



City of Pensacola

CITY COUNCIL

MINUTES

City of Pensacola
222 W. Main Street
Pensacola, FL
32502

March 21, 2024

5:30 PM

Hagler-Mason Conference Room,
2nd Floor

ROLL CALL

Council President Jones called the regular meeting to order at 5:30 P.M.

**Council Members
Present:**

Casey Jones, Charles Bare, Jennifer Brahier, Teniade
Broughton, Allison Patton, Delarian Wiggins

**Council Members
Absent:**

Jared Moore

INVOCATION

Moment of Silence

PLEDGE OF ALLEGIANCE

Council Member Charles Bare

AWARDS

None

FIRST LEROY BOYD FORUM

Gloria Horning: Addressed Council regarding flooding in her neighborhood on South DeVilliers Street and indicated she would like a refund of the stormwater assessment fee on her property. She indicated that she's been getting some information from a City staff preon regarding the status of the application to raise her house. She referenced recent residential development by Adams Homes which she alleged installed French drains without proper permits. She also mentioned a City employee with an open sewer issue on their property.

APPROVAL OF MINUTES

1. 24-269 APPROVAL OF MINUTES: REGULAR MEETING DATED MARCH 7, 2024

Recommendation: That City Council approve minutes of the regular meeting dated March 7, 2024.

A motion to approve was made by Council Member Bare and seconded by Council Member Wiggins.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
Allison Patton, Delarian Wiggins

No: 0 None

APPROVAL OF AGENDA

Council Executive Kraher indicated that Item 22 (File ID 24-279) is eligible to be moved to the consent agenda. *No objections.*

A motion to approve as amended was made by Council Member Bare and seconded by Council Member Brahier.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
Allison Patton, Delarian Wiggins

No: 0 None

CONSENT AGENDA

A motion to approve consent agenda items 2, 3, 4, 5, 6, 7, and 22 was made by Council Member Brahier and seconded by Council Member Patton.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
Allison Patton, Delarian Wiggins

No: 0 None

2. 24-294 MEMORANDUM OF AGREEMENT WITH FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE (FOP) REGARDING ARTICLE 36.1 OF THE CURRENT COLLECTIVE BARGAINING AGREEMENT FOR POLICE OFFICERS

Recommendation: That City Council approve the Memorandum of Agreement between the City of Pensacola and the Florida State Lodge Fraternal Order of Police modifying the Collective Bargaining Agreement for Police Officers.

3. 24-306 AWARD OF BID NO. 24-010 - SAENGER THEATRE NORTH WALL BRICK TUCK-POINT AND REPAIR

Recommendation: That City Council award Bid No. 24-010 for completion of brick repointing and repairs at the Saenger Theatre to ParsCo LLC, the lowest and most responsible bidder, in the amount of \$170,550 plus 10% contingency for a total contract amount of \$187,605. Further, that City Council authorize the Mayor to take the necessary actions to execute and administer this contract in accordance with the terms of the contract and the Mayor's executive powers as granted in the City Charter.

4. 24-270 DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER JENNIFER BRAHIER - DISTRICT 1

Recommendation: That City Council approve funding of \$1,500 to the Hope Above Fear from the City Council Discretionary Funds for District 1.

5. 24-302 DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER CHARLES BARE - DISTRICT 2

Recommendation: That City Council approve funding of \$1,000 to the Children's Home Society of Florida Western Region from the City Council Discretionary Funds for District 2.

6. 24-308 DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER TENIADE BROUGHTON - DISTRICT 5

Recommendation: That City Council approve funding of \$500 to the Eastside Neighborhood Improvement Association, Inc., \$500 to the African American Heritage Society and \$500 to the Fiesta of Five Flags Association, Inc. from the City Council Discretionary Funds for District 5.

7. 24-309 DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER ALLISON PATTON - DISTRICT 6

Recommendation: That City Council approve funding of \$1,000 to the Watson Family Foundation from the City Council Discretionary Funds for District 6.

REGULAR AGENDA

8. 24-300 FY 2023 CITY OF PENSACOLA ANNUAL COMPREHENSIVE FINANCIAL REPORT

Recommendation: That the City Council accept the City of Pensacola Annual Comprehensive Financial Report for the year ended September 30, 2023 as prepared by the Financial Services Department and the Independent Auditors Report Issued there upon.

A motion to approve was made by Council Member Wiggins and seconded by Council Member Patton.

Kristen McAllister, CPA & Senior Manager of the Audit Division with Warren Averett addressed Council providing a brief summary and highlighted key items.

Following, Council Member Bare indicated he would have preferred a more in-depth presentation. Ms. McAllister indicated she would be happy to meet with him to go over in more detail.

There being no further discussion, the vote was called.

The motion by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
 Allison Patton, Delarian Wiggins

No: 0 None

9. 24-293 APPOINTMENTS - PARKS AND RECREATION BOARD

Recommendation: That City Council appoint three (3) individuals to the Parks and Recreation Board for a term of three (3) years, expiring March 31, 2027.

Nominees were provided an opportunity to address the Council, with Council Members making comments and remarks throughout. Council Member Broughton inquired of each nominee's City Council District with Council Executive Kraher responding accordingly (based on nominees' application of interest provided in the agenda materials). Upon conclusion of discussion, Council President Jones called for a ballot vote.

Balloting and tallying takes place.

Council President Jones announced the results of the ballot as follows: City Council appointed Michael Blankenship, Suzanne Lewis, and Kirwan Price as members of the Parks and Recreation Board for a term of three (3) years,

expiring March 31, 2027.

10. 24-231 QUASI-JUDICIAL HEARING - REQUEST FOR A CONDITIONAL USE PERMIT – COMMUNICATIONS TOWER – 2650 CREIGHTON ROAD

Recommendation: That City Council conduct a Quasi-Judicial Hearing on March 21, 2024, to consider the request for a Conditional Use Permit to install a communications tower at 2650 Creighton Road.

Council President Jones introduced the item and read into the record the requirements for conducting a quasi-judicial hearing. He also identified time constraints to be implemented for the hearing. *No objections*. He asked City staff if this issue was contested, which Planning & Zoning Manager Cannon indicated there is not a formal contest, but there are individuals who have expressed concerns. Finally, he provided an opportunity for (individual) Council Members to disclose any ex parte communications. *None indicated*.

Moving forward with the hearing proceedings, Council President Jones called on City Attorney Cobb to administer an oath to those intending to provide testimony and/or evidence. Council President Jones then called on Planning & Zoning staff to present evidence and testimony into the record.

Planning & Zoning Manager Cannon summarized the issue before Council, and highlighted the discussion and recommendation from the Planning Board and referenced background materials contained in the agenda package (on file).

Council President Jones then called for testimony and/or evidence on behalf of the applicant. David Anderson introduced his team to Council and provided a description of the services their company provides as it relates to applying for communications towers on behalf of wireless providers, in this case their client being Verizon. Harold Timmons then addressed Council providing the details of their request for use of the site (proposed to be located on Walmart property), as well as describing the elements of the proposed tower. He also relayed his discussions with various City staff reviewers and the Planning Board's review and recommendation, as well as requirements imposed on their use of the site by Walmart. He referred to background materials within the agenda package (on file).

Mr. Timmons along with his associate Sanjay Dhawan responded accordingly to questions from Council Members Bare and Brahier, and referenced graphics presented on overhead slides (on file with background materials).

Council President inquired if there was any rebuttal from City staff or applicant representatives with each indicating "no".

Public input was heard from the following individuals:

Warren Post (he also responded to questions from Council Member Brahier)

Carol Conde

Council President Jones then provided an opportunity for City staff and the applicant representative(s) to make closing statements.

Planning & Zoning Manager Cannon addressed Council reading into the record City Code Section 12-3-107 *Conditional Use Permit*, specifically subsection (d) *Standards for Approval* as enumerated (1) (2) (3) (4) (5) (6).

Mr. Timmons addressed Council responding to some of the questions and concerns expressed by public input speakers.

Council Member Bare and Brahier asked questions of applicant representatives with Mr. Timmons and Mr. Dhawan related to co-location of additional antennas, effects on wildlife (noting the proximity of Dunmire Woods Park), and flight path concerns which Airport Director Coughlin responded accordingly to questions.

There being no further questions, Council President Jones called for Council deliberations. Discussion ensued among Council with each Council Member being provided an opportunity to speak to the issue. During deliberations, **City Attorney Cobb addressed Council clarifying that the legal standard Council is required to base its decision and quoted 12-3-107 (d) *Standards for Approval*, "A conditional use may be approved by the City Council only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met: (as enumerated (1) (2) (3) (4) (5) (6)", as well as the specific requirements regulating communications towers as a conditional use under Section 12-3-108 (d) *Standard for Approval* which has identical language, and also states, "Additionally, conditional use permit applications under the section must demonstrate to the city council that, without the grant of a conditional use permit, the applicant will be unable to provide personal wireless services within the area of the city that would be served by the proposed personal wireless facility". Therefore, there are seven (7) standards which it is mandatory that Council base its determination. Planning & Zoning Manager Cannon also re-read into the record Section 12-3-107 Conditional Use Permit, subsection (d) *Standards for Approvals* as enumerated (1) (2) (3) (4) (5) (6). Council Member Brahier stated she believes the applicant has not met the standard of approval based on Section 12-3-107 (d) (2) (3) and (6) and (as indicated as the seventh standard) 12-3-108 (d).**

A motion to deny was made by Council Member Bare and seconded by Council Member Brahier.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,

Allison Patton, Delarian Wiggins
No: 0 None

11. 24-226 PUBLIC HEARING: REQUEST FOR VACATION OF RIGHT OF WAY - 100 WATER STREET AND 3600 BLOCK ELKTON STREET

Recommendation: That City Council conduct a Public Hearing on March 21, 2024, to consider the request to Vacate the Right of Way at 100 Water Street and 3600 Block Elkton Street.

Planning & Zoning Manager Cannon addressed Council explaining the request as outlined in the background materials (on file).

Charles Liberis, the applicant, was in attendance and indicated he was available to answer any questions.

There were no questions and no public input.

A motion to approve was made by Council Member Brahier and seconded by Council Member Bare.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
Allison Patton, Delarian Wiggins
No: 0 None

12. 24-227 PROPOSED ORDINANCE NO. 5-24 - VACATION OF RIGHT OF WAY - 100 WATER STREET AND 3600 BLOCK ELKTON STREET

Recommendation: That City Council approve Proposed Ordinance No. 5-24 on first reading.

AN ORDINANCE CLOSING, ABANDONING AND VACATING AN UNIMPROVED PORTION OF WATER STREET AND AN UNIMPROVED ALLEYWAY IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A motion to pass on first reading was made by Council Member Bare and seconded by Council Member Brahier.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,

Allison Patton, Delarian Wiggins
No: 0 None

13. 24-228 PUBLIC HEARING: FUTURE LAND USE MAP AND ZONING MAP AMENDMENT – RECENTLY ANNEXED PROPERTY - 422, 424, AND 400 BLOCK OF AIRPORT BOULEVARD

Recommendation: That City Council conduct a Public Hearing on March 21, 2024, to consider amending the City's Future Land Use Map and Zoning Map for the properties located at 422, 424, and 400 Block of Airport Boulevard which were recently annexed into the City.

Planning & Zoning Manager Cannon addressed Council explaining, as indicated in the background materials (on file), that the FLUM and zoning designations will complete the annexation process for these parcels.

There were no questions and no public input.

A motion to approve was made by Council Member Bare and seconded by Council Member Wiggins.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
Allison Patton, Delarian Wiggins
No: 0 None

14. 24-229 PROPOSED ORDINANCE NO. 6-24 - FUTURE LAND USE MAP AND AMENDMENT – RECENTLY ANNEXED PROPERTY - 422, 424, AND 400 BLOCK OF AIRPORT BOULEVARD

Recommendation: That City Council approve Proposed Ordinance No. 6-24 on first reading.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

A motion to pass on first reading was made by Council Member Bare and seconded by Council Member Brahier.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
Allison Patton, Delarian Wiggins

No: 0 None

15. 24-230 PROPOSED ORDINANCE NO. 7-24 ZONING MAP AMENDMENT –
RECENTLY ANNEXED PROPERTY - 422, 424, AND 400 BLOCK OF AIRPORT
BOULEVARD

Recommendation: That City Council approve Proposed Ordinance No. 7-24 on first reading.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND FUTURE
LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR
SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

**A motion to pass on first reading was made by Council Member Bare and
seconded by Council Member Brahier.**

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
Allison Patton, Delarian Wiggins

No: 0 None

16. 24-233 PUBLIC HEARING: REQUEST FOR FUTURE LAND USE AND ZONING
MAP AMENDMENT - BLOUNT STREET AND 6TH AVENUE

Recommendation: That City Council conduct a Public Hearing on March 21, 2024,
to consider a request to amend the City's Future Land Use Map and Zoning Map
for the properties located at Blount Street and 6th Avenue.

Planning & Zoning Manager Cannon explained the request before Council as
indicated in the background materials (on file). She responded accordingly to
questions from Council members Bare and Brahier.

Public input was heard from the following individuals:

Doris Hayes
Joseph Kyle
Tony Jones
Ellis Jones
Girasol Alfonso
Jasmine Brown
Jeannie Rhoden
Tommy White (not in attendance)
Ryan Novota (applicant's representative)
Valerie Jones

Throughout public input, Council Members asked questions of some speakers and

Assistant Planning & Zoning Manager Harding responding accordingly on behalf of staff.

A motion to deny was made by Council Member Bare and seconded by Council Member Wiggins.

Discussion ensued among Council. Mr. Novota and Ms. Jones responded to questions from Council Member Broughton.

Upon conclusion of discussion, the vote was called.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
Allison Patton, Delarian Wiggins

No: 0 None

17. 24-234 PROPOSED ORDINANCE NO. 8-24 - FUTURE LAND USE MAP AMENDMENT - BLOUNT STREET AND 6TH AVENUE

Recommendation: That City Council approve Proposed Ordinance No. 8-24 on first reading.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

Withdrawn from agenda due to denial of request during public hearing.

18. 24-235 PROPOSED ORDINANCE NO. 9-24 - ZONING MAP AMENDMENT - BLOUNT STREET AND 6TH AVENUE

Recommendation: That City Council approve Proposed Ordinance No. 9-24 on first reading.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

Withdrawn from agenda due to denial of request during public hearing.

19. 24-253 AWARD OF BID NO. 24-007 2023 SIDEWALK PHASE II PROJECT

Recommendation: That City Council award the contract for Bid No.24-007 to Site & Utility, LLC, the lowest and most responsible bidder, for a base price of \$329,641.00, plus a 10% contingency in the amount of \$32,964.10, for a total contract price of \$362,605.10 for 2023 Sidewalk Phase II Project, and authorize the

transfer of funds in the amount of \$69,008 from the College Parkway Sidewalk Project to the 2023 Sidewalk Phase II Project. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete the work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

A motion to approve was made by Council Member Wiggins and seconded by Council Member Broughton.

Council President Jones inquired about the status of the sidewalk project on College Parkway which Deputy Administrator Forte indicated it is complete.

There being no further discussion, the vote was called.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
 Allison Patton, Delarian Wiggins
No: 0 None

20. 24-280 SUPPLEMENTAL BUDGET RESOLUTION NO. 2024-27 - LAW ENFORCEMENT TRUST FUND (LETF) PURCHASE - PENSACOLA POLICE DEPARTMENT SUMMER YOUTH ACTIVITIES

Recommendation: That the City Council adopt Supplemental Budget Resolution No. 2024-27.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Bare and seconded by Council Member Brahier.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton,
 Allison Patton, Delarian Wiggins
No: 0 None

21. 24-299 SUPPLEMENTAL BUDGET RESOLUTION NO. 2024-29 - INSURANCE SETTLEMENTS RELATED TO THE DESIGN AND CONSTRUCTION OF THE CHAPPIE JAMES MUSEUM PROJECT

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2024-29.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Bare and seconded by Council Member Patton.

The motion passed by the following vote:

Yes: 6 Casey Jones, Charles Bare, Jennifer Brahier, Teniade Broughton, Allison Patton, Delarian Wiggins

No: 0 None

22. 24-279 CMAR CONTRACT FOR AMERICAN MAGIC

Recommendation: That City Council award a contract for RFQ # 24-012 Provide Construction Manager at Risk Services (CMAR) with Guaranteed Maximum Price for the High-Performance Maritime Center of Excellence and American Magic at the Port of Pensacola to Greenhut Construction Company, Inc. of Pensacola, FL for pre-construction services in the amount of \$50,000 and a Guaranteed Maximum Price to be agreed upon at design completion. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete the work, consistent with the contracting documents and the Mayor's Executive Powers as granted in the City Charter.

Approved as indicated above during Consent Agenda.

COUNCIL EXECUTIVE'S REPORT

Council Executive Kraher made comments commending the Mayor and City Administration, various City staff, and Council staff for their leadership, hard work, and diligence this week under challenging conditions.

MAYOR'S COMMUNICATION

City Administrator Fiddler echoed Council Executive Kraher's remarks.

COUNCIL COMMUNICATIONS & CIVIC ANNOUNCEMENTS

Council Member Brahier provided details related to her discretionary funding allocation to *Hope Above Fear*.

Council Member Bare shared about his son's upcoming performance at UWF.

Council President Jones thanked everyone for their work this week.

SECOND LEROY BOYD FORUM

None

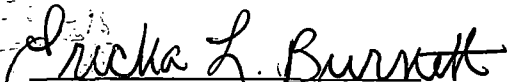
ADJOURNMENT

WHEREUPON the meeting was adjourned at 7:59 P.M.

Adopted: April 11 2024

Approved: 
Casey Jones, President of City Council

Attest


Ericka L. Burnett, City Clerk