

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 – November 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 – Rabbi Eric Tokajer, Brit Ahm Messianic Synagogue.
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. Proclamations.

Recommendation: That the Board take the following action concerning adoption/ratification of the following 20 Proclamations:

- A. Adopt the Proclamation commending and expressing appreciation to J. Chris Wachtel for his years of faithful and dedicated service to Escambia County while serving as an appointee to the Marine Advisory Committee and the County Investment Advisory Committee;
- B. Adopt the Proclamation commending and congratulating Patrick Sheldon for achieving the rank of Eagle Scout;

(Continued on Page 2)

AGENDA – BOARD OF COUNTY COMMISSIONERS

November 5, 2009

Page 2

6. Continued...

- C. Adopt the Proclamation commending and congratulating the Pensacola Boys' Base for being recommended for an International Habitat Award by Pensacola's Habitat for Humanity;
- D. Adopt the Proclamation commending and expressing appreciation to L. Gary Sansing for his years of participation in local County Government;
- E. Adopt the Proclamation proclaiming Friday, November 6, 2009, as "Veterans' Stand Down 2009 Day" in Escambia County;
- F. Adopt the Proclamation proclaiming November 15-21, 2009, as "National Hunger and Homeless Awareness Week";
- G. Adopt the Proclamation commending and congratulating Pastor Earl F. Jackson for his 25 years of service to the Damascus Road Missionary Baptist Church;
- H. Adopt the Proclamation commending and expressing appreciation to Joe Morris and Son Funeral Home for 44 years of dedicated service to Escambia County residents and their families;
- I. Adopt the Proclamation commending and expressing appreciation to Reeds Funeral Home for 31 years of dedicated service to Escambia County residents and their families;
- J. Adopt the Proclamation commending and expressing appreciation to Trahan Mortuary for 11 years of dedicated service to Escambia County residents and their families;
- K. Adopt the Proclamation commending and expressing appreciation to Jackson-McMurray Funeral Home for six years of dedicated service to Escambia County residents and their families;
- L. Adopt the Proclamation commending and expressing appreciation to Tracy Morton Memorial Chapel for dedicated service to Escambia County residents and their families;

(Continued on Page 3)

AGENDA – BOARD OF COUNTY COMMISSIONERS

November 5, 2009

Page 3

6. Continued...

- M. Adopt the Proclamation commending and expressing appreciation to Holy Cross Cemetery for 67 years of dedicated service to Escambia County residents and their families;
- N. Adopt the Proclamation commending and expressing appreciation to Resthaven Gardens Cemetery for 57 years of dedicated service to Escambia County residents and their families;
- O. Adopt the Proclamation commending and expressing appreciation to Barrancas National Cemetery for 189 years of dedicated service to Escambia County residents and their families;
- P. Adopt the Proclamation commending and expressing appreciation to Florida Removal Service for 15 years of dedicated service to Escambia County residents and their families;
- Q. Adopt the Proclamation commending and expressing appreciation to Southern States Removal Service for 12 years of dedicated service to Escambia County residents and their families;
- R. Adopt the Proclamation commending and expressing appreciation to Walker Services for Funeral Homes for their years of dedicated service to Escambia County residents and their families;
- S. Ratify the Proclamation dated October 14, 2009, proclaiming Monday, October 19, 2009, as “Kiss Day” in Escambia County; and
- T. Ratify the Proclamation dated October 27, 2009, proclaiming Friday, October 30, 2009, as “Kobacker Arts Day” in Escambia County.

AGENDA – BOARD OF COUNTY COMMISSIONERS

November 5, 2009

Page 4

7. Written Communication:

- A. Recommendation: That the Board adopt a supplemental Resolution which authorizes the issuance by the Escambia County Health Facilities Authority of not exceeding \$555,000,000 in Revenue Bonds for Baptist Hospital, Inc., and The Baptist Manor, Inc. (collectively, the Baptist Obligated Group or the "Borrower"), Series 2009, and adds additional uses for the proceeds of the Bonds; and authorize the Chairman to sign the Resolution; and
- B. October 9, 2009, communication from Leslie Barnes, 3210 Dockens Road, McDavid, Florida, requesting that the Board waive the penalties associated with a Code Enforcement Lien filed against property located at 3600 Ashcraft Road, Century, Florida, in the amount of \$56,750.

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 Supplemental Budget Amendment Number 23, in the amount of \$32,802,098.37, to re-budget the following funds associated with on-going projects that were not completed by the end of Fiscal Year 2008-2009.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, take the following action concerning re-budgeting on-going projects that were not completed by the end of Fiscal Year 2008-2009:

- A. Ratify the scheduling (*and advertising*) of the 5:31 p.m. Public Hearing on November 5, 2009, to amend the Fiscal Year 2009-2010 Budget for the purpose of recognizing prior year grants and fund balances and appropriating these funds for on-going projects;
- B. Adopt the Resolution approving Supplemental Budget Amendment Number 23, in the amount of \$32,802,098.37, to re-budget the following funds associated with on-going projects that were not completed by the end of Fiscal Year 2008-2009:

General Fund (001)
Tourist Promotion Fund (108)
Other Grants and Projects Fund (110)
Disaster Recovery Fund (112)
Article V Fund (115)
CDBG/Entitlement Fund (129)
Community Redevelopment Fund (151)
Southwest Sector CRA Fund (152)
Transportation Trust Fund (175)
MSBU Assessment Fund (177)
Master Drainage Fund (181)
FTA Capital Fund (320)
New Road Construction Fund (333)
Local Option Sales Tax II Fund (351)
Local Option Sales Tax III Fund (352)
Solid Waste Fund (401)
Civic Center Fund (409)

- C. Approve all associated Fiscal Year 2009-2010 Purchase Orders for projects with existing Purchase Orders.

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
NOVEMBER 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 five Reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:

A. The following two Payroll Expenditures:

- (1) For Pay Date October 16, 2009, in the amount of \$2,108,947.55; and
- (2) For Pay Date October 30, 2009, in the amount of \$1,817,220.78; and

B. The following three Disbursement of Funds:

- (1) October 8, 2009, to October 14, 2009, in the amount of \$2,347,546.12;
- (2) October 15, 2009, to October 21, 2009, in the amount of \$5,974,183.96; and
- (3) October 22, 2009, to October 28, 2009, in the amount of \$7,217,332.51.

2. Recommendation Concerning Removal of Fixed Assets from Inventory

Recommendation: That the Board approve the transfer of machinery and equipment from the Board's Fixed Assets Inventory Records to the Escambia County Sheriff's Office, as of September 30, 2009, in the amount of \$3,103,633.17.

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

Recommendation: That the Board approve six (6) forms, *Request for Disposition of Property*, indicating 18 items of 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.

CLERK OF THE COURTS & COMPTROLLER'S REPORT

November 5, 2009

Page 2

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 to the Board's Office:

- A. The original recorded *Subordination Agreement (Morris Court II Apartments)*, as executed by the Chairman on September 24, 2009, and recorded in Official Records Book 6514, Pages 1557 through 1566, on October 5, 2009, based on the Board's April 19, 2007, action formally committing \$1,240,000 in Hurricane Housing Recovery Program (HHRP) funds to Morris Court II, LTD, to financially support the cost of constructing a 74-unit family housing tax credit rental development; and
- B. The *2009 Annual Investment Report* for the Fiscal Year ended September 30, 2009, for Sheriff David Morgan, which includes the *Escambia County Sheriff's Office Investment Policy*, as provided by the Honorable David Morgan, Sheriff, to the Honorable Marie Young, Chairman, Board of County Commissioners, pursuant to Section 218.415(15), Florida Statutes, and received in the Clerk to the Board's Office on October 23, 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 Regular Board Meeting held October 15, 2009;
- B. Approve the Minutes of the Attorney-Client Session held October 15, 2009;
- C. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held October 15, 2009; and
- D. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held October 8, 2009.

GROWTH MANAGEMENT REPORT

November 5, 2009

I. PUBLIC HEARINGS

1. Review of the rezoning case(s) heard by the Rezoning Hearing Examiner on September 28, 2009.

RECOMMENDATION:

That the Board take the following action:

- A. Review and either adopt, modify, or overturn the Rezoning Hearing Examiner's recommendation for Rezoning Case(s) Z-2009-04; and
- B. Authorize the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the rezoning case(s) that were reviewed.

Case No.:	Z-2009-04
Location:	5700 Blue Angel Parkway
Property Reference No.:	02-2S-31-2203-005-005
Property Size:	0.45 (+/-) acres
From:	R-6, Neighborhood Commercial & Residential District, High Density, (cumulative) (25 du/acre)
To:	C-2, General Commercial and Light Manufacturing District, (cumulative) (25 du/acre)
Overlay:	Airfield Influence Planning District-2 (AIPD-2) NOLF Saufley (3 du/acre)
FLU Category:	R, Residential
Commissioner District:	1
Requested by:	David J. Tau & Melody A. Tau, Owners
RHE Recommendation:	Denied
Speakers:	Lynette Harris David Tau Cassandra Moody Geraldine Sims Mary Berkley Cynthia Southern William Shanahan

2. **5:45 p.m. – Thursday, November 5, 2009 Public Hearing** – Amendment to the Official Zoning Map.

RECOMMENDATION:

That the Board adopt an Ordinance to amend the Official Zoning Map to include Rezoning Case(s) Z-2009-04 heard on September 28, 2009 and approved during the previous agenda item and to provide for severability, inclusion in the code, and an effective date.

3. **5:46 p.m. – Thursday, November 5, 2009 Transmittal Hearing** – Comprehensive Plan Amendment - Evaluation & Appraisal Report (EAR) Based Amendments.

RECOMMENDATION:

That the Board take the following actions:

- A. Repeal the Escambia County Comprehensive Plan: 2000, Ordinance No. 93-20 in its entirety; and
 - B. Review the Comprehensive Plan Amendment - EAR Based Amendments, to replace Part II of The Escambia County Code of Ordinances (1999), The Escambia County Comprehensive Plan, as amended; and
 - C. Transmit recommended approval to the Department of Community Affairs (DCA).
4. **5:47 p.m. – Thursday, November 5, 2009 Adoption Public Hearing** - Comprehensive Plan Amendment, Capital Improvement Program.

RECOMMENDATION:

That the Board adopt the proposed Comprehensive Plan Amendment, Capital Improvement Program herein, amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the updated five-year Capital Improvement Program Schedule and adopt the revised attachment, Table 14-1, to be included in Chapter 14 of the Comprehensive Plan entitled Capital Improvement Element.

5. **5:48 p.m. – Thursday, November 5, 2009 Public Hearing** – Land Development Code (LDC) Ordinance, amending Articles 3 & 6 “Mobile Vending Units.”

RECOMMENDATION:

That the Board review, the first of two Public Hearings, an Ordinance amending Part III of the Escambia County Code of Ordinances (1999), the Land Development Code (LDC) amending Article 3 "Definitions" Section 3.02.00, to define mobile vending units; and Article 6 "Zoning Districts" Section 6.04.17, to establish the operation of mobile vending units as permitted uses in the R-6, C-1, C-2, ID-1, ID-2, C-1PK, CC-PK, CG-PK, and PRPK zoning districts and to include additional restrictions for operation of mobile vending units.

II. CONSENT AGENDA

1. Scheduling of Public Hearings

RECOMMENDATION:

That the Board authorize the scheduling of the following Public Hearing(s):

- A. 5:45 p.m. –Thursday, December 10, 2009 Public Hearing –**
Amendment to the Official Zoning Map to include the following cases heard by the Planning Board on October 26, 2009 and November 9, 2009:

Case No.:	Z-2009-05
Location:	5717 North "W" Street
Property Reference No.:	44-1S-30-1105-000-004
Property Size:	1.95 (+/-) acres
From:	R-6, Neighborhood Commercial & Residential District, High Density, (cumulative) (25 du/acre) and ID-1, Light Industrial District, (cumulative) (no residential uses allowed) (0 du/acre)
To:	ID-1, Light Industrial District, (cumulative) (no residential uses allowed) (0 du/acre)
FLU Category:	C, Commercial
Commissioner District:	3
Requested by:	Thomas J. Gilliam, Jr. Agent for Nettie H. Barron, Owner

Case No.: **Z-2009-06**
Location: 7595 Scenic Highway

Property Reference No.: 08-1S-29-2000-000-200
Property Size: 1.98 (+/-) acres
From: R-1, Single Family District, Low Density Residential, (4 du/acre)
To: C-1, Retail Commercial District, (cumulative) (25 du/acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 4
Requested by: E. George Rothbauer, Agent for James M. McKelvey, Jr., Owner

Case No.: **Z-2009-07**
Location: 7753 North Davis Highway
Property Reference No.: 18-1S-30-4208-000-000
Property Size: 1.74 (+/-) acres
From: C-1, Retail Commercial District, (cumulative) (25 du/acre)
To: C-2, General Commercial and Light Manufacturing District, (cumulative) (25 du/acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 3
Requested by: Wiley C. "Buddy" Page, Agent for AMSDR Investment, Inc., Owner

Case No.: **Z-2009-08**
Location: 7011 Pine Forest Road
Property Reference No.: 24-1S-31-3401-000-000
Property Size: 1.83 (+/-) acres
From: C-1, Retail Commercial District, (cumulative) (25 du/acre)

To: C-2, General Commercial and
Light Manufacturing District,
(cumulative) (25 du/acre)

FLU Category: C, Commercial

Commissioner District: 1

Requested by: Thomas G. Hammond, Jr., Agent
for Service Lumber & Roofing
Supply, Inc., Owner

- B. 5:46 p.m. – Thursday, December 10, 2009 – Public Hearing – Land Development Code (LDC) Ordinance, amending Articles 3 & 6 “Mobile Vending Units”**

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

I. Technical/Public Service Consent Agenda

1. **Recommendation Concerning Appointment to the Marine Advisory Committee – Robert R. McLaughlin, County Administrator**

RECOMMENDATION: That the Board confirm Commissioner Kevin White's appointment of Hudson W. Woodfin, Jr., to the Marine Advisory Committee, effective November 5, 2009, replacing Captain Paul Redman. This appointment will run concurrent with Commissioner White's term of office or at his discretion.

2. **Recommendation Concerning Policy Establishing a Volunteer Program for Escambia County – Robert R. McLaughlin, County Administrator**

RECOMMENDATION: That the Board adopt a policy establishing a Volunteer Program for Escambia County. The primary purpose of the Volunteer Program is to augment and enhance community engagement and the delivery of County services to the citizens of Escambia County. Additionally, the Volunteer Program encourages involvement in local government and promotes participation by individuals and groups within Escambia County.

3. **Recommendation Concerning the Scheduling of a Public Hearing for an Economic Development Ad Valorem Tax Exemption for Rodney Rich and Company – Robert R. McLaughlin, County Administrator**

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing, Thursday, November 19, 2009, at 5:33 p.m., for consideration of adopting an Ordinance establishing an Economic Development Ad Valorem Tax Exemption (EDATE) for Rodney Rich and Company for 100% of their expansion for 10 years.

4. **Recommendation Concerning 2009/2010 Out-of-County Travel – Robert R. McLaughlin, County Administrator**

RECOMMENDATION: That the Board authorize out-of-County travel for the following:

- A. A representative of the Commission, the County Administrator, and/or the County Attorney wishing to participate in the conferences/events, as noted on the 2009/2010 Annual Travel Schedule; and
- B. Commissioners participating in the Florida Association of Counties' County Commissioner Certification Program.

COUNTY ADMINISTRATOR'S REPORT

NOVEMBER 5, 2009

PAGE 2 of 14

5. **Recommendation Concerning the Policy for Surplus Property Disposition for Affordable Housing – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board approve the Amendment to the Policy for Surplus Property Disposition for Affordable Housing, Section II, B.15, to allow the County to convey properties directly to qualified, non-profit agencies without auction and to set the price for said conveyance.

6. **Recommendation Concerning the Deferred Retirement Option Program – Amy Lovoy, Management and Budget Services Bureau Chief**

(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)

7. **Recommendation Concerning the Escambia County Health Department's Contract for Fiscal Year 2009/2010 – Dr. John J. Lanza, MD, PhD, MPH, FAAP, CHD, Escambia County Health Department Director**

RECOMMENDATION: That the Board take the following action concerning the Contract between the Escambia County Board of County Commissioners and the State of Florida, Department of Health, Escambia County Health Department:

- A. Adopt, as allowed by Florida Statutes, Chapter 154, the Resolution entitled "Resolution Authorizing a Contract Between the Escambia County Board of County Commissioners and the State of Florida, Department of Health, Escambia County Health Department" for operation of the Escambia County Health Department Contract year of October 1, 2009, through September 30, 2010; and
- B. Authorize the Chairman to sign the Resolution and Contract.
8. **Recommendation Concerning Certificate of Need for LJFD, Inc. – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Certificate of Need for LJFD, Inc.:

- A. Approve a Certificate of Need Application, permitting the above-named company to operate in Escambia County; and
- B. Authorize the Chairman to sign the Certificate.

9. **Recommendation Concerning the Non-Custodial Parent Placement Program – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board approve Modification #1 to the Contract Between Workforce Escarosa, Inc., and the Escambia County Board of County Commissioners Non-Custodial Parent Placement Program, WIA 2009-2010-04, to specifically stipulate the funding source for the current fiscal cycle of July 1, 2009, through June 30, 2010, and the origin of the funding. Modification #1 will also change the referenced name of Workforce Investment Act (WIA) to Welfare Transition Program.

10. **Recommendation Concerning Interlocal Agreement for Certain Student Clinical Training – Frank Edwards, Public Safety Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Interlocal Agreement between Escambia County and the District Board of Trustees of Pensacola Junior College, Florida, for the Provision of Certain Student Clinical Training (PJC Contract #09/10-0144):

- A. Approve the Interlocal Agreement to allow clinical learning experiences, under the auspices of Escambia County Emergency Medical Services, for students enrolled in Pensacola Junior College training programs in applied health occupations;
- B. Authorize the Chairman to sign the Interlocal Agreement; and
- C. Authorize the Clerk's Office to record the Interlocal Agreement in the Official Records.

[Funding Source (for filing fee): Fund 408/EMS; Cost Center 330302; Account 54901]

11. **Recommendation Concerning the Scheduling of a Public Hearing to Vacate Unnamed Right-of-Way Located on Brownsville Middle School Property – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board schedule a Public Hearing for November 19, 2009, at 5:33 p.m., to consider the proposed vacation of an unnamed right-of-way (66 feet x approximately 1,200 feet = 79,200 square feet or 1.80 acres) located on Brownsville Middle School property, on the Board's own motion.

12. **Recommendation Concerning Electronic Filing of Campaign Reports – David H. Stafford, Supervisor of Elections**

RECOMMENDATION: That the Board take the following action concerning the electronic filing of Campaign Reports:

- A. Adopt a Resolution requiring all local Campaign Finance Reports be filed electronically; and
- B. Authorize the Chairman to execute the Resolution.

13. **Recommendation Concerning Delaying Purchase of New Accessible Voting System – David H. Stafford, Supervisor of Elections**

RECOMMENDATION: That the Board take the following action concerning the requirement to purchase a new accessible voting system:

- A. Adopt a Resolution in support of delaying the requirement to purchase a new accessible voting system; and
- B. Authorize the Chairman to execute the Resolution.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Interlocal Agreement with the Office of the State Attorney Relative to Prosecution of Physical Sexual Abuse Cases Involving Juveniles – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board approve the Interlocal Agreement between Escambia County and the Office of the State Attorney, to allow them to hire an Assistant State Attorney and an Administrative Assistant to assist in the prosecution of physical and sexual abuse cases involving juveniles, per the terms and conditions of the Edward Byrne Memorial Justice Assistance Grant in an amount not to exceed \$122,470.

2. Recommendation Concerning Purchase Order for the Santa Rosa Island Authority Relative to the Defeased 2002 Capital Improvement Revenue Bonds – 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 (SRIA) to be paid from the Debt Service Fund 203, Cost Center 110248, Account 58101. The Board of County Commissioners defeased the 2002 Capital Improvement Revenue Bonds. The SRIA will continue to contribute these funds, but the County will refund the same amount of money from the debt service reserve.

3. Recommendation Concerning Foreclosure of Real Property Located at 13 Linda Street – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure on real property located at 13 Linda Street, Account Number 072955000, Reference Number 35-2S-30-6000-009-004, due to the Code Enforcement Lien recorded in Official Record Book 6171 at page 1565, in the amount of \$11,072.50, of the Public Records of Escambia County, Florida. The current assessed value of the property is \$17,575.

4. Recommendation Concerning Foreclosure on Real Property Located at 1910 West St. Catherine Avenue – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure on real property located at 1910 West St. Catherine Avenue, Account Number 062217000, Reference Number 17-2S-30-1600-820-082, due to the Nuisance Abatement Lien, in the amount of \$3,876.31, recorded in Official Record Book 4917 at page 803, of the Public Records of Escambia County, Florida. The current assessed value of the property is \$5,225.

COUNTY ADMINISTRATOR'S REPORT

NOVEMBER 5, 2009

PAGE 6 of 14

5. Recommendation Concerning Foreclosure on Real Property Located at 1925 North "P" Street – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure on real property located at 1925 North "P" Street, Account Number 061119000, Reference Number 17-2S-30-1200-080-003, due to the Code Enforcement Lien, in the amount of \$15,234.50, recorded in Official Record Book 6340, at page 1675 of the Public Records of Escambia County, Florida. The current assessed value of the property is \$8,122.

6. Recommendation Concerning Foreclosure on Real Property Located at 3005 West Gonzalez Street – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure on real property located at 3005 West Gonzalez Street, Account Number 063398000, Reference Number 33-2S-30-1000-005-002, due to the Code Enforcement Lien, in the amount of \$9,980.50, recorded in Official Record Book 6258, at page 1275 of the Public Records of Escambia County, Florida. The current assessed value of the property is \$5,700.

7. Recommendation Concerning Foreclosure on Real Property Located at 8020 Mobile Highway – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure on real property located at 8020 Mobile Highway, Account Number 090832000, Reference Number 18-1S-31-1105-000-000, due to the Code Enforcement Lien, in the amount of \$43,012.50, recorded in Official Record Book 5965, at page 1873 of the Public Records of Escambia County, Florida. The current assessed value of the property is \$25,992.

8. Recommendation Concerning Supplemental Budget Amendment #17 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #17, SHIP Fund (120), in the amount of \$1,705,000, to recognize funds from the Florida Housing Finance Corporation for the Impact Fee Proviso Grant and appropriate these funds for the State Housing Initiatives Partnership (SHIP) Affordable Housing Program.

COUNTY ADMINISTRATOR'S REPORT

NOVEMBER 5, 2009

PAGE 7 of 14

9. Recommendation Concerning Supplemental Budget Amendment #25 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #25, Other Grants and Projects Fund (110), in the amount of \$40,000, to recognize proceeds from the National Association of Counties Research Foundation and to appropriate the funds for the Jones Creek East Stream Restoration Project.

10. Recommendation Concerning Supplemental Budget Amendment #386 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #386, Solid Waste Fund (401), in the amount of \$5,900,000, to recognize the transfers from the Local Option Sales Tax Funds (LOST) (350, 351, 352) and to appropriate these funds for the landfill closure costs.

11. Recommendation Concerning Project Development and Environmental Update and Re-evaluation for U.S. 90 (Nine Mile Road), from SR 297 (Pine Forest Road) to SR 95 (U.S. 29) – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning Contract PD 08-09.100, Project Development and Environmental Update and Re-evaluation for U.S. 90 (Nine Mile Road), from SR 297 (Pine Forest Road) to SR 95 (U.S. 29):

A. Approve the Selection/Negotiation Committee Ranking:

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

B. Award Contract, PD 08-09.100, Project Development and Environmental Update and Re-evaluation for U.S. 90 (Nine Mile Road), from SR 297 (Pine Forest Road) to SR 95 (U.S. 29), to Dyer, Riddle, Mills and Precourt, Inc., in the amount of \$650,000.

[Funding: Fund 352, LOST III, Cost Center 210107, Account 56301, Project Number 08EN0165]

12. Recommendation Concerning Contract for Construction of Wellness Center – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board award a Lump Sum Contract, PD 09-10.001, Construction of Wellness Center, to Morette Company, Inc., for a total amount of \$63,135. [Funding: Fund 501, Internal Services Fund, Cost Center 140614, Object Code 56201]

13. Recommendation Concerning Task Order for Kupfrian Park Improvements Phase II – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning Task Order Contract PD 08-09.054, Kupfrian Park Improvements Phase II (100% Design):

A. Approve the Selection/Negotiation Committee Ranking:

1. HDR Engineering, Inc.
2. Rebol-Battle & Associates
3. Fabre Engineering

B. Award Task Order Contract, PD 08-09.054, Kupfrian Park Improvements Phase II (100% Design), to HDR Engineering, Inc., in the amount of \$146,675.22, to be governed by the terms and conditions of PD 02-03.079, Professional Services Contract.

[Funding: Fund 351, "LOST II", Cost Center 210105, Object Code 56301, Project Number 05EN2313]

14. Recommendation Concerning Purchase of a Freight Van – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize the County to piggyback off of the Houston Galveston Area Cooperative Contract Number HT 11-07, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, and award a Purchase Order to Santex Truck Center, LTD, in the amount of \$72,355, for the purchase of a Freight Van for the Fire Division. [Funding: Fund 352, Local Option Sales Tax III, Cost Center 330228, Fire Services Capital Projects, Object Code 56401, Machinery and Equipment]

15. Recommendation Concerning Contract for Uniform Purchase Contract – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board award a Contract for PD 08-09.110, "Uniform Purchase Contract", to Azar's Uniforms and At Work Uniforms, in the annual amount of \$109,000 each. The term of this Contract is 12 months, with 2 options for 12-month extensions, for a maximum of 36 months. [Funding: Fund 401, Solid Waste Fund, Object Code 55201, Cost Centers: 220601, 220602, 220603 and 220604; Fund 408, Emergency Medical Services Fund, Object Code 55201, Cost Center 330302 and Fund 143, Fire Protection Fund, Object Code 55201, Cost Center 330206]

16. Recommendation Concerning Gasoline and Diesel Fuel Contract – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board award a one-year extension for Contract PD 07-08.116, for \$4,000,000 per year, effective October 1, 2009, to Cougar Oil, Inc., dba Southern Energy, Inc., for Gasoline and Diesel Fuel, under the same terms and conditions, for Fiscal Year 2009-2010. [Funding: Fund 501, Internal Service Fund, Cost Center 210407, Account 55201]

17. Recommendation Concerning Bayou Chico/Jones Creek Stormwater Retrofit Project – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the State of Florida Grant Agreement between the State of Florida Department of Environmental Protection and the Escambia County Board of County Commissioners, from the Florida Department of Environmental Protection (DEP):

- A. Approve the State of Florida Grant Agreement, DEP Agreement No. G0275, from the Florida Department of Environmental Protection, in the amount of \$850,000, for the Bayou Chico/Jones Creek Stormwater Retrofit Project; and
- B. Authorize the Chairman to sign the Agreement and all subsequent Grant-related documents including no-cost extensions.

[Funding: Fund 110, Other Grants and Projects; new Cost Center; \$580,000 in-kind match]

18. **Recommendation Concerning Neighborhood Stabilization Program Agreement with Community Organizations Active in Disaster, Inc. – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Neighborhood Stabilization Program (NSP) Agreement with Community Organizations Active in Disaster, Inc., (aka: BRACE, LLC), hereinafter referred to as "BRACE":

- A. Approve a Non-Profit Development Agreement with BRACE, subject to legal signoff, committing a maximum of \$900,000 in approved NSP funds to finance: (1) costs associated with negotiation, acquisition and closing on the purchase of the foreclosed property known as Heritage Oaks Mobile Home Park, located at 1523 Gulf Beach Highway (Property Reference #35-2S-31-1000-004-149), to bring the property under the control of the non-profit developer; (2) clearance of blighting conditions (including deteriorated and abandoned mobile homes); (3) general property, utility and infrastructure improvements; and (4) securing, transporting and properly installing code-compliant, replacement manufactured housing units to avoid displacement of current residents and to preserve or provide at least 50 workforce housing sites for long-term occupancy by eligible low, moderate, and middle income families; and
- B. Authorize the Chairman or Vice Chairman to execute the Agreement and all related documents required to implement the project.

[Funding: Fund 129/NSP, Cost Center 220502]

19. **Recommendation Concerning the HHRP Rental Development Loan Agreement with Brittney Developers, Inc., for Myrtle Grove Elderly Apartments – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the following Hurricane Housing Recovery Program (HHRP) Rental Development Agreement:

- A. Formally terminate the \$167,297 HHRP Rental Development Loan Agreement with Brittney Developers, Inc., for the Myrtle Grove Elderly Apartments, as approved by the Board on June 15, 2006, based upon the default of the developer and pending foreclosure action against the developer regarding the property located at 1426 61st Avenue, Pensacola, Florida (Property Reference Number 352S303100001003/Property Account Number 07268000);
- B. Authorize Neighborhood Enterprise Foundation, Inc., (NEFI) to directly, or in cooperation with AMR at Pensacola, Inc., (AMR), participate in bidding and purchase actions up to \$167,297, at the foreclosure sale concerning the referenced property, for the express purpose of protecting the County's interest and securing direct or indirect control of the property;
- C. Authorize NEFI to draft a Rental Development Completion Agreement with AMR at Pensacola, Inc., a local non-profit, subject to legal sign-off, that will formally commit a maximum of \$367,500, in combined HHRP and HOME Program funds for the assumption of the Myrtle Grove Elderly Apartments Development, specifically requiring completion of a minimum of six duplexes (12 units of affordable housing) on the subject property, in accordance with the long-term occupancy requirements of the HHRP and HOME Programs;
- D. Formally prohibit Brittney Developers, Inc., Brian Daniel Developers, Inc., and Joseph A. Reeves, individually or any affiliated businesses or corporate entities in which Joseph A. Reeves is a legal partner, from participation in Escambia County's affordable housing programs, for a minimum of five years from the date of this Board action; and
- E. Authorize the Chairman or County Administrator, as appropriate, to execute all Agreements, correspondence or related documents as required to implement the authorized actions.

[Funding: Fund 120/HHRP, Cost Center 220426; Fund 147/HOME Cost Center 220501]

20. **Recommendation Concerning Purchase Order for SMG Management 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 \$167,991.19, to SMG for management fees for the Pensacola Civic Center for Fiscal Year 2009-2010, to be paid from Fund 409 (Civic Center Fund), Cost Center 221301 (Civic Center Admin), Object Code 53401.

21. **Recommendation Concerning the Purchase of Real Property for the Innerarity Point Fire Station – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action regarding the purchase of a parcel of property consisting of approximately 0.47 acres, located at 14260 Innerarity Point Road, owned by Richard Awalt, Dawn Taylor and Lani A. Bond, for the Innerarity Point Fire Station:

- A. Authorize the purchase of one parcel of property from Richard Awalt, Dawn Taylor and Lani A. Bond (14-3S-32-3001-000-001), for a purchase price of \$68,200, in accordance with the terms and conditions contained in the Contract for Sale and Purchase;
- B. Authorize the payment of documentary stamps, because the property is being purchased for governmental use, for public safety and to enhance the capabilities of Fire-Rescue in the Innerarity Point area; and
- C. Authorize the County Attorney to prepare and the Chairman or Vice Chairman to execute any documents necessary to complete the purchase without further action of the Board.

[Funding Source: Fund 351, LOST II, Cost Center 330210, Account 56101, Project Code 09FS0052]

22. Recommendation Concerning Agreement for Revenue Proceeds from the Sale of "Choose Life" License Plates – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Agreement between Escambia County, Florida, and Bethany Christian Services of the Gulf Coast, Inc.:

- A. Approve the designation of Bethany Christian Services of the Gulf Coast, Inc., as the lead agency in Escambia County, to administer and distribute revenue proceeds from the sale of "Choose Life" license plates; and
- B. Authorize the Chairman to sign the Agreement.

[Fund 101, Restricted Fund, Revenue Code 335611, "Choose Life" License Plates]

23. Recommendation Concerning Program Participation Agreement with Baptist Hospital (Pathways for Change) – Gordon Pike, Corrections Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Program Participation Agreement Between Baptist Hospital, Inc., a Florida not-for-profit Corporation, d/b/a Christian Counseling Center (hereinafter the "Center") and Escambia County Board of County Commissioners. The Center has created an outreach program to assist individuals who have recently been released from a correctional facility in assimilating into society. The program is commonly referred to as "Pathways for Change". The County agrees to contribute for Fiscal Year 2009/2010, \$140,000 to the Program (the "County Contribution"):

- A. Approve the Agreement; and
- B. Authorize the Chairman to sign the Agreement.

[Funding Source: General Fund 001, Cost Center 110201, Object Code 54901]

COUNTY ADMINISTRATOR'S REPORT

NOVEMBER 5, 2009

PAGE 14 of 14

24. **Recommendation Concerning a Request for Lien Forgiveness for Joe Maddox for Property Located at 3100 Lake Suzanne Drive – Gordon Pike, Community Corrections Bureau Chief**

RECOMMENDATION: That the Board consider Joe Maddox's request for Lien forgiveness on his homesteaded property located at 3100 Lake Suzanne Drive. The Lien amount of \$1200.50 consists of \$1,100 court costs, interest and filing fees, which are the hard costs. Although his request does not meet the Board's "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" Policy, he is requesting consideration by the Board of County Commissioners for forgiveness of the entire amount.

25. **Recommendation Concerning Contract for Security Services for M.C. Blanchard Judicial Center, Juvenile Justice Center and Escambia County Cobb Facility – Robin Wright, Trial Court Administrator**

RECOMMENDATION: That the Board approve the issuance of a blanket Purchase Order to Securitas Security Services USA, in the amount of \$215,000, based upon previously-awarded Contract, PD-05-06.136, to provide security services for the M.C. Blanchard Judicial Center, Juvenile Justice Center and Escambia County Cobb facility. Funds are available in Fund 114 (Court Security Fund), Cost Center 410505.

COUNTY ATTORNEY'S REPORT
November 5, 2009

I. FOR ACTION:

1. *Carl R. Gilbert, II and Sharon Gilbert vs. Harry R. McNesby, Charlie Walker, and Sotirios Thagouras; Case No. 3:08cv51/RV/MD*

That the Board:

- A. Approve the settlement in accordance with the terms of the Mediation Settlement Agreement reached on October 21, 2009;
- B. Authorize Mr. Hammons, who is representing Mr. Walker and Mr. Thagouras in their official capacities to join in a Motion to Dismiss with prejudice the claims brought against Mr. Walker and Mr. Thagouras in their official and individual capacities; and
- C. Direct that the settlement payment be made to the plaintiff's attorney's trust account and not be disbursed to the plaintiffs until a General Release of All Claims executed by Mr. and Mrs. Gilbert in favor of Mr. Walker and Mr. Thagouras in their official and individual capacities is delivered to the County Attorney's Office.

2. *Attorney-Client Session - Rapid Management Company v. Board of County Commissioners - Case No. 2008 CA 000527*

That the Board:

- A. Schedule a private meeting with its attorneys to discuss pending litigation, in accordance with Section 286.011(8), Florida Statutes, for November 19, 2009 at 3:30 p.m.; and
- B. Approve the attached to be published in the *Pensacola News Journal* on Saturday, November 7, 2009

3. *Carlis Goodale Workers Compensation Washout Settlement*

That the Board approve a workers compensation washout settlement in the amount of \$195,000.00 to former employee Carlis Goodale that will relieve the County of paying benefits for three separate work-related injuries. In exchange, Mr. Goodale will execute a general release of liability and waiver of employment with the County.

4. **Emergency Adult Arcade Moratorium Extension Ordinance**

That the Board schedule a Public Hearing on November 19, 2009 at 5:34 p.m. for consideration of adopting an emergency ordinance extending the temporary moratorium on the issuance of building permits and development orders of arcade amusement centers because the moratorium is set to expire at 5:00 p.m. on November 20, 2009.