

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 – November 17, 2005 – 5:30 p.m.  
Courthouse – Third Floor

1. Call to Order.
2. Invocation – Reverend F. Enfinger, Pastor, Ray’s Chapel 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 ratify the Proclamation commending and congratulating Maurice Wendell Chasen, Jr., for achieving the standards of excellence required to attain the rank of "Eagle" – the highest rank in Scouting in the United States.

6. Written Communication.
  - A. October 18, 2005, e-mail communication from Denise Chenel Daughtry regarding Winterfest;
  - B. November 1, 2005, communication from Shearie Archer, Bay Area Food Bank, regarding an improved food bank facility in West Florida; and
  - C. November 1, 2005, communication from Bob Little regarding a problem with the drainage ditch on U. S. Highway 29 across from Wal-Mart.

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. Second Public Hearing for consideration of designating 501 North Navy Boulevard as a brownfields area.**

Recommendation: That the Board, at the 5:31 p.m. Second Public Hearing, take the following action concerning the designation of 501 North Navy Boulevard as a brownfields area:

- A. Adopt the Resolution designating 501 North Navy Boulevard a brownfields area within the Warrington Redevelopment Area, for the purposes of economic development and environmental rehabilitation; and
- B. Authorize the Chairman to sign the Resolution.

9. **5:32 p.m. Second Public Hearing for consideration of designating 2203 North Pace Boulevard as a brownfields area.**

Recommendation: That the Board, at the 5:32 p.m. Second Public Hearing, take the following action concerning the designation of 2203 North Pace Boulevard as a brownfields area:

- A. Adopt the Resolution designating 2203 North Pace Boulevard a brownfields area within the Englewood Redevelopment Area, for the purposes of economic development and environmental rehabilitation; and
- B. Authorize the Chairman to sign the Resolution.

10. **5:33 p.m. Second Public Hearing for consideration of adopting an Ordinance amending the Official Zoning Map regarding a Legislative Rezoning of Ellyson Industrial Park.**

Recommendation: That the Board, at the 5:33 p.m. Second Public Hearing, consider the County-sponsored Legislative Rezoning and adopt an Ordinance amending the Official Zoning Map to clarify the rezoning for the Ellyson Industrial Park, as well as for parcels along Copter Road between Davis Highway and the main entrance.

11. **5:34 p.m. Public Hearing for consideration of the Petition to Vacate a portion of Vincent Road, as petitioned by Treasure Hills Development, LLC.**

Recommendation: That the Board, at the 5:34 p.m. Public Hearing, take the following action concerning the Petition to Vacate a portion of Vincent Road (approximately 50 feet by 112 feet, = 5,600 square feet, or 0.12 acre), located west of the intersection of Cambria Drive and Vincent Road, as petitioned by Treasure Hills Development, LLC:

- A. Approve the Petition to Vacate;
  - B. Accept the Hold/Harmless Agreement;
  - C. Adopt the Resolution to Vacate; and
  - D. Authorize the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute them at that time.
12. **5:36 p.m. Public Hearing for consideration of adopting an Ordinance providing for amendment to the 1988 Pensacola Beach Land Utilization Plan.**

**RECOMMENDATION WILL BE SUBMITTED UNDER SEPARATE COVER**

13. **5:37 p.m. Public Hearing for consideration of adopting an Ordinance amending Article 2 of the Land Development Code to expand the regulatory area of Shoreline Protection Zone 1.**

Recommendation: That the Board, at the 5:37 p.m. Public Hearing, adopt an Ordinance amending Article 2 of the Land Development Code (LDC) to expand the regulatory area of Shoreline Protection Zone 1 to the 1975 Coastal Construction Control Line and restrict certain types of development allowed within that Zone.

14. **5:38 p.m. Public Hearing for consideration of adopting the Memorandum of Understanding to establish a Perdido Key Beach Mouse Conservation Management Fund.**

Recommendation: That the Board, at the 5:38 p.m. Public Hearing, take the following action regarding an Agreement between Escambia County, the United States Fish and Wildlife Service (FWS) and the Florida Fish and Wildlife Conservation Commission (FWC):

- A. Approve an Agreement to establish a Perdido Key Beach Mouse (PKBM) Conservation Management Fund, which shall be used for PKBM conservation purposes; and
- B. Authorize the Chairman to sign the Agreement.

15. **5:39 p.m. Public Hearing for consideration of adopting an Ordinance to allow in-lieu fee to be utilized for impacts to the Perdido Key Beach Mouse and associated habitats.**

Recommendation: That the Board, at the 5:39 p.m. Public Hearing, adopt an Ordinance to allow in-lieu fee to be utilized for impacts to the Perdido Key Beach Mouse and associated habitats.

16. **5:40 p.m. Public Hearing for consideration of adopting an Ordinance creating the PKBM Special Assessment.**

Recommendation: That the Board, at the 5:40 p.m. Public Hearing, adopt an Ordinance creating the Perdido Key Beach Mouse (PKBM) Special Assessment, to provide for the annual collection of \$201 per unit, per year, for new development within the approximate 240 acres designated as the PKBM potential habitat area.

17. **5:41 p.m. Public Hearing for consideration of adopting an Ordinance creating the PKBM Impact Fee.**

18. Recommendation: That the Board, at the 5:41 p.m. Public Hearing, adopt an Ordinance creating the Perdido Key Beach Mouse (PKBM) Impact Fee, to provide for the collection of \$100,000 per acre of impact to PKBM potential habitat for new development within the approximate 240 acres designated as the PKBM potential habitat area.

19. Committee of the Whole Recommendation(s).

- A. Recommendation: The Committee of the Whole (C/W), relative to discussion concerning One-Stop Facility Location (Item 4 of the November 8, 2005, C/W Agenda), recommends the Board proceed with the Fairfield Plaza location and direct staff to work out a funding source.
- B. Recommendation: The Committee of the Whole (C/W), relative to discussion concerning Grand for Service in Conflict/Combat Zone by Military Personnel (Item 3 of the November 8, 2005, C/W Agenda), recommends the Board drop discussion of this issue at this time and refer the issue to staff for additional information; and
- C. Recommendation: The Committee of the Whole (C/W), relative to discussion concerning the 2006 Committee of the Whole (C/W) Workshop Calendar (Item 6 of the November 8, 2005, C/W Agenda), recommends the Board adopt the proposed 2006 C/W Workshop Calendar.

20. Reports:

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

21. Items added to the agenda.

22. Announcements.

23. 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**

CLERK OF THE CIRCUIT COURT'S REPORT  
NOVEMBER 17, 2005

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

- A. Payroll Expenditures as of Payday November 4, 2005, in the amount of \$1,371,647.84; and
- B. Disbursement of Funds for October 27, 2005, to November 2, 2005, in the amount of \$9,091,031.52.

2. Recommendation Concerning Minutes/Reports

Recommendation: That the Board approve the Minutes of the Public Forum Work Session and Regular Board Meeting and accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held November 3, 2005.

**COUNTY ADMINISTRATOR'S REPORT  
NOVEMBER 17, 2005**

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

1. **Recommendation Concerning Certificate of Public Convenience and Necessity For Basic Life Support Ambulance Services – Janice Kilgore, CEM, Public Safety Director**

**RECOMMENDATION:** That the Board approve the Certificate of Public Convenience and Necessity (COPCN) for the provision of Basic Life Support Ambulance Services in Escambia County by Escambia County Emergency Medical Services, and authorize the Chairman to sign the Certificate.

2. **Recommendation Concerning Modification #1 – DCA Flood Mitigation Assistant Grant Contract – Janice Kilgore, CEM, Public Safety Director**

**RECOMMENDATION:** That the Board rescind the action taken on September 15, 2005, and take the following action concerning the Department of Community Affairs Flood Mitigation Assistance Program contract time extension for contract #04FM-59-01-27-01-345. The time extension changes the contract termination date from June 30, 2005, to March 31, 2006:

- A. Approve the State of Florida, Department of Community Affairs (DCA), Grant Contract that provides a contract time extension for Carlton Wingett, homeowner, to complete the flood mitigation project for his home; and
- B. Authorize the Chairman to execute the Contract.
3. **Recommendation Concerning Agreement with American Heart Association - Community Training Center – Janice Kilgore, CEM, Public Safety Director**

**RECOMMENDATION:** That the Board take the following action regarding the agreement between the American Heart Association and Escambia County Department of Public Safety/EMS Division:

- A. Approve the Training Center Agreement between the American Heart Association (AHA) and Escambia County Department of Public Safety/EMS Division to enable EMS to continue as a Community Training Center (CTC) under the American Heart Association. This will enable EMS to provide both Advanced Cardiac Life Support and Basic Life Support Courses and any other certified course from the AHA; and
- B. Authorize the Chairman to sign the Agreement.

4. **Recommendation Concerning Reprioritization of Fiscal Year 2005/2006 Dirt Road Paving Program – Richard Duane, P.E., County Engineer**

**RECOMMENDATION:** That the Board take the following action concerning reprioritization of the Escambia County Fiscal Year 2005/2006 Dirt Road Paving Program to allow for modified priorities in the County's increased construction cost, and a change in production method:

- A. Accept the Dirt Road Paving (DRP) 2005/2006 list and priority listing for scheduling of dirt road paving construction; and
- B. Accept the Construction Estimate provided, but allow the County Engineer to shift funding from lower priorities to higher priorities to allow for increased construction costs, production schedules of plans, and easement acquisitions.

5. **Recommendation Concerning Perdido Gardens Phase I Final Plat – Richard Duane, P.E., County Engineer**

**RECOMMENDATION:** That the Board take the following action concerning recording of the Final Plat of Perdido Gardens Phase I (a 27-lot single-family residential subdivision), located in the Perdido Key Community lying north of Semmes Street and east of River Road, owned and developed by Benton Properties of Florida, LLC. Prior to recording, the County Engineer, County Surveyor, County 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. Approve the street names "Arborgate Drive, Hanging Branch Way and Doublegate Drive".

6. **Recommendation Concerning Interlocal Agreement – Enterprise Resource Planning System – Robert Jacobson, Information Resources Director**

**RECOMMENDATION:** That the Board take the following action concerning the Interlocal Agreement to manage the Enterprise Resource Planning System:

- A. Approve the Interlocal Agreement between Escambia County, Clerk of the Court and the Sheriff's Office for managing the Enterprise Resource Planning (ERP) System; and
- B. Authorize the Chairman to execute the Interlocal Agreement.  
(AGREEMENT WILL BE DISTRIBUTED UNDER SEPARATE COVER)

7. Recommendation Concerning a Bill Amending Florida Statutes Sections 162.21, 943.10, and 943.13 – Environmental Enforcement Officers – Sandra Prince Jennings, E.I., DSWM Director

**RECOMMENDATION:** That the Board approve submitting a Bill to the Northwest Florida Delegation amending Florida Statutes Section 162.21, providing arrest power to Environmental Enforcement Officers for specified violations: Section 943.10, providing a definition for “Environmental Enforcement Officer”; and Section 943.13, providing minimum qualifications for Environmental Enforcement Officers and providing an effective date.

8. Recommendation Concerning Scheduling a Public Hearing – Southwoods 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 December 8, 2005, at 5:33 p.m., to consider the adoption of an ordinance creating the Southwoods Street Lighting MSBU.

9. Recommendation Concerning 2006 Committee of the Whole Workshop Calendar – George Touart, County Administrator

**RECOMMENDATION:** That the Board approve the Board of County Commissioners' 2006 Committee of the Whole Workshop Calendar.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Fiscal Year 2005/2006 Continuation Agreements for SHIP Program Affordable Housing/New Construction – Randy Wilkerson, NEFI Executive Director / Keith Wilkins, NESD Director

**RECOMMENDATION:** That the Board take the following action regarding the 2005/2006 State Housing Initiatives Partnership (SHIP) Agreements with Community Enterprise Investments, Inc., (CEII), AMR at Pensacola, Inc., (AMR) and the City of Pensacola:

- A. Approve agreements with CEII and AMR (two local non-profit affordable housing development organizations) and the City of Pensacola committing a total of \$500,000 in approved SHIP Program funds to provide short-term construction financing for development of affordable single-family homes, and direct home purchase assistance for SHIP eligible, low and moderate income homebuyers (Fund 120/SHIP: 2004 SHIP Program-Cost Center 220429, 2005 SHIP Program-Cost Center 220428, and 2006 SHIP-Cost Center 220427); and
- B. Authorize the Chairman or Vice Chairman to execute the agreements and all related documents required to implement the project.
2. Recommendation Concerning the Escambia Consortium 2005 HOME Investment Partnerships Program CHDO Agreement with AMR at Pensacola, Inc. – Randy Wilkerson, NEFI Executive Director / Keith Wilkins, NESD Director

**RECOMMENDATION:** That the Board take the following action regarding the Escambia Consortium 2005 HOME Investment Partnerships Program Community Housing Development Organization (CHDO) Agreement with AMR at Pensacola, Inc., (AMR):

- A. Approve entering into the CHDO Operating Expense Project Agreement with AMR to provide \$20,000 in combined 2005 HOME Program CHDO Operating Expense support to assist AMR in developing the capacity to further expand participation in the State Housing Initiatives Partnership (SHIP) New Construction Program, the HOME CHDO Rental Development Program, the Hurricane Housing Recovery Program (HHRP), and related affordable home ownership and rental housing activities (Fund 147/2005 HOME Cost Center 220417); and
- B. Authorize the Chairman or Vice Chairman to execute the CHDO Operating Expense Project agreement and all related documents as required to implement the agreement and provisions thereof.

3. **Recommendation Concerning Escambia Consortium 2005 HOME Investment Partnerships Program CHDO Agreement with Circle, Inc. – Randy Wilkerson, NEFI Executive Director / Keith Wilkins, NESD Director**

**RECOMMENDATION:** That the Board take the following action regarding the Escambia Consortium 2005 HOME Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) Agreement with Circle, Inc., (Circle):

- A. Approve entering into the CHDO Project Development Expense Agreement with Circle to provide \$20,000 in 2005 HOME Program CHDO support to assist Circle in developing affordable rental and homeownership units in Escambia County, specifically targeting Escambia County's designated Community Redevelopment Areas (Fund 147/2005 HOME Cost Center 220417); and
- B. Authorize the Chairman or Vice Chairman to execute the CHDO Agreement and all related documents as required to implement the Agreement and provisions thereof.
4. **Recommendation Concerning Escambia Consortium 2005 HOME Investment Partnership Program CHDO Agreement with Community Enterprise Investments, Inc. – Randy Wilkerson, NEFI Executive Director / Keith Wilkins, NESD Director**

**RECOMMENDATION:** That the Board take the following action regarding the Escambia Consortium 2005 HOME Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) Agreement with Community Enterprise Investments, Inc., (CEII):

- A. Approve entering into the CHDO Operating Expense Project Agreement with CEII to provide \$70,000 in 2005 HOME Program CHDO Operating Expense support to assist CEII in developing the capacity to further expand participation in the State Housing Initiatives Partnership (SHIP) New Construction Program, the HOME CHDO Rental Development Program, the Hurricane Housing Recovery Program (HHRP), and related affordable home ownership and rental housing activities (Fund 147/2005 HOME Cost Center 220417); and
- B. Authorize the Chairman or Vice Chairman to execute the CHDO Operating Expense Project Agreement and all related documents as required to implement the Agreement and provisions thereof.

5. **Recommendation Concerning Facade and Streetscape Funding and Lien Agreements – 204 New Warrington Road – Keith Wilkins, NESD Director**

**RECOMMENDATION:** That the Board take the following action to concerning a Facade and Streetscape Grant Program Funding Agreement and Lien Agreement approved on March 18, 2004, for Pensacola Furniture Gallery, Inc., located at 204 New Warrington Road:

- A. **Rescind** the Facade and Streetscape Grant Program Funding Agreement between Escambia County Community Redevelopment Agency (CRA), a division of the Neighborhood and Environmental Services Department, and Pensacola Furniture Gallery, Inc., owner of commercial property located at 204 New Warrington Road, Pensacola, Florida, in the amount of \$10,000 representing an in-kind match through the 2003 Community Development Block Grant (CDBG), Cost Center 220496, Object Code 58301, for the following improvements:

Installing new windows, landscaping and irrigation, paint the exterior of the building, signpost and marquee sign, and patch, repair, resurface and stripe existing parking lot; and

- B. **Rescind** the Facade and Streetscape Grant Program Lien Agreement for the property located at 204 New Warrington Road, Pensacola, Florida, in the amount of \$10,000.

6. **Recommendation Concerning Lease Agreement for Soil and Water Conservation Division Office Space Located at 151 Highway 97, Molino, Florida – Keith Wilkins, NESD Director**

**RECOMMENDATION:** That the Board take the following action concerning a Lease Agreement between Escambia County Farm Bureau and Escambia County, Florida:

- A. Approve a month-to-month Lease Agreement for Escambia County's Soil and Water Conservation Division's office space, located at 151 Highway 97, Molino, Florida, beginning October 1, 2005, with monthly payments of \$462; and
- B. Authorize the Chairman to sign the Agreement.

[Funding source: General Fund, Cost Center 220901, Object Code 54401]

7. Recommendation Concerning Supplemental Budget Amendment #37 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #37, General Fund (001), in the amount of \$11,352 to recognize the proceeds from the lease of County-owned property on Muscogee Road to the Department of Motor Vehicles. These funds will be appropriated to connect this property to the sewer system.

8. Recommendation Concerning Budget Amendment #44 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board approve Budget Amendment #44, Solid Waste Fund (401), in the amount of \$82,187 to provide funds for two additional Environmental Code Enforcement Officer I positions and one Student Assistant in Solid Waste Management.

9. Recommendation Concerning Supplemental Budget Amendment #49 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #49, Other Grants & Projects Fund (110) and General Fund (001), in the amount of \$17,091 to recognize revenue from the State of Florida, Department of Community Affairs, for the Citizen Corp., and to appropriate these funds for use.

10. Recommendation Concerning Supplemental Budget Amendment #52 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #52, in the amount of \$38,736 and appropriate it into the FY2005/06 Budget, Community Services for the Workfare Program, Other Grants & Projects Fund (110). This revenue has been awarded through the State of Florida and the Agency for Workforce Innovation.

11. Recommendation Concerning Supplemental Budget Amendment #56 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #56, Other Grants & Projects (110), in the amount of \$55,285 to recognize grant proceeds from the State of Florida and appropriate these funds to the Supervisor of Elections for voter education purposes.

12. Recommendation Concerning Supplemental Budget Amendment #57 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #57, Other Grants & Projects (110), in the amount of \$40,963 to recognize grant proceeds from Florida Communities Trust and to appropriate these funds to reimburse the Local Option Sales Tax II Fund for the purchase of property in the Jones Swamp Wetland Preserve.

13. Recommendation Concerning Fiscal Year 2005/2006 Miscellaneous Appropriations Agreements – Pensacola Historical Society – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board take the following action concerning approval of the FY 05/06 Miscellaneous Appropriations Agreements for Pensacola Historical Society:

- A. Approve the Miscellaneous Appropriations Agreement for \$5,000 to be paid from the 4th Cent Tourist Development Tax Fund 108, Cost Center 360105;
- B. Approve the Miscellaneous Appropriations Agreement for \$5,000 to be paid from the General Fund, Cost Center 110201;
- C. Authorize the Chairman to sign the Agreements and all other necessary documents; and
- D. Authorize the execution of the necessary purchase orders.

14. Recommendation Concerning Fiscal Year 2005/2006 Miscellaneous Appropriations Agreement - Perdido Key Area Chamber of Commerce – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board take the following action concerning approval of the FY 05/06 Miscellaneous Appropriations Agreement for Perdido Key Area Chamber of Commerce:

- A. Approve the Miscellaneous Appropriations Agreement for \$110,000 to be paid from the 3rd Cent Tourist Development Tax Fund 108, Cost Center 360101; and
- B. Authorize the Chairman to sign the Agreement and all other necessary documents; and
- C. Authorize the execution of the necessary purchase order.

15. **Recommendation Concerning Fiscal Year 2005/2006 Miscellaneous Appropriations Agreement – Lakeview Center, Inc. – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board take the following action concerning approval of the FY 05/06 Miscellaneous Appropriations Agreements for Lakeview Center, Inc.:

- A. Approve the Miscellaneous Appropriations Agreement for \$62,076 to be paid from the General Fund 001, Cost Center 110201;
  - B. Authorize the Chairman to sign the Agreement and all other necessary documents; and
  - C. Authorize the execution of the necessary purchase order.
16. **Recommendation Concerning Fiscal Year 2005/2006 Miscellaneous Appropriations Agreement (3rd Cent) – The Arts Council of Northwest Florida, Inc. – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board take the following action concerning approval of the FY 05/06 Miscellaneous Appropriations Agreement for The Arts Council of Northwest Florida, Inc.:

- A. Approve the Miscellaneous Appropriations Agreement for \$60,000 to be paid from the 3rd Cent Tourist Development Tax Fund 108, Cost Center 360101;
- B. Authorize the Chairman to sign the Agreement and all other necessary documents; and
- C. Authorize the execution of the necessary purchase order.

17. **Recommendation Concerning Fiscal Year 2005/2006 Miscellaneous Appropriations Agreements (4th Cent) – the Arts Council of Northwest Florida, Inc. – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** Appropriations Agreements for The Arts Council of Northwest Florida, Inc.:

- A. Approve the Miscellaneous Appropriations Agreement for \$100,000 to be paid from the 4th Cent Tourist Development Tax Fund 108, Cost Center 360105;
  - B. Authorize the Chairman to sign the Agreement and all other necessary documents; and
  - C. Authorize the execution of the necessary purchase order.
18. **Recommendation Concerning Fiscal Year 2005/2006 Miscellaneous Appropriations Agreements – Outside Agencies – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board take the following action concerning approval of the FY 05/06 Miscellaneous Appropriations Agreements for Outside Agencies:

- A. Approve the following Miscellaneous Appropriations Agreements to be paid from the General Fund 001, Cost Center 110201:
  - 1. Escambia County School Readiness Coalition Inc., d/b/a Early Learning Coalition of Escambia County \$284,689
  - 2. Wildlife Sanctuary of Northwest Florida, Inc. \$59,160
- B. Authorize the Chairman to sign the Agreements and all other necessary documents; and
- C. Authorize the execution of the necessary purchase orders.

19. **Recommendation Concerning Fiscal Year 2005/2006 Miscellaneous Appropriations Agreements (4th Cent) – Outside Agencies – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board take the following action concerning approval of the FY 05/06 Miscellaneous Appropriations Agreements for Outside Agencies:

- A. Approve the following Miscellaneous Appropriations Agreements to be paid from the 4th Cent Tourist Development Tax Fund 108, Cost Center 360105:
- |    |                                   |          |
|----|-----------------------------------|----------|
| 1. | Pensacola Museum of Art, Inc.     | \$10,000 |
| 2. | Century Chamber of Commerce, Inc. | \$20,000 |
- B. Authorize the Chairman to sign the Agreements and all other necessary documents; and
- C. Authorize the execution of the necessary purchase orders.

20. Recommendation Concerning Surplus and Sale of Real Property Located on Quintette Road – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board take the following action concerning the surplus and sale of real property located on Quintette Road:

- A. Declare surplus a portion of its real property Account Number 120500000, Reference Number 26-2N-31-3330-000-001, acquired by tax deed in 1982 and further described as follows:

Commence at the Southwest Corner of Section 26, Township 2 North, Range 31 West, Escambia County, Florida; thence run East along the South line of said section for 660 feet; then run North for 40 feet for the Point of Beginning; thence continue North for 50 feet; thence run West for 90 feet thence run South for 90 feet; thence run East for 90 feet to the Point of Beginning. All lying and being in said Section 26, Township 2 North, Range 31 West and containing 0.10 acres more or less. A legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting bids by sealed bids;

- B. Authorize the sale of this property to the highest offer received from a sealed bid above the minimum bid of \$7,650 without further action of the Board in accordance with Section 46.134 of the County Code of Ordinances; and
- C. Authorize the Chairman to sign all documents related to the sale.

21. Recommendation Concerning Surplus and Sale of Real Property located on Bobe 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 on Bobe Street:

- A. Declare surplus its real property Account Number 062693750, Reference Number 18-2S-30-6000-090-024, acquired by tax deed in 2003. A legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting bids by sealed bids;
- B. Authorize the sale of this property to the highest offer through a sealed bid above the minimum bid of \$4,370 without further action of the Board in accordance with Section 46.134 of the County Code of Ordinances; and
- C. Authorize the Chairman to sign all documents related to the sale.

22. Recommendation Concerning DCA Subgrant Contract for Domestic Security Grant Funds - Janice Kilgore, CEM, Public Safety Director

**RECOMMENDATION:** That the Board take the following action regarding Grant Contract #06-DS-3W-01-27-01:

- A. Approve the State of Florida, Department of Community Affairs (DCA), grant that provides grant funding for various domestic security activities. The grant provides funds in the amount of \$53,808, with a contract period from July 1, 2005, through August 30, 2006; and
- B. Authorize the Chairman to execute the Contract.

23. Recommendation Concerning Reimbursement of Attorneys' Fees – George Touart, County Administrator

**RECOMMENDATION:** That the Board take the following action concerning reimbursement of attorneys' fees:

- A. Find that the grand jury investigation and the complaint filed with the Ethics Commission initiated by a citizen against County Administrator George Touart arose directly from the performance of his duties on behalf of Escambia County;
- B. Find that the County Administrator was serving a public purpose when he reported certain events to the Sheriff; and
- C. Authorize reimbursement of the County Administrator's attorneys' fees and costs in the amount of \$16,115.99, and direct staff to make such payments.

24. Recommendation Concerning River Road – Design of Walking Path Bridges – Richard Duane, P.E., County Engineer

**RECOMMENDATION:** That the Board approve issuance of Task Order 02-03.79.13.13.ENG on Contract 02-03.79, to Hatch-Mott MacDonald to provide design and consulting services for the River Road Walking Path Bridges for a lump sum of \$81,014. [Funding Source: Fund 351 "Local Option Sales Tax Extension", Account 210105/56301, Project No. 05EN0811]

25. Recommendation Concerning Rezoning Hearing Examiner – Joe Pillitary, Jr., CPPO, CPPB, Purchasing Manager

**RECOMMENDATION:** That the Board take the following action concerning the Rezoning Hearing Examiner:

- A. Award a Contract for “Rezoning Hearing Examiner”, PD 05-06.09 for two years with a two-year option, with funding coming from Fund 1 (General Fund), Cost Center 240208, with an estimated expenditure of \$50,000 per year, in accordance with the terms and conditions of the solicitation and annual appropriation of funds to:

Robert O. Beasley;  
James M. Messer; and

- B. Authorize the County Administrator to sign the Contract.

26. Recommendation Concerning Special Magistrate for Code Enforcement – Joe Pillitary, Jr., CPPO, CPPB, Purchasing Manager

**RECOMMENDATION:** That the Board take the following action concerning the Special Magistrate for Code Enforcement:

- A. Award a Contract for “Special Magistrate for Code Enforcement”, PD 05-06.08 for two years with a two-year option, with funding coming from Fund 401 (Solid Waste Fund), Cost Center 230360, with an estimated expenditure of \$55,000 per year, in accordance with the terms and conditions of the solicitation and annual appropriation of funds to:

Robert O. Beasley;  
James M. Messer; and

- B. Authorize the County Administrator to sign the Contract.

27. **Recommendation Concerning Construction Management/Agent Services – Joe Pillitary, Jr., CPPO, CPPB, Purchasing Manager**

**RECOMMENDATION:** That the Board take the following action concerning Construction Management/Agent Services, PD 04-05.79:

- A. Award a Lump Sum Contract to Biltmore Construction, Inc., for:
  - 1. Pre-Construction fee in the amount of \$75,000 and an allowance of \$3,000 for printing;
  - 2. Construction fee based on an estimate established between A&E firms, FEMA, and insurance estimates of \$1,892,457;
  
- B. Award a Lump Sum Contract to R.D. Ward Construction, Inc., for:
  - 1. Pre-Construction fee in the amount of \$70,000 and an allowance of \$3,000 for printing;
  - 2. Construction fee based on an estimate established between A&E firms, FEMA, and insurance estimates of \$2,193,328; and
  
- C. Award a Lump Sum Contract to Benchmark Construction, Inc., for:
  - 1. Pre-Construction fee in the amount of \$72,500 and an allowance of \$3,000 for printing;
  - 2. Construction fee based on an estimate established between A&E firms, FEMA, and insurance estimates of \$1,922,266.

[Funding: Fund 112, Category "E", Ivan, Building / Equipment, Cost Center 330465]

28. Recommendation Concerning Nowak Dairy Road Paving and Drainage – Joe Pillitary, Jr., CPPO, CPPB, Purchasing Manager

**RECOMMENDATION:** That the Board take the following action concerning Nowak Dairy Road Paving and Drainage Improvements:

- A. Transfer funds from Rocky Branch Road, Fund 351 "Local Option Sales Tax Extension", Account 210105/56301, Project #06EN0225 for an amount of \$173,000 to Nowak Dairy Road, Fund 351 "Local Option Sales Tax Extension", Account 210105/56301, Project #05EN0665. The amount currently budgeted in Nowak Dairy Road is \$269,000;
- B. Transfer Funds from Rocky Branch Fund 351 "Local Option Sales Tax Extension", Account 210105/56301, Project #06EN0225 to Bratt Road, Fund 351 "Local Option Sales Tax Extension", Account 210105/56301, Project #05EN1205 for an amount of \$430,494; and
- C. Award a Unit Price Contract, PD 04-05.95, "Nowak Dairy Road Paving and Drainage Improvements" to Panhandle Grading & Paving, Inc., for a total bid amount of \$441,386.75. [Funds will be available from Local Option Sales Tax II, Fund 351, Cost Center 210105, Object Code 56301, Project #05EN0665.]

29. Recommendation Concerning Ferry Pass Drainage Improvements – Joe Pillitary, Jr., CPPO, CPPB, Purchasing Manager

**RECOMMENDATION:** That the Board take the following action concerning Ferry Pass Drainage Improvements, Zone 4, Phase II-B:

- A. Transfer funds from Addison Drive, Fund 351 "Local Option Sales Tax Extension", Account 210105/56301, Project #05EN0104 for an amount of \$239,711;
- B. Transfer funds from Traffic Improvements/JPA, Fund 351 "Local Option Sales Tax Extension", Account 210105/56301, Project #06EN0258 for an amount of \$360,289 for a total amount of \$600,000 to the Ferry Pass Zone 4, Phase IIB. [Fund 351 "Local Option Sales Tax II, Account 210105/56301, Project #05EN0434. The amount currently budgeted in the Ferry Pass Zone 4, Phase IIB project is \$1,050,000]; and
- C. Award a Unit Price Contract, PD 04-05.84, "Ferry Pass Drainage Improvements, Zone 4, Phase II-B" to Gulf Equipment Corporation for a Total Bid amount of \$1,628,966. [Funds will be available from Local Option Sales Tax Extension Fund 351, Cost Center 210105, Object Code 56301, Project #05EN0434.]

30. Recommendation Concerning Purchase of Hydraulic Excavator for Perdido Landfill – Joe Pillitary, Jr., CPPO, CPPB, Purchasing Manager

**RECOMMENDATION:** That the Board take the following action concerning the purchase of Caterpillar hydraulic excavator:

- A. Approve piggybacking off of the GSA Contract # GS-30F-1025D, between Caterpillar and the Federal Government utilizing Thompson Tractor to act as Manufacturer's Representative for Caterpillar to purchase one Caterpillar 2006 CAT 330CL Hydraulic Excavator in the amount of \$252,523; and
- B. Approve the Rental Rate: \$7,510 per 28-day/176-hour month with a three month minimum guarantee, interest rate free of the base rental rate to be applied to the purchase price. [Fund 509, Cost Center 140810, Object Code 56401]

31. Recommendation Concerning 2005/2006 Escambia County Health Department Contract – John J. Lanza, MD, PhD, MPH, FAAP / Jean A. Kassab, CGFM, Administrative Services Director

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

- A. Adopt, as allowed by Florida Statutes, Chapter 154, the Resolution entitled, "Resolution Authorizing a Contract Between the Escambia County Board of County Commissioners and the State of Florida, Department of Health, Escambia County Health Department" for operation of the Escambia County Health Department contract year of October 1, 2005, through September 30, 2006; and
- B. Authorize the Chairman to sign the Contract.

32. **Recommendation Concerning Local Agency Plan Agreement with FDOT – Ponte Verde Drive/Gulf Beach Highway Ivan Repair Project – Richard Duane, P.E., County Engineer**

**RECOMMENDATION:** That the Board take the following action concerning a Local Agency Plan Agreement between Florida Department of Transportation (FDOT) and Escambia County, for the Ponte Verde and Gulf Beach Highway Ivan Repair Project, to transition the funding source and project from the Federal Emergency Management Agency (FEMA) to the Federal Highway Administration (FHWA):

- A. Authorize staff to negotiate and resolve any matters related to, or associated with a Local Agency Plan Agreement with FDOT;
- B. Authorize staff to supplement the County's Contract agreement with Chabourne Construction Co., LLC, PD 04-05.42, as necessary to satisfy FHWA and FDOT requirements, in order to enter into a Local Agency Plan Agreement with FDOT;
- C. Authorize payment of any related fees or incidental expenditures associated with the recording of the Local Agency Plan Agreement; and
- D. Authorize the Chairman or Vice Chairman to sign and execute the Local Agency Plan Agreement with FDOT, subject to legal sign-off.

III. For Discussion

1. Recommendation Concerning Final Legislative Request Package – George Touart, County Administrator

**RECOMMENDATION:** That the Board approve the list of requests for statewide issues for 2006 to be presented to the Northwest Florida Legislative Delegation at their local delegation meeting on Monday, November 28, 2005, on the campus of Pensacola Junior College.

2. Recommendation Concerning Extending Fixed Route Service to Downtown Area Over the Holidays – Chris Hager, Resident Manager, ECAT / Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board take the following action concerning extension of Escambia County Area Transit (ECAT) weekend service in downtown Pensacola during the Thanksgiving and Christmas holidays:

- A. Approve the route schedule for extended mass transit route service in the downtown Pensacola area on Fridays and Saturdays from Thanksgiving weekend through the weekend prior to Christmas; and
  - B. Authorize the ECAT Executive Director to include this service in future annual mass transit budgets.
3. For Discussion – Election of the Chairman and Vice Chairman – Janet Lander, County Attorney

**COUNTY ATTORNEY'S REPORT**  
**November 17, 2005**

**I. Discussion Agenda:**

1. Resolution Amending Comprehensive Plan Concerning Re-Entry Procedures Following a Disaster.

**RECOMMENDATION:**

That the Board:

- A. Consider adopting a resolution to amend the Comprehensive Emergency Management Plan, Article V, Section D., Re-entry Procedures, to be implemented following a disaster.
  - B. Authorize the Chairman to execute the Resolution.
2. State Farm Mutual Automobile Insurance Company, as subrogee of Craig Morgan vs. Timothy Conroy Ellis and Escambia County;  
Case No. 2003-CC-2602 III

**RECOMMENDATION:**

That the Board of County Commissioners reject the settlement demand in the amount of \$7,576.00 filed by State Farm Mutual Automobile Insurance Company (State Farm) as a subrogee of its insured Craig Morgan.

3. Emerald Coast Utilities Authority Money to the Civil Service Board.

Information to be provided under separate cover.

**II. Information Agenda:**

1. Ward Dean , M.D. and Kumja Dean v. Escambia County Commissioners, James H. Martin, Charles E. Walker, G. Thomas Smith, Janet Lander, Michael Godwin, Paul Hybart, James E. Howes, Howard Chunn, Lloyd Bryan, and Keith Wilkins

**RECOMMENDATION:** That the Board accept the attached information report concerning Ward Dean, M.D. and Kumja Dean v. Escambia County, et al.