

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 8, 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 – Commissioner Robinson.
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/Years of Service.

Recommendation: That the Board take the following action concerning Proclamations/
Years of Service:

- A. Take the following action concerning adoption/ratification of the following two Proclamations:

- (1) Adopt the Proclamation proclaiming July 20, 2010, to be "Zelica Grotto Day" in Escambia County; and

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6. Continued...

A. Continued...

- (2) Ratify the Proclamation, dated June 10, 2010, recognizing the 25th anniversary of the New Faith Missionary Baptist Church;

B. Adopt the following three Proclamations:

- (1) The Proclamation commending and congratulating Evelyn K. Cook, Mosquito Control Supervisor, Public Works Bureau, on her retirement after 37 years of service;
- (2) The Proclamation commending and congratulating Robert E. Marion, Storekeeper/Warehouse Technician, Public Works Bureau, on his retirement after 14 years of service; and
- (3) The Proclamation commending and congratulating Gary B. Siquefield, Emergency Medical Specialist, Public Safety Bureau, on his retirement after 21 years of service; and

C. Recognize, with pins and certificates, the below-named employees for their years of dedicated service to Escambia County:

- (1) Robert L. Baggett, Jr., Public Works Bureau, Infrastructure Branch, Parks Division, 25 years; and
- (2) Charles B. Ward, Public Works Bureau, Infrastructure Branch, Parks Division, 25 years.

7. Written Communication – June 8, 2010, communication from Thomas G. Hammond, Jr., PE, Hammond Engineering, Inc., requesting that the Board, due to the Planning Board's determination that West Florida Paint and Body Shop, Inc., was not required to install a privacy fence on its property used for vehicle staging, waive all fees due to the County for DRC (*Development Review Committee*) review and the Petition to Vacate, and reimburse the owner of West Florida Paint and Body Shop, Inc., for the cost of the privacy fence.

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

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

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

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

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

10. **5:32 p.m. Public Hearing for consideration of adopting an Ordinance creating the River Gardens, Third Addition, Subdivision Street Lighting MSBU.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, adopt, and authorize the Chairman to sign, the Ordinance creating the River Gardens, Third Addition, Subdivision Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and make the following findings of fact:

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

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11. **5:33 p.m. Public Hearing for consideration of the Petition to Vacate a portion of Rawson Lane, as petitioned by Pensacola Christian College, Inc.**

Recommendation: That the Board, at the 5:33 p.m. Public Hearing, take the following action regarding the Petition to Vacate a portion of Rawson Lane (approximately 3.94 acres), as petitioned by Pensacola Christian College, Inc.:

- A. Approve the Petition to Vacate;
- B. Accept the Hold/Harmless Agreement;
- C. Adopt the Resolution to Vacate; and
- D. Authorize the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute them at that time.

12. **5:34 p.m. Public Hearing for consideration of adopting an Ordinance amending Chapter 46, Finance, Article II, Division 5, Section 46-139 (2)(a), procedures for acquisition of real property.**

Recommendation: That the Board, at the 5:34 p.m. Public Hearing, adopt an Ordinance amending Chapter 46, Finance, Article II, Division 5, Section 46-139 (2)(a), procedures for acquisition of real property.

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13. **5:35 p.m. Public Hearing for consideration of the FTA 5307 Grant Application by ECAT for funding of planning and capital assistance on mass transit projects for Fiscal Year 2010.**

Recommendation: That the Board, at the 5:35 p.m. Public Hearing, take the following action concerning the Federal Transit Administration (FTA) 5307 Grant Application by Escambia County Area Transit (ECAT) for funding of planning and capital assistance on mass transit projects for Fiscal Year 2010:

- A. Ratify the scheduling and advertisement of a Public Hearing for 5:35 p.m. on July 8, 2010, for the purpose of receiving comments from the general public on the Grant Application for \$2,928,674 of Fiscal Year 2010 Federal assistance on mass transit projects;
- B. Approve, or amend and approve, the Grant Application; and
- C. Adopt the Resolution authorizing the Chairman or County Administrator to execute all appropriate documents for the processing and receipt of Federal funds from the FTA regarding this Grant and the ECAT General Manager to electronically submit, via the Federal Transportation Electronic Award and Management System, the Grant Application and Grant award execution, using the authorized passwords for the Chairman and County Attorney, where necessary.

14. Reports:

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

15. Items added to the agenda.

16. Announcements.

17. 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 8, 2010

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. Payroll Expenditures for Pay Date June 25, 2010, in the amount of \$2,172,327.54;

B. The following three Disbursement of Funds:

(1) June 10, 2010, to June 16, 2010, in the amount of \$4,746,954.40;

(2) June 17, 2010, to June 23, 2010, in the amount of \$3,396,752.12; and

(3) June 24, 2010, to June 30, 2010, in the amount of \$2,103,476.91; and

C. The Tourist Development Tax (TDT) Collections Data for Fiscal 2010, which includes the May 2010 returns received in the month of June 2010, as prepared by the Finance Department of the Clerk and Comptroller's Office; the nine months revenue collected reflects 61% of the Budget for the Fiscal Year.

2. Recommendation Concerning TDT Late Penalty and Interest Amnesty

Recommendation: That the Board adopt the Resolution granting amnesty from payment of late penalty and a reduction in interest associated with delinquent Tourist Development Tax (TDT) returns due prior to July 20, 2010; this amnesty shall run from July 1, 2010, until close of business on September 30, 2010.

I. CONSENT AGENDA – Continued

3. Recommendation Concerning Deepwater Horizon Oil Spill

Recommendation: That the Board take the following action concerning documents relating to the Deepwater Horizon Oil Spill:

- A. Accept, for filing with the Board's Minutes, the *Emergency Administrative Order In Re: Emergency Prohibition on Interference with Oil Pollution Prevention and Remediation Devices in Escambia County*, as executed by Larry M. Newsom, Interim County Administrator, on June 4, 2010;
- B. Ratify the Chairman's June 24, 2010, adoption and execution of Resolution R2010-114, *Declaration of State of Local Emergency*, effective for seven (7) days beginning at 2:00 p.m. June 25, 2010, through 1:59 p.m. July 2, 2010, pursuant to Section 252.38(3)(a)5, Florida Statutes; and
- C. Ratify the Chairman's June 25, 2010, adoption and execution of Resolution R2010-115, *Declaration of State of Local Emergency*, effective for seven (7) days beginning at 2:00 p.m. July 2, 2010, through 1:59 p.m. July 9, 2010, pursuant to Section 252.38(3)(a)5, Florida Statutes.

4. Recommendation Concerning Acceptance of Documents

Recommendation: That the Board accept, for filing with the Board's Minutes, the *Continuation Certificate* for Bond No. 1815976, in the amount of \$30,000, issued by The Hanover Insurance Company, as Surety, on behalf of Waste Pro of Florida, Inc., in favor of Escambia County Solid Board of County Commissioners – Division of Solid Waste Management, continuing the Bond through August 10, 2011, as provided by Denee M. Rudd, Accounting Supervisor, and received in the Clerk to the Board's Office on June 22, 2010.

I. CONSENT AGENDA – Continued

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 Special Board Meeting held June 10, 2010;
- B. Approve the Minutes of the Regular Board Meeting held June 17, 2010;
- C. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held June 17, 2010; and
- D. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held June 10, 2010.

GROWTH MANAGEMENT REPORT

July 8, 2010

I. PUBLIC HEARINGS

1. Review of the rezoning case heard by the Planning Board on June 14, 2010.

RECOMMENDATION:

That the Board take the following action:

- A. Review and either adopt, modify, or overturn the Planning Board's recommendation for Rezoning Case Z-2010-09, or remand the case back to the Planning Board; and
- B. Authorize the Chairman to sign the Order of the Escambia County Board of County Commissioners for the rezoning case that was reviewed.

| | |
|--------------------------------|---|
| Case No.: | Z-2010-09 |
| Location: | 301 Brent Lane (48-1S-30-3100-000-002) |
| From: | R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25 du/acre) |
| To: | C-2, General Commercial and Light Manufacturing District (cumulative) (25 du/acre) |
| Commissioner District: | 3 |
| Planning Board Recommendation: | Approval |
| Speakers: | Wiley C. "Buddy" Page, Agent Eva Peterson, Division Manager |

2. **5:45 p.m. – Thursday, July 8, 2010 – Public Hearing** – Amendment to the Official Zoning Map.

RECOMMENDATION:

That the Board adopt an Ordinance to amend the Official Zoning Map to include the rezoning case heard by the Planning Board on June 14, 2010 and approved during the previous agenda item; providing for severability, inclusion in the code, and an effective date.

3. 5:46 p.m. – Thursday, July 8, 2010 – Public Hearing – LDC Ordinance – Articles 3 & 6 “Arcade Amusement Centers & Bingo Facilities”

RECOMMENDATION:

That the Board review an Ordinance to the Land Development Code (LDC) amending Articles 3 & 6 “Arcade Amusement Centers & Bingo Facilities”, to define “arcade amusement center” and “bingo facility” and establish those zoning districts wherein arcade amusement centers and bingo facilities are conditional uses and permitted uses.

This hearing serves as the first of two required public hearings before the Board of County Commissioners (BCC) as set forth in LDC Section 2.08.04(b) and F.S. 125.66(4)(b).

II. CONSENT AGENDA

1. Schedule of Public Hearings

RECOMMENDATION:

That the Board authorize the scheduling of the following Public Hearing:

5:45 p.m. – Thursday, July 22, 2010 – A Public Hearing – LDC Ordinance – Articles 3 & 6 “Arcade Amusement Centers & Bingo Facilities”

This hearing serves as the second of two required public hearings before the Board of County Commissioners (BCC) as set forth in LDC Section 2.08.04(b) and F.S. 125.66(4)(b).

**COUNTY ADMINISTRATOR'S REPORT
JULY 8, 2010**

I. Technical/Public Service Consent Agenda

1. **Recommendation Concerning Request for Disposition of Property – Frank Edwards, Public Safety Bureau Chief**

RECOMMENDATION: That the Board approve five Requests for Disposition of Property forms, for property which is to be auctioned as surplus or properly disposed of, all of which are described and listed on the Disposition Forms with Bureau and reason stated.

2. **Recommendation Concerning Request for Disposition of Property – Cynthia Rhodes, Fixed Asset Custodian/Administrator/Accounting/Circuit Criminal – Ernie Lee Magaha, Clerk of the Circuit Court**

RECOMMENDATION: That the Board approve the Request for Disposition of Property form, for property which is to be auctioned as surplus or properly disposed of, all of which is described and listed on the form with the Agency and reason stated.

3. **Recommendation Concerning Scheduling a Public Hearing to Establish the Thousand Oaks Subdivision Street Lighting MSBU – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on July 22, 2010, at 5:31 p.m., to consider adoption of an Ordinance creating the Thousand Oaks Subdivision Street Lighting MSBU.

4. **Recommendation Concerning Scheduling a Public Hearing for Rolling Hills C&D Debris Facility – Sandra P. Jennings, P.E., Community and Environment Bureau Chief**

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing for July 22, 2010, at 5:32 p.m., for consideration of the Renewal of a Permit to Construct, Operate, Modify or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility for Rolling Hills C&D Debris Facility, owned by South Palafox Properties, LLC.

COUNTY ADMINISTRATOR'S REPORT

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5. Recommendation Concerning Request for Disposition of Property – Joy D. Blackmon, P.E., Interim Assistant County

RECOMMENDATION: That the Board take the following action concerning Requests for Disposition of Property approved on June 3, 2010, County Administrator's Report Item I-7:

- A. Amend the Board's action approving five Requests for Disposition of Property Forms, to reflect that two forms were duplicated and contained incorrect information; and**
- B. Approve the Request for Disposition of Property, for property which is described and listed on the form, with reason for disposition stated; the items are to be auctioned as surplus or properly disposed of.**

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Foreclosure on Real Property Located at 1814 North 60th Avenue – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure of the Code Enforcement Lien recorded in Official Record Book 6278, at Page 1557, in the amount of \$15,742.50, of the Public Records of Escambia County, Florida, on real property located at 1814 North 60th Avenue, Account Number 05-4315-050, Reference Number 14-2S-30-6000-002-011. The current assessed value is \$49,918.

2. Recommendation Concerning Foreclosure on Real Property Located at 3004 North Guillemard Street – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure based on the following Liens recorded in the Public Records of Escambia County, Florida, on real property located at 3004 North Guillemard Street, Account Number 05-1037-000, Reference Number 04-2S-30-6001-035-017 (the current assessed value is \$8,550):

- A. Nuisance Abatement Lien recorded in Official Record Book 4195, at Page 1695, in the amount of \$6,084.09;
 - B. Nuisance Abatement Lien recorded in Official Record Book 4817, at Page 282, in the amount of \$1,581.05; and
 - C. Code Enforcement Lien recorded in Official Record Book 5334, at Page 1372, in the amount of \$44,768.
3. Recommendation Concerning Foreclosure on Real Property Located at 7205 North Palafox Street – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure of the Code Enforcement Lien recorded in Official Record Book 6045, at Page 1303, in the amount of \$4,032.50, of the Public Records of Escambia County, Florida, on real property located at 7205 North Palafox Street, Account Number 02-3081-000, Reference Number 21-1S-30-1101-000-007. The current assessed value is \$75,568.

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4. Recommendation Concerning Foreclosure on Real Property Located at 806 Colbert Avenue – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure based on the following Liens recorded in the Public Records of Escambia County, Florida, on real property located at 806 Colbert Avenue, Account Number 10-0721-400, Reference Number 35-2S-31-1000-009-096. The current assessed value is \$6,175.

- A. Code Enforcement Lien recorded in Official Record Book 5800, at Page 1947, in the amount of \$8,359.50;**
- B. Nuisance Abatement Lien recorded in Official Record Book 6401, at Page 1596, in the amount of \$407.51;**
- C. Nuisance Abatement Lien recorded in Official Record Book 6459, at Page 1523, in the amount of \$152.07; and**
- D. Nuisance Abatement Lien recorded in Official Record Book 6548, at Page 1762, in the amount of \$194.52.**

5. Recommendation Concerning Foreclosure on Real Property Located in the 8600 Block of Kingfisher Lane – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure of the Code Enforcement Lien recorded in Official Record Book 6401, at Page 1588, in the amount of \$1,602.15, of the Public Records of Escambia County, Florida, on real property located in the 8600 Block of Kingfisher Lane (8601 Kingfisher Lane), real property Account Number 09-0550-113, Reference Number 12-1S-31-3500-022-001. The current assessed value is \$19,000.

6. Recommendation Concerning Supplemental Budget Amendment #233 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #233, FTA Capital Projects Fund (320), in the amount of \$1,373,000, to recognize proceeds from the Federal Transit Authority and to appropriate these funds for capital purchases at the Escambia County Area Transit System.

7. **Recommendation Concerning Supplemental Budget Amendment #237 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #237, Tourist Development Fund (108) and Civic Center Fund (409), in the amount of \$300,000, to recognize an increase in the Tourist Development Tax transfer to the Civic Center and to appropriate these funds to cover operational losses for the remainder of Fiscal Year 2009/2010.

8. **Recommendation Concerning Supplemental Budget Amendment #238 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #238, Escambia County Restricted Fund (101), in the amount of \$18,971, to recognize proceeds from Fishing Bridge Fees and to appropriate these funds for the operation of the bridge.

9. **Recommendation Concerning Supplemental Budget Amendment #243 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #243, LOST III Fund (352) and General Fund (001), in the amount of \$0, to recognize reimbursements in the proper fund from auto insurance payments and to appropriate these funds for the Sheriff's operational activities.

10. **Recommendation Concerning Supplemental Budget Amendment #244 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #244, Mass Transit Fund (104) and General Fund (001), in the amount of \$144,125, to recognize an increase in the General Fund transfer to Escambia County Area Transit and to appropriate these funds for enhanced service routes, from the Naval Air Station to Cordova Mall and downtown Pensacola to Pensacola Beach. These routes constitute an additional General Fund transfer of approximately \$741,000 for Fiscal Year 2010/2011.

11. **Recommendation Concerning Highway 97 Phase IV-A Muscogee Road Widening and Resurfacing Project – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board award an Indefinite Quantity, Indefinite Delivery Contract, PD 09-10.053, Highway 97 Phase IV-A Muscogee Road Widening and Resurfacing, to Roads, Inc., of NWF, for a total amount of \$991,000. [Funding: Fund 351, LOST II, Cost Center 210105, Object Code 56301, Project No. 05EN1515]

12. **Recommendation Concerning Multiple Award Contacts for Disaster Debris Collection – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board approve multiple award Contracts for the Disaster Debris Collection, PD 09-10.050, to the following firms, subject to negotiations and final and best offers based on an event(s) as follows: Ashbritt, Inc.; Crowder-Gulf; Unified Recovery Group, LLC; Starfish of AL, Inc.; Tag Grinding Services, Inc; Storm Reconstruction Services, Inc.; Asplundh Environmental Services, Inc.; Byrd Brothers Emergency Services, LLC; Panhandle Grading and Paving, Inc.; DRC Emergency Services, LLC; Roads Inc., of NWF; Southern Haulers, LLC; T. F. R. Enterprises, Inc.; JB Coxwell Contracting, Inc.; D & J Enterprises, Inc.; Phillips & Jordan, Inc.; Ceres Environmental Services, Inc.; and Bergeron Emergency Services, Inc. [Funding: Fund 112, Disaster Recovery Fund, pending federal assistance and reimbursement. The budgetary impact will vary with each event based on severity, damage inflicted, and state and federal assistance limits.]

13. **Recommendation Concerning Purchase Order for the Purchase of a Chain Belt Conveyor System for the Division of Solid Waste Management Recycling Operations – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board award a Purchase Order for the Purchase of a Chain Belt Conveyor System for the Division of Solid Waste Management (DSWM), Recycling Operations, PD 09-10.064, to Marathon Equipment Company, Inc., in the amount of \$96,281. [Funding: Fund 401, Solid Waste Fund, Cost Center 220604, Object Code 56401]

14. Recommendation Concerning Metro Ethernet Service Addendum Agreement – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Addendum Agreement for Metro Ethernet Service with BellSouth Telecommunications, Inc., d/b/a AT&T Florida:

- A. Approve the Addendum Agreement for Metro Ethernet Service with AT&T Florida, to provide the fiber optic service for Escambia County facilities, for a period of 48 months, for a total of \$503,664; and
- B. Authorize the Chairman to sign the Addendum Agreement.

[Funding Source: Funds are available in the current Budget, General Fund (001), Cost Center 270103, Object Code 54101]

15. Recommendation Concerning Purchase of New Holland Track Loader – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize the County to piggyback off of the General Services Administration Contract #GS30F-0010K, in accordance with Escambia County, Florida, Code of Ordinances, Chapter 46, Article II Section 46-44 Applications; Exemption; and Section 46-64, Board approval, and award a Purchase Order for a new Holland Track Loader, Model C190, PD 09-10.069, to Gaithersburg Farmers Supply, d/b/a Gaithersburg Equipment Company, in the amount of \$58,551. [Funding: Fund 352, LOST III, Cost Center 210802, Object Code 56401, Project #08PR0068]

16. Recommendation Concerning Termination of Contract for Waste Tire Removal and Disposal – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board, in accordance with the terms and conditions of the Contract for Waste Tire Removal and Disposal, PD 08-09.045, Paragraph 19, Termination, Subparagraph B, terminate the Contract to Southern Tires, Inc., effective August 9, 2010. [Funding: Fund 401, Solid Waste Fund, Cost Center 220604, Object Code 53401]

17. Recommendation Concerning Purchase Order Contract for LED Fluorescent Replacement Tubes – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board award a Purchase Order Contract to Mayer Electric Supply, per the terms and conditions of PD 09-10.058, LED T12-T8 Fluorescent Replacement Tubes, for a total price of \$141,898.50. [Funding: Fund 001, General Fund, Cost Center 210606, Object Code 56201]

18. Recommendation Concerning Task Order for Old Courthouse HVAC Renovation – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Task Order for the Old Courthouse HVAC Renovation:

A. Approve the Selection/Negotiation Committee Ranking:

1. H.M. Yonge & Associates, Inc.
2. Premier Engineering Group, LLC
3. Schmidt Consulting Group, Inc.; and

B. Award a Task Order for PD 09-10.059, Old Courthouse HVAC Renovation, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to H.M. Yonge & Associates, Inc., for a lump sum amount of \$74,900.

[Funding: Fund 001, General Fund, Cost Center 210606, Object Code 56201]

19. Recommendation Concerning Take Care Debit Card for Health Care Reimbursement – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board approve the authorization to offer the use of the Take Care Debit Card to employees that enroll in Health Care Reimbursement through EBS Atlanta. Employees will have the opportunity to elect the Debit Card for an annual fee of \$21.00 a year, which the employee will be able to pay through pre-tax dollars. [Funding Source: 501, Internal Service Fund, Cost Center 140612, Object Code 53101]

20. Recommendation Concerning Humana Specialty Benefits Vision Care Contract – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the renewal of the Humana Specialty Benefits Vision Care Contract:

- A. Approve the upgrades of the Vision Care Contract with Humana Specialty Benefits for the period effective October 1, 2010, to September 30, 2012, which will increase the exam amount, frame allowance and the contact lenses allowance. Premiums will be based on four tiers, which is similar to the County's health and dental insurance plans. Monthly premiums will be \$7.30 for single coverage, \$14.60 for employee and spouse, \$13.87 for employee and children, and \$21.87 for family coverage; and
- B. Authorize the Interim County Administrator to sign the renewal letter.

COUNTY ADMINISTRATOR'S REPORT

JULY 8, 2010

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21. Recommendation Concerning a Change Order for Medical Supplies and Equipment – Frank Edwards, Public Safety Bureau Chief

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

| | |
|----------------------------------|---|
| Bureau: | Public Safety |
| Division: | Emergency Medical Services |
| Type: | Addition |
| Amount: | \$5,000 |
| Vendor: | Henry Schein, Inc. (#131760) |
| Project Name: | N/A |
| Contract: | PD 06-07.072, Medical Supplies and Equipment |
| Purchase Order Number: | 100309 |
| Change Order Number: | 01 |
| Original Award Amount: | \$50,000 |
| This Change Order Amount: | <u>\$5,000</u> |
| New Contract Total: | \$55,000 |

[Funding Source: Fund 408, EMS (Emergency Medical Services), Cost Center 330302, EMS Operations, Account Code 55201, Operating Supplies]

22. Recommendation Concerning Fiscal Year 2011 Funding to Escambia County Area Transit for the Service Development Project of Southwest Escambia County – Sandra P. Jennings, P.E., Community and Environment Bureau Chief

RECOMMENDATION: That the Board takes the following action concerning Supplemental Joint Participation Agreement (JPA) Number 42349118401, providing Fiscal Year 2011 funding for the Southwest Service Development Project:

- A. Approve the Supplemental JPA Number 42349118401, providing for Florida Department of Transportation (FDOT) participation, in the amount of \$196,000 of Fiscal Year 2011 funding, to Escambia County Area Transit for the Service Development Project of Southwest Escambia County;**
- B. Adopt the Resolution authorizing the application and acceptance of these funds; and**
- C. Authorize the Chairman to execute the Resolution and all other required documents pertaining to this JPA without further action of the Board.**

[Funding: Fund 104, Mass Transit – No Additional Cost to the County]

23. **Recommendation Concerning 2010 Escambia Consortium Annual Action Plan for Housing and Community Development – Sandra P. Jennings, P.E., Community and Environment Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning approval of the 2010 Escambia Consortium Annual Action Plan:

- A. Approve the 2010 Escambia Consortium Annual Action Plan for Housing and Community Development, including the Escambia County 2010 Annual Plan detailing use of 2010 Community Development Block Grant (CDBG) funds in the amount of \$2,260,914; 2010 HOME Investment Partnerships Act (HOME) funds in the amount of \$1,783,779; and 2010 Emergency Shelter Grant Program (ESG) funds in the amount of \$92,305; and
- B. Authorize the Interim County Administrator to execute the 2010 Annual Action Plan forms, certifications and related documents, as required to submit the Plan to the U. S. Department of Housing and Urban Development (HUD), and authorize the Interim County Administrator or Chairman, as appropriate, to execute documents required to receive and implement the 2010 CDBG, 2010 HOME, and 2010 ESG Programs.

[Funding: Fund 129/CDBG, Fund 147/HOME, and Fund 110/ESG—Cost Centers to be assigned]

24. **Recommendation Concerning Community Development Block Grant Disaster Recovery Grant Funding the Centralized Homeless Housing and Services Facility Replacement Project – Sandra P. Jennings, P.E., Community and Environment Bureau Chief**

RECOMMENDATION: That the Board take the following action regarding the State of Florida Department of Community Affairs Community Development Block Grant (CDBG) Disaster Recovery (2008 Storms) Grant, funding the Centralized Homeless Housing and Services Facility Replacement Project (Waterfront Rescue Mission Facility):

- A. Approve the Centralized Homeless Housing/Services Replacement Facility Development Agreement with Waterfront Rescue Mission, Inc., (Waterfront) in the amount of \$1,800,000, to support construction of a replacement Centralized Homeless Housing and Services Facility on Waterfront property, located at 350 West Herman Street utilizing CDBG Disaster Recovery funds;
- B. Acknowledge Waterfront Rescue Mission, Inc.'s, unconditional agreement to completely and permanently vacate the existing property and facilities located at 16 West Main Street and further, prohibit its use by Waterfront, Waterfront affiliates, other agencies/organizations or individuals for emergency, transitional, or permanent housing or for delivery of services, including food, outreach/counseling or supportive services to the homeless or less fortunate; and
- C. Authorize the Chairman or Vice Chairman to execute the Agreement and all related documents as required to implement the project.

[Funding: Fund 110/CDBG Disaster Recovery Grant, Cost Center 220436 and Fund 124/Affordable Housing, Cost Center 220406]

25. Recommendation Concerning Community Development Block Grant Disaster Recovery Grant Sanitary Sewer Improvements Project – Sandra P. Jennings, P.E., Community and Environment Bureau Chief

RECOMMENDATION: That the Board take the following action regarding the State of Florida Department of Community Affairs Community Development Block (CDBG) Disaster Recovery (2008 Storms) Grant funding for Sanitary Sewer Improvements within the Barrancas Community Redevelopment Area (Lakewood Area):

- A. Approve the Interlocal Agreement with Emerald Coast Utilities Authority in the amount of \$3,200,000, providing for the construction of public sanitary sewer system improvements in the Barrancas Community Redevelopment Areas (specifically including major portions of the Lakewood Subdivision/neighborhood), utilizing CDBG Disaster Recovery funds; and
- B. Authorize the Chairman or Vice Chairman to execute the Agreement and all related documents as required to implement the project.

[Funding: Fund 110/CDBG Disaster Recovery Grant, Cost Center 220436 and Fund 124/Affordable Housing, Cost Center 220406]

26. Recommendation Concerning Pony League Batting Cages Project Located in the Palafox Community Redevelopment Area – Sandra P. Jennings, P.E., Community and Environment Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Community Development Block Grant (CDBG) funded Neighborhood Renewal Initiative Agreement with BBYSA, Inc.:

- A. Approve the Agreement and award a Neighborhood Renewal Initiative matching Grant in the maximum amount of \$5,000, for the Pony League Batting Cages Project, sponsored by BBYSA, Inc., located in the Palafox Community Redevelopment Area; and
- B. Authorize the Chairman or Vice Chairman to execute the Agreement and all related documents as required to implement the project.

[Funding: Fund 129/2006 CDBG, Cost Center 221403 and Fund 129/2009 CDBG, Cost Center 220410]

27. **Recommendation Concerning HUD Neighborhood Stabilization Program Agreements with AMR at Pensacola, Inc., and Community Enterprise Investments, Inc. – Sandra P. Jennings, P.E., Community and Environment Bureau Chief**

RECOMMENDATION: That the Board take the following action regarding the HUD Neighborhood Stabilization Program (NSP) Agreements with AMR at Pensacola, Inc., (AMR) and Community Enterprise Investments, Inc., (CEII):

- A. Approve Amendment #1 to the Non-Profit Agency Agreement with AMR, to extend the term of the existing NSP Agreement through June 30, 2011, to allow units committed and under construction to be completed and occupied in accordance with NSP requirements;
- B. Approve the Non-Profit Agency Agreement with CEII committing a maximum of \$500,000, in approved NSP funds, to provide short-term financing for the purchase, rehabilitation, and resale of foreclosed homes and direct home purchase assistance for eligible low, moderate, and middle-income homebuyers; and
- C. Authorize the Chairman or Vice Chairman to execute the Amendment and the Agreement and all related documents required to implement the project.

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

28. Recommendation Concerning Amendment #1 to the Heritage Oaks Mobile Homes Park Non-Profit Development Agreement with BRACE – Sandra P. Jennings, P.E., Community and Environment Bureau Chief

RECOMMENDATION: That the Board take the following action regarding Amendment #1 to the Neighborhood Stabilization Program (NSP) Agreement with Community Organizations Active in Disaster, Inc., (aka: BRACE, LLC), hereinafter referred to as "BRACE":

- A. Approve Amendment #1 to the Non-Profit Development Agreement with BRACE for Heritage Oaks Mobile Homes Park, to increase NSP funding from \$900,000 to \$1,400,000, to adequately finance the costs for acquiring, transporting and properly installing code-compliant, new or used replacement manufactured housing units within the existing deteriorated mobile home park, located at 1523 Gulf Beach Highway, in order to provide at least 50 income-restricted, 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 Amendment and all related documents required to implement the Amendment.

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

29. Recommendation Concerning a Purchase Order for Equestrian Center Resurfacing Material – Sandra P. Jennings, P.E., Community and Environment Bureau Chief

RECOMMENDATION: That the Board approve a Purchase Order, in the amount of \$70,000, to Vulcan Materials Company, for the purchase of aggregate material to be used for the resurfacing of three outdoor rings at the Escambia County Equestrian Center. [Funding: Fund 352, LOST III, Cost Center 220802, Project 08PR0031, Object Code 56301]

30. Recommendation Concerning Amendment #3 to the Buyer-Broker Exclusive Agreement with Beck Property Company, Inc. – Sandra P. Jennings, P.E., Community and Environment Bureau Chief

RECOMMENDATION: That the Board approve Amendment #3 to the Buyer-Broker Exclusive Agreement between Escambia County and Beck Property Company, Inc., to extend the Agreement for 180 days from the termination date of July 5, 2010. The Agreement provides real estate brokerage services to assist the Community and Environment Bureau/Community Redevelopment Agency with property assemblage along Mobile Highway. [Funding Source: Fund 352, LOST III, Cost Center 220102, Object Code 56101]

31. **Recommendation Concerning Task Order for Professional Services for Construction, Engineering, Inspection and Project Management Services for the County Road 297-A and Kingsfield Road Lane Widening Improvement Project – Joy D. Blackmon, P.E., Interim Assistant County Administrator**

RECOMMENDATION: That the Board approve and authorize the Interim County Administrator to issue a Task Order on Contract PD 02-03.79, “Professional Services” for Construction, Engineering, Inspection and Project Management Services, to Metric Engineering, Inc., for the County Road-297A and Kingsfield Road Lane Widening Improvement Project, for a not-to-exceed amount of \$132,430.77. [Funding Source: Fund 352, “LOST III”, Account 210107/56301, Project #08EN0105]

32. **Recommendation Concerning Task Order for Professional Services for Construction, Engineering, Inspection and Project Management Services for the Rocky Branch Road Dirt Road Paving and Bridge Replacement Project – Joy D. Blackmon, P.E., Interim Assistant County Administrator**

RECOMMENDATION: That the Board approve and authorize the Interim County Administrator to issue a Task Order on Contract PD 02-03.79, “Professional Services”, for Construction, Engineering, Inspection and Project Management Services, to Jehle-Halstead, Inc., for the Rocky Branch Road Dirt Road Paving and Bridge Replacement Project, for a not-to-exceed amount of \$86,610. [Funding Source: Fund 352, “LOST III”, Account 210107/56301, Project #08EN0775]

33. **Recommendation Concerning the Acceptance of Property for Road Right-of-way on Airport Boulevard from Racetrac Petroleum, Inc. – Joy D. Blackmon, P.E., Interim Assistant County Administrator**

RECOMMENDATION: That the Board take the following action concerning the acceptance of property for road right-of-way on Airport Boulevard from Racetrac Petroleum, Inc.:

- A. Authorize Staff to negotiate and resolve any matters related to, or associated with the acceptance of property, by donation, for road right-of-way on Airport Boulevard from Racetrac Petroleum, Inc., to gather information and conduct inspections as needed to allow the Board's acceptance of the real property;
- B. Authorize payment of documentary stamps because the property is being acquired for governmental use, which is for road right-of-way, and the County benefits from the acquisition of this property because it will facilitate the construction of a new commercial business, which will increase the County's tax role;
- C. Authorize the payment of incidental expenditures associated with the recording of documents; and
- D. Authorize the Chairman or Vice Chairman to accept the Quit Claim Deed as of the day of delivery of the Quit Claim Deed to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time, subject to Legal review and sign off.

34. **Recommendation Concerning Surplus and Sale of Real Property Located in the 1100 Block of McKinnonville Road – Joy D. Blackmon, P.E., Interim Assistant County Administrator**

RECOMMENDATION: That the Board take the following action concerning the surplus and sale of real property, Account Number 12-0813-000, located in the 1100 Block of McKinnonville Road:

- A. Declare surplus its real property, Account Number 12-0813-000, Reference Number 40-2N-31-1000-000-013;
- B. Authorize the sale of this property to the bidder with the highest offer received from sealed bids above the minimum bid of \$1,535, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
- C. Authorize the Chairman to sign all documents related to the sale.

COUNTY ADMINISTRATOR'S REPORT

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35. Recommendation Concerning Amendment #1 to Agreement for the Construction of the One Stop Permit Center – Joy D. Blackmon, P.E., Interim Assistant County Administrator

RECOMMENDATION: That the Board take the following action concerning the Agreement, PD 08-09.008, between Escambia County and A. E. New, Jr., Inc., for the Construction of One Stop Permit Center (Escambia County Central Office Complex):

- A. Approve Amendment #1, establishing the percentage rate for retainage at five percent, which shall not be released to the Contractor, A. E. New, Jr., Inc., until final payment is due upon final completion; and
- B. Authorize the Interim County Administrator to execute all documents necessary to complete this transaction.

36. Recommendation Concerning a Change Order for Modular Office Systems – Joy D. Blackmon, P.E., Interim Assistant County Administrator

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

| | | |
|--|------------------------|---------------------|
| Bureau: | Public Works Bureau | |
| Division: | Facilities Management | |
| Type: | Addition | |
| Amount: | \$241,076.20 | |
| Vendor: | Haworth, Inc. | |
| Project Name: | Modular Office Systems | |
| Contract: | PD 08-09.092 | |
| PO#: | 100992 | |
| CO#: | 1 | |
| Original Award Amount: | | \$580,178.98 |
| Cumulative Amount of Change Orders through CO#1: | | <u>\$241,076.20</u> |
| New Contract Total: | | \$821,255.18 |

[Funding Source: Fund 351, Local Option Sales Tax II, Cost Center 110261, Object Code 56201, Project # 05AD0029]

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37. Recommendation Concerning Amendment #2 to the Department of Children and Families Contract AH401 – Gordon Pike, Corrections Bureau Chief

RECOMMENDATION: That the Board approve and authorize the Chairman to sign the Documentation of Negotiation and the Florida Department of Children and Families and Escambia County Board of County Commissioners, Contract AH401, Amendment #2, effective July 1, 2010, which reduces the funding from \$95,280 to \$47,640 and the number of positions for forensic case management, from two positions to one position.

38. Recommendation Concerning Emergency Purchase Orders – Amy Lovoy, Management and Budget Services Bureau Chief

(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)

39. Recommendation Concerning the Cooperative Agreement with the School Board of Escambia County, Florida, that Provides Vocational Training of Incarcerated Adult Students, Located in the Escambia County Road Prison – Gordon Pike, Corrections Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Cooperative Agreement between Escambia County and the Escambia County School Board:

- A. Approve the Cooperative Agreement between the School Board of Escambia County, Florida, and the Escambia County, Florida, Board of County Commissioners, that provides for vocational training of incarcerated adult students, located in the Escambia County Road Prison, for a not-to-exceed amount of \$25,000; and**
- B. Authorize the Chairman to execute the Agreement.**

[Funding: Fund 175, Transportation, Cost Center 290205, Object Code 55201]

III. For Discussion

1. Recommendation Concerning Appointment to the Tourist Development Council – Larry M. Newsom, Interim County Administrator

RECOMMENDATION: That the Board approve appointing one of the following four nominees to the Tourist Development Council (TDC), effective, July 8, 2010, through November 30, 2010, as a “Hotel/Motel Industry” appointee, to fill the unexpired term of Wanda Cross, who resigned:

- A. Thaisa F. Bivins;
- B. Vicki Haynes Campbell;
- C. Alison R. Davenport; or
- D. Derek (DJ) Hutzley.

COUNTY ATTORNEY'S REPORT
July 8, 2010

I. FOR ACTION:

1. Resolution Continuing the Declaration of State of Local Emergency

That the Board authorize the Chairman to execute the attached Resolution which would continue the Declaration of State of Local Emergency for seven days beginning Friday, July 9th at 2:00 p.m.

2. Approval of Emerald Coast Utility Authority (ECUA) Request to Exercise its Power of Eminent Domain

That the Board adopt a resolution approving the request of ECUA to exercise its power of eminent domain to acquire the private property adjacent to its Bayou Marcus Wastewater Treatment Plant.

3. Attorney-Client Session / J. Steven Ford, et al. v. Escambia County, Florida; Case No. 2005 CA 001967

That the Board:

A. Schedule a private meeting with its attorneys to discuss pending litigation in accordance with Section 386.011 (8), Florida Statutes, for July 22, 2010 at 3:00 p.m.; and

B. Approve the attached public notice to be published in the *Pensacola News Journal* on Saturday, July 10, 2010.

4. Emergency Compensation to Unclassified, Non-exempt Employees Who Work Overtime During the Declared State of Local Emergency Related to the Deepwater Horizon Oil Catastrophe

That the Board adopt a resolution authorizing the County Administrator to award emergency compensation to unclassified, non-exempt Escambia County employees who work in excess of forty (40) hours in a workweek during the declared state of local emergency related to the Deepwater Horizon oil catastrophe.

II. FOR INFORMATION:

1. Rapid Management Company v. Board of County Commissioners Escambia County, Florida / Case No. 1D09-5521

That the Board accept, for filing with the Board's Minutes, the Information Report concerning Rapid Management Company v. Board of County Commissioners, Escambia County, Florida, Case No. 1D09-5521, wherein the Court affirmed the Circuit Court's ruling in favor of the County.