

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 AND TELEVISED

AGENDA

Board of County Commissioners
Regular Meeting – July 9, 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 Robertson.
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.

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6. Proclamations/Special Recognition.

Recommendation: That the Board take the following action concerning Proclamations/Special Recognition:

A. Recognize, with Certificates of Appreciation, the following students for their volunteerism for the past year, during Board of County Commissioners' Meetings, through the Chain Reaction Program:

(1) Board Room Pages:

- (a) Michael Jobling (Senior)
- (b) Allie Clever (Senior)
- (c) Chelsea Zackery

(2) Television/Production Room:

- (a) Adam Smith
- (b) Amy Meyers
- (c) Hakeem Ali (Senior)

B. Adopt the Proclamation commending and congratulating Paul Garrison, Jr., Building Codes Inspector, Development Services Bureau, on his retirement after 26 years of service.

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7. Written Communication:

- A. April 6, 2009 – Communication from Eric Toothman requesting to be placed on the agenda to discuss issues regarding property located at Choctaw Avenue, Lot 4, Block 15;
- B. April 21, 2009 – Facsimile communication from Vincent and Karen Foster requesting that the Board forgive the daily fines against property located at 5116 Plateau Road;
- C. Undated communication from John Sasser and Stephanie Sasser requesting that the Board forgive a Code Enforcement Lien against property located at 3500 West Cervantes Street; and
- D. June 10, 2009 – Communication from Sue King, Sales and Marketing Manager, Rels Title, requesting that the Board reduce the (*Code Enforcement*) fines against property located at 305 Booth Avenue.

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. **5:32 p.m. Public Hearing for consideration of adopting an Ordinance amending the Purchasing Ordinance.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, adopt an Ordinance amending Chapter 46, Article 2, Division 1, Section 46-45, and Division 3, Section 46-81, Section 46-98, and Section 46-102, of the Escambia County Code of Ordinances (Purchasing Ordinance).

(RECOMMENDATION TO BE DISTRIBUTED UNDER SEPARATE COVER)

10. **5:33 p.m. Public Hearing for consideration of adopting an Ordinance establishing a Historical Preservation EDATE for Robert Savage, for property located at 202 West Gadsden Street.**

Recommendation: That the Board, at the 5:33 p.m. Public Hearing, take the following action concerning a Historical Preservation Economic Development Ad Valorem Tax Exemption (EDATE):

- A. Adopt an Ordinance establishing a Historical Preservation EDATE for 100% of the exemption amount, for up to ten years, for Robert Savage, for the property located at 202 West Gadsden Street, Pensacola, Florida; and
- B. Authorize the Chairman to execute the *Historic Preservation Property Tax Exemption Covenant*.

11. **5:34 p.m. Public Hearing for consideration of the vacation of a portion of Dunaway Lane (approximately 66 feet x 4,413 feet), as petitioned by Charles E. Bell.**

Recommendation: That the Board reschedule the July 9, 2009, 5:34 p.m. Public Hearing, for August 6, 2009, at 5:32 p.m., to consider the proposed vacation of a portion of Dunaway Lane (approximately 66 feet x 4,413 feet), as petitioned by Charles E. Bell.

12. **5:35 p.m. Public Hearing for consideration of adopting a Resolution to increase Fire MSBU commercial rate to a minimum equivalent to the residential rate.**

Recommendation: That the Board, at the 5:35 p.m. Public Hearing, adopt the Resolution to increase the Fire Municipal Services Benefit Unit (MSBU) commercial rate to a minimum equivalent to the residential rate.

(RECOMMENDATION TO BE DISTRIBUTED UNDER SEPARATE COVER)

AGENDA – BOARD OF COUNTY COMMISSIONERS

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13. Reports:

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

14. Items added to the agenda.

15. Announcements.

16. 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
JULY 9, 2009

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

- A. Payroll Expenditures as of Payday June 26, 2009, in the amount of \$2,177,619.05; and
- B. The following three Disbursement of Funds:
 - (1) June 11, 2009, to June 17, 2009, in the amount of \$14,848,370.12;
 - (2) June 18, 2009, to June 24, 2009, in the amount of \$7,350,326.29; and
 - (3) June 25, 2009, to July 1, 2009, in the amount of \$26,119,410.48.

2. Recommendation Concerning Disposition of Records

Recommendation: That the Board approve, in accordance with State Retention Schedule GS1, *Records Disposition Document No. 417*, for disposition of Board of County Commissioners' records, Item 32a, Minutes: Official Meetings (Transcripts: Microfilmed on Rolls 450-451), for the period January 8, 2009, through March 19, 2009, since the permanent records have been scanned and/or microfilmed.

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

Recommendation: That the Board approve three (3) 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.

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 of the Circuit Court & Comptroller's Office:

- A. The original *State Financial Assistance Agreement, DEP Agreement No. LP6085, Escambia County, Amendment No. 4*, based on the Board's October 6, 2005, approval of *Agreement No. LP6085*, as executed by the Chairman on June 2, 2009, and received in the Clerk to the Board's Office on June 18, 2009; and
- B. Closing documents relating to the sale of surplus property, located at 6100 Schaag Road, to Magdy E. Tawfik, as approved by the Board on February 19, 2009, executed by the Chairman on June 29, 2009, and received in the Clerk to the Board's Office on June 30, 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 Public Forum Work Session and Regular Board Meeting held June 18, 2009;
- B. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held June 18, 2009;
- C. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held June 11, 2009; and
- D. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held June 16, 2009.

GROWTH MANAGEMENT REPORT

July 9, 2009

I. ACTION ITEM

- 1. Fiscal Year 07/08 Comprehensive Plan Implementation Committee (CPIC) Annual Report**

RECOMMENDATION:

That the Board review and approve for filing with the Boards Minutes the Fiscal Year 2007/2008 Comprehensive Plan Implementation Committee (CPIC) Annual Report.

**COUNTY ADMINISTRATOR'S REPORT
JULY 9, 2009**

I. Technical/Public Service Consent Agenda

1. **Recommendation Concerning Escambia County Code Enforcement/Nuisance Abatement Lien Collection Policy (Section III; H.3) – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board approve the revised Escambia County Code Enforcement/Nuisance Abatement Lien Collection Policy, (Section III; H.3), which includes an extended partial payment plan, additional cost for research, paperwork and collection processing incurred when a Code Enforcement Lien is paid during the foreclosure procedure, and includes a property selling discount plan.

2. **Recommendation Concerning Scheduling a Public Hearing to Establish a Street Lighting MSBU for Kingsfield Courtyard Subdivision – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board authorize (the scheduling and advertising of) a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on July 23, 2009, at 5:31 p.m., to consider the adoption of an Ordinance creating Kingsfield Courtyard Subdivision Street Lighting MSBU.

3. **Recommendation Concerning Maintenance Services for Central Energy Plant – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board amend its action taken at the June 4, 2009, Board Meeting, concerning the Maintenance Services for Central Energy Plant, PD 08-09.044, to correct the name from Engineered Cooling Systems, Inc., to Engineered Cooling Services, Inc., due to a scrivener's error.

4. **Recommendation Concerning Scheduling a Public Hearing for an EDATE for Landworks Investments, LLC – Robert R. McLaughlin, County Administrator**

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing, for Thursday, July 23, 2009, at 5:32 p.m., to adopt an Ordinance establishing an Economic Development Ad Valorem Tax Exemption for Landworks Investments, LLC, for 100% of their expansion for 10 years.

(THE ORDINANCE WILL BE DISTRIBUTED UNDER SEPARATE COVER.)

COUNTY ADMINISTRATOR'S REPORT

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5. Recommendation Concerning the Pensacola Civic Center Ice Hockey Lease – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Pensacola Civic Center Ice Hockey Lease:

- A. Approve the Lease Agreement between Escambia County, Pensacola Ice, LLC, and SMG Corporation, contingent upon Legal sign-off and receipt of Exhibit D, Corporate Certificate of Good Standing, and Exhibit E, Resolution of Authority; and**
- B. Authorize the Chairman to sign the Lease Agreement upon execution by Pensacola Ice, LLC.**

[This Contract has been designed to provide a break-even financial program for ice utilization; however, funds will come from the Tourist Development Tax to provide for cash flow.]

6. Recommendation Concerning Interlocal Agreement for Pet Sheltering Facilities and Services During Emergencies – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board approve the Interlocal Agreement between the Board of County Commissioners of Escambia County, Florida, and the Escambia County School Board, to provide pet sheltering facilities and services during emergencies.

7. Recommendation Concerning the Policy for the Escambia County Choose Life Funds Coalitions – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board support the Policy for the Escambia County Choose Life Funds Coalitions, as submitted by Catholic Charities of Northwest Florida, Inc., serving as Lead Agency for the Choose Life Funds distribution.

COUNTY ADMINISTRATOR'S REPORT

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8. Recommendation Concerning Scheduling a Public Hearing for the Vacation of a Portion of Virginia Avenue – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board schedule a Public Hearing for August 6, 2009, at 5:31 p.m., to consider the proposed vacation of an unimproved portion of Virginia Avenue (approximately 61 feet x 240 feet = 14,640 square feet or 0.34 acres), on the Board's own motion, as requested by Pensacola Habitat for Humanity, Inc.

9. Recommendation Concerning Resolution Supporting the Waxman-Markey Discussion Draft of the American Clean Energy and Security Act of 2009 – Grover C. Robinson, IV, District 4

RECOMMENDATION: That the Board take the following action concerning the Resolution relating to the Waxman-Markey Discussion Draft of the American Clean Energy and Security Act of 2009:

- A. Adopt the supporting Resolution;**
- B. Authorize the Chairman to sign the Resolution; and**
- C. Authorize transmittal of the Resolution to Senators Nelson, Martinez, and Meeks, and to Congressman Miller.**

II. Budget/Finance Consent Agenda

1. **Recommendation Concerning Fiscal Year 2008/2009 Miscellaneous Appropriations Agreement for Pensacola Beach Chamber of Commerce, Inc. – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning approval of the Fiscal Year 2008/2009 Miscellaneous Appropriations Agreement for Pensacola Beach Chamber of Commerce, Inc.:

- A. Approve the Fiscal Year 2008/2009 Miscellaneous Appropriations Agreement, in the amount of \$15,000, to be paid from the 4th Cent Tourist Development Tax Fund (108), Cost Center 360105;
 - B. Authorize the Chairman to sign the Agreement and all other necessary documents; and
 - C. Approve the necessary Purchase Order.
2. **Recommendation Concerning Fiscal Year 2008/2009 Miscellaneous Appropriations Agreement for Pensacola Sports Association, Inc. – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning approval of the Fiscal Year 2008/2009 Miscellaneous Appropriations Agreement for Pensacola Sports Association, Inc.:

- A. Approve the Fiscal Year 2008/2009 Miscellaneous Appropriations Agreement, in the amount of \$100,000, to be paid from the 3rd Cent Tourist Development Tax Fund (108), Cost Center 360101;
- B. Authorize the Chairman to sign the Agreement and all other necessary documents; and
- C. Approve the necessary Purchase Order.

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3. Recommendation Concerning Supplemental Budget Amendment #257 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #257, Other Grants & Projects Fund (110), in the amount of \$350,738, to recognize Grant funds from the U.S. Department of Justice and to appropriate these funds for the technology needs of the Sheriff's Office.

4. Recommendation Concerning Supplemental Budget Amendment #266 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #266, Civic Center Fund (409) and the Tourist Development Tax Fund (108), in the amount of \$220,000, to transfer monies from the 4th Cent Tourist Development Tax fund and to appropriate these funds for ice-hockey-related repairs to the Pensacola Civic Center.

5. Recommendation Concerning Supplemental Budget Amendment #269 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #269, Local Option Sales Tax III Fund (352), in the amount of (\$1,479,734), to recognize a reduction in funds and adjust the funds appropriated for the University of West Florida Campus Agreement.

6. Recommendation Concerning Supplemental Budget Amendment #271 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #271, General Fund (001), in the amount of \$41,796, to recognize reimbursements from auto insurance payments received March 9, 2009, through May 4, 2009, and to appropriate these funds for the Sheriff's Office vehicle activities.

7. Recommendation Concerning Supplemental Budget Amendment #273 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #273, Local Option Sales Tax III Fund (352), in the amount of \$8,136,719, to recognize funds from the Federal Stimulus Grant and appropriate these funds for infrastructure improvements to various roadways in Escambia County.

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8. Recommendation Concerning Supplemental Budget Amendment #275 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #275, Escambia County Restricted Fund (101), in the amount of \$11,500, to recognize sponsorships received by individuals and companies and to appropriate these funds for shelter operations.

9. Recommendation Concerning Supplemental Budget Amendment #276 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #276, Other Grants & Projects Fund (110), in the amount of \$163,493, to recognize funds from the State of Florida and appropriate these funds for the Non-Custodial Parent Placement Program in Escambia County.

10. Recommendation Concerning Purchase Orders in Excess of \$50,000 to Veolia Transportation Services, Inc. – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board approve the issuance of Purchase Orders in excess of \$50,000 to Veolia Transportation Services, Inc., to support the Assignment of Agreements executed at the June 4, 2009, Board of County Commissioners Meeting. [Funding Source: Mass Transit Fund (104), 220205/53101 and 220208/53101]

11. Recommendation Concerning Contract for Auditing Services – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board award a Contract to the number-one-ranked proposer, O'Sullivan Creel, LLP, for PD 08-09.040, for Auditing Services for Escambia County Government – Fiscal Years ending September 30, 2009, 2010, 2011, 2012, and 2013, in accordance with Florida Statutes 218.391 (3) (i), for the following amounts:

Fiscal Year ending September 30, 2009 \$195,584
Fiscal Year ending September 30, 2010 \$199,496
Fiscal Year ending September 30, 2011 \$203,486
Fiscal Year ending September 30, 2012 \$207,555
Fiscal Year ending September 30, 2013 \$211,706
Total Price for Auditing Services \$1,017,827

[Funding Source: Fund 001, General Fund, Cost Center 140201]

12. **Recommendation Concerning Uniform Rental Service Agreement – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board award a three-year Contract to Unifirst Corporation, Inc., for “Uniform Rental Service Agreement”, PD 08-09.041, for \$100,000 per year, in accordance with the terms and conditions of the solicitation and annual appropriation of funds.

[Funding: Fund 001, General Fund, Cost Centers 210602, 210901 and 220204, Object Code 54401; Fund 401, Solid Waste, Cost Centers 220601, 220602, 220603 and 220604, Object Code 53401; Fund 175, Transportation Trust Fund, Cost Center 210402, Object Code 54401.]

13. **Recommendation Concerning Design-Build Services for the West Pensacola Fire Department Emergency Vehicle Signal – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board award a Contract PD 08-09.076, for Design-Build Services for West Pensacola Fire Department Emergency Vehicle Signal, to Ingram Signalization, Inc., in the amount of \$153,000. [Funding Source: Fund 352, LOST III, Cost Center 330228, Object Code 56301]

14. **Recommendation Concerning Design-Build CRA Sidewalk Project #2 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning Design-Build Community Redevelopment Agency (CRA) Sidewalk Project #2, Roadway and Traffic Control Improvements, Phase 1: Winthrop Street; Phase 2: Cairo Street and Old Corry Field:

A. Approve the following Selection/Negotiation Committee Ranking:

1. Hernandez & Swift Associates, Inc., and Landmark Engineering & Land Planning, Inc.;
2. Panhandle Grading & Paving, Inc., and Sigma Consulting Group, Inc.; and
3. Gulf Atlantic Constructors, Inc., and Geci & Associates Engineers, Inc.; and

B. Award a Design-Build Contract, PD 08-09.003, Design-Build CRA Sidewalk Project #2, Roadway and Traffic Control Improvements, Phase 1: Winthrop Street; Phase 2: Cairo Street and Old Corry Field, to Hernandez & Swift Associates, Inc., and Landmark Engineering & Land Planning, Inc., for a lump sum amount of \$400,000.

[Funding: Fund 151, Community Redevelopment, Brownsville, Account 220515, Object Code 56301]

COUNTY ADMINISTRATOR'S REPORT

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15. Recommendation Concerning Landfill Gas-to-Energy Project – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning PD 07-08.111, Landfill Gas-to-Energy Project:

- A. Approve a Landfill Gas Sales Agreement between Escambia County, Florida, and Gulf Power Company, for the sale of Landfill Gas, at a rate of \$2.47 per MMBTU of Landfill Gas delivered to the Point of Delivery and utilized by the power plant, with an escalation clause of 3% per year, beginning on the first anniversary of the Commercial Operability Date, for a term of 20 years;**
- B. Approve an Operations and Maintenance Agreement between Escambia County, Florida, and LFG Technologies, Inc., a time and materials Contract for certain operations and maintenance services of the Landfill Gas Collection System for a term of 5 years; and**
- C. Authorize the Chairman to sign the Agreements.**

[Funding: Fund 401, Solid Waste Projects, Cost Center 220605]

16. **Recommendation Concerning the Brownsville Community Center Project Agreement – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action regarding approval of the Brownsville Community Center Project Agreement for the purpose of developing a community center facility in the Brownsville Community Redevelopment Area (CRA):

- A. Approve the Brownsville Community Center Project Agreement with Brownsville Assembly of God Church (Brownsville Assembly), The Hope Center-Brownsville, Inc., and the Brownsville Pastor's Association, providing funding commitments, responsibilities, facility use restrictions, and legal requirements associated with:
1. The expenditure of a maximum of \$275,000 in Escambia County Housing and Community Redevelopment funds to complete interior and exterior renovations to the Brownsville Assembly owned facility into a community center facility;
 2. The expenditure of a maximum of \$150,000 in Tax Increment Financing (TIF) funds to partially support community center staffing and support for a maximum of 24 months from the date the facility begins operation as the Brownsville Community Center; and
 3. Formal commitment of the existing Brownsville Assembly facility, by deed restriction, for long term and continuing use as the Brownsville Community Center facility, under the direction of The Hope Center – Brownsville, Inc., to effectively deliver recreation, social, health, educational, and community services to the residents of the Brownsville community, per terms and limitations of the Agreement; and
- B. Authorize the Chairman or County Administrator, as appropriate, to execute the Agreement and related documents as required to fully complete all aspects of the Project.

[Funding: Fund 124, Housing and Community Redevelopment, Cost Center 220406-\$250,000; Fund 151, Brownsville CRA TIF, Cost Center 220515-\$150,000]

17. **Recommendation Concerning Neighborhood Stabilization Program 2 Competitive Grant Application – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Neighborhood Stabilization Program 2 (NSP 2) Competitive Grant Application, to be filed with the U.S. Department of Housing and Urban Development (HUD):

- A. Authorize submission of a Neighborhood Stabilization Program 2 (NSP 2) Competitive Grant Application jointly with the City of Pensacola, to the U.S. Department of Housing and Urban Development (HUD), in the maximum amount of \$10,000,000, to undertake activities targeting the acquisition, rehabilitation, demolition, and/or redevelopment of vacant, foreclosed, and/or abandoned properties in NSP-2-targeted census tracts in Escambia County and the City of Pensacola, in accordance with HUD Application requirements established under the Housing and Economic Recovery Act of 2008 (HERA);
- B. Authorize the Chairman to execute the Escambia Consortium NSP 2 Interlocal Agreement with the City of Pensacola, subject to sign-off by the County and City of Pensacola Legal Departments;
- C. Authorize the commitment of up to \$500,000 in Hurricane Housing Recovery Program, State Housing Initiatives Partnership, and/or HOME Investment Partnerships Act Program income as local leveraging (matching), to be expended in support of various NSP 2 acquisition, rehabilitation, demolition, and/or redevelopment projects should the Grant be awarded;
- D. Authorize the Chairman or County Administrator, as appropriate, to execute the NSP 2 Competitive Application forms, certifications, commitments, and related documents as required to submit the Application to HUD; and
- E. Authorize the Chairman or County Administrator, as appropriate, to execute documents required to receive the NSP 2 funds, if awarded, and implement the NSP 2 Program upon approval of the Grant by HUD.

[Funding: Fund 120, HHRP, Cost Center 220426; Fund 120, SHIP, Cost Center 220428; Fund 147, HOME, Cost Center 220501, to be used as match if NSP 2 funds awarded]

COUNTY ADMINISTRATOR'S REPORT

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- 18. Recommendation Concerning Buyer-Broker Exclusive Agreement with Beck Property Company, Inc. – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board approve Amendment #1 to the Buyer-Broker Exclusive Agreement between Escambia County and Beck Property Company, Inc., to extend the Agreement for 180 days from the original termination date of July 5, 2009. The Agreement provides real estate brokerage services to assist the Neighborhoods and Community Services Bureau/Community Redevelopment Agency with property assemblage along Mobile Highway. [Funding Source: Fund 352, LOST III, Cost Center 220102, Object Code 56101]

- 19. Recommendation Concerning Memoranda of Understandings to Provide Access to the ECivis Grant Locator Program – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Memoranda of Understanding (MOU) between Escambia County and community-based organizations to provide access to the ECivis Grant Locator Program:

- A. Approve each Memorandum of Understanding between Escambia County and the following community-based organizations:**
- 1. American Red Cross of Northwest Florida;**
 - 2. ARC Gateway, Inc.;**
 - 3. Area Housing Commission;**
 - 4. Community Enterprise Investments, Inc.;**
 - 5. Council on Aging of West Florida, Inc.;**
 - 6. Escarosa Coalition on the Homeless;**
 - 7. The Hope Center;**
 - 8. Loaves and Fishes Soup Kitchen, Inc.;**
 - 9. Pensacola Habitat for Humanity;**
 - 10. United Way of Escambia County; and**
 - 11. Wildlife Sanctuary of Northwest Florida, Inc.; and**

- B. Authorize the Chairman to sign each MOU.**

[Funding Source: Fund 401, Solid Waste Environmental Quality, Cost Center 220602, Object Code 55201]

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20. Recommendation Concerning Change Order for Edgewater Phase II, Chaseville Sidewalk and Road Resurfacing – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

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

| | |
|---|--|
| Bureau: | Neighborhoods/Community Services Bureau |
| Division: | Community Redevelopment |
| Type: | Addition |
| Amount: | \$173,545.60 |
| Vendor: | Panhandle Grading & Paving, Inc. |
| Project Name: | Edgewater Phase II, Chaseville Sidewalk and Road Resurfacing |
| Contract: | PD 08-09.004 |
| PO#: | 291202 |
| CO#: | 1 |
| Original Award Amount: | \$265,886.10 |
| Cumulative Amount of Change Order through CO#1: | <u>\$173,545.60</u> |
| New Contract Total: | \$439,431.70 |

[Funding Source: Fund 151, Warrington Tax Increment Financing (TIF), Cost Center 220516, Object Code 56301]

21. Recommendation Concerning Amendment #1 to the Collection Agency Services Agreement with United Collection Service, Inc. – Michael Hardin, Public Safety Bureau Chief

RECOMMENDATION: That the Board approve Amendment #1 to the Collection Agency Services Agreement between Escambia County (County) and United Collection Service, Inc., (Agency), to provide for the following:

Article 2, paragraph 3.3, Timeline for Collection is amended to read as follows:

3.3 Timeline for Collection: Agency shall have ~~six (6) months~~ an indefinite period from the date of placement of each account to procure payment or a bona fide arrangement to pay the outstanding debt. Once an account is identified as uncollectible by the collection agency, it will be returned to EMS for final disposition. ~~Thereafter Agency shall return the account to EMS unless otherwise agreed in writing.~~ Notwithstanding the preceding guideline, the County retains the ability to remove the account provided County shall credit Agency with subsequent collections procured directly as a result of Agency's prior efforts.

[Funding: Fund 408, Emergency Medical Services, Cost Center 330304, Account 53401]

22. **Recommendation Concerning the Road Improvement Project at the Intersection of Ten Mile Road and Chemstrand Road – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action regarding the acquisition of two parcels of real property from Richard and Kristin Beck, in connection with the County's Road Improvement Project at the intersection of Ten Mile Road and Chemstrand Road:

- A. Adopt a Resolution approving the exchange of a portion of a County parcel (23-1N-30-3304-000-000), for a portion of a parcel owned by Richard and Kristin Beck (23-1N-30-3306-000-003), in accordance with the terms and conditions contained in the Agreement for Sale and Purchase and Contract for Sale and Purchase;
- B. Waive the retention of the fractional interest in the phosphates, minerals, metals, and petroleum in the parcel to be conveyed by the County, in accordance with Section 270.11(3), Florida Statutes;
- C. Authorize the purchase of another parcel from Richard and Kristin Beck (23-1N-30-3306-000-002), for a purchase price of \$9,840, in accordance with the terms and conditions contained in the Contract for Sale and Purchase;
- D. Authorize the payment of documentary stamps because the properties are being acquired for public use, which is the Ten Mile Road and Chemstrand Road Improvement Project; the public benefits from the acquisition by safer and more efficient traffic flow; and
- E. Authorize the County Attorney to prepare, and the Chairman or Vice Chairman to execute, any documents necessary to complete the exchange and purchase of the properties, without further action from the Board.

[Funding Source: Fund 333, New Road Construction, Account 210204/56301/56101, Project 05EN0925]

23. **Recommendation Concerning Interlocal Agreement with ECUA for Resurfacing of Certain County Roadways – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board approve, and authorize the Chairman to sign, the Interlocal Agreement for the resurfacing of a portion of Kingsfield Road by the Emerald Coast Utilities Authority (ECUA), in conjunction with the ECUA Main Street Wastewater Treatment Plant Replacement Project (Lift Station #186 Transmission Main Relocation Project). Funds will be supplied from the annual resurfacing budget to perform this scope of work. [Funds are available in Fund 352, "LOST III", Account 210107/56301, Project # 08EN0208.]

24. **Recommendation Concerning a Local Agency Program Agreement and Resolution for a Sidewalk Project on Broad Street, from Alexia Avenue to Untreiner Avenue – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$143,690) for a sidewalk project on Broad Street from Alexia Avenue to Untreiner Avenue:

- A. Approve the Local Agency Program Agreement between the State of Florida Department of Transportation and Escambia County, for a sidewalk project on Broad Street, from Alexia Avenue to Untreiner Avenue;
- 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.

25. **Recommendation Concerning a Local Agency Program Agreement and Resolution for a Resurfacing Project on County Road 99 (Beulah Road), from Nine Mile Road to Mile Marker 2.6 – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$539,323) for a resurfacing project on CR 99 (Beulah Road), from Nine Mile Road to Mile Marker 2.6:

- 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 Resurfacing Project on CR 99 (Beulah Road), from Nine Mile Road to Mile Marker 2.6;
- 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.

26. Recommendation Concerning a Local Agency Program Agreement and Resolution for a Resurfacing Project on County Road 297 (Dog Track Road), from Blue Angel Parkway to Highway 98 (Lillian Highway) – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$871,927) for a resurfacing project on CR 297 (Dog Track Road), from Blue Angel Parkway to Highway 98 (Lillian Highway):

- 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 resurfacing project on CR 297 (Dog Track Road), from Blue Angel Parkway to Highway 98 (Lillian Highway);
- 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.

27. Recommendation Concerning a Local Agency Program Agreement and Resolution for a Resurfacing Project on County Road 297 (Dog Track Road) from Gulf Beach Highway to Blue Angel Parkway – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program Agreement with the State of Florida Department of Transportation, for funding (not to exceed \$363,178) for a resurfacing project on CR 297 (Dog Track Road), from Gulf Beach Highway to Blue Angel Parkway:

- A. Approve the State of Florida Department of Transportation, Local Agency Program (LAP) Agreement, between the State of Florida Department of Transportation (FDOT) and Escambia County, for a resurfacing project on CR 297 (Dog Track Road), from Gulf Beach Highway to Blue Angel Parkway;
- 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.

28. **Recommendation Concerning a Local Agency Program Agreement and Resolution for a Resurfacing Project on CR 453 ("W" Street), from Fairfield Drive to Highway 29 – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$2,527,424) for a resurfacing project on CR 453 ("W" Street), from Fairfield Drive to Highway 29:

- 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 resurfacing project on CR 453 ("W" Street), from Fairfield Drive to Highway 29;
 - 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.
29. **Recommendation Concerning a Local Agency Program Agreement and Resolution for a Resurfacing Project on County Road 498 (Copter Road), from the Entrance to Ellyson Industrial Park to Nine Mile Road – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$499,053) for a resurfacing project on CR 498 (Copter Road), from the entrance to Ellyson Industrial Park to Nine Mile Road:

- 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 resurfacing project on CR 498 (Copter Road), from the entrance to Ellyson Industrial Park to Nine Mile Road;
- 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.

30. Recommendation Concerning Local Agency Program Agreement and Resolution for a Resurfacing Project on County Road 95A, from Duke Avenue to Memory Lane – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$1,923,650) for a resurfacing project on CR 95A, from Duke Avenue to Memory Lane:

- 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 resurfacing project on CR 95A, from Duke Avenue to Memory Lane;
- 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.

31. Recommendation Concerning Local Agency Program Agreement for a Resurfacing Project on County Road 95A, from East Roberts Road to Nine Mile Road – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$858,684) for a resurfacing project on CR 95A, from East Roberts Road to Nine Mile Road:

- 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 resurfacing project on CR 95A, from East Roberts Road to Nine Mile Road;
- 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.

32. **Recommendation Concerning the Maplewoods Drainage Project – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Federally Funded Subgrant Agreement, Contract Number: 10HM-28-01-27-01-001, CFDA Number: 97.039, between the State of Florida, Division of Emergency Management and Escambia County Board of County Commissioners for the Maplewoods Drainage Project:

- A. Approve the Federally Funded Subgrant Agreement, Contract Number: 10HM-28-01-27-01-001, CFDA Number: 97.039, between the State of Florida, Division of Emergency Management, and Escambia County Board of County Commissioners; and
- B. Authorize the Chairman to sign the Agreement and any subsequent Grant-related documents.

[Funding Source: Escambia County's 25% construction cost match is available in Fund 352, "LOST III", Account 210107/56301, Project #09EN0093. This Hazard Mitigation Grant Program provides a reimbursement total of \$1,909,226, equivalent to 75% of the estimated construction cost and an additional administrative allowance.]

33. **Recommendation Concerning a Local Agency Program Agreement and Resolution for a Resurfacing Project on Johnson Avenue, from Gateswood Drive to Olive Road – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not-to-exceed \$409,790) for a resurfacing project on Johnson Avenue, from Gateswood Drive to Olive Road:

- 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 resurfacing project on Johnson Avenue, from Gateswood Drive to Olive Road;
- 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.

34. Recommendation Concerning a Pre-emption Interconnection Agreement with CSX Transportation, Inc. – Larry Newsom, Transportation Director

RECOMMENDATION: That the Board take the following action concerning a Pre-emption Interconnection Agreement with CSX Transportation, Inc.:

- A. Approve the Pre-emption Interconnection Agreement, between CSX Transportation, Inc., and Escambia County Board of County Commissioners, for CSX Transportation, Inc., to construct and maintain the traffic signal pre-emption interconnection on Kingsfield Road, at an estimated cost of \$24,446; and
- B. Authorize the Chairman to sign the Agreement.

[Funding Source: Fund 351, LOST II, Project Number 07EN0375, Account Number 210105/56301]

35. Recommendation Concerning Design-Build Services for Tate Road Bridge Replacement – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board approve Contract Amendment #1 to PD 07-08.088, Design-Build Services for Tate Road Bridge Replacement with Merrill Parker Shaw, Inc., to provide for:

A. SECTION 3. CONTRACT AMOUNT.

In consideration of the faithful performance by Design-Build Firm of the covenants in this Agreement to the full satisfaction and acceptance of County, County agrees to pay, or cause to be paid, to Design-Build Firm in accordance with the terms of this Agreement the following Guaranteed Maximum Price (GMP) amount for the Project (herein "Contract Amount"): ~~\$To Be Negotiated~~ \$431,039.43.

B. SECTION 4. DESIGN-BUILD FIRM FEES.

B. Construction Phase Fee. Prior to commencement of the Construction phase of the Project, the County will direct the Design-Build Firm in writing to proceed with that Construction Phase. The Design-Build Firm's compensation for services performed during the Construction Phase shall be a total fee of ~~\$To Be Negotiated~~ \$391,878.50 (However, the County retains the right to review the need and effectiveness of any employee or employees assigned by the Design-Build Firm, should the County question the need for the employee or employees). The Construction Phase Fee shall be paid in monthly payments of \$195,939.25 each and one final

monthly payment of ~~\$To Be Negotiated~~ \$195,939.25 at the conclusion of the Project;

C. Overhead And Profit For the Construction Phase. For overhead, profit, and general expenses of any kind for services provided during and related to the Construction Phase of the Project, the fee shall be ~~\$To Be Negotiated~~ N/A, and shall be paid proportionally to the ratio of the cost of the Work in place, and less retainage as it bears on the latest estimate of the total construction cost or to the GMP or to the County's Construction Budget, whichever is less. The balance of the fee shall be paid when construction of the Project is finally completed and occupancy of the Project accepted by the County as provided in this Agreement. If construction is authorized only for a part of a phase of the Project, the fee paid shall be proportionate to the amount of Work authorized by the County. The Overhead and Profit for the Construction Phase shall be negotiated based on the design and set forth in Exhibit J (Schedule of Project Fees).

C. SECTION 6. CONTRACT TIME AND LIQUIDATED DAMAGES.

A. Time is of the essence in the performance of the Work under this Agreement. Design-Build Firm shall commence the Work within ten (10) calendar days from the Commencement Date, established in each Phase's Notice to Proceed. No Work shall be performed at the Project site prior to such Commencement Dates. Design-Build Firm shall provide forty-eight (48) hours notice prior to beginning the Work. The Work shall be substantially completed within ~~\$To Be Negotiated~~ seventy (70) calendar days from the Commencement Date. The Work shall be fully completed and deemed ready by the County for final completion within ~~\$To Be Negotiated~~ thirty (30) calendar days from the Substantial Completion Date. The Contract Time shall be the time period from the Commencement Date to the date of final completion totaling ~~\$To Be Negotiated~~ one hundred (100) calendar days (herein "Contract Time").

B. County and Design-Build Firm recognize that, since time is of the essence for this Agreement, the County will suffer financial loss if the Work is not substantially completed within the time specified. Should Design-Build Firm fail to substantially complete the Work within the time period noted above, County shall be entitled to assess, as liquidated damages, but not as a penalty, ~~\$To Be Negotiated~~ \$1,000.00 for each calendar day thereafter until Substantial Completion is achieved.

[Funding: Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project Code 08EN0235]

III. For Discussion

1. Recommendation Concerning Appointments to the Board of Directors of Workforce Escarosa, Inc. – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning appointments to the Board of Directors of Workforce Escarosa, Inc.:

- A. Appoint Mr. Bill Lawson, Director, Fleet and Family Support Programs at NAS Whiting Field, to serve on the Board of Directors of Workforce Escarosa, Inc., as a community-based organization veterans' representative for a three-year term, beginning July 10, 2009, through July 9, 2012;
- B. Appoint Mr. David A. Pittman, Local President, AFL-CIO, IBEW, to serve on the Board of Directors of Workforce Escarosa, Inc., as the labor representative for a three-year term, beginning July 10, 2009, through July 9, 2012; and
- C. Appoint two of the three nominees to each serve on the Board of Directors of Workforce Escarosa, Inc., as private sector representatives for a three-year term, beginning July 10, 2009, through July 9, 2012;
 1. Mr. John A. Rigsby, Owner, Minorityhiringplace.com (LLC);
 2. Mr. Van E. Mansker, Regional Human Resources Director, Lowe's Home Improvement Company; and
 3. Mr. Scott Ginnetti, Director of People Development at Baptist Health Care.

COUNTY ATTORNEY'S REPORT
July 9, 2009

I. FOR ACTION:

1. Request a Public Hearing to consider an Ordinance authorizing the issuance of civil citations for certain violations of the Escambia County Code of Ordinances

That the Board schedule a Public Hearing on July 23, 2009 at 5:33 p.m. for consideration of adopting an ordinance authorizing the issuance of civil citations for certain violations of the Escambia County Code of Ordinances.

2. Attorney-Client Session; Pensacola Bay Fishing Bridge, Inc. v. Escambia County Case No. 2008 CA 003398

A. That the Board schedule a private meeting with its attorneys to discuss pending litigation, in accordance with § 286.011 (8), Florida Statutes, for July 23, 2009 at 3:30 p.m.

B. That the Board approve the public notice printed below to be published in the *Pensacola News Journal* on Sunday, July 12, 2009

PUBLIC NOTICE

IT IS THE INTENTION of the Board of County Commissioners of Escambia County, Florida, to hold a private meeting with its attorney to discuss pending litigation in the case of *Pensacola Bay Fishing Bridge v. Escambia County*, in accordance with Section 286.011 (8), Florida Statutes. Such attorney-client session will be held at 3:30 p.m., C.S.T. on Thursday, July 23, 2009, in the Board Meeting Room, First Floor, Escambia County Governmental Complex, 221 Palafox Place, prior to the meeting of the Board of County Commissioners. Commissioners Wilson Robertson, Gene Valentino, Marie Young, Grover Robinson, IV, and Kevin White, County Administrator Robert McLaughlin, Attorney representing Escambia County Charles V. Peppler, Deputy County Attorney, Alison Rogers, County Attorney and a certified court reporter will attend the attorney-client session.

3. Andrea Bishop v. Escambia County, Florida, Case No. 2008 CA 000467

That the Board approve a settlement with Andrea Bishop of her claim for damages for personal injuries for the amount of \$45,000 in exchange for a general release and hold harmless agreement.

4. Resolution Amending Escambia County Administrative Code

That the Board adopt a resolution amending the Escambia County Administrative Code to assign all future non-lawyer positions within the Office of the County Attorney to the unclassified category of the Professional, Technical and Confidential Service.