

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

CHAMBER RULES

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

**PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED**

AGENDA

Board of County Commissioners  
Regular Meeting – July 19, 2007 – 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 – Reverend Matthews Payne, Jr., Mount Zion Baptist 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.

- A. Recommendation: That the Board take the following action concerning the adoption/ratification of the following four Proclamations:
- (1) Adopt the Proclamation commending and congratulating Kevin Mayes for achieving the rank of Eagle Scout;
  - (2) Adopt the Proclamation recognizing and commending the Blue Angels for their dedication, leadership, and service to the community, the country, and the Armed Forces;
  - (3) Ratify the Proclamation welcoming the Imperial Potentate of the Shriners of North America, Dr. Bernard J. Lemieux and his Lady Helen, upon the occasion of their visit to Escambia County in celebration of the 40th birthday of the Hadji Temple of Pensacola; and
  - (4) Ratify the Proclamation proclaiming July 17, 2007, as “Zelica Grotto Day” in Escambia County;
- B. Recommendation: That the Board accept, for presentation, the Governor’s Points of Light Award for Ms. Carissa Burkett in recognition of exemplary efforts that not only benefit her community, but also lend truth to the belief that all citizens of Florida can make a difference in the lives of those they serve;
- C. Recommendation: That the Board recognize, and present an Adopt A Spot sign to, the following for their efforts in making Escambia County a better place to live:
- Beta Omicron #594/Omega Psi Phi Fraternity, Inc.
  - Linking Arms, Inc.
  - South Gulf Manor Homeowner’s Association
- D. Presentation – Proclamation commending and congratulating Volunteer Fire Chief Randy Burluson on his retirement after 19 years of dedicated service.

7. Employee of the Month Proclamations/Retirement Proclamations/Years of Service.

A. Recommendation: That the Board adopt the two Proclamations commending and congratulating the following employees for being selected as Employees of the Month for July 2007:

- (1) Ms. Elizabeth R. Bolles, Extension Agent II, Extension Services Department, Community Services and Public Safety Agency; and
- (2) Mr. Shannon D. Pugh, GIS Technician, Office of Geographic Information Systems, Public Works and Land Management Agency;

B. Recommendation: That the Board adopt the following three Proclamations:

- (1) The Proclamation commending and congratulating Robert P. Glasgow, Corrections Officer, Road Department/Road Prison Division, on his retirement after 11 years of dedicated service;
- (2) The Proclamation commending and congratulating Robert C. Martin, Corrections Officer, Road Department/Road Prison Division, on his retirement after 22 years of dedicated service; and
- (3) The Proclamation commending and congratulating Timothy W. Ownby, Corrections Corporal, Road Department/Road Prison Division, on his retirement after 25 years of dedicated service; and

C. Recommendation: That the Board recognize, with pins and certificates, the below-named employees for their dedication and years of service to the County:

- (1) Allen D. Knutson, Road Prison Division, Road Department, 30 years; and
- (2) Thomas B. Long, Road Prison Division, Road Department, 30 years.

AGENDA – BOARD OF COUNTY COMMISSIONERS

July 19, 2007

Page 4

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8. Written Communication.

- A. June 25, 2007 – Communication from Kim Phan Rice requesting that the Board consider waiving the court costs, in the amount of \$1,143 each, for two Code Enforcement violations that were heard before Special Magistrate Messer;
- B. June 20, 2007 – Communication from Albert J. Williams, Jr., requesting that the Board consider waiving a Code Enforcement lien, in the amount of \$1,100, against property located at 721 North Wentworth Street; and
- C. June 7, 2007 – Communication from Lecial Gravitt and William P. Gravitt requesting that the Board consider forgiving a lien, in the amount of \$21,000, against property located at 2203 W. Mallory Street.

9. 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*.

10. **5:31 p.m. Public Hearing for consideration of the Petition to Vacate an alleyway in Block 80 of Pinecrest Subdivision, as petitioned by AAA Thrifty Building Systems, Inc., and Virginia Van Meter.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, take the following action regarding the Petition to Vacate an alleyway, measuring 20 feet by approximately 227 feet = 4,540 square feet, or 0.10 acre, in Block 80 of Pinecrest Subdivision, as petitioned by AAA Thrifty Building Systems, Inc., and Virginia Van Meter:

- 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.
11. **5:32 p.m. Public Hearing for consideration of adopting an Ordinance relating to the Brownsville Redevelopment Trust Fund.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, take the following action concerning an Ordinance amending the Brownsville Redevelopment Trust Fund:

- A. Adopt an Ordinance amending Chapter 46, Article VI, Section 46-288, of the Escambia County Code of Ordinances, relating to the Brownsville Redevelopment Trust Fund; providing for severability; providing for inclusion in the Code; and providing for an effective date; and
- B. Authorize the Chairman to sign and execute the Ordinance.

12. **5:33 p.m. Public Hearing for consideration of adopting an Ordinance creating the Airway Oaks Area Street Lighting MSBU.**

Recommendation: That the Board, at the 5:33 p.m. Public Hearing, adopt, and authorize the Chairman to sign, the Ordinance creating the Airway Oaks (*Area*) 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.

13. **5:34 p.m. Public Hearing for consideration of adopting an Ordinance creating the Legacy Oaks Area Stormwater Retention Pond MSBU.**

Recommendation: That the Board, at the 5:34 p.m. Public Hearing, take the following action regarding the Legacy Oaks Area Stormwater Retention Pond Municipal Services Benefit Unit (MSBU):

- A. Ratify the scheduling of a Public Hearing for the establishment of a stormwater retention pond MSBU on July 19, 2007, at 5:34 p.m., to consider the adoption of an Ordinance creating the Legacy Oaks Area Stormwater Retention Pond MSBU; and
- B. Adopt, and authorize the Chairman to sign, the Ordinance creating the Legacy Oaks Area Stormwater Retention Pond MSBU, and all related documents, and make the following finding of fact:

Lots in the District are specially benefited since stormwater retention ponds provide a specific benefit to the lots surrounding them by increasing the safety of the property, making the property more useful, and thus increasing the market value of the surrounding properties.

14. **5:35 p.m. Public Hearing for consideration of adopting the Granny Flats Ordinance.**

Recommendation: That the Board, at the 5:35 p.m. Public Hearing, adopt an Ordinance amending Chapter 90 of the Escambia County Code of Ordinances, to provide for the reduction of assessed value for construction or reconstruction of homestead property by the lesser of either the increase assessed value resulting from the construction or reconstruction, or 20% of the total assessed value of the property as improved to house elderly parents or grandparents of owner or owner spouse; this Ordinance will also be known as the “Granny Flats Ordinance.”

15. Committee of the Whole Recommendation.

Recommendation: The Committee of the Whole (C/W) recommends that the Board approve (*for consideration at the Public Hearing scheduled on July 19, 2007, at 5:48 p.m.*) the Ordinance (*amending the Escambia County Code of Ordinances, Article 3, "Definitions," Section 3.00.01, "Hotels and motels"*), as presented by County Attorney Lander, as amended to include the verbiage: "Due to the unique characteristics of Pensacola Beach, limit the absolute number of large rooms, defined as greater than 850 square feet, to 30% of the remaining hotel capacity, excluding projects currently under development" (July 3, 2007, C/W Item 3, discussion regarding Hotel/Motel/Condotel).

16. Reports.

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

17. Items added to the agenda.

18. Announcements.

19. 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**

REPORT OF CLERK OF THE CIRCUIT COURT & COMPTROLLER  
July 19, 2007

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

A. The following two Payroll Expenditures:

- (1) As of Payday June 29, 2007, in the amount of \$2,095,296.00; and
- (2) As of Payday July 13, 2007, in the amount of \$2,391,563.25.

B. The following four Disbursement of Funds:

- (1) June 14, 2007, to June 20, 2007, in the amount of \$4,690,379.94;
- (2) June 21, 2007, to June 27, 2007, in the amount of \$2,791,522.89;
- (3) June 28, 2007, to July 4, 2007, in the amount of \$10,417,750.65; and
- (4) July 5, 2007, to July 11, 2007, in the amount of \$16,673,994.80.

2. Recommendation Concerning Investment Report

Recommendation: That the Board accept, for filing with the Board's Minutes, the Investment Report for the month ended June 30, 2007, as prepared by the Clerk & Comptroller's Finance Department.

3. Recommendation Concerning TDT Report

Recommendation: That the Board accept, for filing with the Board's Minutes, the Tourist Development Tax (TDT) Collections Data for May 2007 returns received in the month of June 2007, as prepared by the Clerk & Comptroller's Finance Department; the total revenue received for the Fiscal Year represents 54% of the total revenue budgeted.

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 *Hurricane Housing Recovery Program (HHRP) Agreement for New Housing Development* with each of the following three entities, based on the Board's action of December 8, 2005, approving to commit HHRP funds to finance performance-based incentives supporting the construction of new workforce homes and complementing second mortgage assistance at levels required to ensure that the homes are affordable to HHRP-eligible, low- and moderate-income homebuyers:

(1) James F. Howard Construction, Inc. (*to construct five single-family homes at 754 West Hatton Street, 755 West Hatton Street, 763 West Hatton Street, 766 West Hatton Street, and 782 West Hatton Street*);

(2) James F. Howard Construction, Inc. (*to construct five single-family homes at 2544 South "D" Street, 2618 South "D" Street, 2648 South "D" Street, 2642 South "D" Street, and 786 West Hatton Street*); and

(3) Crawford-McBride Development, LLC (*to construct five single-family homes at 136 Cecilia Lane, 142 Cecilia Lane, 143 Cecilia Lane, 148 Cecilia Lane, and 154 Cecilia Lane*);

B. The "Commitment Contract" for emergency purchases of goods and services for any existing quotations and agreements and any future additional quotations and agreements that may be required for the procurement of emergency goods and services during declarations of emergencies and the activation of the Emergency Operations Center, with each of the following entities, as authorized by Board action on September 7, 2006:

- (1) Blue Angel Ice Company, LLC
- (2) Florida Mold Consultants, LLC

C. Closing documents relating to the surplus and sale of surplus property located on Richmond Street, as approved by the Board on September 21, 2006;

(Continued on Page 3)

I. CONSENT AGENDA – Continued

4. Continued...

- D. The *Training Center Agreement* between the American Heart Association, Inc., and Escambia County Department of Public Safety, as approved by the Board on February 16, 2006, and executed by the Chairman on May 21, 2007;
- E. A copy of the recorded *Interlocal Agreement among the Escambia County and Okaloosa Boards of County Commissioners and the Office of the First Judicial Circuit Trial Court Administrator, State Attorney and Public Defender Relating to the Consolidation of Technology Funds and Computer Personnel under one County Fiscal Agent*, as approved by the Board on November 2, 2006, and recorded in the Official Records on July 5, 2007;
- F. The July 2, 2007, letters from Ericka L. Burnett, City Clerk, submitting certified copies of the following two Ordinances adopted by the City of Pensacola on June 28, 2007:
- (1) *Ordinance No. 31-07, incorporating a certain area (517 Selina Street and 518 East Royce Street) contiguous and adjacent to the City of Pensacola into the City of Pensacola, and declaring said area to be a part of the City of Pensacola; repealing clause, and providing an effective date; and*
  - (2) *Ordinance No. 32-07, incorporating a certain area (6130 Walton Street) contiguous and adjacent to the City of Pensacola into the City of Pensacola, and declaring said area to be a part of the City of Pensacola; repealing clause, and providing an effective date;*
- G. *Amendment No: 3, DEP Agreement No: H5ES1, Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 2004 Hurricane Recovery Plan, State of Florida, Amendment to Grant Agreement for Perdido Key Dune Restoration and Beach Restoration Feasibility Study*, as executed by the Chairman on July 5, 2007, based on the Board's action of February 3, 2005;

(Continued on Page 4)

I. CONSENT AGENDA – Continued

4. Continued...

H. Continuation Certification No. LPM 8013995 08, *For Miscellaneous Term Bonds*, continuing for one year beginning July 1, 2007, and ending July 1, 2008, Bond No. LPM 0002188 09, in the penalty amount of \$35,000, in favor of Department of Solid Waste Management of Escambia County, Florida, with Auto Shred Recycling, LLC, as Principal, and Fidelity and Deposit Company of Maryland, as Surety, as submitted by Denee M. Rudd, Accounting Technician, Solid Waste Management Department; and

I. A copy of the Minutes of the Santa Rosa Island Authority Regular Board Meeting held April 11, 2007.

5. Recommendation Concerning Minutes/Reports

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

A. Approve the Minutes of the Attorney-Client Session held June 21, 2007;

B. Approve the Minutes of the Public Forum Work Session and Regular Board Meeting held June 21, 2007;

C. Approve the Minutes of the Special Board Meeting held July 5, 2007;

D. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held June 21, 2007; and

E. Accept, for filing with the Board's Minutes, the Reports of the Committee of the Whole Workshops held June 18, 2007, June 28, 2007, July 3, 2007, and July 5, 2007.

## GROWTH MANAGEMENT REPORT

July 19, 2007

### I. PUBLIC HEARINGS

1. Review of the rezonings heard at the Rezoning Hearing Examiner on May 21, 2007 and June 25, 2007.

**RECOMMENDATION:** That the Board take the following actions:

- A. Review and either adopt, modify, or overturn the Rezoning Hearing Examiner's recommendation for rezoning cases Z-2007-07, Z-2007-08, Z-2007-09, Z-2007-11 and Z-2007-14 and;
- B. Authorize the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the rezoning cases that were reviewed.

<b>Case No.:</b>	<b>Z-2007-09</b>
Location:	600 Block of Dog Track Road
Property Reference No.:	25-2S-31-1102-000-003
Property Size:	62.61 (+/-) acres
From:	SDD, Special Development District, Low Density (designed to conserve and protect environmentally sensitive areas), (3du/acre) and C-2, General Commercial and Light Manufacturing District, (cumulative) High Density (25du/acre)
To:	R-3, One-Family and Two-Family District, (cumulative) Medium Density (10du/acre)
FLU Category:	LDR, Low Density Residential
Commissioner District:	1
Requested by:	William L. Merrill, P.E. of Merrill Parker Shaw, Inc., Agent for TCP Development Corp.
Staff Recommendation:	Approval
RHE Recommendation:	Approval
Speakers:	Dana Word, Presentation William L. Merrill, P.E., Agent Michele McDaniel, Staff James M. Watson Scott Dearden Troy L. Tomey

<b>Case No.:</b>	<b>Z-2007-11</b>
Location:	600 Novak Road
Property Reference No.:	14-1N-31-6011-000-001 & 14-1N-31-6011-

000-000  
Property Size: 52.49 (+/-) acres  
From: VR-1, Villages Rural Residential Districts  
(1du/4 acres)  
To: V-2A Villages Single- Family Residential  
(3du/acre)  
FLU Category: MU-6, Mixed Use 6, Area 3  
Commissioner District: 5  
Requested by: Charles L. Francoeur, Agent for James M.  
Coe, Owners  
Staff Recommendation: Approval  
RHE Recommendation: Approval  
Speakers: Dana Word, Presentation  
Charles L. Francoeur, Agent  
Charles H. Johnson Jr.  
Lillian G. Johnson  
Osmond C. Sharpless

**Case No.:** **Z-2007-14**  
Location: 8500 Block of North Davis Highway  
Property Reference No.: 14-1S-30-7106-000-000 & 14-1S-30-7106-000-  
008 (R-5 portion of parcels)  
Property Size: 3.41(+/-) acres  
From: R-5, Urban Residential/Limited Office District  
(cumulative), High Density (20du/acre)  
To: C-1, Retail Commercial District (cumulative)  
High Density (25du/acre)  
FLU Category: MU-1, Mixed Use 1  
Commissioner District: 4  
Requested by: Jesse W. Rigby, Agent for Navy Federal Credit  
Union, Owners  
Staff Recommendation: Approval  
RHE Recommendation: Approval  
Speakers: Dana Word, Presentation  
Jesse W. Rigby, Agent

**Case No.:** **Z-2007-07 (Remanded by the BCC 05/01/07)**  
Location: 3181 Stefani Road  
Property Reference No.: 38-1N-31-4204-000-000  
Property Size: 9.44 (+/-) acres  
From: VR-1, Villages Rural Residential Districts  
(1du/4acre)  
To: V-2, Villages Single-Family Residential  
(2du/acre)  
FLU Category: MU-6, Mixed Use 6, Area 2  
Commissioner District: 5

Requested by: R. Todd Harris, Agent for L.D.J. Development, Inc.  
Staff Recommendation: Denial of V-2  
RHE Recommendation: Denial of V-2, Approval of V-1 (1du/acre)  
Speakers: Dana Word, Presentation  
R. Todd Harris, Agent  
Judy Smythe, L.D.J. Rep.  
Dorothy G. Vilrich  
Kathleen Jennings  
Fred Fisher  
Marcia B. Fisher  
John Brinkman  
Grover Bailey Jr.  
W.R. Phippen

**Case No.:** Z-2007-08 (Continued from 6/07/07 BCC)  
Location: 100 Block South Chaseville Street  
Property Reference No.: 38-2S-30-3000-000-000  
Property Size: 3.36 (+/-) acres  
From: C-1, Retail Commercial District (cumulative)  
High Density (25du/acre), and C-3, Warrington  
Commercial Overlay (OL) District  
To: C-2. General Commercial and Light  
Manufacturing District, (cumulative),  
(25du/acre), C-3, Warrington Commercial  
Overlay (OL) District  
FLU Category: C, Commercial  
Commissioner District: 2  
Requested by: Tom Hammond, Hammond Eng. Inc., Agent for  
Alexakos & Owens, LLC, Owners  
Staff Recommendation: Denial  
RHE Recommendation: Approval  
Speakers: C. Dana Word, Presentation  
Tom Hammond, Agent  
Jonathon Owens, Owner  
Ann Costello

**2. 5:45 p.m. – Thursday, July 19, 2007, 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 Z-2007-07, Z-2007-08, Z-2007-09, Z-2007-11, Z-2007-14 approved during the previous agenda item and Z-2004-12 approved at the June 7, 2007 BCC; and to provide for severability, inclusion in the code, and an effective date.

**3. 5:46 p.m. – Thursday, July 19, 2007, Public Hearing – Article 3, Campgrounds**

**Recommendation:** That the Board review and adopt an ordinance amending Part III of The Escambia County Code of Ordinances (1999), the Escambia County Land Development Code (LDC), as amended, Amending Article 3, “Definitions” amending Campground to include temporary living quarters for commercial emergency purposes as well as for commercial recreational purposes. Providing for severability, inclusion in the Code, and an effective date.

**4. 5:47 p.m. – Thursday, July 19, 2007 – Article 2, Quasi-Judicial Rezoning Ordinance**

**Recommendation:** That the Board review and adopt an ordinance amending Part III of The Escambia County Code of Ordinances (1999), the Escambia County Land Development Code (LDC), as amended, Amending Article 2 to specify that the Board of County Commissioners can determine that maintaining the zoning status quo serves a public purpose when the Board is presented with a rezoning request as allowed by Board of County Commissioners v. Snyder, 627 So. 2d 469 (Fla. 1993). Providing for severability, inclusion in the Code, and an effective date.

**5. 5:48 p.m. – Thursday, July 19, 2007 – LDC Article 3, Hotel/Motel Ordinance**

**Recommendation:** That the Board take the following action:

- A. Consider an ordinance amending Part III of The Escambia County Code of Ordinances (1999), the Escambia County Land Development Code (LDC), as amended, Amending Article 3 “Definitions,” hotels and motels, as related to the hotels, motels, lodging units and the limitation on an owner’s stay in a condominium-financed hotel unit from two weeks to twelve weeks; and
- B. Authorize the Chairman to execute a letter to Santa Rosa Island Authority (SRIA) advising of the inconsistency of the SRIA’s adopted policy and requesting revision of the policy to make it consistent with the above ordinance.

**6. 5:49 p.m. – Thursday, July 19, 2007 – Hope Lumber and Supply Company, LP, v. Escambia County Board of County Commissioners, case Z-2006-15**

**Recommendation:** That the Board take the following action:

- A. Ratify the scheduling to include the 5:49 public hearing for Rezoning Case Z-2006-15; and

- B. Review the following case for reconsideration pursuant to the Circuit Courts order.

<b>Case No.:</b>	<b>Z-2006-15</b>
Location:	1170 West Leonard Street
Property Reference No.:	18-2S-30-3001-002-001
Property Size:	5.36 (+/-) acres
From:	R-2, Single-Family District (cumulative), Low-Medium Density
To:	C-2, General Commercial and Light Manufacturing District (cumulative)
FLU Category:	C, Commercial
Commissioner District:	3
Requested by:	Jesse W. Rigby, Esq., Agent for Hope Lumber and Supply Company, LP, Owner

## II. ACTION ITEMS:

### 1. FY 05/06 Annual Report

**Recommendation:** That the Board accepts, for filing with the Board's minutes, the FY 05/06 Comprehensive Plan Implementation Annual Report.

### 2. Twin Pines Phase II

**Recommendation:** That the Board take the following actions concerning recording of the Final Plat of Twin Pines Phase II (a 36 lot single-family residential subdivision), located in the Cantonment community lying south of Muscogee Road, owned and developed by Quality Investments and Brokerage, Inc., and J&J Properties of Pensacola Inc. Prior to recording, the County Engineer, County Surveyor, Planning and Zoning Director and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4.02.07.E of the Escambia County Land Development Code:

- A. Approve the plat for recording; and
- B. Approve the street name "Twin Pines Circle"; and
- C. Accept the public road paving, all public easements and drainage improvements including Parcel "A" a 0.67 acre retention pond and Parcel "B" a 0.81 acre retention pond as depicted upon the final plat for permanent County maintenance, the cost of maintenance for drainage improvements are to be funded through the establishment of a stormwater management MSBU (Municipal Services Benefit Unit); and

- D. Authorize the Chairman or Vice-Chairman to execute a Two-Year Warranty Agreement for Streets and Drainage improvements.

### 3. **Wetherby Cove**

**Recommendation:** That the Board take the following actions concerning recording of the Final Plat of Wetherby Cove (a 49 lot single-family residential subdivision), located in the Ensley community lying east of Bowman Avenue and south of W. Nine Mile Road (US Hwy 90), owned and developed by Wetherby Cove LLC. Prior to recording, the County Engineer, County Surveyor, Planning and Zoning Director and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4..02.07.E, of the Escambia County Land Development Code:

- A. Approve the final plat for recording;
- B. Approve the street names “Wetherby Road, Fullham Court, and Hertford Circle”;
- C. Accept the public road paving, all public easements and drainage improvements including a 0.98 acre retention pond parcel, as depicted upon the final plat for permanent County maintenance, the cost of maintenance for drainage improvements are to be funded through the establishment of a stormwater management MSBU (Municipal Services Benefit Unit); and
- D. Authorize the Chairman or Vice-Chairman to execute a Two-Year Warranty Agreement for Streets and Drainage improvements.

### III. **CONSENT AGENDA:**

- 1. **5:45 p.m. Thursday, August 2, 2007**– A public hearing to amend the Official Zoning Map to include the following Rezoning Cases heard by the Rezoning Hearing Examiner (RHE) for cases heard on June 25, 2007.

<b>Case No.:</b>	<b>Z-2007-15</b>
Location:	825 Dog Track Road
Property Reference No.:	25-2S-31-1301-000-000
Property Size:	3.20 (+/-) acres
From:	R-2, Single-Family District (cumulative), Low-Medium Density (3du/acre)
To:	R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25du/acre)
FLU Category:	C, Commercial
Commissioner District:	1
Requested by:	Charles L. Francoeur, Agent for Robert Underwood, Dog Track Development LLC

**Case No.:** **Z-2007-16**  
Location: 901, 903, 905, 907 & 909 West Michigan Ave  
Property Reference No.: 46-1S-30-1100-016-002 thru 020-002  
Property Size: 0.45 (+/-) acre  
From: R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25du/acre)  
To: C-2, General Commercial and Light Manufacturing District, (cumulative) High Density (25du/acre)  
FLU Category: MU-1, Mixed Use 1  
Commissioner District: 1  
Requested by: J. Dan Gilmore, Agent for Michael H. and Judy L. Stephens, Owners

**Case No.:** **Z-2007-10 (Continued from the 05/21/07 RHE)**  
Location: 2720 Wilde Lake Blvd.  
Property Reference No.: 11-1S-31-4301-000-001  
Property Size: 1.70 (+/-) acres  
From: R-1, Single-Family District, Low Density, (4du/acre)  
To: C-1, retail Commercial District (cumulative) High Density (25du/acre)  
FLU Category: MU-1, Mixed Use 1  
Commissioner District: 1  
Requested by: Jay Gill of Planneng, Inc., Agent for Therell D. & Patricia R. Roberts

**Case No.:** **Z-2007-12 (Continued from the 5/21/07 RHE)**  
Location: 9651 Sunshine Hill Road  
Property Reference No.: 19-3N-31-4000-000-001  
Property Size: 15.00 (+/-) acres  
From: VAG-1, Villages Agriculture Districts (5du/100 acres on 1-acre parcels)  
To: VAG-2, Villages Agriculture Districts (1du/5acres)  
FLU Category: AG, Agriculture  
Commissioner District: 5  
Requested by: Chris Ritchie, Agent for J and B Investments, LLC, Owners

**Case No.:** **Z-2007-13 (Continued from the 5/21/07 RHE)**  
Location: 1751 North Green Street  
Property Reference No.: 16-2S-30-2300-003-002  
Property Size: 11.26 (+/-) acres  
From: C-2, General Commercial and Light Manufacturing District (cumulative) High Density (25du/acre)  
To: ID-2, General Industrial District (no residential allowed)  
FLU Category: MU-1, Mixed Use 1  
Commissioner District: 3

Requested by: Chris Ritchie, Agent for D&S of Pensacola, Inc.,  
Owners

2. **5:46 p.m. – Thursday, August 2, 2007** – A public hearing to review and adopt an ordinance of Escambia County, Florida, amending Part II of the Escambia County Comprehensive Plan, as amended; amending Chapter 7, “The Future Land Use Element,” as authorized by Section 7.06; providing for a Small Scale Amendment (SSA 2007-04), to the Year 2020 Future Land Use Map, as amended, and as requested by Chuck Francoeur, LLC, Agent for Robert Underwood, owner changing the Future Land Use (FLU) of 3.20 (+/-) acres located at 825 Dog Track Road, from Commercial (C) to Residential (R).
3. **5:47 p.m. – Thursday, August 2, 2007** – A public hearing to review and deny an ordinance of Escambia County, Florida, amending Part II of the Escambia County Comprehensive Plan, as amended; amending Chapter 7, “The Future Land Use Element,” as authorized by Section 7.06; providing for a Small Scale Amendment (SSA 2007-05), to the Year 2020 Future Land Use Map, as amended, and as requested by Wiley C. “Buddy” Page, MPA, APA, Agent for Ted Q. Haynie, Owner changing the Future Land Use (FLU) of 1.37 (+/-) acres located 5370 North Blue Angel Parkway and 5600 Perkins Street, from Residential (R) to Commercial (C).
4. **5:48 p.m. – Thursday, August 2, 2007** – A public hearing to review and approve the Evaluation Appraisal Report (EAR) and attachments for forwarding to DCA.
5. **5:49 p.m. – Thursday, August 2, 2007** – A transmittal public hearing (the first of two required public hearings) to review four (4) draft ordinances of Escambia County, Florida, amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended, per the following; and to approve transmittal of the ordinances to the Department of Community Affairs (DCA) as the second amendment package for the Year 2007 (Comprehensive Plan Amendment 2007-02):
  - A. **CPA 2007-02A – Beulah Properties** – Large Scale Comprehensive Plan map amendment, located north of Frank Reeder Road and west of Beulah Road from Agriculture (AG) and Activity Area 17 (AA-17) to Residential (R) totaling 273.46 (+/-) acres; and
  - B. **CPA 2007-02B – Wildwood Estates** – Large Scale Comprehensive Plan map amendment, located north of Devine Farm Road and west of Highway 97 from Agriculture (AG) and Mixed Use 6 (MU-6) to Residential (R) totaling 777.43 (+/-) acres; and
  - C. **CPA 2007-02C – Perdido Key Caps Removal** – Comprehensive plan text amendment, amending Chapter 7, “Future Land Use Element,”

Chapter 8, "Transportation Element," and Chapter 11, "Coastal Management and Conservation Element;" and

- D. **CPA 2007-02D – Transportation Corridor Preservation –** Comprehensive plan text amendment, amending Chapter 8, "Transportation Element".
6. **5:50 p.m. – Thursday, August 2, 2007** – A transmittal public hearing (the first of two required public hearings) to review a Development Agreement as an attachment to the previous CPA 2007-02A Beulah Properties.
  7. **5:51 p.m. – Thursday, August 2, 2007** – A transmittal public hearing (the first of two required public hearings) to review a Development Agreement as an attachment to the previous CPA 2007-02B Wildwood Estates.
  8. **5:52 p.m. – Thursday, August 2, 2007** – A public hearing to review and adopt an ordinance of Escambia County, Florida, amending Article 6, "Zoning Districts", sections 6.05.15.03.H.8, and Article 7, "Performance Standards," section 7.01.02.A to allow the County to defer Perdido Key landscape requirements in beach mouse habitat to US Fish and Wildlife (FWS) and Florida Fish and Wildlife Conservation Commission (FWC) permit requirements.
  9. **5:53 p.m. – Thursday, August 2, 2007** – A public hearing to review and adopt an ordinance of Escambia County, Florida, amending Article 7, "Performance Standards," section 7.14.01 to allow the Board of Adjustment to consider conditional use approval for the sale of alcohol within 1,000 feet of a child care or day care facility.
  10. **5:54 p.m. – Thursday, August 2, 2007** – A public hearing to review and adopt an ordinance of Escambia County, Florida, mending Articles 2 "Administration" Section 2.10.01.D, Article 3 "Definitions" Section 3.00.01, Article 6 "Zoning Districts" Section 6.04.08, and Article 7 "Performance Standards" Section 7.13.03.C, to change the effective date for a lot of record from October 8, 1990 to February 8, 1996.

**COUNTY ADMINISTRATOR'S REPORT  
JULY 19, 2007**

**I. Technical/Public Service Consent Agenda**

**1. Recommendation Concerning Contract Amendment with the Department of Corrections – Catherine A. White, Program Manager, Court Administration**

**RECOMMENDATION:** That the Board take the following action concerning the Contract Amendment between the Department of Corrections and Escambia County Board of County Commissioners:

- A. Approve and ratify the Contract Amendment Between the Department of Corrections and Escambia County Board of County Commissioners; and**
- B. Authorize the Chairman, as the County's representative, to sign Amendments and request for payment or other related documents as may be required.**

**2. Recommendation Concerning Waiver of Noise Abatement Ordinance – Pensacola Pelicans Professional Baseball for August 4, 2007 – Don Mayo, Building Inspections Director**

**RECOMMENDATION:** That the Board consider the "Special Event Permit Application" for a limited waiver of the noise restrictions imposed by the Escambia County Noise Abatement Ordinance to extend time for the fireworks display being presented by Pensacola Pelicans Professional Baseball at Pelican Park, at the University of West Florida from 10:00 p.m. to 12:00 a.m. (directly after the game), Saturday, August 4th, 2007.

**3. Recommendation Concerning Waiver of Noise Abatement Ordinance – Pensacola Pelicans Professional Baseball for August 25, 2007 Don Mayo, Building Inspections Director**

**RECOMMENDATION:** That the Board consider the "Special Event Permit Application" for a limited waiver of the noise restrictions imposed by the Escambia County Noise Abatement Ordinance to extend time for the fireworks display being presented by Pensacola Pelicans Professional Baseball at Pelican Park, at the University of West Florida from 10:00 p.m. to 12:00 a.m. (directly after the game), Saturday, August 25th, 2007.

COUNTY ADMINISTRATOR'S REPORT

JULY 19, 2007

PAGE 2 of 18

4. Recommendation Concerning Certificate of Need for TAT Enterprises, Inc. – Sandra P. Jennings, E.I., DSWM Director

**RECOMMENDATION:** That the Board take the following action concerning a Certificate of Need for TAT Enterprises, 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.

5. Recommendation Concerning Scheduling a Public Hearing to Consider a Vacation in Country Ridge Subdivision – Richard Duane, P.E., County Engineer

**RECOMMENDATION:** That the Board schedule a public hearing for August 16, 2007, at 5:31 p.m., to consider the Petition to Vacate an unnamed right-of-way of varying width (approximately 13,707 square feet or 0.31 acres), lying between Lot 17, Block C and Lot 17, Block D, Country Ridge Subdivision, as petitioned by Eva Rainey and Vonnie Rasmussen.

6. Recommendation Concerning Memorandum of Understanding Among the Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida/the Board of County Commissioners/Extension Council – Lamar Christenberry, Extension Service Director

**RECOMMENDATION:** That the Board take the following action concerning an ongoing Memorandum of Understanding (MOU) among the Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida; Board of County Commissioners; and the Extension Council of Escambia County, Florida:

- A. Approve the ongoing MOU regarding the provision of service, budget appropriations and cooperative efforts among the three agencies; and
- B. Authorize the Chairman to sign the MOU.

7. Recommendation Concerning Scheduling a Public Hearing – Tree Fund Ordinance – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board schedule a public hearing on August 2, 2007, at 5:32 p.m., to consider the adoption of a County Ordinance amending the "Tree Fund Ordinance 2001-20", allowing for a more comprehensive level of improved services for tree restoration, tree restoration program management, ecological and habitat restoration, tree planting, tree removal, and wildlife restoration.

**COUNTY ADMINISTRATOR'S REPORT**

**JULY 19, 2007**

**PAGE 3 of 18**

8. **Recommendation Concerning Street Name Approval – “Bama Lane” – Robert R. McLaughlin, Assistant County Administrator**

**RECOMMENDATION:** That the Board approve the street name “Bama Lane” for an un-named private road that runs north off of the 200 Block of West Roach Road and 670 feet west of Honey Bee Lane.

9. **Recommendation Concerning Street Name Approval – “Old Depot Road” – Robert R. McLaughlin, Assistant County Administrator**

**RECOMMENDATION:** That the Board approve the street name “Old Depot Road” for an un-named private road that runs west off the 5300 Block of Chalker Road and 830 feet west of Highway 99.

10. **Recommendation Concerning Escambia County Health Facilities Authority Reappointments – George Touart, County Administrator**

**RECOMMENDATION:** That the Board take the following action concerning two reappointments to the Escambia County Health Facilities Authority:

- A. Waive the Board’s policy Section I Part B 1. (D), Appointment Policy and Procedures; and
- B. Reappoint Arthur J. Hall, Jr., and Eugene Franklin for an additional four-year term, effective August 22, 2007, through August 21, 2011, as requested by Paula G. Drummond, Executive Director.
11. **Recommendation Concerning Revised Policy – Lake Stone Campground – Kevin Briski, Parks and Recreation Director**

**RECOMMENDATION:** That the Board, on behalf of the Parks and Recreation Department, adopt the revised policy regarding Lake Stone Campground Rules and Regulations, Section 1; D.3.C.

12. **Recommendation Concerning Revised Policy – Equestrian Center – Kevin Briski, Parks and Recreation Director**

**RECOMMENDATION:** That the Board, on behalf of the Parks and Recreation Department, adopt the revised policy regarding the Escambia County Equestrian Center Rules & Regulations, Board Policy Section 1; I.D.8.

**13. Recommendation Concerning Revised Policy – Use and Fees for County Parks – Kevin Briski, Parks and Recreation Director**

**RECOMMENDATION: That the Board, on behalf of the Parks and Recreation Department, adopt the revised policy regarding Use and Fees for County Parks, Board Policy Section 1; D.3.**

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Fee Resolution for the Escambia County Health Department – John J. Lanza, MD., PhD, MPH, FAAP, Director

**RECOMMENDATION:** That the Board adopt the Resolution authorizing certain fee increases by Escambia County for the services provided by the State of Florida, Department of Health, Escambia County Health Department. Periodically the Escambia County Health Department revises its schedule of fees for services, and the new fees will go into effect upon the Board's adoption of the Resolution.

2. Recommendation Concerning Supplemental Budget Amendment #314 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #314, Other Grants & Projects (Fund 110) and the General Fund (001), in the amount of \$688,788, to recognize Grant proceeds from the State of Florida, and to appropriate these funds for the Community Work Experience, Optional Workfare, and Non-Custodial Parent Placement Programs in Escambia County.

3. Recommendation Concerning Supplemental Budget Amendment #322 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #322, Other Grants & Projects Fund (110), in the amount of \$20,000, to recognize donations from a private source, and to appropriate these funds for the creation and education concerning a stormwater treatment pond in southwest Escambia County.

4. Recommendation Concerning Supplemental Budget Amendment #323 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #323, Escambia County Restricted Fund (101), in the amount of \$3,965, to recognize donations from the "Gulf Breeze Sertoma Club", and to appropriate these funds for artificial reef building off the coast of Pensacola Beach.

**COUNTY ADMINISTRATOR'S REPORT**

**JULY 19, 2007**

**PAGE 6 of 18**

5. **Recommendation Concerning Supplemental Budget Amendment #330 – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #330, Other Grants & Projects (110), in the amount of \$285,624, to recognize additional Grant proceeds from Florida Communities Trust, and to appropriate these funds for partial reimbursement of the purchase price of four parcels in the Jones Swamp Wetland Preserve.

6. **Recommendation Concerning Supplemental Budget Amendment #331 – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #331, Transportation Trust Fund (175), in the amount of \$91,220, to recognize fees collected for improvements in Indian Lakes Subdivision and Perdido Gardens (Semmes Street).

7. **Recommendation Concerning Resolution – Reduction in Funding for the Health Department Contract – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board adopt a Resolution authorizing a reduction of funding in the Contract between the Escambia County Board of County Commissioners and the State of Florida, Department of Health, Escambia County Health Department.

8. **Recommendation Concerning Muscogee Road Drainage Project – Richard Duane, P.E., County Engineer**

**RECOMMENDATION:** That the Board take the following action concerning the acquisition of property for rights-of-way and easements for the Muscogee Road Drainage Project, Zones 1, 2 and 4:

- A. Authorize Staff to negotiate and resolve any matters related to, or associated with the acquisition of rights-of-way and easements concerning drainage and roadway improvements for the Muscogee Road Drainage Project, Zones 1, 2 and 4, 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 donated for governmental use, which is for improvement and maintenance of the County drainage and road system, and the County benefits from these donations of property because these improvements will improve the quality of life as well as minimize environmental impacts and reoccurring maintenance costs;
- C. Authorize the payment of incidental expenditures associated with the acquisition of these properties, which includes title searches, legal document preparation fees and recording of documents; and
- D. Authorize the Chairman or Vice Chairman to accept the deeds or easements as of the day of delivery of the deeds or easements to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time.

[Funding Source: Fund 351, "Local Option Sales Tax Extension", Account 10105/56301 and 56101]

9. Recommendation Concerning Jones Swamp Wetland Preserve – Richard Duane, P.E., County Engineer

**RECOMMENDATION:** That the Board take the following action concerning Addendum IV to the Grant Contract with Florida Communities Trust (FCT), which increases the amount of the award to the County from \$40,963 to \$326,587.63, for the purchase and preservation of property in the Jones Swamp Wetland Preserve:

- A. Approve the FCT Contract Number 06-CT-50-05-F5-A1-041, Florida Communities Trust, FF5 Award Number 05-041-FF5, Jones Swamp Wetland Preserve, Escambia County, Addendum IV to the Grant Contract; and
- B. Authorize the Chairman to sign the Addendum IV to the Grant Contract.

10. Recommendation Concerning Purchase of Real Property Located at 8676 Sharon Lane – Richard Duane, P.E., County Engineer

**RECOMMENDATION:** That the Board take the following action concerning the purchase of a parcel of property, owned by H and B Property Management, Inc., located at 8676 Sharon Lane:

- A. Authorize staff to negotiate the terms and conditions and purchase the property, owned by H and B Property Management, Inc., (31,424.88 square feet or approximately 0.72 acres), located at 8676 Sharon Lane for \$42,150;
- B. Authorize the payment of documentary stamps because the property is being purchased for governmental use, which is for stormwater retention purposes to help improve the stormwater drainage system in this area, and the County benefits from the purchase because the acquisition of this property will help improve the quality of life as well as minimize environmental impacts and reoccurring maintenance costs;
- C. Authorize the payment of incidental expenditures associated with the acquisition of this property; and
- D. Authorize staff to prepare and the Chairman or Vice Chairman to accept and execute the Warranty Deed and any other documents to complete this acquisition, as of the day of delivery of the Warranty Deed and documents to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time.

[Funding Source: Fund 181, Master Drainage Basin XIII, Account 210731]

11. Recommendation Concerning a Change Order for A&E Fees for Hurricane Repairs – Various Buildings – John Hartman, Facilities Management Director

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

Department:	Facilities Management	
Type:	Addition	
Amount:	\$96,605.69	
Vendor:	Quina Grundhoefer Arch.	
Project Name:	A&E Fees for Hurricane Repairs – Various Buildings	
PO#:	270771-1 (260614-2) (251008-1)	
Project CO#:	5	
Original Award Amount:		\$40,000.00
Cumulative Amount of Contract Change Orders through # 5		<u>\$366,643.69</u>
New Contract Total:		\$406,643.69

[Funding Source: Fund 112, "Disaster Recovery", Cost Center 330465, "Category E Hurricane Ivan Building & Equipment", FEMA-1551-DR]

12. Recommendation Concerning Clinical Laboratory License Renewal Application for Emergency Medical Services – Janice Kilgore, CEM, Public Safety Director

**RECOMMENDATION:** That the Board take the following action concerning a renewal Application requiring licensure for laboratory testing by Escambia County Emergency Medical Services to the State of Florida:

- A. Approve the Clinical Laboratory License Renewal Application for the State of Florida, Agency for Health Care Administration, for performance of certain waived laboratory tests performed by Emergency Medical Services at a cost of \$25; and
- B. Authorize the Chairman to sign the Application and related documents required to meet State Requirements.

[Fund 408, Emergency Medical Services, Cost Center 330301, Object Code 54901]

13. **Recommendation Concerning Information Report – Emergency Management Preparedness and Assistance Grant Application Status – Janice Kilgore, CEM, Public Safety Director**

**RECOMMENDATION:** That the Board accept, for filing with the Board's Minutes, the following Information Report concerning the Emergency Management Preparedness and Assistance (EMPA) Grant Application Status:

For Fiscal Year 2007, 15 EMPA Grant Applications were submitted to the State of Florida for consideration as presented to the Board through a Recommendation March 26, 2007. Due to programmatic project rankings and funding limitations in the program, the Applications as submitted will not be funded.

14. **Recommendation Concerning Contracts for Brownfields Services – Claudia Simmons, Purchasing Department Chief**

**RECOMMENDATION:** That the Board take the following action concerning award of a Task-Order-based, continuing Contracts for Brownfields Services:

- A. Award a Task-Order-based continuing Contract to Cameron-Cole, Gallet & Associates Gulf Coast, Inc., PPM Consultants, Inc., Professional Service Industries, Inc., SCS Engineers, TBE Group, Inc., Thompson Engineering, and URS Tallahassee, per PD 06-07.038, Brownfields Services, on a "Maximum Ceiling" basis fee schedule as follows:
- Maximum Overhead – 168%
  - Maximum Profit – 12%
  - Maximum FCCM – 1.50%
  - Maximum Multiplier – 301.66% (providing no single item above is exceeded)
  - Existing hourly rates for each firm (based on an audited or auditable financial Package); and
- B. Authorize the department(s) in conjunction with the Office of Purchasing to negotiate Task Orders according to F.S. 287.055, "Consultants' Competitive Negotiation Act" (A&E Services), on a project-by-project basis.

15. **Recommendation Concerning Contracts for Miscellaneous Bridge Repairs – Claudia Simmons, Purchasing Department Chief**

**RECOMMENDATION:** That the Board take the following action concerning PD 06-07.080 Miscellaneous Bridge Repairs:

- A. Award Contracts to Davis Marine Construction, Inc., and D.K.E. Marine Services, Inc., for a period of 36 months; and
- B. Authorize the issuance of Purchase Orders (blanket or individual) in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section(s) 46-64 and 46-91, to the following Contractor at the not-to-exceed amount shown for the remainder of Fiscal Year 2006/2007:

Contractor Not- to-Exceed Amount  
D.K.E. Marine Services, Inc., \$187,000

[Funding Source: Fund 351, "Local Option Sales Tax Extension", Cost Center 210105]

16. **Recommendation Concerning Contracts for Tree Trimming and Removal – Claudia Simmons, Purchasing Department Chief**

**RECOMMENDATION:** That the Board rescind its action taken on May 24, 2007, awarding a Contract to Trees Plus, for "Tree Trimming and Removal", PD 06-07.046, for failure to become post-award compliant.

17. **Recommendation Concerning Contract for Sod Grass With or Without Installation – Claudia Simmons, Purchasing Department Chief**

**RECOMMENDATION:** That the Board rescind its action taken on May 1, 2007, CAR II-23 awarding a Contract to First Choice Maintenance Service, for "Sod Grass With or Without Installation", PD 06-07.039, for failure to become post-award compliant.

18. **Recommendation Concerning Contract for Design/Build Emergency Procurement – Claudia Simmons, Purchasing Department Chief**

**RECOMMENDATION:** That the Board award a “pre-position” Contract, PD 06-07.032, Design/Build Emergency Procurement, to the following Contractors:

ESA South  
Vision Construction  
Morette Company  
Biltmore Construction Co.  
Benchmark Construction Corp.  
Whitesell-Green Construction  
R.D. Ward Construction  
Jack Moore & Co., Inc.

19. **Recommendation Concerning Restoration of Old County Courthouse – Claudia Simmons, Purchasing Department Chief**

**RECOMMENDATION:** That the Board take the following action concerning restoration of the Old County Courthouse:

A. Approve the Selection/Negotiation Committee Ranking:

1. Greenhut Construction Company, Inc., and Quina Grundhoefer Architects;
2. Peter R. Brown Construction, Inc., and Bullock Tice Architects; and
3. Whitesell-Green, Inc., General Construction; and

B. Award a Contract, PD 06-07.045, Design-Build Services for Restorations to the Old County Courthouse, to Greenhut Construction Company, Inc., and Quina Grundhoefer Architects as follows:

1. Design Phase Fee, \$59,577;
2. Construction Phase Fee, at the time the Guaranteed Maximum Price (GMP) is negotiated and established; and
3. Overhead and Profit for Construction Phase, at the time the Guaranteed Maximum Price (GMP) is negotiated and established.

[Funding: Fund 110, Other Grants & Projects, Cost Center 310103]

20. Recommendation Concerning Allied Waste Services of North America, LLC – Sandra P. Jennings, E.I., DSWM Director

**RECOMMENDATION:** That the Board take the following action concerning the failure of Allied Waste Services of North America, LLC, (Allied Waste) in 2005 to deliver sufficient quantities of commercial solid waste to the Perdido Landfill or to pay \$508,464 for the associated shortfall, per their Non-Exclusive Long Term Franchise Agreement for the Collection of Commercial Solid Waste (Franchise Agreement) with the County:

- A. Authorize the County Administrator to issue and sign a letter notifying Allied Waste of their default regarding the aforementioned shortfall; and
- B. Authorize staff to pursue, if necessary, any and all remedies as provided for in the Franchise Agreement to effect collection of the shortfall.

21. Recommendation Concerning the Design/Installation of Traffic Signal/Construction of Southbound Right Turn Lane on Nine Mile Road and Hummingbird Boulevard – Larry Newsom, Transportation and Traffic Operations Manager

**RECOMMENDATION:** That the Board take the following action concerning the County Incentive Grant Program Agreement between the State of Florida Department of Transportation and Escambia County regarding the design and installation of a traffic signal and construction of the southbound right turn lane on Nine Mile Road (SR 10) and Hummingbird Boulevard:

- A. Approve the Agreement between the State of Florida Department of Transportation and Escambia County regarding the transportation and traffic improvements on Nine Mile Road (SR 10) and Hummingbird Boulevard, at an estimated cost of \$390,000, with the State of Florida Department of Transportation to pay a maximum of \$150,000 and the County to pay the remainder of the cost;
- B. Adopt a Resolution authorizing the Chairman to sign the County Incentive Grant Program Agreement; and
- C. Authorize the Chairman to sign the Resolution.

[Funding Source: \$150,000 County Incentive Grant Program Matching Funds, Remainder LOST II, Fund 351]

22. Recommendation Concerning Design/Construction of a Westbound Left Turn Lane on Olive and Gregg Road – Larry Newsom, Transportation and Traffic Operations Manager

**RECOMMENDATION:** That the Board take the following action concerning the County Incentive Grant Program Agreement between the State of Florida Department of Transportation and Escambia County regarding the design and construction of a westbound left turn lane on Olive Road (SR 290) at Gregg Road:

- A. Approve Financial Project No.: 42242515801, State of Florida Department of Transportation, County Incentive Grant Program Agreement between the State of Florida Department of Transportation and Escambia County regarding the transportation and traffic improvements on Olive Road (SR 290) at Gregg Road, at an estimated cost of \$200,000, with the State of Florida Department of Transportation to pay a maximum of \$100,000 and Escambia County to pay the remainder;
- B. Adopt a Resolution authorizing the Chairman to sign the County Incentive Grant Program Agreement; and
- C. Authorize the Chairman to sign the Resolution.

[Funding Source: \$100,000 County Incentive Grant Program Matching Funds, Remainder LOST III, Fund 352]

23. Recommendation Concerning Resolution – Driveway Improvements at 836 West Michigan Avenue – Larry Newsom, Transportation and Traffic Operations Manager

**RECOMMENDATION:** That the Board adopt a Resolution declaring a public purpose and authorizing construction of driveway improvements on private property owned by St. Andrew United Methodist Church at 836 West Michigan Avenue.

[Funding Source: LOST II, Fund 351]

24. Recommendation Concerning “Operation Brownsville” Follow-Up Action Register – Keith Wilkins, NESD Director

**RECOMMENDATION:** That the Board ratify the action of Escambia County Community Redevelopment Agency (CRA) to accept the “Operation Brownsville” Follow-Up Action Register to continue enhanced operations in the Brownsville Redevelopment Area. The total financial contribution from the CRA Tax Increment Financing Trust Fund throughout the 2006/2007 and 2007/2008 Fiscal Years is \$1,183,120 (Cost Center: 220515).

25. Recommendation Concerning the 2007 Escambia Consortium Annual Action Plan – Randy Wilkerson, NEFI Executive Director / Keith Wilkins, NESD Director

**RECOMMENDATION:** That the Board take the following actions concerning the 2007 Escambia Consortium Annual Action Plan:

- A. Approve the 2007 Escambia Consortium Annual Action Plan for Housing and Community Development, including the Escambia County 2007 Annual Plan detailing use of 2007 Community Development Block Grant (CDBG) funds in the amount of \$2,142,493; 2007 HOME Investment Partnerships Act (HOME) funds in the amount of \$1,642,280; 2007 HOME American Dream Downpayment Initiative (ADDI) funds in the amount of \$30,345, and 2007 Emergency Shelter Grant Program (ESG) funds in the amount of \$92,982; and
- B. Authorize the County Administrator to execute the 2007 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 County Administrator or Chairman, as appropriate, to execute documents required to receive and implement the 2007 CDBG, 2007 HOME, 2007 ADDI, and 2007 ESG Programs.

26. Recommendation Concerning Funding of Crime Prevention and Reduction Programs in the Brownsville Redevelopment Area – Keith Wilkins, NESD Director

**RECOMMENDATION:** That the Board ratify the following action of the Escambia County Community Redevelopment Agency (CRA) Board concerning a Memorandum of Understanding (MOU) between Escambia County and the Escambia County Sheriff's Office for the funding of crime prevention and reduction programs in the Brownsville Redevelopment Area:

- A. Adopting a Memorandum of Understanding between Escambia County and the Escambia County Sheriff's Office, acknowledging the total funding contribution of up to \$368,000, (Cost Center 220515) to be used for the launching of a proposed initiative within the Brownsville Redevelopment Area, determined by the Sheriff to best reduce or prevent crime; and
- B. Authorizing the Chairman to sign the MOU.

**COUNTY ADMINISTRATOR'S REPORT**

**JULY 19, 2007**

**PAGE 16 of 18**

**27. Recommendation Concerning a Change Order – Professional Services as Governed by Florida Statute 287.055 – Kevin Briski, Parks and Recreation Director**

**RECOMMENDATION:** That the Board, on behalf of the Parks & Recreation Department, approve and authorize the County Administrator to execute the following Change Order:

<b>Department:</b>	<b>Parks and Recreation</b>
<b>Type:</b>	<b>Addition</b>
<b>Amount:</b>	<b>\$38,348.42</b>
<b>Vendor:</b>	<b>Strobel &amp; Hunter, Inc.</b>
<b>Project Name:</b>	<b>Professional Services as Governed by Florida Statute 287.055</b>
<b>Contract:</b>	<b>PD 02-03.79</b>
<b>PO No.:</b>	<b>270786 (previously 251209 and 260593)</b>
<b>CO No.:</b>	<b>1</b>
<b>Original Award Amount:</b>	<b>\$30,000.00</b>
<b>Cumulative Amount of Change Orders through this CO:</b>	<b><u>\$264,466.90</u></b>
<b>New Contract Total:</b>	<b><u>\$294,466.90</u></b>

**[Funding Source: 112 – Disaster Recovery; Cost Center: 330467 – Cat G IVAN – Parks Rec Facilities]**

**28. Recommendation Concerning Pensacola Beach Fire Station – Claudia Simmons, Purchasing Department Chief**

**RECOMMENDATION:** That the Board award a Construction Contract, PD 06-07.068, Pensacola Beach Fire Station, 901 Via Deluna Drive, to The Green-Simmons Company, Inc., for the base bid amount and alternates 1 through 5, \$2,965,000. [Funding: Fund 112, Disaster Recovery, Cost Center 330465, Object Code 56201, (\$2,690,000) and Fund 143, Fire Protection Fund, Cost Center 330202, Object Code 56201 (\$275,000)]

**COUNTY ADMINISTRATOR'S REPORT**

**JULY 19, 2007**

**PAGE 17 of 18**

**29. Recommendation Concerning the Project – “An In-depth Study of Escambia County Government”– George Touart, County Administrator**

**RECOMMENDATION: That the Board take the following action concerning reimbursement of cost incurred by Mr. John Appleyard in preparation of a book entitled, A Diary History of Escambia County Government – 1821-2006, for the Project – “An In-depth Study of Escambia County Government” (Please note the book was originally divided into Books 1 and 2 for ease in handling and editing, but will be combined into one volume for printing):**

- A. Authorize an expenditure of \$4,000 for cost incurred October 1, 2006, through May 30, 2007, for preparation of an extensive history of Escambia County – Book 2, Account 53101, Cost Center 110201; and**
- B. Authorize an expenditure of \$1,000 for cost incurred through June 30, 2007, for preparation of Books 1 and 2 for printing; and approve the cost of printing and binding 35 copies of the book in an amount not-to-exceed \$2,000, Account 54701, Cost Center 110201.**

III. For Discussion

1. Recommendation Concerning Issuance of Industrial Development Revenue Bonds for Gulf Power Company – George Touart, County Administrator

**RECOMMENDATION:** That the Board take the following action concerning the proposed issuance of not exceeding \$200,000,000 Industrial Development Revenue Bonds of Escambia County for Gulf Power Company, Series 2007 (Gulf Power Company Project):

- A. Adopt and authorize the Chairman to sign the Resolution relating to the proposed issuance of not exceeding \$200,000,000 Industrial Development Revenue Bonds of Escambia County for Gulf Power Company which does the following:
  - 1. Declares the Board's present intent to issue Industrial Development Revenue Bonds for the Gulf Power Company ("Gulf Power"), provided that Gulf Power must return to the Board for further authorizations following a public hearing to be held at a later date; and
  - 2. Authorizes execution of the Letter of Intent and Inducement Agreement with Gulf Power relating to the issuance of such industrial development revenue bonds pursuant to which Gulf Power agrees to be responsible for costs incurred by the County; and
- B. Authorize the County Administrator to sign the Letter of Intent and Inducement Agreement.

COUNTY ATTORNEY'S REPORT  
July 19, 2007

I. **CONSENT AGENDA:**

1. **Robert Nick Mosco, as guardian of Jon Juliusson, a minor son of Lucille Yvette Young, and Robert Nick Mosco, as Personal Representative of the Estate of Lucille Yvette Young, Deceased v. Escambia County, Florida, a political subdivision of the State of Florida; and Department of Community Corrections, a division of The First Judicial Circuit; Case No. 2005-CA-594**

**RECOMMENDATION:**

That the Board of County Commissioners authorize the County Attorney not to pursue the motion to tax costs and for sanctions unless a notice of appeal is filed by July 5, 2007, as the sums are relatively minor and the case will be at an end once the time for appeal lapses.

2. **Henry Company Homes, Inc. v. Christopher A. Curb; CASE NO. 2005 CA 1135**

**RECOMMENDATION:**

That the Board accept the attached information provided in the case of Henry Company Homes, Inc. v. Christopher A. Curb/ Case No. 2005 CA 1135.

3. **Foreclosure of Municipal Services Benefit Unit Special Assessments on Santa Rosa Island**

**RECOMMENDATION:**

That the Board accept the attached information concerning foreclosing delinquent MSBU special assessment liens for tax year 2005 against properties on Santa Rosa Island.

4. **Conveyance of Easements to ECUA for New Wastewater Treatment Facility**

**RECOMMENDATION:**

That the Board:

- A. Adopt a Resolution authorizing conveyance of three utility easements to the Emerald Coast Utilities Authority (ECUA) for use as the site for an underground transmission pipeline to be constructed in connection with the development of ECUA's wastewater treatment facility; and
- B. Authorize the Chairman to execute all documents necessary for the conveyance of the easements.

**5. Scheduling of public Hearing at the Request of City of Tampa**

**RECOMMENDATION:**

That the Board schedule a public hearing for August 2, 2007 at 5:31 p.m. to consider adopting the Resolution relating to the proposed issuance by the City of Tampa, Florida, of not exceeding \$13,000,000 of its variable rate revenue bonds for Volunteers of America of Florida, Inc., a not-for-profit corporation.

**6. Request for Proposals (RFP) – Bond/Disclosure Counsel**

**RECOMMENDATION:**

That the Board advise whether it wishes for the County Attorney's Office to send out Request for Proposals (RFP) for bond/disclosure counsel to assist the County with bond issues.

**7. Workers Compensation Washout Settlement: Daniel P. Majors**

**RECOMMENDATION:**

That the Board approve a workers compensation washout settlement with former Escambia County Sheriff's Office employee Daniel Majors in the amount of \$450,000.00. The County shall be reimbursed for 100% of the settlement amount by Midwest Employers Casualty Company, the excess carrier in this workers compensation case.

**8. Contract Attorney for Lien Foreclosures**

**RECOMMENDATION:**

That the Board authorize advertisement of a Request for Proposal (RFP) for a Contract Attorney to handle collection of County liens, including foreclosure actions.

9. **Escambia County, Florida v. CC Family Ltd. Partnership, CE Case No. 06-05-0174; C.C. Family Limited Partnership v. Escambia County, Florida, Case No. 2007-CA-000055.**

**RECOMMENDATION:**

That the County accept ownership by way of Quit Claim Deed of the Pond East detention pond in Coral Creek, Unit 1 and of lakes A, B, C & D in Coral Creek, Unit 2 from C. C. Family Limited Partnership.

10. **Amendment to Part I, Chapter 82, Relating to Collection, Storage and Disposal of Solid Waste**

**RECOMMENDATION:**

That the Board schedule a public hearing for Thursday, August 2, 2007 at 5:33 p.m. to consider adoption of an ordinance amending Part I, Chapter 82, relating to the collection, storage and disposal of solid waste, requiring all solid waste collected in Escambia County to be delivered to the appropriate facility.

11. **Sheila Moye v. The Green-Simmons Company, Inc. and Escambia County, FL – Case No. 2005-CA-1368**

**RECOMMENDATION:**

That the Board approve a settlement payment by the County of \$25,000.00 in conjunction with a settlement payment of \$80,000.00 by Green-Simmons Company to Plaintiff, Sheila Moye, for a total of \$105,000.00 for her claim for personal injuries arising on February 4, 2004, relating to a fractured patella from a fall on the sidewalk on the east side of the Blanchard Judicial Building in the area of the renovation of the second floor snack bar.