to the Pensacola-Escambia Development Commission for a term of two (2) years, expiring June 30, 2021.

5. [19-00289](#) MAYORAL APPOINTMENT TO THE DOWNTOWN IMPROVEMENT BOARD (DIB)

**Recommendation:** That the City Council affirm the Mayor's appointment(s) of Jean Pierre N'Dione, Kevin J. Lehman, to the Downtown Improvement Board (DIB) for a term of three (3) years expiring June 30, 2022; and Adam C. Cobb to fill an unexpired term expiring June 30, 2021.

6. [19-00235](#) PORT TARIFF REVISIONS

**Recommendation:** That City Council approve the proposed revisions to Port of Pensacola Tariff No. 5A. Further, that City Council authorize the Mayor take all actions necessary to implement the changes.

7. [19-00244](#) CITY OF PENSACOLA HOUSING DIVISION PUBLIC HOUSING AGENCY (PHA) ANNUAL PLAN (FY 2019-2020) AND 5-YEAR PHA PLAN (FY 2020-2024)

**Recommendation:** That City Council approve the Public Housing Agency (PHA) Annual Plan for the Housing Choice Voucher Program (FY 2019-2020) and the 5-Year PHA Plan (FY 2020-2024) for submission to the U.S. Department of Housing and Urban Development (HUD). Further, that City Council authorize the Mayor to take all actions necessary to execute all documents relating to the Plans' submission and Program's administration

**A motion to approve consent agenda Items 2 through 7 was made by Council Member Hill and seconded by Council Member Moore.**

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

Yes: 6	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0	None

**REGULAR AGENDA**

8. 19-00261 PUBLIC HEARING: REQUEST TO VACATE RIGHT-OF-WAY - 400 BLOCK OF 11TH AVENUE

**Recommendation:** That City Council conduct a public hearing on June 13, 2019 to consider the request to vacate a portion of the 400 Block of 11th Avenue.

***Council President Terhaar indicated he will need to abstain from voting on this item do to a conflict of interest.***

Planning Services Administrator Morris provided an overview of the issue before Council as outlined in the memorandum (dated 6/13/19) and overhead graphics of the subject area.

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

**The motion carried by the following vote (with Council President Terhaar abstaining):**

Yes: 5	P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0	None
Abstain:	Terhaar

9. 21-19 PROPOSED ORDINANCE NO. 21-19 - VACATION OF RIGHT-OF-WAY 400 BLOCK OF 11TH AVENUE

**Recommendation:** That City Council approve Proposed Ordinance No. 21-19 on first reading.

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 400 BLOCK OF 11TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**A motion to pass on first reading was made by Council Member Cannada-Wynn and seconded by Council Member Moore.**

**The motion carried by the following vote (with Council President Terhaar abstaining):**

Yes: 5	P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0	None
Abstain:	Terhaar

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

10. [19-00249 PUBLIC HEARING - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE SECTION 12-2-11 AIRPORT LAND USE DISTRICT - RECREATIONAL FACILITIES - NOT FOR PROFIT](#)

**Recommendation:** That City Council conduct the second of two Public Hearings on June 13, 2019 to consider an amendment to the Code of the City of Pensacola, Land Development Code Section 12-2-11- Airport Land Use District - Recreational Facilities - Not-For-Profit.

Planning Services Administrator Morris provided an overview of the issue before Council as outlined in the memorandum (dated 6/13/19).

Public input was heard from Christopher Lewis.

Planning Services Administrator Morris responded accordingly to questions of Council Member Myers.

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

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

Yes: 5	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn
No: 1	Sherri Myers

11. [20-19 PROPOSED ORDINANCE NO. 20-19 PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE SECTION 12-2-11 AIRPORT LAND USE DISTRICT - RECREATIONAL FACILITIES - NOT-FOR-PROFIT](#)

**Recommendation:** That City Council approve Proposed Ordinance No. 20-19 on first reading.

[AN ORDINANCE AMENDING SECTION 12-2-11 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, AIRPORT LAND USE DISTRICT; RECREATIONAL FACILITIES - NOT FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.](#)

**A motion to pass on first reading was made by Council Member Cannada-Wynn and seconded by Council Member Moore.**

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

**The motion (to pass P.O. No. 20-19 on first reading) carried by the following vote:**

Yes: 5      Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn  
No: 1      Sherri Myers

**12. [19-00273](#) CITY OF PENSACOLA/YMCA REAL PROPERTY EXCHANGE**

**Recommendation:** That City Council authorize the Mayor to exchange a portion of City-owned property adjacent to the Vickrey Center located at 2130 Summit Boulevard (Attachment #1) with real property owned by the Young Men's Christian Association of Northwest Florida, Inc. ("YMCA") located at 3215 Langley Avenue. Further, that City Council authorize the Mayor to take all actions necessary to execute all contracts and related documents to complete the transaction.

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

**A motion to amend was made by Council Member Cannada-Wynn and seconded by Council Member Moore as follows: 1) that City Council rescind its action of November 8, 2018, when it declared the area known as the Dog Park as surplus and available for this property exchange with the YMCA; 2) that City Council declare as surplus and available for exchange through the direct negotiations option, the area next to the Vickrey Center that is shown on Exhibit B to the Real Property Exchange Agreement; and 3) At the closing of the property exchange, we require the YMCA to execute and record an acknowledgement that it will comply with all non-discrimination and facility and program accessibility requirements that the City is subject to, when using City facilities, and that private entities are subject to, when using the property being made available under this Agreement.**

Discussion took place among Council regarding the amendment with Assistant City Attorney Wells responding accordingly to questions related to the City's surplus property policies and procedures. Input was heard from Mayor Robinson.

Public input (regarding the amendment) was heard from Christopher Lewis.

Discussion continued among Council regarding the amendment with Assistant City Attorney Wells responding accordingly to questions regarding the City's policy related to disposal of real property. Input was heard from Mayor Robinson.

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

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

The motion to amend carried by the following vote:

Yes: 5	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn
No: 1	Sherri Myers

**A substitute motion was made by Council Member Myers and seconded by Council Member Hill that Item 12 (19-00273) be pulled from the agenda for consideration at this time.**

Council Member Myers made comments as to why this item should be pulled and brought back with more information at the next meeting (July 18<sup>th</sup>).

Discussion ensued among Council with Assistant City Attorney Wells responding accordingly related to due diligence to be performed prior to closing on contractual documents exchanging the properties. Mayor Robinson provided input as well.

Public input (regarding the substitute motion) was heard from Christopher Lewis.

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

The substitute motion failed by the following vote:

Yes: 2	Ann Hill, Sherri Myers
No: 4	Andy Terhaar, P.C. Wu, Jared Moore, Jewel Cannada-Wynn

***Council President Terhaar clarified the main motion as amended is on the floor.***

Discussion continued among Council with Assistant City Attorney Wells responding accordingly to questions regarding the City's policy related to the exchange of real property agreement.

Parks and Recreation Director Cooper provided an overhead presentation outlining the purpose of the real property exchange between the City and the YMCA.

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

Public input was heard from the following individuals (regarding Item 12 (19-00273)):

Lee Emerson  
Jennifer Brahier  
Melissa McKnight  
Keri Rhodes  
Sharon Dickinson  
Paulette Drasutis  
Krista Hobgood  
Daniel Hobgood  
Phil Nickinon  
Tim Fox  
Scott Jernigan

Michelle Coleman  
Samantha Peterson & Lindsay Laurance  
Isabella Nickinson  
Mia Nickinson & Abby Self  
Zachary Peterson (waived)  
Abby Peterson (waived)  
Kenny Morgan  
Emily Morgan (waived)  
Christopher Lewis  
Kramer Litvak (waived)  
Michael Thomas

Mayor Robinson and some Council Members made follow-up remarks.

Upon conclusion of the discussion, the vote was called **on the main motion as amended.**

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

Yes: 4      Andy Terhaar, P.C. Wu, Jared Moore, Jewel Cannada-Wynn  
No: 2      Ann Hill, Sherri Myers

13. [19-00274 CITY OF PENSACOLA/YMCA USE AND PROGRAM AGREEMENT FOR THE VICKREY RESOURCE CENTER](#)

**Recommendation:** That City Council authorize the Mayor to execute a Use and Program Agreement between the City of Pensacola and the Young Men's Christian Association of Northwest Florida, Inc. ("YMCA") to partially lease the Vickrey Resource Center. Further, that City Council authorize the Mayor to take all actions necessary to execute all contracts and related documents pertaining to the Use and Program Agreement.

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



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

**A motion to amend (Item 13 (19-00274)) was made by Council Member Myers and seconded by Council Member Hill to include as follows: Non-Discrimination Clause: In performing services to or for the City, its Patrons and the public at large pursuant to the activities referenced and provided by the Use Agreement, the YMCA shall not discriminate against any person on the basis of race, color, religion, creed, sex, gender, gender expression or identity, pregnancy, national origin, disability or handicap, marital status, familial status, military status, or military discharge status in any of its activities, programs, employment, public accommodations, including to but not limited to access to programs and facilities. These activities include, but are not limited to, the hiring, termination and terms and conditions of employment of staff, selection of volunteers and vendors, and provision of services. YMCA fully acknowledges its coverage under state and federal statutes and regulations protecting all individuals from discrimination, retaliation, and sexual harassment.**

Discussion took place among Council regarding the amendment with Kramer Litvak, attorney representing the YMCA responding to questions related to the agreement, as well as Assistant City Attorney Wells.

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

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

Yes: 6	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers
No: 0	None

**An additional motion to amend was made by Council Member Cannada-Wynn and seconded by Council Member Wu to include as follows: An additional requirement that the Mayor must administer the shared use of the Vickrey Center and the surrounding property in accordance with this Agreement but that he shall have administrative authority to make whatever adjustments are necessary to facilitate the success of these programs within the budget that the City Council has authorized for this purpose.**

Council Member Cannada-Wynn made comments regarding the intent of the amendment with Assistant City Attorney elaborating and clarifying he commented on this issue which relates to administrative flexibility during the agenda conference.

Discussion took place among Council with input from Mayor Robinson. Also, Mr. Litvak indicated the YMCA would be in favor of including such language in the agreement.

Public input (regarding the second amendment) was heard from Christopher Lewis.

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

Upon conclusion of discussion, the vote was called **on the second amendment (to Item 13 (19-00274))**.

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

Yes: 6            Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers  
No: 0            None

***Council President Terhaar clarified the main motion as (twice) amended is on the floor.***

YMCA Chief Executive Officer Michael Bodenhausen provided an overhead presentation highlighting the services and programs to be provided at the Vickrey Center and at their new center upon completion of constructing the new building.

Following the presentation Mr. Bodenhausen, Parks and Recreation Director Cooper, and Chief Financial Officer Barker responded to questions of Council Members. Mayor Robinson also provided input.

Public input was heard from the following individuals:

Jennifer Braher (no longer in attendance)  
Melissa McKnight (no longer in attendance)  
Krista Hobgood  
Daniel Hobgood  
Christopher Lewis

Council Member Myers made follow-up remarks.

Upon conclusion of the discussion, the vote was called **on the main motion as (twice) amended**.

**The motion as (twice) amended carried by the following vote:**

Yes: 4            Andy Terhaar, P.C. Wu, Jared Moore, Jewel Cannada-Wynn  
No: 2            Ann Hill, Sherri Myers

**COUNCIL EXECUTIVE'S REPORT**

None.

**MAYOR'S COMMUNICATION**

None.

**COUNCIL COMMUNICATIONS**

Council Member Myers referenced the upcoming special meeting (on June 17, 2019 beginning at 8:30 A.M.) to receive a presentation from SCAPE regarding conceptual redevelopment of the waterfront and indicated it is hard for her to be excited as there are no plans for the north end of the City.

Some Council Members made announcements regarding upcoming events and meetings.

Council Member Moore wished "happy birthday" to his eldest daughter.

**CIVIC ANNOUNCEMENTS**

None.

**SECOND LEROY BOYD FORUM**

**Anya Klinginsmith:** Made comments regarding upcoming plans to expand fields for youth soccer.

**ADJOURNMENT**

WHEREUPON the meeting was adjourned at 9:21 P.M.

\*\*\*\*\*

Adopted: July 18, 2019

Approved: s/R. Andy Terhaar  
R. Andy Terhaar, President of City Council

Attest:

s/Ericka L. Burnett  
Ericka L. Burnett, City Clerk