



# City of Pensacola

## CITY COUNCIL AGENDA CONFERENCE

### Meeting Minutes

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May 13, 2019

5:13 P.M.

Hagler/Mason Conference Room

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The agenda conference was called to order by Council President Terhaar (immediately following the regular meeting of the Community Redevelopment Agency Board) at 5:13 P.M.

#### ROLL CALL

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

**Council Members Absent:** Gerald Wingate

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

#### PRESENTATION ITEMS

None.

#### REVIEW OF CONSENT AGENDA ITEMS

1. [19-00174](#) AIRPORT PROPERTY ACQUISITION - 3040 NEW HOPE ROAD

**Recommendation:** That City Council authorize the purchase of 3040 New Hope Road (Parcel ID# 161S290805000002) from LB Park LLC for \$105,500 along with closing costs of \$1,900, and 5% contingency in the amount of \$5,370 for a total amount of \$112,770.

**Place on Consent Agenda.**

2. [19-00197](#) INTERLOCAL AGREEMENT FOR USE OF THE ESCAMBIA COUNTY RAYMOND RIDDLE PARK BY THE CITY OF PENSACOLA BETWEEN ESCAMBIA COUNTY, FLORIDA AND THE CITY OF PENSACOLA, FLORIDA

**Recommendation:** That City Council approve an Interlocal Agreement with Escambia County, Florida for the purpose of using Raymond Riddle Park for the City's athletic programs at no additional costs to the City. Further, that City Council authorize the Mayor to take all actions necessary to execute the Interlocal Agreement.

**REVIEW OF CONSENT AGENDA ITEMS (CONT'D.)**

Council Member Cannada-Wynn expressed concerns and asked questions (related to Item 2, 19-00197) with Parks and Recreation Director Cooper responding accordingly. Mayor Robinson also provided input.

**Place on Consent Agenda.**

3. [19-00225](#) AWARD OF CONTRACT - BID #19-017 - MARITIME FIRE TRAINING STRUCTURE

**Recommendation:** That City Council award a contract for ITB #19-017 Maritime Fire Training Structure to Emerald Coast Constructors, LLC, of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$319,500 plus a 10% contingency of \$31,950 for a total of \$351,450. Further that Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.

**Place on Consent Agenda.**

4. [19-00242](#) APPOINTMENTS - EASTSIDE REDEVELOPMENT BOARD

**Recommendation:** That City Council appoint two (2) homeowners and one (1) business owner within the Eastside Redevelopment Neighborhood TIF District area; and one (1) Council Member for a term of three (3) years, expiring April 30, 2022.

**Place on Consent Agenda.****REVIEW OF REGULAR AGENDA ITEMS**

5. [19-00162](#) PUBLIC HEARING: PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE - CREATING SECTION 12-2-25, PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA (CRA) URBAN DESIGN OVERLAY DISTRICT

**Recommendation:** That City Council conduct a public hearing to consider an amendment to the Code of the City of Pensacola, Land Development Code creating Section 12-2-25, providing for the Community Redevelopment Area (CRA) Urban Design Overlay District.

Council Executive Kraher indicated he will provide (with the agenda background materials) a strikethrough and underline format document of the revisions made to the language following the approval of the Community Redevelopment Agency (CRA) Board.

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

City Attorney Woolf addressed Council (regarding Public Hearing Item 5, 19-00162) providing her review comments of the language of Proposed Ordinance No. 10-19 creating the overlay district.

Discussion ensued with City Attorney Woolf responding to questions accordingly.

**Mayor Robinson suggested City Attorney Woolf provide revised language, hopefully by Council's meeting Thursday (5/16). City Attorney Woolf indicated she would work to provide such revisions, but indicated potentially it may take more time and if changes are substantive it may require returning the issue to the CRA Board prior to Council's consideration and action.**

**Place on Regular Agenda.**

6. [10-19 PROPOSED ORDINANCE NO. 10-19 - AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE - CREATING SECTION 12-2-25, PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA \(CRA\) URBAN DESIGN OVERLAY DISTRICT](#)

**Recommendation:** That City Council approve Proposed Ordinance No. 10-19 on first reading.

[AN ORDINANCE CREATING SECTION 12-2-25 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA \(CRA\) URBAN DESIGN OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.](#)

**Place on Regular Agenda.**

7. [19-00221 QUASI-JUDICIAL HEARING - REQUEST FOR CONDITIONAL USE APPROVAL OF A BOARDING AND LODGING HOUSE - 110 W. STRONG STREET](#)

**Recommendation:** That City Council conduct a quasi-judicial hearing on May 16, 2019 to consider the request for a Conditional Use Permit to locate a Boarding and Lodging House at 110 W. Strong Street.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

8. [19-00211](#) PORT OF PENSACOLA - FLORIDA SEAPORT GRANT PROGRAMS GRANT #445549-1-94-01 - PORT OF PENSACOLA'S BERTH IMPROVEMENTS INITIATIVE

**Recommendation:** That City Council approve and authorize the Mayor to execute the acceptance of the State of Florida, Seaport Grant Programs Grant #445549-1-94-01 in the amount of \$225,000 for berth improvements. Also, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant. Further, that City Council adopt a resolution authorizing a Joint Participation Grant Agreement with the Florida Department of Transportation (FDOT). Finally, that City Council adopt a supplemental budget resolution appropriating the grant funds.

Council Member Cannada-Wynn asked questions regarding funding with Port Director Miller responding accordingly.

**Place on Regular Agenda.**

9. [2019-28](#) RESOLUTION NO. 2019-28 - JOINT PARTICIPATION AGREEMENT - FDOT - PORT BERTH IMPROVEMENTS INITIATIVE

**Recommendation:** That City Council adopt Resolution No. 2019-28.

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE, ON BEHALF OF THE PORT OF PENSACOLA, A JOINT PARTICIPATION AGREEMENT WITH THE DISTRICT SECRETARY OR THE DIRECTOR OF TRANSPORTATION DEVELOPMENT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A PROJECT ENTITLED PORT OF PENSACOLA'S BERTH IMPROVEMENTS INITIATIVE.

**Place on Regular Agenda.**

10. [2019-26](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-26 - PORT OF PENSACOLA - FLORIDA SEAPORT GRANT PROGRAMS GRANT #445549-1-94-01 - PORT OF PENSACOLA'S BERTH IMPROVEMENTS INITIATIVE

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 2019-26.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

11. [19-00212](#) PORT OF PENSACOLA - FLORIDA SEAPORT GRANT PROGRAMS GRANT #445548-1-94-01 - PORT OF PENSACOLA'S UPLAND CARGO IMPROVEMENT INITIATIVE

**Recommendation:** That City Council approve and authorize the Mayor to execute the acceptance of the State of Florida, Seaport Grant Programs Grant #445548-1-94-01 in the amount of \$225,000 for upland cargo improvements. Also, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant. Further, that the City Council adopt a resolution authorizing a Joint Participation Grant Agreement with the Florida Department of Transportation (FDOT). Finally, that City Council adopt a supplemental budget resolution appropriating the grant funds.

**Place on Regular Agenda.**

12. [2019-29](#) RESOLUTION NO. 2019-29 - JOINT PARTICIPATION AGREEMENT - FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) - PORT UPLAND CARGO IMPROVEMENT INITIATIVE

**Recommendation:** That City Council adopt Resolution No. 2019-29.

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE, ON BEHALF OF THE PORT OF PENSACOLA, A JOINT PARTICIPATION AGREEMENT WITH THE DISTRICT SECRETARY OR THE DIRECTOR OF TRANSPORTATION DEVELOPMENT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A PROJECT ENTITLED PORT OF PENSACOLA'S UPLAND CARGO IMPROVEMENT INITIATIVE.

**Place on Regular Agenda.**

13. [2019-27](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-27 - PORT OF PENSACOLA - FLORIDA SEAPORT GRANT PROGRAMS GRANT #445548-1-94-01 - PORT OF PENSACOLA'S UPLAND CARGO IMPROVEMENT INITIATIVE

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 2019-27.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

**Place on Regular Agenda.**

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

14. [19-00204](#) JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION - PURCHASE OF UNINTERRUPTED POWER SUPPLIES AND BATTERIES FOR TRAFFIC SIGNAL CABINETS

**Recommendation:** That City Council authorize the Mayor to execute a Joint Participation Agreement with the Florida Department of Transportation, in the amount of \$151,600.00, for the purchase of Uninterrupted Power Supplies and Batteries for Traffic Signal Cabinets. Further, that City Council authorize the Mayor to take all action necessary to implement the Joint Participation Agreement. Finally, that City Council adopt a supplemental budget resolution appropriating the funding for this project.

**Place on Regular Agenda.**

***Council Member Cannada-Wynn asked for a written explanation and clarification regarding funding for Item 8 (19-00211) related to the Port's Berth Improvements Initiative. Port Director Miller indicated she will provide the information prior to the Council meeting on Thursday (5/16).***

15. [2019-30](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-30 - JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION - PURCHASE OF UNINTERRUPTED POWER SUPPLIES AND BATTERIES FOR TRAFFIC SIGNAL CABINETS

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 2019-30

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR EFFECTIVE DATE.

**Place on Regular Agenda.**

16. [19-00233](#) APPROVAL OF ADDITIONAL FUNDING REQUEST FOR AWARD OF CONTRACT TO A.E.NEW, JR., INC. FOR INVITATION TO BID (ITB) #18-022 BAYVIEW SENIOR CENTER REPAIRS AND RENOVATIONS

**Recommendation:** That City Council approve a request for additional funding for Bayview Senior Center improvements from A.E. New, Jr., Inc. due to unforeseen conditions that require additional work in the amount of \$329,574 plus a 10% contingency of \$32,956 for a total additional amount of \$362,530. Further, that City Council authorize the Mayor to execute all documents and take all actions necessary to complete the project.

**REVIEW OF REGULAR AGENDA ITEMS (CONT'D.)**

Council Member Cannada-Wynn expressed concern (regarding Item 16, 19-00233) with the substantial cost increase with Mayor Robinson responding accordingly.

Council Member Myers made comments and asked questions about Americans with Disabilities Act (ADA) parking improvements related to compliance with Mayor Robinson and Parks and Recreation Director Cooper responding accordingly.

Council Member Cannada-Wynn inquired further regarding the funding of the increased cost with Chief Financial Officer Barker responding accordingly.

**Place on Regular Agenda.**

17. [15-19 PROPOSED ORDINANCE NO. 15-19 AMENDING SECTION 7-4-2 OF THE CODE OF THE CITY OF PENSACOLA RELATED TO THE HOURS OF OPERATION FOR BOTTLE CLUBS](#)

**Recommendation:** That City Council adopt Proposed Ordinance No. 15-19 on second reading:

[AN ORDINANCE AMENDING SECTION 7-4-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RELATED TO THE HOURS OF OPERATION FOR BOTTLE CLUBS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.](#)

**Place on Regular Agenda.**

18. [16-19 PROPOSED ORDINANCE NO. 16-19, AMENDMENT TO SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE - COMMERCIAL LAND USE DISTRICT - RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT.](#)

**Recommendation:** That City Council adopt Proposed Ordinance No. 16-19 on second reading.

[AN ORDINANCE AMENDING SECTION 12-2-8 OF THE LAND DEVELOPMENT CODE OF THE CITY OF PENSACOLA, FLORIDA, COMMERCIAL LAND USE DISTRICT; RECREATION OR AMUSEMENT PLACES OPERATED FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.](#)

**Place on Regular Agenda.**

**DISCUSSION****19. [19-00023](#) AMERICANS WITH DISABILITIES ACT (ADA), COORDINATOR, COMPLAINT PROCESS**

Council Member Myers (sponsor) expressed her concerns and explained her intent to propose ordinances for adoption to be codified to address compliance of the ADA at City facilities and events. She indicated she is scheduled to meet with City Attorney Woolf regarding this issue on Friday, 5/17.

**Mayor Robinson responded to Council Member Myers' comments encouraging her willingness to work with his administration on this issue.**

**20. [19-00201](#) ORDINANCE PROHIBITING THE OBSTRUCTION OF SIDEWALKS**

Council Member Myers (sponsor) asked for an update on this issue (which was initially discussed at the last agenda conference on 4/22/19).

**City Attorney Woolf responded, as was alluded during the initial discussion, there are numerous conflicting ordinances and statutory requirements which interlock and will need to be addressed to properly resolve this issue. She continues to work with City staff to look at all impacts and there is not a quick-fix.**

Mayor Robinson also addressed enforcement challenges related to obstructions.

Council Member Myers indicated she will speak to City Attorney Woolf further on this issue when she meets with her on Friday, 5/17.

**CONSIDERATION OF ANY ADD-ON ITEMS**

Hardcopies were at Council's places for consideration of an add-on item sponsored by Mayor Robinson as follows:

**[19-00248](#) CITY COUNCIL CONSENT TO THE MAYOR'S APPOINTMENT OF JOHN PITTMAN AS DIRECTOR OF SANITATION**

**A motion to approve as an add-on item (to the regular agenda) was made by Council Member Moore and seconded by Council Member Cannada-Wynn.**

City Administrator Holley and Mayor Robinson made comments as to Mr. Pittman's qualifications and wanting to have Council's official consent in order to immediately move forward with the hiring process.

Council Member Wu made follow-up remarks.



**CONSIDERATION OF ANY ADD-ON ITEMS (CONT'D.)**

There being no further discussion (related to adding-on Item 19-00248), the vote was called.

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

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

Additionally, hardcopies were at Council's places for consideration of an add-on item sponsored by Mayor Robinson as follows:

19-00245 FIRST CITY ARTS ALLIANCE, INC. (FCAC) AMENDED AND RESTATED LEASE AGREEMENT

**A motion to approve as an add-on item (to the regular agenda) was made by Council Member Moore and seconded by Council Member Hill.**

Assistant City Administrator Wilkins addressed Council explaining the intent of the amended and restated lease is to allow the organization to apply for a grant which will provide funding to make further improvements to the property, but need to extend the expiration of their current lease.

**Council Member Myers referenced lease Section 16 *No Discrimination* requesting language be added to address persons with disabilities.** City Attorney Woolf responded indicating she concurs and is in the process of reviewing templates for all City contractual documents.

Council Member Wu made comments commending the organization.

Following-up on City Attorney Woolf's response (above) Mayor Robinson informed Council of the newly hired Assistant City Attorney Heather Lindsay which he announced at this morning's press conference. He commented she will be a great addition to City Attorney Woolf's legal team and provide much needed assistance to the City's legal matters.

There being no further discussion, the vote was called.

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

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

## READING OF ITEMS FOR COUNCIL AGENDA

City Clerk Burnett read the items as presented above.

*No objections.*

## CITY ADMINISTRATOR'S COMMUNICATION

City Administrator Holley made follow-up remarks regarding the workshop held on May 9<sup>th</sup> regarding the collaborative effort of Mayor Robinson and City Council in drafting a strategic plan for the City and setting of priorities.

He also addressed the conflict of the dates scheduled for August's Agenda Conference and regular City Council meeting and officials wishing to attend the Florida League of Cities Annual Conference. **Council President Terhaar indicated he will coordinate with Council Executive Kraher and City Administration to bring forward an item to consider rescheduling August's meetings.**

## CITY ATTORNEY'S COMMUNICATION

As Mayor Robinson mentioned earlier (during add-on items), City Attorney Woolf advised of her hiring of an additional assistant city attorney, Heather Lindsay and commented on her qualifications.

She also advised she has met with representatives of Blue Duck Scooters, along with Council President Terhaar and Mayor Robinson in order to bring their operations to the City of Pensacola. She hopes to have a proposed ordinance drafted for consideration at the May 30<sup>th</sup> Council meeting.

### 21. [19-00083 MONTHLY FINANCIAL REPORT – APRIL 2019 - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.](#)

Chief Financial Officer Barker provided an overhead presentation (on file with background materials).

### 22. [19-00232 QUARTERLY FINANCIAL REPORT - SIX MONTHS ENDING MARCH 31, 2019 \(UNAUDITED\) - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.](#)

Chief Financial Officer Barker provided an overhead presentation (on file with background materials).

## CITY COUNCIL COMMUNICATION

None.

**ADJOURNMENT**

6:44 P. M.