

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 – February 4, 2010 – 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 – Pastor Brian Kinsey, First Pentecostal Church.
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/Special Recognition.

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

- A. Take the following action concern the adoption/ratification of the following three Proclamations:
- (1) Adopt the Proclamation commending and congratulating Mr. Robert R. McLaughlin, Jr., for 75 hours of volunteerism for his service project “Soles4Soles”, as part of the Pensacola High School International Baccalaureate Program;
 - (2) Adopt the Proclamation commending and congratulating Ms. Betty H. Salter for being one of the four recipients of the first “Lifetime Achievement Award,” presented by Habitat for Humanity International, for her years of volunteerism at the Pensacola Chapter of Habitat for Humanity; and
 - (3) Ratify the Proclamation proclaiming Thursday, February 4, 2010, as “UWF – Science and Engineering Day” in Escambia County;
- B. Recognize, with a pin and certificate, Patrick "Pat" Johnson, Division Manager, Solid Waste Management Division, Neighborhoods and Community Services Bureau, for his 25 years of dedicated service to Escambia County; and
- C. Recognize and commend Cordova Mall, Simon Property Group, for their support of and participation in the 2009 "Keep the Wreath Green" Holiday Fire Safety Campaign.
7. Written Communication – January 7, 2010, communication from Betty H. Salter, President/CEO, Pensacola Habitat for Humanity, requesting that the Board waive two Code Enforcement Lien(s), recorded in Official Records (OR) Book 5344, at Page 1006, and OR Book 4835, at Page 0263, against property located at 111 South 2nd Street.

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

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

9. **5:31 p.m. Public Hearing for consideration of adopting an Ordinance repealing Ordinance Number 2009-33.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, adopt an Ordinance repealing Ordinance Number 2009-33, which would (*have*) imposed and levied an additional 1% Tourist Development Tax (*5th Cent*) for air services support to begin collection April 1, 2010.

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
FEBRUARY 4, 2010

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

A. Payroll Expenditures for Pay Date January 22, 2010, in the amount of \$2,391,347.35; and

B. The following two Disbursement of Funds:

(1) January 14, 2010, to January 20, 2010, in the amount of \$10,541.12; and

(2) January 21, 2010, to January 27, 2010, in the amount of \$5,960,717.88.

2. Recommendation Concerning Accounts Receivable Write-Off

Recommendation: That the Board adopt the Resolution authorizing the write-off of \$304.62 in returned checks and accounts receivable in various funds of the County that have been determined to be uncollectible bad debts.

- I. CONSENT AGENDA – Continued
3. Recommendation Concerning Acceptance of Documents

Recommendation: That the Board take the following action concerning documents provided to the Clerk to the Board's Office:

- A. Accept, for filing with the Board's Minutes, the certified proof of publication, *Legal No. 1446437, Notice of Intent to Seek Enactment of Legislation (during the 2010 Regular Session of the Florida Legislature, or a subsequent Special Session, relating to Escambia County's acquisition of the Saufley Landfill)*, as published in the Pensacola News Journal on January 22, 2010, and received in the Clerk to the Board's Office on January 26, 2010;
- B. Accept, for filing with the Board's Minutes, the original *Agreement Between Escambia County and Edmisten & Associates for Professional Services as Governed by Florida Statute 287.055 (PD 02-03.79)*, as approved by the Board on October 4, 2007, and received in the Clerk to the Board's Office on January 28, 2010, and amend the Board's action of October 4, 2007, awarding a Task Order-based continuing Contract for Professional Services as Governed by Florida Statute 287.055, to correct the name of the Contractor from "Edmisten & Associates" to "Edmisten & Associates"; and
- C. Accept, for filing with the Board's Minutes, the original *Agreement Between Escambia County and RSW of NW FL, Inc., DBA 360 Surveying Services, for Professional Services as Governed by Florida Statute 287.055 (PD 02-03.79)*, as approved by the Board on August 21, 2008, and received in the Clerk to the Board's Office on January 28, 2010.

I. CONSENT AGENDA – Continued

4. 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 January 21, 2010;
- B. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held January 21, 2010; and
- C. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held January 14, 2010.

GROWTH MANAGEMENT REPORT

February 4, 2010

I. PUBLIC HEARINGS

1. Review of the rezoning cases heard by the Planning Board on January 11, 2010.

RECOMMENDATION:

That the Board take the following action:

- A. Review and either adopt, modify, or overturn the Planning Board's recommendation for Rezoning Cases Z-2010-01, Z-2010-02; and
- B. Authorize the Chairman to sign the Orders of the Escambia County Board of County commissioners for the rezoning cases that were reviewed.

Case No.:	Z-2010-01
Location:	9200 Beatrice Drive
Property Reference No.:	14-1S-30-2102-022-001
Property Size:	1.99 (+/-) acres
From:	R-3, One-family and Two-family District, (cumulative) Medium Density (10 du/acre)
To:	C-1, Retail Commercial District, (cumulative) High Density (25 du/acre)
FLU Category:	MU-1, Mixed Use 1
Commissioner District:	4
Requested by:	Wiley C. "Buddy" Page, Agent for Pensacola Pediatrics, LLC
Planning Board Recommendation:	Approval
Speakers:	Wiley C. "Buddy" Page

Case No.:	Z-2010-02
Location:	18 West Scott Street & 100 West Scott Street
Property Reference No.:	00-0S-00-9010-026-147 & 00-0S-00-9010-029-147
Property Size:	0.48 (+/-) acres total
From:	R-3, One-family and Two-family District, (cumulative) Medium Density (10 du/acre)
To:	C-2, General Commercial and Light Manufacturing District (cumulative) (25 du/acre)
FLU Category:	C, Commercial
Commissioner District:	3
Requested by:	Wiley C. "Buddy" Page, Agent for Vision Construction Ent., Inc.
Planning Board Recommendation:	Approval
Speakers:	Wiley C. "Buddy" Page

- 2. 5:45 p.m. - Thursday, February 4, 2010 Public Hearing** – Amendment to the Official Zoning Map.

RECOMMENDATION:

That the Board adopt an Ordinance to amend the Official Zoning Map to include rezoning cases heard by the planning Board on January 11, 2010 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, February 4, 2010 Public Hearing - LDC Ordinance – Articles 2, 3 & 7 “Administrative Waivers”

RECOMMENDATION:

That the Board review and adopt an Ordinance to the Land Development Code (LDC) amending Article 2 “Administration” Section 2.05.02, to remove references to the director of planning and zoning; Article 3 “Definitions” Section 3.02.00, to define “redevelopment”; and Article 7 “Performance Standards” creating Section 7.00.02, to establish waivers to certain requirements of this code provided all criteria are met.

II. CONSENT AGENDA

1. Schedule of Public Hearing

RECOMMENDATION:

That the Board authorize the scheduling the following Public Hearings:

A. 5:45 p.m. – Thursday, March 4, 2010 – A Public Hearing to amend the Official Zoning Map to include the following rezoning cases to be heard by the Planning Board on February 8, 2010.

Case No.:	Z-2010-03
Location:	3111 Fairfield Drive
Property Reference No.:	16-2S-30-1300-001-039 16-2S-30-1300-001-040 16-2S-30-1300-001-041
Property Size:	0.514 (+/-) acres
From:	R-4, Multiple Family District, (cumulative) Medium High Density (18 du/acre)
To:	C-2, General Commercial and Light Manufacturing District (cumulative) (25 du/acre)
FLU Category:	MU-1, Mixed Use
Commissioner District:	3
Requested By:	Wiley C. “Buddy” Page, Agent for Roger & Karen Wood, Owners

Case No.:	Z-2010-04
Location:	51 Highway 97
Property Reference No.:	33-3N-31-1004-000-000
Property Size:	36.51 (+/-) acres
From:	V-2, Villages Single Family Residential (2 du/acre)
To:	VR-2, Villages Rural Residential District (1 du/0.75 acre)
FLU Category:	AA-13, Activity Area Molino
Commissioner District:	5
Requested By:	Bennie & Gay Hassebrock, Owners

**COUNTY ADMINISTRATOR'S REPORT
FEBRUARY 4, 2010**

I. Technical/Public Service Consent Agenda

- 1. Recommendation Concerning Re-appointment to the Area Housing Commission – Robert R. McLaughlin, County Administrator**

RECOMMENDATION: That the Board reappoint Ms. Shirley D. Henderson, to the Area Housing Commission, to serve another four-year term, effective April 7, 2009, through April 6, 2013.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning the Sale of Real Property Located at 1117 West Yonge Street – Amy Lovoy, Management And Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the reduction of the minimum bid required for the sale of real property located at 1117 West Yonge Street, due to the Property Appraiser's reassessed value

A. Authorize the sale of the Board's surplus real property, Account Number 06-2159-800, Reference Number 17-2S-30-1600-190-018, acquired by governmental foreclosure, to the bidder with the highest offer above the minimum bid of \$907, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and

B. Authorize the Chairman to sign all documents related to the sale.

2. Recommendation Concerning the Sale of Real Property Located in the 1200 West Cross Street Block – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the reduction of the minimum bid required for the sale of real property located in the 1200 West Cross Street Block, due to the Property Appraiser's reassessed value:

A. Authorize the sale of the Board's surplus real property, Account Number 06-2410-000, Reference Number 17-2S-30-5009-000-068, acquired by governmental foreclosure, to the bidder with the highest offer above the minimum bid of \$7,018, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and

B. Authorize the Chairman to sign all documents related to the sale.

3. Recommendation Concerning the Sale of Real Property Located at 2708 West Bobe Street – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the reduction of the minimum bid required for the sale of real property located at 2708 West Bobe Street, due to the Property Appraiser's reassessed value:

- A. Authorize the sale of the Board's surplus real property, Account Number 06-1481-000, Reference Number 17-2S-30-1300-015-055, acquired by governmental foreclosure, to the bidder with the highest offer above the minimum bid of \$3,526, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
- B. Authorize the Chairman to sign all documents related to the sale.

4. Recommendation Concerning the Sale of Real Property Located at 411 Citrus Street – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the reduction of the minimum bid required for the sale of real property located at 411 Citrus Street, due to the Property Appraiser's reassessed value:

- A. Authorize the sale of the Board's surplus real property, Account Number 07-1341-000, Reference Number 34-2S-30-1000-003-100, acquired by governmental foreclosure, to the bidder with the highest offer above the minimum bid of \$3,059, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
- B. Authorize the Chairman to sign all documents related to the sale.

5. Recommendation Concerning the Surplus And Sale of Real Property Located at 110 North Merritt Street – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the surplus and sale of real property located at 110 North Merritt Street:

- A. Declare surplus the Board's real property, Account Number 08-1454-000, Reference Number 50-2S-30-5091-011-008;
- B. Authorize the sale of the property to the bidder with the highest offer received above the minimum bid of \$32,207, without further action of the Board; and
- C. Authorize the Chairman to sign all documents related to the sale.

6. **Recommendation Concerning the Sale of Real Property Located at 2507 North Baylen Street – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the increase of the minimum bid required for the sale of real property located at 2507 North Baylen Street, due to the Property Appraiser's reassessed value:

- A. Authorize the sale of the Board's surplus real property, Account Number 13-2330-000, Reference Number 00-0S-00-9010-021-146, acquired by governmental foreclosure, to the bidder with the highest offer above the minimum bid of \$15,518, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
- B. Authorize the Chairman to sign all documents related to the sale.

7. **Recommendation Concerning Supplemental Budget Amendment #104 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #104, General Fund (001) and Building Inspections Fund (406), in the amount of \$75,360, to recognize a transfer from the General Fund in order to reimburse Building Inspections for a vehicle transfer to other County divisions.

8. **Recommendation Concerning Supplemental Budget Amendment #106 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #106, Other Grants and Projects Fund (110), in the amount of \$912,500 to recognize proceeds from three State of Florida Department of Transportation Grant Agreements that were approved but not spent in prior years and to appropriate these funds for the design update on U.S. 90A (Nine Mile Road), between State Road 297 (Pine Forest Road) and U.S. Highway 29; the design of paved shoulders and bicycle lanes on 2nd Street, from Interbay Avenue to Barrancas Avenue; and for infrastructure improvements at Olive Road and Cody Lane.

9. Recommendation Concerning Contract for Drug Court Treatment Services – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board amend its action of October 1, 2009, concerning Contract PD 08-09.103, Drug Court Treatment Services to Lakeview Center, Inc., to correct the Cost Center from 410550 to 410553 and 410568. The term of the Contract is 24 months with 3 options for 12-month extensions, for a maximum of 60 months. The annual amount is \$399,000. [Funding: Fund 110, Other Grants & Projects, Cost Centers 410553 and 410568, Object Code 53401]

10. Recommendation Concerning the Contact for Modular Office Systems for the Escambia County Central Office Complex – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board award Contract PD 08-09.092, Modular Office Systems for Escambia County Central Office Complex, to Haworth, Inc., as follows:

Base Proposal	\$505,178.98
Additional Storage and Task Lighting	<u>75,000.00</u>
Total	\$575,178.98

[Funding: Fund 351, Local Option Sales Tax II, Cost Center 110261, Project Number 05AD0029 One Stop Building, Object Code 56201]

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

RECOMMENDATION: That the Board award a Contract for Term Employment Services, PD 09-10.008, to I.H.T. of SC, Inc., for the approximate amount of \$600,000, for a period of 12 months, renewable for 2 additional 12-month periods, for a total of 36 months. [Funding: Fund 001, General Fund, Cost Center 220204, Object Code 53401, \$90,000; Fund 001, General Fund, Cost Center 210603, Object Code 53401, \$22,000; Fund 001, General Fund, Cost Center 140101, Object Code 53401, \$120,000; Fund 110, Other Grants and Projects, Cost Center 210504, Object Code 53401, \$30,700; Fund 110, Other Grants and Projects, Cost Center 330459, Object Code 53401, \$22,000; Fund 116, Development Review Fees, Cost Center 250201, Object Code 53401, \$45,000; Fund 129, CDBG HUD Entitlement Fund, Cost Center 220563, Object Code 58301, \$15,907; Fund 129, CDBG HUD Entitlement Fund, Cost Center 220410, Object Code 58301, \$21,093; Fund 401, Solid Waste Fund, Cost Center 220601, Object Code 53401, \$30,000; Fund 401, Solid Waste Fund, Cost Center 220602, Object Code 53401, \$30,000; Fund 401, Solid Waste Fund, Cost Center 220603, Object Code 53401, \$50,000; Fund 401, Solid Waste Fund, Cost Center 220604, Object Code 53401, \$100,000]

12. **Recommendation Concerning County's 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 a parcel of real property from Marwan Alselwadi and Nader Alselwady, 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 two County parcels (approximately 0.40 acres) for a portion of a parcel of property owned by Marwan Alselwadi and Nader Alselwady (approximately 0.05 acres or 1,980 square feet), 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 payment of documentary stamps because the property is being acquired for public use, which is the Ten Mile Road and Chemstrand Road Improvement Project, and the public benefits from the acquisition by safer and more efficient traffic flow; and
- D. Authorize the County Attorney to prepare and the Chairman or Vice Chairman to execute any documents necessary to complete the exchange of the properties without further action of the Board.

[Funding Source: Fund 352, Lost III, Account 210107/56301/56101, Project 08EN0255; and Fund 351 Lost II, Account 210105/56101, Project 05EN0725]

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13. Recommendation Concerning Contract for Re-Solicitation On-Site Employee Health Clinic – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board award Contract PD 09-10.005, Re-Solicitation On-Site Employee Health Clinic, to Concentra Health Services, Inc., for 36 months as follows:

Fiscal Year 2009/2010	Year 1	\$583,252
Fiscal Year 2010/2011	Year 2	\$534,719
Fiscal Year 2011/2012	Year 3	<u>\$550,761</u>
Total		\$1,668,732

[Funding: Fund 501, Internal Service Fund, Cost Center 140609, Object Code 53401]

14. Recommendation Concerning Area “A” Density Reduction Project – 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 for the Area “A” Density Reduction Project, consisting of approximately 3.74 acres, located off Fenceline Road, owned by George J. Roark, III, Donald A. Roark, Bromfield Nichol, Jr., and USAA Federal Savings Bank as Trustee of the Bromfield Nichol, Jr., Trust, dated September 26, 2007:

- A. Authorize the purchase of one parcel of property from George J. Roark, III, Donald A. Roark, Bromfield Nichol, Jr., and USAA Federal Savings Bank as Trustee of the Bromfield Nichol, Jr., Trust, dated September 26, 2007, (03-3S-31-2010-000-000), for the appraised value of \$215,000, 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, to control development and promote the long-term viability of Pensacola Naval Air Station (NAS), and will enhance the public safety and general welfare of the citizens of Escambia County; 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 110, “Other Grants and Projects - Density Reduction PNS-NAS”, Account 221006/56101]

15. **Recommendation Concerning the Department of the Navy's License for Non-Federal Use of Real Property – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board approve and authorize the County Administrator to execute all documents relating to the Department of the Navy's "License For Non-Federal Use of Real Property, License Number N69450-09-CO-03", which will allow County staff access to Bronson Field, in order to perform outfall/ditch maintenance, including the authorization of any time extension necessary to complete the required maintenance. [Funding Source: Fund 351 "Local Option Sales Tax II", Account 350233/56301, Project No. 08PR0102]

16. **Recommendation Concerning the Florida Division of Emergency Management, Citizen Corps and Community Emergency Response Team, Grant Programs Awards – Frank Edwards, Public Safety Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Florida Division of Emergency Management (FDEM) Citizen Corps and Community Emergency Response Team (CERT) Grant program awards, identifying Grant funding being awarded to Escambia County, in the collective amount of \$18,000, with a Grant period of October 1, 2009, through April 30, 2012:

- A. Approve the FDEM Award Letter identifying funding from the Citizen Corps and CERT Grant Program that will be identified in Fund 110, Other Grants and Projects, Cost Centers 330458 and 330430, respectfully;
- B. Approve the Federally-Funded Subgrant Agreement for Citizen Corps Project, Grant Contract #10-CC-43-01-27-01-XXX, in the amount of \$7,000, that will be identified in Fund 110, Other Grants and Projects, Cost Center 330458;
- C. Approve the Federally-Funded Subgrant Agreement for the CERT Project, Grant Contract #10-CC-43-01-27-01-XXX, in the amount of \$11,000, that will be identified in Fund 110, Other Grants and Projects, Cost Center 330430; and
- D. Authorize the Chairman to execute the Grant Award Letter, Citizen Corps Contract, and CERT Contract.

17. **Recommendation Amendments to Landfill Gas Sales Agreement and Power Plant Site Lease Agreement – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning approval of Amendment #1 to the Landfill Gas Sales Agreement and Amendment #1 to the Power Plant Site Lease between Gulf Power Company and Escambia County, Florida:

- A. Approve Amendment #1 to the Landfill Gas Sales Agreement between Gulf Power Company and Escambia County, Florida, revising Article 16, paragraph 16.1, "Termination for Failure to Obtain Florida Public Service Commission Approval", which removes the requirement for approval by the Florida Public Service Commission prior to proceeding with the Landfill Gas-to-Energy Project;
- B. Approve Amendment #1 to the Power Plant Site Lease Agreement between Gulf Power Company and Escambia County, Florida, revising paragraph 20, "Termination for Failure to Obtain Florida Public Service Commission Approval", which removes the requirement for approval by the Florida Public Service Commission prior to proceeding with the Landfill Gas-to-Energy Project; and
- C. Authorize the Chairman to sign the Amendments.

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

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18. Recommendation Concerning a Change Order for Solid Waste Transfer Station – 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
Division:	Solid Waste Management
Type:	Addition
Amount:	\$900,000
Vendor:	Southern Haulers, LLC
Project Name:	Solid Waste Transfer Station
Contract:	Operations Agreement between Allied Waste Services and Escambia County
PO#:	100856
CO#:	1
Original Award Amount:	\$50,000
Cumulative Amount of Change Orders through CO#1:	<u>\$900,000</u>
New Contract Total:	\$950,000

[Funding Source: Fund 401, Solid Waste Fund, Object Code 53401, Cost Center 220612]

COUNTY ATTORNEY'S REPORT
February 4, 2010

I. FOR ACTION:

1. *Escambia County v. Napoleon Powell (Wedgewood School Property) / Case No.: 2009-CA-003387*

That the Board authorize the County Attorney's Office to dismiss the lawsuit against Napoleon Powell and not seek a judgment for monetary damages and costs.

2. *M & H Profit, Inc. v. City of Panama City; Case No. 1D08-4983*

That the Board ratify the filing of a motion for leave to file *amicus* brief with attached proposed *amicus* brief in the case of *M & H Profit, Inc. v. City of Panama City* (Case No. 1D08-4983) now on appeal in the First District Court of Appeal.

3. *Larry Newsom as Interim County Administrator*

That the Board consider and approve the following action:

- A. Set the salary for Larry Newsom at \$112,500 only for the period of time he serves as the Interim County Administrator, which shall commence at midnight on February 7, 2010; and,
- B. That the Board confirm that this is a totally at will appointment that is expected to last no longer than 90 days; and,
- C. During his tenure as Interim County Administrator, Mr. Newsom is to use Joy Blackmon as Assistant County Administrator; and,
- D. Mr. Newsom shall get Board approval for employment actions relative to employees at the level of Division Manager or above; and,
- E. Upon completion of service as Interim County Administrator, Mr. Newsom shall revert to his current salary and position of Transportation and Traffic Division Manager.