

THROUGH THESE DOORS WALK ONLY THE FINEST PEOPLE – THE CITIZENS OF ESCAMBIA COUNTY. DECISIONS ARE MADE IN THIS ROOM AFFECTING THE DAILY LIVES OF OUR PEOPLE. DIGNIFIED CONDUCT IS APPRECIATED.

CHAMBER RULES

1. IF YOU WISH TO SPEAK, YOU WILL BE HEARD.
2. YOU MUST SIGN UP TO SPEAK. SIGN-UP SHEETS ARE AVAILABLE AT THE BACK OF THE ROOM.
3. YOU ARE REQUESTED TO KEEP YOUR REMARKS BRIEF AND FACTUAL.
4. BOTH SIDES ON AN ISSUE WILL BE GRANTED UNIFORM/MAXIMUM TIME TO SPEAK.
5. DURING QUASI-JUDICIAL HEARINGS (I.E., REZONINGS), CONDUCT IS VERY FORMAL AND REGULATED BY SUPREME COURT DECISIONS. VERBAL REACTION OR APPLAUSE IS NOT APPROPRIATE.

PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED

AGENDA

Board of County Commissioners
Regular Meeting – March 5, 2009 – 5:30 p.m.
Governmental Complex – First Floor

1. Call to Order.

(PLEASE TURN YOUR CELL PHONE TO THE VIBRATE, SILENCE, OR OFF SETTING)

2. Invocation – Commissioner Young.
3. Pledge of Allegiance to the Flag.
4. Are there any items to be added to the agenda?

Recommendation: That the Board adopt the agenda as prepared **(or duly amended)**.

5. Commissioners' Forum.
6. Presentation of an official gift to Escambia County, presented by Celebrate Pensacola, from the King Juan Carlos I and Queen Sofia, of Spain.

7. Written Communication:

- A. January 5, 2009 – Communication from Charles P. Hoskin, Emmanuel, Sheppard & Condon, on behalf of Marc and Darlene Robert, requesting that the Board release a Code Enforcement Lien (*recorded in Official Records Book 6001, Page 814*), against property located at 41 Sugar Bowl Lane;
- B. January 28, 2009 – Communication from Harold Pridgen requesting that the Board forgive a Code Enforcement Lien against property located at 2240 West Detroit Boulevard; and
- C. February 6, 2009 – Email communication from Laarni B. Sheppard concerning a Code Enforcement Lien, recorded in Official Records Book 6111, Page 264, against property located at 2752 Gandy Lane.

8. Did the Clerk's Office receive the proofs of publication for the Public Hearing(s) on the agenda and the Board's Weekly Meeting Schedule?

Recommendation: That the Board waive the reading of the legal advertisement(s) and accept, for filing with the Board's Minutes, the certified affidavit(s) establishing proof of publication for the Public Hearing(s) on the agenda, and the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule*.

9. **5:31 p.m. Public Hearing for consideration of adopting an Ordinance creating the Chasefield Subdivision Street Lighting MSBU.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, adopt, and authorize the Chairman to sign, the Ordinance creating the Chasefield Subdivision Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and make the following findings of fact:

- A. Lots in the District are specially benefited since street lighting not only increases the market value of an individual lot in the District, but also increases safety in the District surrounding individual lots and the ability of lot owners to use their individual lots after dark;
- B. The benefit from improved street lighting varies according to the relative size of the affected lots; residential lots benefit from improved street lighting uniformly because of the small variation in size throughout the District;
- C. The non-ad valorem special assessments levied represent a fair and reasonable apportionment of the cost of the special benefit received by each lot and do not represent a fair share of the cost of general governmental service provided to residents in the unincorporated areas of Escambia County; and
- D. Lots which do not receive a special benefit have been and shall be excluded from the non-ad valorem special assessment for street lighting.

10. Reports:

Clerk of the Circuit Court & Comptroller
Growth Management
County Administrator
County Attorney

11. Items added to the agenda.

12. Announcements.

13. Adjournment.

**BACKUP NOT INCLUDED WITH THE CLERK'S REPORT IS AVAILABLE FOR REVIEW IN
THE OFFICE OF THE CLERK TO THE BOARD
ESCAMBIA COUNTY GOVERNMENTAL COMPLEX, SUITE 130**

CLERK OF THE COURTS & COMPTROLLER'S REPORT
MARCH 5, 2009

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

Recommendation: That the Board accept, for filing with the Board's Minutes, the following three Reports prepared by the Clerk and Comptroller's Finance Department:

A. Payroll Expenditures as of Payday February 20, 2009, in the amount of \$2,280,369.36; and

B. The following two Disbursement of Funds:

(1) February 12, 2009, to February 18, 2009, in the amount of \$2,199,150.00; and

(2) February 19, 2009, to February 25, 2009, in the amount of \$3,255,547.42.

2. Recommendation Concerning Disposition of Property and/or Reinstatement of Fixed Assets

Recommendation: That the Board approve seven forms, *Requests for Disposition of Property*, indicating equipment to be sold as surplus and/or appropriately disposed of; the Requests were prepared by various County Bureaus and state the reasons for disposition/reinstatement.

3. Recommendation Concerning Financial Statements

Recommendation: That the Board accept, for filing with the Board's Minutes, the Financial Statements for the Santa Rosa Island Authority for the Fiscal Year ended September 30, 2008, as prepared and audited by Carr, Riggs & Ingram, LLC, Certified Public Accountants and Consultants.

I. CONSENT AGENDA – Continued

4. Recommendation Concerning Acceptance of Documents

Recommendation: That the Board accept, for filing with the Board's Minutes, the following documents provided to the Clerk & Comptroller's Office:

- A. A copy of the *Oath of Office*, dated January 6, 2009, administered by the Honorable Kim A. Skievaski, Chief Judge, First Judicial Circuit, Escambia County, to the Honorable Ernie Lee Magaha, Clerk of the Circuit Court, First Judicial Circuit, Escambia County; and
- B. The original *Florida Department of State, Division of Library and Information Services, State Aid to Libraries Grant Agreement*, approved by the Board on September 18, 2008, and received in the Clerk to the Board's Office on February 13, 2009.

5. Recommendation Concerning Minutes and Reports

Recommendation: That the Board take the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:

- A. Approve the Minutes of the Attorney-Client Session held February 19, 2009;
- B. Approve the Minutes of the Public Forum Work Session and Regular Board Meeting held February 19, 2009;
- C. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held February 18, 2009, for the February 19, 2009, BCC Meeting; and
- D. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held February 12, 2009.

(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)

GROWTH MANAGEMENT REPORT

March 5, 2009

I. PUBLIC HEARING

1. **5:45 p.m. – Thursday, March 5, 2009 Public Hearing:** JLUS IOC Navy/County Interlocal Agreement.

RECOMMENDATION: That the Board take the following actions:

- A. Review and approve an update to the Navy/County Interlocal Agreement; and
- B. Authorize the Chairman to sign the attached Interlocal Agreement to provide for Navy participation in decisions regarding land development in Escambia County.

II. ACTION ITEM

1. **Sunshine Hill Estates Final Plat**

RECOMMENDATION: That the Board take the following actions concerning recording of the Final Plat of Sunshine Hill Estates, (a 22 lot single family private residential subdivision with private streets), located in the Sunny Hill Community on Sunny Hill Road and lying west of Atmore Highway (Florida State Road 97). Owned and developed by BCK Properties, LLC. Prior to recording, the County Engineer, County Surveyor, Development Services Bureau Chief and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4.02.07.E, of the Escambia County Land Development Code. Also, prior to recording the County Surveyor must sign the Final Plat as set forth in Chapter 177.081 (1) Florida Statutes:

- A. Approve the final plat for recording; and
- B. Approve the street names "Sunny Brook Court, and Sunshine Ridge Court"; and
- C. Authorize the Chairman or Vice-Chairman to execute a Hold Harmless, and Indemnification Agreement and a Conservation Easement.

III. CONSENT AGENDA

1. **Scheduling of Public Hearings**

RECOMMENDATION: That the Board schedule the following public hearing(s):

- A. 5:45 p.m. – Thursday, March 19, 2009** – A public hearing to review and adopt large-scale Comprehensive Plan Amendment (CPA 2009-01A, an amendment to Part II of the Escambia County Code of Ordinances 1999), the Escambia County Comprehensive Plan, as amended, amending Chapter 7, “Future Land Use Element” providing for an amendment to the Year 2020 Future Land Use Map, as amended, changing the Future Land Use Category of two parcels totaling 91.88 acres along East Quintette Road from Cottage Hill/Quintette Activity Area (AA-15) to Industrial (I).
- B. 5:45 p.m. –Thursday, April 02, 2009** – A public hearing to amend the Official Zoning Map to include the following Rezoning Case(s) heard by the Rezoning Hearing Examiner (RHE) on February 23, 2009.

Case No.: **Z-2009-01**
Location: 8895 Untreiner Avenue
Property Reference No.: 10-1S-30-1101-091-001
10-1S-30-1101-102-001
10-1S-30-1101-095-001
Property Size: 4.36 (+/-) acres
From: R-5, Urban Residential / Limited Office District, High Density, (cumulative) (20 du/acre)
To: C-2, General Commercial and Light Manufacturing District, (cumulative) (25 du/acre)
FLU Category: C, Commercial
Commissioner District: 3
Requested by: Wiley C. “Buddy” Page, Agent for Angus & Wanda Brewton, Owners

Case No.: **Z-2009-02**
Location: 1332 Creighton Road
Property Reference No.: 31-1S-30-2202-000-001
31-1S-30-2202-000-002
31-1S-30-2202-000-003
31-1S-30-2204-000-001
Property Size: 2.3 (+/-) acres
From: R-4, Multiple Family District, Medium High Density, (cumulative) (18 du/acre) & C-1, Retail Commercial District, (cumulative) (25/du/acre)
To: C-1, Retail Commercial District, (cumulative) (25 du/acre)
FLU Category: MU-1, Mixed Use

Commissioner District:
Requested by:

4
Wiley C. "Buddy" Page, Agent for
Woerner Investments, LLC, Owner

**COUNTY ADMINISTRATOR'S REPORT
MARCH 5, 2009**

I. Technical/Public Service Consent Agenda

1. Recommendation Concerning a Separation Incentive Program – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Separation Incentive Program:

- A. Adopt the Resolution authorizing a Separation Incentive Program to allow qualified employees of the Board or other participating Constitutional Officers to separate from employment; and**
- B. Extend this program to any elected official (Clerk of the Circuit Court (non-court programs), Supervisor of Elections, Property Appraiser, Tax Collector or Sheriff) who wishes to participate.**

2. Recommendation Concerning the Family and Medical Leave Act of 1993 Policy – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the revised Family and Medical Leave Act (FMLA) Policy to include the provisions of the National Defense Authorization Act and to provide clarity to employers and employees about their responsibilities, rights, and obligations under the FMLA. The National Defense Authorization Act also established the rules for military family leave that expands the coverage of the FMLA.

3. Recommendation Concerning the Vehicle Policy – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the revised Policy entitled, "Vehicle Policy", amending Section II, Part B.23, of the Board of County Commissioners' Policy Manual.

4. Recommendation Concerning Scheduling a Public Hearing to Vacate an Unnamed Right-of-Way, Bowling Green Subdivision – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing for April 2, 2009, at 5:32 p.m., to consider the Petition to Vacate an unnamed right-of-way of varying width (approximately 10,750 square feet or 0.25 acres) located in Bowling Green Subdivision, as petitioned by 1211 LLC.

COUNTY ADMINISTRATOR'S REPORT

MARCH 5, 2009

PAGE 2 of 13

5. Recommendation Concerning Scheduling a Public Hearing to Vacate a Drainage Easement Located on Nowak Road – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing for April 2, 2009, at 5:31 p.m., to consider the proposed vacation of a 10-foot wide drainage Easement (10 feet x 801.28 feet = 8012.80 square feet or .18 acres) located on Nowak Road, on the Board's own motion.

6. Recommendation Concerning Scheduling a Public Hearing to Adopt the Pinestead Road/Longleaf Drive Corridor Study, Neighborhood Improvement Plan – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing for March 19, 2009, at 5:31 p.m., to consider adopting the Pinestead Road/Longleaf Drive Corridor Study, Neighborhood Improvement Plan.

7. Recommendation Concerning Scheduling a Public Hearing to Amend the Englewood Area Redevelopment Plan – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board ratify the action of the Escambia County Community Redevelopment Agency authorizing the scheduling of a Public Hearing on Thursday, March 19, 2009, at 5:32 p.m., to consider adopting a Resolution to amend the Englewood Area Redevelopment Plan.

8. Recommendation Concerning Agreement with Gulf Islands National Seashore – Michael Hardin, Public Safety Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Agreement between Gulf Islands National Seashore and Escambia County Fire Services (Agreement Number G5320080057):

- A. Approve the Agreement between Gulf Islands National Seashore and Escambia County Fire Services, to provide personal services and equipment required for prevention/suppression of vehicle, structural and wildland fire or hazardous material incidents and the protection of life and property from such fires or incidents in the Fort Pickens Area, the Santa Rosa Area and the Perdido Key Area, administered by Gulf Islands National Seashore; and
- B. Authorize the Chairman to sign the Agreement.

COUNTY ADMINISTRATOR'S REPORT

MARCH 5, 2009

PAGE 3 of 13

9. **Recommendation Concerning Out-of-County Travel – Meeting with Northwest Florida's Congressional Delegation in Washington, D.C. – Robert R. McLaughlin, County Administrator**

RECOMMENDATION: That the Board authorize out-of-County travel for any member of the Commission, County Administrator, and County Attorney wishing to participate in meetings with Northwest Florida's Congressional Delegation in Washington, D. C., on May 12–14, 2009.

10. **Recommendation Concerning Out-of-County Travel – Florida Public Transit Association Meetings – Robert R. McLaughlin, County Administrator**

RECOMMENDATION: That the Board authorize out-of-County travel for Commissioner Gene Valentino to attend the Florida Public Transit Association meetings in Washington, D.C., on March 9-11, 2009.

11. **Recommendation Concerning Participation in Sterling Challenge's On-Site Review by Sterling Examiners – Robert R. McLaughlin, County Administrator**

RECOMMENDATION: That the Board authorize Escambia County's participation in Sterling Challenge's On-Site Review by Sterling Examiners March 21-27, 2009.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Fiscal Year 2008-2009 Miscellaneous Appropriations Agreement for Arts Council of Northwest Florida, Inc. – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning approval of the Amendment to the Fiscal Year 2008/2009 Miscellaneous Appropriations Agreement for the Arts Council of Northwest Florida, Inc.:

- A. Approve the Amendment to the Fiscal Year 2008/2009 Miscellaneous Appropriations Agreement amending Section 3, increasing the allocation by \$500, for a total allocation of \$100,500, to be paid from the 4th Cent Tourist Development Tax Fund (108), Cost Center 360105;
- B. Authorize the Chairman to sign the Amendment and all other necessary documents; and
- C. Approve the necessary Change Order.
2. Recommendation Concerning Purchase Order for the Santa Rosa Island Authority – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board approve a Purchase Order in the amount of \$560,000, for Santa Rosa Island Authority, to be paid from the General Fund (001), Cost Center 110201, Account 58101, relative to the September 18, 2008, Board Action which defeased the 2002 Capital Improvement Revenue Bonds.

3. Recommendation Concerning Supplemental Budget Amendment #131 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #131, General Fund (001) and Community Development Block Grant, Fund 129, in the amount of \$4,822,236, to recognize funds from the U.S. Department of Housing, and appropriate these funds for the Neighborhood Stabilization Program.

COUNTY ADMINISTRATOR'S REPORT

MARCH 5, 2009

PAGE 5 of 13

4. Recommendation Concerning Supplemental Budget Amendment #134 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #134, Local Option Sales Tax III (Fund 352), in the amount of \$3,278, to recognize funds from Gulf Power and appropriate these funds for the Ten Mile and Chemstrand Road Intersection Improvement Project.

5. Recommendation Concerning Supplemental Budget Amendment #138 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #138, Other Grants and Projects Fund (110), in the amount of \$150,000, to recognize funding from the Florida Department of Transportation and appropriate these funds for the design of paved shoulders and bicycle lanes on 2nd Street, from Interbay Avenue to Barrancas Avenue.

6. Recommendation Concerning Supplemental Budget Amendment #139 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #139, E911 Operations Fund (145), in the amount of \$274,477, to recognize proceeds from an E911 State Grant Program and to appropriate the funds for an E911 Management Information System.

7. Recommendation Concerning Supplemental Budget Amendment #140 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #140, Other Grants and Projects Fund (110), in the amount of \$61,324, to recognize proceeds from an Emergency Medical Services County Award Grant, and to appropriate these funds for the purchase of medical supplies.

8. Recommendation Concerning Supplemental Budget Amendment #142 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #142, General Fund (001), in the amount of \$11,599, to recognize an increase in utility proceeds from the Department of Juvenile Justice Lease Number 800:0331, and to appropriate the funds for the increase in utilities imposed by Gulf Power.

9. **Recommendation Concerning Task Order for Design Services for Gulf Beach Highway Sidewalk Project from Blue Angel Parkway to Sorrento Road – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Task Order for Design Services for Gulf Beach Highway Sidewalk Project from Blue Angel Parkway to Sorrento Road:

A. Approve the Selection/Negotiation Committee Ranking:

1. DRMP, Inc., (Dyer, Riddle, Mills & Precourt);
2. American Consulting Engineers of Florida, LLC; and
3. Hatch Mott MacDonald; and

B. Award a Task Order, PD 07-08.141, Design Services For Gulf Beach Highway Sidewalk Project From Blue Angel Parkway to Sorrento Road, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to DRMP, Inc., (Dyer, Riddle, Mills & Precourt) for a lump sum amount of \$119,313, with allowances of \$80,480, for a total of \$199,793.

[Funding: Fund 352, LOST III, Account 210107/56301, Project No. 08EN0092]

10. **Recommendation Concerning a Task Order for Chimes Way Park Design – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Task Order for Chimes Way Park Design:

A. Approve the Selection/Negotiation Committee Ranking:

1. Wood+Partners, Inc.;
2. Fabre Engineering, Inc.; and
3. Hatch Mott MacDonald; and

B. Award a Task Order, PD 08-09.012, Chimes Way Park Design, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to Wood+Partners, Inc., for a lump sum amount of \$46,500, with allowances of \$22,245 for a total of \$68,745.

[Funding: Fund 151, Palafox Tax Increment Financing, Account 220517, Object Code 53101]

COUNTY ADMINISTRATOR'S REPORT

MARCH 5, 2009

PAGE 7 of 13

11. Recommendation Concerning Change Order for Rhythm and Melody Lane Roadway and Drainage Improvements – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board approve and authorize the County Administrator to execute, the following Change Order:

Bureau:	Public Works	
Division:	Engineering	
Type:	Addition	
Amount:	\$27,744.96	
Vendor:	Starfish, Inc.	
Project Name:	Rhythm and Melody Lane Roadway and Drainage Improvements	
Contract:	07-08.032	
PO No.:	281283	
CO No.:	4	
Original Award Amount:		\$492,637.70
Cumulative Amount of Change Orders through this CO:		<u>\$64,585.96</u>
New Contract Total:		<u>\$557,223.66</u>

[Funding Source: Fund 351, Local Option Sales Tax II, Account 210105/56301, Project No.05EN1973]

12. **Recommendation Concerning Purchase of Real Property from Carlton E. and Frances B. Coffey for Right-of-Way for the Ten Mile Road at Chemstrand Road Intersection Improvement Project – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the purchase of property owned by Carlton E. and Frances B. Coffey for right-of-way for the Ten Mile Road at Chemstrand Road Intersection Improvement Project:

- A. Authorize Staff to purchase a portion of property owned by Carlton E. and Frances B. Coffey (approximately 1,311 square feet or 0.03 acres), for the Ten Mile Road at Chemstrand Road Intersection Improvement Project, for the negotiated price of \$3,277.50;
- B. Authorize the payment of documentary stamps because this property is being acquired for governmental use to improve the roadway and infrastructure at this intersection. This project will benefit the County and its citizens by reducing traffic delays and providing greater safety; and
- C. Authorize the Chairman to sign all documents needed to complete the purchase.

[Funding Source: Fund 352, Lost III, Account 210107/56301/56101, Project 08EN0255]

13. **Recommendation Concerning Purchase of Real Property from Leonard G. and Eddie R. Grenier for Right-of-Way for the Ten Mile Road at Chemstrand Road Intersection Improvement Project – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the purchase of real property owned by Leonard G. Grenier and Eddie R. Grenier, for right-of-way for the Ten Mile Road at Chemstrand Road Intersection Improvement Project:

- A. Authorize Staff to purchase a portion of property owned by Leonard G. Grenier and Eddie R. Grenier (approximately 6,034 square feet or 0.14 acres), for the Ten Mile Road at Chemstrand Road Intersection Improvement Project, for the negotiated price of \$10,500;
- B. Authorize the payment of documentary stamps because this property is being acquired for governmental use to improve the roadway and infrastructure at this intersection. This project will benefit the County and its citizens by reducing traffic delays and providing greater safety; and
- C. Authorize the Chairman to sign all documents needed to complete the purchase.

[Funding Source: Fund 352, Lost III, Account 210107/56301/56101, Project 08EN0255]

14. **Recommendation Concerning Purchase of Real Property from Ten Mile, LLC, for Right-of-Way for the Ten Mile Road at Chemstrand Road Intersection Improvement Project – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the purchase of property owned by Ten Mile, LLC, for right-of-way for the Ten Mile Road at Chemstrand Road Intersection Improvement Project:

- A. Authorize Staff to purchase a portion of property owned by Ten Mile, LLC, (approximately 204 square feet or 0.01 acres), for the Ten Mile Road at Chemstrand Road Intersection Improvement Project, for the negotiated price of \$408;
- B. Authorize the payment of documentary stamps because this property is being acquired for governmental use to improve the roadway and infrastructure at this intersection. This project will benefit the County and its citizens by reducing traffic delays and providing greater safety; and
- C. Authorize the Chairman to sign all documents needed to complete the purchase.

[Funding Source: Fund 352, Lost III, Account 210107/56301/56101, Project 08EN0255]

15. **Recommendation Concerning Management Agreement for Caretaker Services at Lake Stone Campground Facility – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board approve the Management Agreement between the Escambia County Board of County Commissioners and Mervyn Leroy Simmons for caretaker services at the Lake Stone Campground facility and authorize the County Administrator to sign the Agreement. [Funding is currently allocated in the Fiscal Year 2008/2009 Budget, (Fund 001, General Fund, Cost Center 350204/220804), and will be budgeted in Fiscal Year 2009/2010]

16. **Recommendation Concerning Incentive Fees for The Pensacola Civic Center – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board approve a Purchase Order, in the amount of \$154,761.40, to SMG for incentive fees for The Pensacola Civic Center, Fiscal Year 2007, to be paid from Fund 409 (Civic Center), Cost Center 221301, Object Code 53401.

17. Recommendation Concerning Coastal Dune Restoration MOA – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Coastal Dune Restoration Memorandum of Agreement (MOA) with the Florida Department of Environmental Protection (FDEP) Ecosystem Restoration Section:

- A. Approve the MOA authorizing the FDEP to harvest and procreate plant stock from County coastal lands for approved dune restoration projects;
- B. Authorize \$50,000 expenditure from LOST III, Fund 352, Project - Coastal Restoration, Cost Center 220102, Program Number 08NE0048 "Dune Restoration"; and
- C. Authorize the Chairman to sign the MOA.

18. Recommendation Concerning Local Agency Program Agreement – Larry Newsom, Transportation Director

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation, for funding (not-to-exceed \$150,000) for a design of paved shoulders along 2nd Street between Interbay Avenue and Barrancas Avenue (SR-292):

- A. Approve the State of Florida Department of Transportation, Local Agency Program Agreement, between the State of Florida Department of Transportation and Escambia County, for a design of paved shoulders along 2nd Street between Interbay Avenue and Barrancas Avenue (SR-292);
- B. Adopt a Resolution authorizing the execution of the LAP Agreement; and
- C. Authorize the Chairman to sign the LAP Agreement and Resolution for this project.

19. **Recommendation Concerning General Paving, Drainage and Resurfacing Pricing Agreement – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board authorize the issuances of Individual or Blanket Purchase Orders, per PD 08-09.134, General Paving, Drainage and Resurfacing Pricing Agreement, in accordance with Chapter 4 of the Escambia County Code of Ordinances, to the following list of contractors in Fiscal Year 2008-2009, to be issued from Solid Waste Fund (401), Cost Centers 220602, 220603, 220604, 220605 and 220608, for the Neighborhood/Community Services Bureau, Solid Waste Division only, not-to-exceed \$1,500,000, in total:

APAC-Southeast, Inc.
Henry Haire Building and Development, Inc.
Gulf Atlantic Constructors, Inc.
Panhandle Grading & Paving, Inc.
Pensacola Concrete Construction Co.
Roads, Inc., of NWF
Starfish, Inc., of Alabama
Utility Service Co., Inc.

III. For Discussion

1. Recommendation Concerning Appointment to the Tourist Development Council – Robert R. McLaughlin, County Administrator

RECOMMENDATION: That the Board approve appointing one of the following nominees to the Tourist Development Council, effective March 5, 2009, through November 30, 2009, as an “Interested in Tourism” appointee, filling the unexpired term of Andrew Rothfeder, who resigned:

- A. Rob Babcock;
- B. Harlan Butler;
- C. Shirley K. Cronley;
- D. Bill Gahlenbeck; or
- E. Arch Stokes.

COUNTY ATTORNEY'S REPORT
March 5, 2009

I. FOR ACTION:

1. Request by George Touart for Reimbursement of Attorneys Fees and Costs to defend complaints brought against him in the Florida Commission on Ethics

That the Board:

- A. Find that the defense of complaints filed by Preston Solomon and Michael Coonan with the State of Florida Commission on Ethics by former County Administrator George Touart does not meet either statutory or common law criteria for reimbursement of legal fees and costs by Mr. Touart; and
- B. Deny reimbursement of Mr. Touart's attorneys fees and costs paid to the law firm of Emmanuel, Sheppard & Condon in the sum of \$3,629.60.

2. Jimmie Gunter Workers' Compensation Washout Settlement

That the Board approve a washout settlement for former deputy Jimmie Gunter of this case in the amount of \$291,832.39, inclusive of attorney fees and costs and any potential Medicare reimbursements. An excess insurance carrier shall reimburse the County for 100.0% of this settlement amount.

3. James Snider Workers' Compensation Washout Settlement

That the Board accept an offer from former employee James Snider to settle a workers compensation lien potentially valued at \$21,454.29. The County would receive \$5,000.00 and would be authorized to take a 15.0% offset from future benefits payments to Mr. Snider until the full value of the lien is recouped.

4. Attorney-Client Session *Escambia County v. McCall & Associates, Inc.* Case No. 2008 CA 000007

- A. That the Board schedule a private meeting with its attorneys to discuss pending litigation, in accordance with § 286.011 (8), Florida Statutes, for March 19, 2009 at 3:30 p.m.
- B. That the Board approve the public notice to be published in the *Pensacola News Journal* on Sunday, March 8, 2009.