

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.

AGENDA

Board of County Commissioners
Regular Meeting – May 18, 2006 – 5:30 p.m.
Courthouse – Third Floor

1. Call to Order.

(PLEASE TURN YOUR CELL PHONE OFF)

2. Invocation – Christopher Larsen, Minister of Education, Myrtle Grove 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. Proclamations.

Recommendation: That the Board adopt the following two Proclamations:

- A. The Proclamation proclaiming the week of May 14-20, 2006, as “Emergency Medical Services Week” in Escambia County; and
 - B. The Proclamation supporting the efforts of the Florida Disability Task Force and the ideas and objectives of the Emergency Preparedness for Persons with Disabilities Conference, to be held June 6, 2006, at The Pensacola Civic Center.
6. Written Communication – May 1, 2006, communication from Jacqueline A. Rogers, concerning property on Hillock Road owned by Roads Inc., of NWF, and commercial truck traffic through Knollwood Subdivision.

AGENDA – BOARD OF COUNTY COMMISSIONERS

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7. 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*.

8. **5:31 p.m. Public Hearing for consideration of a Petition to Vacate a Drainage Easement in the 10000 Block of Chemstrand Road, as petitioned by L. Eugene Baldwin and L. Jean Baldwin.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, take the following action concerning the Petition to Vacate a Drainage Easement (30 feet by 300 feet = 9,000 square feet, or approximately 0.21 acres), in the 10000 Block of Chemstrand Road (*County Road 749*), north of Nine Mile Road (U.S. Highway Alternate 90), as petitioned by L. Eugene Baldwin and L. Jean Baldwin:

- 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.

9. **5:32 p.m. Public Hearing for consideration of adopting a Nuisance and Unsafe Building Abatement Ordinance.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, adopt a Nuisance and Unsafe Building Abatement Ordinance, as follows:

An Ordinance of Escambia County, Florida, relating to abatement of certain nuisance conditions and unsafe buildings in Escambia County; amending Chapter 30, Article VI, Sections 30-200 through 30-206; providing for legislative findings and intent; providing for definitions; defining nuisance conditions; defining unsafe buildings; providing for methods of abatement; providing procedures for condemnation following a natural disaster or other declared local emergency; providing for enforcement; providing for severability; providing for inclusion in the Code; and providing for an effective date.

10. **5:33 p.m. Public Hearing for consideration of adopting an Ordinance amending the Official Zoning Map.**

Recommendation: That the Board, at the 5:33 p.m. Public Hearing, take the following action concerning an amendment to the Official Zoning Map to include the Rezoning Cases that were heard by the Rezoning Hearing Examiner (RHE) on March 27, 2006, and approved by the Board on May 4, 2006:

- A. Rescind the Board's action on May 4, 2006, scheduling a 5:45 p.m. Public Hearing on June 1, 2006, to adopt an Ordinance amending the Official Zoning Map;
- B. Ratify the scheduling and advertising of the 5:33 p.m. Public Hearing on May 18, 2006, to adopt an Ordinance amending the Official Zoning Map; and
- C. Adopt, and authorize the Chairman to sign, an Ordinance to amend the Official Zoning Map to include the Rezoning Cases (*Z-2006-23, Z-2006-24, Z-2006-26 and Z-2006-30*) that were heard by the RHE on March 27, 2006, and approved by the Board on May 4, 2006, and to provide for severability, inclusion in the Code and an effective date.

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11. Reports:

Clerk of the Circuit Court & Comptroller;
County Administrator; and
County Attorney.

12. Items added to the agenda.

13. Announcements – Ms. BryAnne White, Department of Environmental Protection (DEP), Government Operations Consultant II, Office of Park Planning, Division of Recreation and Parks, in compliance with Subsection 259.032(10), Florida Statutes, requests that the Board announce that the DEP Division of Recreation and Parks will be conducting the following two meetings:

- A. A Public Workshop for Big Lagoon, Perdido Key and Tarkiln Bayou State Parks on Monday, May 22, 2006, at 7:00 p.m., at Perdido Bay Community Center, 13660 Innerarity Point Road, to present the draft land management plans for these Parks to the public; and
- B. A DEP Advisory Group meeting is scheduled for Tuesday, May 23, 2006, at 9:00 a.m., at the Governor's Pavilion, Big Lagoon State Park, to discuss the proposed land management plans for these Parks with the Advisory Group members.

14. Adjournment.

**BACKUP NOT INCLUDED WITH THE CLERK'S REPORT IS AVAILABLE FOR REVIEW IN
THE OFFICE OF THE CLERK TO THE BOARD
OLD COURTHOUSE ANNEX, ROOM 114**

REPORT OF CLERK OF THE CIRCUIT COURT & COMPTROLLER
May 18, 2006

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

A. Payroll Expenditures as of Payday May 5, 2006, in the amount of \$1,434,588.15;
and

B. The following two Disbursement of Funds:

(1) April 27, 2006, to May 3, 2006, in the amount of \$16,122,204.08; and

(2) May 4, 2006, to May 10, 2006, in the amount of \$7,749,368.69.

2. Recommendation Concerning Investment Report

Recommendation: That the Board accept, for filing with the Board's Minutes, the Investment Report for the month ended April 30, 2006, as prepared by the Clerk'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 March 2006 returns received in the month of April 2006, as prepared by the Clerk's Finance Department.

I. CONSENT AGENDA – Continued

4. Recommendation Concerning Budget Analyses

Recommendation: That the Board accept, for filing with the Board's Minutes, Budget Analyses for the second quarter of Fiscal Year 2005-2006, as follows:

- A. Second quarter Expenditure Budget Analysis (Budget to Actual) as of March 31, 2006;
- B. Second quarter Revenue Budget Analysis (Budget to Actual) as of March 31, 2006; and
- C. Second quarter Profit and Loss Statements from the following six Proprietary Funds:
 - (1) *Solid Waste Fund*
 - (2) *Inspection Fund*
 - (3) *Emergency Medical Service*
 - (4) *Civic Center Fund*
 - (5) *Economic Development and Industrial Fund*
 - (6) *Workers Comp Health Life*

5. Recommendation Concerning Appeal of Competency Board Decision

Recommendation: That the Board accept, for filing with the Board's Minutes, the original Petition from Mark C. Higdon, Markos Patios, LLC, appealing the May 3, 2006, decision of the Escambia County Contractor Competency Board to impose the maximum sentence, with over \$15,000 in fines and revocation of Mr. Higdon's license for five years, which was filed in the Clerk to the Board's Office on May 4, 2006, and a copy of which was forwarded to the County Administrator's Office for handling.

I. CONSENT AGENDA – Continued

6. Recommendation Concerning CIAC Minutes and Investment Policies

Recommendation: That the Board accept, for filing with the Board's Minutes, the Minutes of the Quarterly Meeting of the County Investment Advisory Committee (CIAC) held April 28, 2006, as prepared by the Clerk to the Board's Office, and approve the following amendments to the *Escambia County, Florida, Investment Policies*, as recommended by the CIAC:

A. The following amendment to Page 2, Section III – Performance Measurement:

"The portfolio should seek to achieve a performance level equivalent to or greater than the 90-day Treasury Bill rate or the rate of the State Board of Administration's Local Government Surplus Funds Trust Fund (SBA)..."

B. The following amendment to Page 4, Section V – Authorized Investments, Paragraph A.7:

"~~The Florida Counties Investment Trust (FCIT)~~ The Florida Local Government Investment Trust (FLGIT) operated by the Florida Association of Court Clerks and the Florida Association of Counties, but only to a dollar limit specifically approved by the Board of County Commissioners."

C. The following amendments to Page 6, Section V – Authorized Investments, Paragraph B.1:

"...Mortgage obligations of, including but not limited to, the Federal Farm Credit Bank, the Federal Home Loan Mortgage Corporation, the Federal Home Loan Bank or its district banks, or the Federal National Mortgage Association (~~FNMA~~)."

"...However, the County may invest in obligations guaranteed by a U.S. Government agency or instrumentality (2, 3, and 4 above) indirectly through its participation in the SBA, the ~~FCIT~~ FLGIT, or an overnight repurchase agreement with the County's general banking services provider."

(Continued on Page 4)

I. CONSENT AGENDA – Continued

6. Continued...

- D. The following amendment to Page 6, Section V – Authorized Investments, Paragraph B.2:

"...However, the County may invest in Agency security obligations guaranteed by the U.S. Government indirectly through its participation in the SBA or the ~~FCIT~~ FLGIT."

- E. The following amendment to Page 7, Section VI – Maturity and Liquidity Requirements, Paragraph A:

"As part of the banking services agreement, both an overnight sweep account and ~~will be an interest earning public funds checking account have been established.~~ The County will utilize whichever method provides the more advantageous earnings results. ~~This account will be established as an overnight repurchase agreement.~~ These accounts will serve as the a cash management tools to assure sufficient liquidity to meet daily cash demands while assuring safety and a competitive return on County funds. The balance of these this accounts is not currently limited will not be limited by the portfolio limits established for other ~~repurchase agreements investment types~~, but will be dictated by the operating and investing demands of the County. ~~The balance will not exceed anticipated cash demands by more than \$5 million for more than 5 working days.~~ The interest earning public funds checking account earns a rate indexed to the Fed Funds rate. The account will be considered a competitive investment instrument."

- F. The following amendment to Page 12, Section XII – Bid Requirements:

"All investments, except those placed with the SBA, the ~~FCIT~~ FLGIT and an SEC qualified money market mutual fund, will be purchased or sold through a competitive bidding process, using the dealers and banks on the approved list..."

I. CONSENT AGENDA – Continued

7. Recommendation Concerning Acceptance of Documents

Recommendation: That the Board accept, for filing with the Board's Minutes, the following three documents provided to the Clerk of the Circuit Court & Comptroller's Office:

- A. The *Emerald Coast Utilities Authority (ECUA) Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2005*, as prepared by Debra P. Buckley, Director of Finance, ECUA, and provided to the Clerk's Office on May 2, 2006;
- B. The original *Amendment No. 2 to Project Agreement 69-4209-5-1668 between Escambia County Board of County Commissioners and the United States Department of Agriculture Natural Resources Conservation Service*, as approved by the Board on July 19, 2005, and provided to the Clerk's Office on May 5, 2006; and
- C. The original *Agreement Between Escambia County and CH2M Hill, Inc., for Engineering Services for Drainage Basin Studies (PD 3-04.59)*, as approved by the Board on November 15, 2004, and provided to the Clerk's Office on May 10, 2006.

8. 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 Public Forum Work Session and Regular Board Meeting held May 4, 2006; and
- B. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held May 4, 2006.

**COUNTY ADMINISTRATOR'S REPORT
MAY 18, 2006**

I. Technical/Public Service Consent Agenda

1. **Recommendation Concerning Scheduling a Public Hearing – Grand Cedars Reserve Street Lighting MSBU – Jean A. Kassab, CGFM, Administrative Services Director**

RECOMMENDATION: That the Board authorize a public hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 1, 2006, at 5:31 p.m., to consider the adoption of an Ordinance creating the Grand Cedars Reserve Street Lighting MSBU.

2. **Recommendation Concerning Scheduling a Public Hearing – Heron Bayou Street Lighting MSBU – Jean A. Kassab, CGFM, Administrative Services Director**

RECOMMENDATION: That the Board authorize a public hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 1, 2006, at 5:32 p.m., to consider the adoption of an Ordinance creating the Heron Bayou Street Lighting MSBU.

3. **Recommendation Concerning Scheduling a Public Hearing – High Springs Street Lighting MSBU – Jean A. Kassab, CGFM, Administrative Services Director**

RECOMMENDATION: That the Board authorize a public hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 1, 2006, at 5:33 p.m., to consider the adoption of an Ordinance creating the High Springs Street Lighting MSBU.

4. **Recommendation Concerning Scheduling a Public Hearing – Oakhills Estates Street Lighting MSBU – Jean A. Kassab, CGFM, Administrative Services Director;**

RECOMMENDATION: That the Board authorize a public hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 1, 2006, at 5:34 p.m., to consider the adoption of an Ordinance creating the Oakhills Estates Street Lighting MSBU.

5. **Recommendation Concerning Scheduling a Public Hearing – Twin Pines, Phase I Street Lighting MSBU – Jean A. Kassab, CGFM, Administrative Services Director**

RECOMMENDATION: That the Board authorize a public hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 1, 2006, at 5:35 p.m., to consider the adoption of an Ordinance creating the Twin Pines, Phase I Street Lighting MSBU.

6. Recommendation Concerning Maintenance Map for a Portion of Airway Drive – Richard Duane, P.E., County Engineer

RECOMMENDATION: That the Board take the following action concerning the Maintenance Map (Map) for a portion of Airway Drive:

- A. Adopt a Maintenance Map, Engineering Department Map Number L-4677, on a portion of Airway Drive, extending south from Nine Mile Road (U.S. Highway Alternate 90) one mile to Johnson Avenue, to substantiate a claim to County property in areas where there is no deeded right-of-way;
- B. Approve said areas shown on the Map for continued maintenance, pursuant to Chapter 95.361 F.S.; and
- C. Authorize the Chairman or Vice Chairman to accept the Map as of the day of delivery of the Map to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute the Map for recording at that time.

7. Recommendation Concerning Purchase of Property – Rory Clark – Richard Duane, P.E., County Engineer

RECOMMENDATION: That the Board amend its action taken at the April 6, 2006, meeting concerning the funding account number for the authorization to purchase Mr. Rory Clark's property. Due to a scrivener's error in the funding account number, change the account number which the funds are being transferred to from "Account Number 210106/56101" to "Account Number 210105/56101".

8. Recommendation Concerning Joaquin Road Subdivision Final Plat – Richard Duane, P.E., County Engineer

RECOMMENDATION: That the Board take the following action concerning recording of the Final Plat of Joaquin Road Subdivision (a 13-lot, single-family, residential subdivision), located in the Paradise Beach Community, lying south of Lillian Highway (U.S. Highway 98) and east of Joaquin Road, owned and developed by Escambia, 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 Land Development Code:

- A. Approve the Final Plat for recording; and
- B. Authorize the Chairman or Vice Chairman to execute a Two-Year Warranty Agreement for Streets and Drainage Improvements Without Surety/Financial Security.

COUNTY ADMINISTRATOR'S REPORT

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9. Recommendation Concerning Scheduling a Public Hearing to Vacate an Alleyway Located in Block 122 of Beach Haven Subdivision – Richard Duane, P.E., County Engineer

RECOMMENDATION: That the Board schedule a Public Hearing for June 15, 2006, at 5:32 p.m., to consider the Petition to Vacate an alleyway (12 feet by 50 feet = 600 square feet or approximately 0.01 acres), lying between Lots 12 and 13 in Block 122, Beach Haven Subdivision, as petitioned by Leslie Lynn Willett.

10. Recommendation Concerning Scheduling a Public Hearing to Vacate an Alleyway Located in Block 24 of Beach Haven Subdivision – Richard Duane, P.E., County Engineer

RECOMMENDATION: That the Board schedule a Public Hearing for June 15, 2006, at 5:31 p.m., to consider the Petition to Vacate a 12-foot-wide alleyway (12 feet by approximately 500 feet = 6,000 square feet or 0.14 acres) in Block 24 of Beach Haven Subdivision, as petitioned by Felipa Baston.

11. Recommendation Concerning the Sparrow Lane Drainage Improvement 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 Sparrow Lane Drainage Improvement Project:

- A. Authorize Staff to negotiate and resolve any matters related to, or associated with the acquisition of rights-of-way and easements concerning drainage improvements in the Sparrow Lane area, 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 stormwater drainage improvements in the Sparrow Lane area, and the County benefits from the acquisition of the property because these improvements will improve stormwater drainage and enhance the quality of life for the residents in this area who are experiencing severe drainage problems;
- C. Authorize the payment of incidental expenditures associated with the acquisition of the property; and
- D. Authorize the Chairman or Vice Chairman to accept the deed or easements as the day of delivery of the deed or easements to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time.

12. **Recommendation Concerning an Interlocal Agreement with the Escambia County School Board – Kevin Briski, Parks and Recreation Director**

RECOMMENDATION: That the Board take the following action concerning the Interlocal Agreement between the School Board of Escambia County, Florida, and Escambia County:

- A. Approve the Interlocal Agreement, which will enable the Parks and Recreation Department to utilize School Board property and facilities for community use and, likewise, will enable the School Board to use Parks and Recreation property and facilities; and
- B. Authorize the Chairman to sign the Interlocal Agreement.

13. **Recommendation Concerning Emergency Hurricane Supplemental Urban and Community Forestry Grant – Project “HERE for Trees” – Lamar Christenberry, Extension Service Director**

RECOMMENDATION: That the Board take the following action concerning a Resolution for Emergency Hurricane Supplemental Urban and Community Forestry Grant for Project “HERE (Hurricane Education and Recovery for Escambia) for Trees”:

- A. Adopt the Resolution approving an Emergency Hurricane Supplemental Urban and Community Forestry Grant Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry for Project “HERE for Trees”; and
- B. Authorize the Chairman to sign the Resolution.

14. **Recommendation Concerning Out-of-County Travel – George Touart, County Administrator**

RECOMMENDATION: That the Board approve out-of-county travel for Chairman D. M. “Mike” Whitehead to participate in a meeting on May 24, 2006, in Tallahassee, Florida, with the Florida Turnpike Authority concerning the possibility of proceeding with the development of a north/south corridor in Escambia County.

15. **Recommendation Concerning Re-Appointments to the Contractor Competency Board – Don Mayo, Building Inspections Director**

RECOMMENDATION: That the Board re-appoint the following members to the Contractor Competency Board for the terms identified:

- A. James E. Trice Dukes, Lay Person, to a three-year term effective May 18, 2006, to April 30, 2009;
- B. James F. Lee, Lay Person, to a three-year term effective October 1, 2006, to September 30, 2009;
- C. Willie E. Small, Lay Person, to a three-year term effective May 18, 2006, to April 30, 2009;
- D. Leroy White, Building Contractor, to a three-year term effective May 18, 2006, to April 30, 2009;
- E. Verris “Mac” Magee, Master Gas Contractor, to a three-year term effective May 18, 2006, to April 30, 2009;
- F. Michael E. Batchelor, Roofing Contractor, to a three-year term effective May 18, 2006, to April 30, 2009;
- G. Sam Menezes, Master Plumber, to a three-year term effective May 18, 2006, to April 30, 2009;
- H. James B. Reynolds, General Contractor, to a three-year term effective May 18, 2006, to April 30, 2009;
- I. William “Bill” Mayo, Air Conditioning Contractor, to a three-year term effective May 18, 2006, to April 30, 2009;
- J. Victor Carl Wallace, Irrigation/Sprinkler Contractor, to a three-year term effective October 1, 2006, to September 30, 2009; and
- K. David L. Schwartz, Swimming Pool Contractor, to a three-year term effective October 1, 2006, to September 30, 2009

16. **Recommendation Concerning Out-of-County Travel – George Touart, County Administrator**

RECOMMENDATION: That the Board authorize out-of-county travel for Chairman D. M. “Mike” Whitehead to participate in a meeting with Secretary Ed Prescott, Florida Department of Transportation, on May 19, 2006, in Chipley, Florida.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Supplemental Budget Amendment #230 – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #230, Misdemeanor Probation Fund (114) and the Debt Service Fund (203), in the amount of \$50,000 to recognize the increase in interest rates and to appropriate these funds for the payment of the Work Release debt service.

2. Recommendation Concerning Supplemental Budget Amendment #231 – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #231, Other Grants and Projects Fund (110), in the amount of \$156 to recognize the reimbursement of the Civil Defense Grant for mutual aid expenses related to Hurricane Wilma and to appropriate these funds.

3. Recommendation Concerning Amendment to Fiscal Year 2005/2006 Miscellaneous Appropriations Agreement with Perdido Key Area Chamber of Commerce, Inc. – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board take the following action concerning an Amendment to the Fiscal Year 2005/2006 Miscellaneous Appropriations Agreement with the Perdido Key Area Chamber of Commerce, Inc.:

- A. Approve the Amendment to the Miscellaneous Appropriations Agreement increasing the allocation by \$1,431.28, to be paid from the General Fund (001), Cost Center 110201;
 - B. Authorize the Chairman to sign the Amendment and all other necessary documents; and
 - C. Authorize the execution of the necessary Change Order.
4. Recommendation Concerning the Fourth Amendment to the Lease Agreement for Office Space for Building Inspections – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board approve the Fourth Amendment to the Lease Agreement for Suite 300, Town and Country Plaza, occupied by the County's Building Inspections Department, through Merchant's Square Shopping Center, LLC, at a cost of \$14,000 per month, extending the Lease from October 1, 2006, through December 1, 2007. [Funds will be provided in Building Inspections Department Rent – 250111-54401]

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5. Recommendation Concerning Application for Tax Deeds – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board approve the application for tax deeds for 98 parcels on the list provided.

6. Recommendation Concerning Fourth of July Parking Agreement – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board approve the following action regarding the Fourth of July Parking Agreement between Escambia County Board of County Commissioners (County) and Winterfest of Pensacola, Inc., (Winterfest) with the following stipulations for the parking lot:

- A. Winterfest agrees to act as an agent for the County on July 4, 2006, to oversee and manage the County parking lot located at the corner of 9th Avenue and Chase Street in Pensacola;
- B. A parking fee of \$5 per vehicle will be collected on behalf of the County by Winterfest;
- C. As compensation for the services provided by Winterfest, the County agrees to pay Winterfest 66 2/3% of the amount collected by Winterfest and tendered to the County and agrees to donate 33 1/3% to Boy Scout Troop #676, who will direct and assist with parking logistics and cleanup. Winterfest accepts responsibility for assuring the County's portion of the amount collected is received by Boy Scout Troop #676; and
- D. Authorize the Chairman or Vice Chairman to execute the Agreement.
7. Recommendation Concerning Surplus and Sale of Real Property Located at 1710 North Hayne Street – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board take the following action concerning the surplus and sale of real property located at 1710 North Hayne Street:

- A. Declare surplus its real property Account Number 133752000, Reference Number 00-0S-00-9020-006-102, acquired by foreclosure. A legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting bids by sealed bid;
- B. Authorize the sale of this property to the highest offer above the minimum bid of \$3,560 received from sealed bid, 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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8. Recommendation Concerning Amendment to Lease Agreement for Office Space Located at Town and Country Plaza – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board approve an Amendment to the Lease Agreement for Suite 180, Town and Country Plaza, through Merchant Square Shopping Center, LLC, at a cost of \$4,018 per month, extending the Lease from October 1, 2006, to December 31, 2006. The lease space will be used for meeting space during the construction of the Old Courthouse Block.

9. Recommendation Concerning a Change Order for Hurricane Ivan Repairs Escambia County Courthouse, Courthouse Annex, and Matt Langley Bell Building – 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: \$53,105.00
Vendor: Lathan Company, Inc.
Project Name: Hurricane Ivan Repairs Escambia County Courthouse, Courthouse Annex, and Matt Langley Bell Building
PO #: 260491
CO #: 3

Original Award Amount:	\$167,500.00
Cumulative Amount for Contract Change Orders through # 3:	<u>\$155,872.94</u>
New Contract Total:	\$323,372.94

Add 39 days to the duration for construction, changing the contracted substantial completion date to June 10, 2006, and the contracted final completion date to July 10, 2006.

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

10. Recommendation Concerning Amendment No. 2 to Grant Agreement for Perdido Key Dune Restoration and Beach Restoration Feasibility Study – Keith Wilkins, NESD Director

RECOMMENDATION: That the Board take the following action concerning Amendment No. 2, DEP Agreement No. H5ES1, Perdido Key Dune Restoration and Beach Restoration Feasibility Study, with the Florida Department of Environmental Protection:

- A. Approve Amendment No. 2, Task 3.0, Pensacola Pass Bypass Study, which increases the funding from \$3,361,680 to \$3,538,250, and provides for an extension to July 1, 2007; and
- B. Authorize the Chairman to sign the Amendment.

11. Recommendation Concerning a Change Order for Brosnaham Soccer Expansion – 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:

Department:	Parks and Recreation	
Type:	Addition	
Amount:	\$22,890.00	
Vendor:	Jehle-Halstead, Inc.	
Project Name:	Brosnaham Soccer Expansion	
Contract:	PD 03-04.51	
PO No.:	260432	
CO No.:	2	
Original Award Amount:		\$139,158.00
Cumulative Amount of Change Orders through this CO:		<u>\$ 27,790.00</u>
New Contract Total:		\$166,948.00

[Funding Source: Tourist Promotion Fund, Fund 108; Cost Center 360104]

12. Recommendation Concerning the Pensacola Bay Fishing Bridge – Kevin Briski, Parks and Recreation Director

RECOMMENDATION: That the Board take the following action concerning the Pensacola Bay Fishing Bridge:

- A. Authorize the County Attorney's Office to send a letter to George R. Mead, II, Attorney representing Pensacola Bay Fishing Bridge, Inc., rejecting his proposal dated April 6, 2006; and
- B. Offer the amount of \$222.70 in the reserve account and deem the Agreement to be terminated pursuant to paragraph 21 (b).

13. **Recommendation Concerning Cancellation of Outstanding and Delinquent Tax Liens – Richard Duane, P.E., County Engineer**

RECOMMENDATION: That the Board take the following action concerning canceling outstanding and delinquent tax liens totaling \$3,087.03 on fifteen parcels of property acquired by the County by donation:

- A. Adopt a Resolution, subject to legal signoff, to cancel outstanding and delinquent tax liens totaling \$3,087.03 on fifteen parcels of property acquired by the County by donation, as shown on Exhibit "A"; and
- B. Authorize the Chairman or Vice Chairman to sign any and all documents related to the cancellation of the delinquent tax liens.

14. **Recommendation Concerning Perdido Improvement Revenue Series Bonds Series 2006 and Series 2008 – Claudia Simmons, Purchasing Department Chief**

RECOMMENDATION: That the Board take the following action concerning Underwriting Services, PD 05-06-068 for the Perdido Improvement Revenue Series Bonds, Series 2006 and Series 2008:

- A. Approve the ranking of the Selection Negotiation Committee for the issuance of Perdido Revenue Series Bonds 2006 to:
 - 1. UBS Securities, LLC, as Senior Manager 60%;
 - 2. RBC Capital Markets as Co-Manager 20%; and
 - 3. Bank of America Securities as Co-Manager 20%;
- B. Approve the ranking of the Selection Negotiation Committee for the issuance of Perdido Revenue Series Bonds 2008 to:
 - 1. Citigroup Global Markets as Senior Manager 60%;
 - 2. RBC Capital Markets as Co-Manager 20%; and
 - 3. Raymond James & Associates as Co- Manager 20%; and
- C. Authorize the Committee to re-visit the award for the 2008 bonds based on the market conditions at that time.

15. Recommendation Concerning Elsa Avenue Area Drainage Improvements – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board take the following action concerning the Elsa Avenue Area Drainage Improvements:

- A. Accept and approve the shortlist selection and final ranking of the following three Engineering firms relating to solicitation PD 05-06.002, "Design the Elsa Area Drainage Project";
 - 1. HDR Engineering, Inc.;
 - 2. Baskerville-Donovan; and
 - 3. Fabre Engineering and Surveying;
- B. Award a Contract for PD 05-06.002, "Design the Elsa Area Drainage Project", in the negotiated amount of \$200,944.55 to HDR Engineering Inc., the number-one-ranked firm;
- C. Upon post-award compliance, authorize the issuance of a Task Order Contract to HDR Engineering, Inc., to commence the design development for the negotiated amount; and
- D. Authorize the issuance of Purchase Orders(s) in accordance with Chapter 46 of the County Code of Ordinances. [Funds to be available in Cost Center 210105, Object Code 56301, Project Number 05EN2342, Account 56301]

16. Recommendation Concerning Construction Management/Agenda Services for Perdido Key Beach Park West and Park East – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board award Purchase Order Contracts to Benchmark Construction, Inc., per the terms and conditions of PD 04-05.79, Construction Management/Agent Services for Construction Phase Services for:

- A. Perdido Key Beach Park West in the amount of \$654,000; and
- B. Perdido Key Beach Park East in the amount of \$728,259.

[Fund 112, LOST II, Parks & Recreation, Cost Center 350213, Project Code 05PR00032]

17. Recommendation Concerning Professional Auditing Services – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board award a Contract to FelsingRankin for Professional Auditing Services, PD 05-06.061, in the amount of \$25,000 annually for a period of one year with the option to extend the Contract for two additional one-year periods under the terms and conditions of the solicitation. [Fund 401, Cost Center 230301]

III. For Discussion

1. Recommendation Concerning Home Office Agreement (Governmental Facilities Leasing Corporation) and Regions Bank/ Revenue Bonds Series 1997B – George Touart, County Administrator

RECOMMENDATION: That the Board approve the use of certain excess funds on deposit in the Operations and Maintenance Reserve Fund for the Governmental Facilities Leasing Corporation Revenue Bonds, Series 1997B, for the prepayment and retirement of a portion of the Bonds, as set forth in the Home Office Agreement.

COUNTY ATTORNEY'S REPORT
May 18, 2006

I. Discussion Agenda:

1. Amendment to the Pedestrian Safety Ordinance.

RECOMMENDATION: That the Board set a public hearing on June 1, 2006 at 5:36 p.m. to consider adopting an ordinance amending Article 6, section 94-132 of the Code of Ordinances, the Pedestrian Safety Ordinance.

2. Santa Rosa Island MSBU Foreclosures.

RECOMMENDATION: That the Board:

- A. Review the attached informational report from the County Engineering Department; and
- B. Authorize the County Attorney's Office to schedule a judicial sale for those remaining properties that are subject to the County's MSBU foreclosure action (Case No. 2003 CA 001362A); and
- C. Identify which, if any, of the properties in the report the Board wishes to purchase for County purposes; and
- D. If the Board wishes to purchase any of the properties in the report:
 - 1. Authorize the County Attorney's Office to bid the amount of the County's judgment at the judicial sale; and
 - 2. Direct the Engineering Department to complete the relevant requirements of Section 46-139, Escambia County Code of Ordinances, prior to the judicial sale,

or

- E. If the Board does not wish to purchase some or all of the properties, direct the Santa Rosa Island Authority to bid on those properties and, if the successful bidder, market those properties for sale to the public.

3. Workers Compensation Settlement: Billy Lalas.

RECOMMENDATION: That the Board accept a washout settlement offer from workers compensation claimant Billy Lalas in the amount of \$89,000.00, inclusive of attorneys fees and costs.

II. Information Agenda:

1. Bernice Samples, Et Al. V. Conoco, Inc., Agrico Chemical Company And Escambia Treating Company, Inc.; Class Representation Case No. 01-0631-Ca-01.

RECOMMENDATION: That the Board accept the attached information report concerning Escambia County's right to receive settlement proceeds in a class action for two properties located within the area determined by Judge Michael Jones to have been affected by an underground toxic plume from operations of Escambia Treating Company and Agrico Chemical Company was granted by Judge Jones.

2. Sam J. Pearson V. George Touart; / Case No. 2006 CA 640.

RECOMMENDATION: That the Board accept the attached information report concerning Sam J. Pearson who filed a petition for writ of mandamus in circuit court against George Touart, County Administrator, relating to the denial of a homestead exemption by Chris Jones, Escambia County Property Appraiser. The petition was summarily denied by Judge Michael Allen.