



Legislation Details (With Text)

**File #:** 19-00108      **Version:** 1      **Name:**

**Type:** Legislative Action Item      **Status:** Passed

**File created:** 2/21/2019      **In control:** City Council

**On agenda:** 3/14/2019      **Final action:** 3/14/2019

**Enactment date:**      **Enactment #:**

**Title:** FOURTH AMENDMENT TO MULTI-USE FACILITY NON-EXCLUSIVE USE AGREEMENT BETWEEN THE CITY OF PENSACOLA AND NORTHWEST FLORIDA PROFESSIONAL BASEBALL, LLC. (NFPB)

**Sponsors:** Grover C. Robinson, IV

**Indexes:**

**Code sections:**

**Attachments:** 1. Fourth Amendment to Multi-Use Facility Non-Exclusive Use Agreement between the City of Pensacola and Northwest Florida Professional Baseball, LLC (NFPB), 2. TRANSMITTED VIA EMAIL: Variable Attendance Surcharge

| Date      | Ver. | Action By         | Action                   | Result |
|-----------|------|-------------------|--------------------------|--------|
| 3/14/2019 | 1    | City Council      | Approved                 | Pass   |
| 3/11/2019 | 1    | Agenda Conference | Placed on Regular Agenda | Pass   |

**LEGISLATIVE ACTION ITEM**

**SPONSOR:** Grover C. Robinson, IV, Mayor

**SUBJECT:**

FOURTH AMENDMENT TO MULTI-USE FACILITY NON-EXCLUSIVE USE AGREEMENT BETWEEN THE CITY OF PENSACOLA AND NORTHWEST FLORIDA PROFESSIONAL BASEBALL, LLC. (NFPB)

**RECOMMENDATION:**

That City Council approve the Fourth Amendment to Multi-Use Facility Non-Exclusive Use Agreement between the City of Pensacola and Northwest Florida Professional Baseball, LLC (NFPB). Further, that City Council authorize the Mayor to take all actions necessary to execute an amendment to the agreement.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The City of Pensacola received a letter dated October 29, 2018 from the president of the Northwest Florida Professional Baseball, LLC notifying the City of an error in the amount remitted to the City paid on the Variable Attendance Surcharge since its inception. NFPB indicated they had overpaid its Variable Attendance Surcharge by a total of \$452,579.24. While no reimbursement by the City to NFPB is required, moving forward the Variable Attendance Surcharge calculation would need to be adjusted to meet estimated revenues

for FY 2019.

As part of the November 2018 and December 2018 monthly financial reports to City Council, the Chief Financial Officer reported the issue and that the two surcharges would be reviewed. On December 19, 2018, City Staff met with the NFPB to discuss the issue and it was agreed upon that the Variable Attendance Surcharge would change to "Attendance Surcharge" and would be a flat fee of \$1.50 per ticket instead of a sliding scale at 50¢ per ticket. The attached amendment to the agreement incorporates said change.

**PRIOR ACTION:**

None

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

Approval of the amendment to the agreement is projected to provide sufficient revenues in the Community Maritime Park Management Services Fund to meet budget.

**CITY ATTORNEY REVIEW:** Yes

2/25/2019

**STAFF CONTACT:**

Christopher L. Holley, City Administrator  
Richard Barker, Jr., Chief Financial Officer  
Brian Cooper, Parks & Recreation Director

**ATTACHMENTS:**

- 1) Fourth Amendment to Multi-Use Facility Non-Exclusive Use Agreement between the City of Pensacola and Northwest Florida Professional Baseball, LLC (NFPB)

**PRESENTATION:** No