



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00453

City Council

5/27/2021

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

NON-EXCLUSIVE USE AGREEMENT BETWEEN THE UNIVERSITY OF WEST FLORIDA BOARD OF TRUSTEES AND THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council approve the execution of the Non-Exclusive Use Agreement between the University of West Florida Board of Trustees, and the City of Pensacola, Florida for the Vince Whibbs, Sr. Community Maritime Park. Further, that City Council authorize the Mayor to take any and all actions necessary to execute the agreement.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On September 9, 2014, The University of West Florida Board of Trustees (UWF) entered into a Use Agreement with Community Maritime Park Associates, Inc. (CMPA) a non-profit corporation for the use of the non-leased private parcels, the Multi-Use Facility, the Amphitheater, the Festival Grounds, the Exhibition Grounds, and the Parking areas for purposes related to UWF Intercollegiate Football Home Games and potentially for playoffs or post-season play. This agreement commenced on August 15, 2016. The terms of the original agreement were for a period of 2 years, with an option to renew for 3 additional 1-year terms. On June 2, 2017, the CMPA filed Articles of Dissolutions and by doing so transferred all assets, existing contracts, and maintenance responsibilities to the City of Pensacola (City).

Since the City acquired the contract, UWF has exercised its right to renew the agreement for a period of two 1-year terms on April 23, 2018 and August 15, 2019. However, due to COVID restrictions, UWF decided to cancel the 2020 football season. Therefore, the option to exercise the third and final year renewal was not utilized. UWF now desires to enter into a new use agreement for the non-leased private parcels, the Multi-Use Facility, the Amphitheater, the Festival Grounds, the Exhibition Grounds, and the Parking areas for purposes related to UWF Intercollegiate Football Home Games and potentially for playoffs or post-season play.

PRIOR ACTION:

April 13, 2017 - City Council authorized the Mayor to execute all documents and take all action

necessary associated with unwinding the New Market Tax Credit transaction, accept the CMPA's distributed assets and forgive the loans made to the CMPA in association with the New Market Tax Credit transaction.

June 8, 2017 - City Council approved Supplemental Budget Resolution 17-25 appropriating funding for the Community Maritime Park.

FUNDING:

N/A

FINANCIAL IMPACT:

The University of West Florida Board of Trustees will continue to pay the same amount included in the prior agreement. All funds will be received in the Community Maritime Park Management Fund.

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

5/13/2021

STAFF CONTACT:

Keith Wilkins, City Administrator
Kerrith Fiddler, Deputy City Administrator - Community Development

ATTACHMENTS:

- 1) Non-Exclusive Use Agreement
- 2) Renewal Letter - April 23, 2018
- 3) Renewal Letter - August 15, 2019

PRESENTATION: No