

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 – September 7, 2006 – 5:30 p.m.
Courthouse – Third Floor

1. Call to Order.

(PLEASE TURN YOUR CELL PHONE OFF)

2. Invocation – Reverend Fillmore Enfinger, 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 take the following action concerning the adoption/ratification of the following five Proclamations:

- A. Adopt the Proclamation extending heartfelt thanks and appreciation to Eilene Beard, Jackie Burkett, W. Leo Choron, Jon Dodrill, the late Admiral Jack Fetterman, Mayor John Fogg, Congressman Jeff Miller, Dr. Edwin Roberts, Ed Schroeder, Donald L. Sigman, and Alan Woolford for their contribution to the citizens of Escambia County by supporting the acquisition and deployment of the Ex-Oriskany as an artificial reef;
- B. Adopt the Proclamation extending heartfelt thanks and appreciation to the Florida Fish and Wildlife Conservation Commission for their contribution to the citizens of Escambia County by supporting the acquisition and deployment of the Ex-Oriskany as an artificial reef;
- C. Adopt the Proclamation extending heartfelt thanks and appreciation to Okaloosa County for their contribution to the citizens of Escambia County by supporting the acquisition and deployment of the Ex-Oriskany as an artificial reef;
- D. Adopt the Proclamation proclaiming September 23, 2006, as “Family Day – A Day to Eat Dinner with your Children” in Escambia County; and
- E. Ratify the Proclamation dated August 16, 2006, commending and congratulating Bishop Arthur L. Fletcher on his 23rd Anniversary at the Calvary Christian Center.

6. Special Recognition.

Presentation of Plaques recognizing the following representatives to the Enterprise Zone Development Agency (EZDA) Board:

- A. Clifford Long, for his dedicated services as a representative for the Palafox Redevelopment Area to the EZDA Board of Escambia County from January 6, 2005, to September 9, 2006; and
- B. Janice Boone, for her dedicated services as a representative for the Local Financial Entities to the EZDA Board of Escambia County from September 18, 2003, to September 9, 2006.

7. Employee of the Month Proclamations/Years of Service/Employee Special Recognition.

A. Recommendation: That the Board adopt the two Proclamations commending and congratulating the following employees for being selected as Employees of the Month for September 2006:

- (1) Mr. David R. Blair, Heavy Equipment Mechanic, Fleet Maintenance Division, Road Department, Community Services and Public Safety Agency; and
- (2) Ms. Rebecca A. McMullen, Accountant I, Administration Division, Neighborhood and Environmental Services Department, Public Works and Land Management Agency;

B. Recommendation: That the Board recognize, with pins and certificates, the following employees for their dedication and years of the service to the County:

- (1) Peter J. Smith, Human Resources Department, 25 years; and
- (2) Angela B. Holbrook, Office of Purchasing, 25 years; and

(Continued on Page 4)

7. Continued...

- C. Recommendation: That the Board take the following action concerning employee recognition:
- (1) Commend and congratulate Beth Bolles, Horticulture Extension Agent, on her Achievement Award (less that ten years of service in the Cooperative Extension Service) from the National Association of County Agricultural Agents; and
 - (2) Commend and congratulate Libbie Johnson, Agriculture/Aquaculture Extension Agent, on her Public Relations in Daily Efforts (PRIDE) Award 2006, for the Escambia County Inaugural Farm Tour, from the National Association of County Agricultural Agents.

8. Written Communication:

- A. August 11, 2006, communication from Vance Nelson, Property Administrator, Walter Mortgage Servicing, Incorporated, requesting that the Board consider waiving the accumulated interest on an outstanding Nuisance Abatement Lien against property located at 2506 North Baylen Street (*recorded in Official Records Book 2447, Page 533*);
- B. August 14, 2006, communication from Kerry Anne Schultz, Esquire, Bordelon & Schultz Law Firm, P.L., on behalf of Susan L. Register, requesting that the Board consider waiving the remaining balance of a Code Enforcement Lien against 3707 West Mallory Street; and
- C. Recommendation: That the Board adopt a Resolution extending the Board's approval of the issuance of the Bonds (*not-to-exceed \$34,000,000, Revenue Bonds for three new apartment complexes*) by the Escambia County Housing Finance Authority (HFA) to constitute the approval of the financing for the purposes of Section 147(f) of the Internal Revenue Code and County Ordinances, as recommended by Gordon R. Jernigan, Executive Director, HFA.

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. first Public Hearing to receive public input on the proposed Resolution designating 3517 Old Fairfield Drive as a brownfields area.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, take the following action regarding designating 3517 Old Fairfield Drive as a brownfields area:

- A. Ratify scheduling and advertising the **first** of two Public Hearings to receive public input on the proposed Resolution on September 7, 2006;
- B. Conduct the **first** of two Public Hearings to receive public input on the proposed Resolution designating 3517 Old Fairfield Drive, Pensacola, Florida 32505, as a brownfields area within the Englewood Redevelopment Area, for the purposes of economic development and environmental rehabilitation; and
- C. Approve the scheduling and advertising of the second of two Public Hearings on September 21, 2006, at 5:32 p.m., to receive public input on the proposed Resolution.

11. **5:32 p.m. Public Hearing for consideration of a Petition to Vacate a portion of Jakes Road, as petitioned by Kent Sherrill.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, take the following action concerning the Petition to Vacate a portion of Jakes Road (approximately 2,600 linear feet of varying width), lying north of Nokomis Road and south of the east/west portion of Jakes Road, also being the north line of Section 4, Township 5 North, Range 33 West, as petitioned by Kent Sherrill:

A. Deny the Petition to Vacate;

OR

B. Approve the Petition to Vacate, and take the following action;

(1) Accept the Hold/Harmless Agreement;

(2) Adopt the Resolution to Vacate; and

(3) 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. Reports:

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

13. Items added to the agenda.

14. Announcements.

15. 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
September 7, 2006

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

- A. Payroll Expenditures as of Payday August 25, 2006, in the amount of \$1,907,213.42; and
- B. The following three Disbursement of Funds:
 - (1) August 10, 2006, to August 16, 2006, in the amount of \$15,373,524.43;
 - (2) August 17, 2006, to August 23, 2006, in the amount of \$4,336,840.33; and
 - (3) August 24, 2006, to August 30, 2006, in the amount of \$5,353,818.56.

2. Recommendation Concerning Disposition of Records

Recommendation: That the Board approve Records Disposition Document Number 370, for disposition of Board of County Commissioners= records, Item 4a, Minutes: Official Meetings (Audio/Visual Recordings), for the period January 1, 1984, through December 31, 1995, in accordance with State Retention Schedule GS1.

I. CONSENT AGENDA – Continued

3. Recommendation Concerning Acceptance of Documents

Recommendation: That the Board accept, for filing with the Board's Minutes, the following documents provided to the Clerk's Office:

- A. The original *Oath of Office* for Nell W. Potter, who was reappointed to the Escambia County Health Facilities Authority for another four-year term commencing August 22, 2006, and concluding August 21, 2010, as received in the Clerk to the Board's Office on August 11, 2006;
- B. The original *Amendment No. 1 to Contract* with the Florida Fish and Wildlife Conservation Commission, terminating the *Contract – Installation and Maintenance of Waterway Markers*, approved by the Board on January 6, 2005, as executed by the Chairman on July 5, 2006, and provided to the Clerk to the Board's Office on August 21, 2006;
- C. A copy of the *Escambia County Health Facilities Authority Financial Statements, September 30, 2005*, as provided by Paula G. Drummond, Executive Director, and received in the Clerk's Finance Department on August 22, 2006;
- D. A copy of the Emerald Coast Utilities Authority (ECUA) Proposed Operating Budget for the Fiscal Year 2007, and the Proposed Capital Improvements Program Budget for Fiscal Years 2007-2011, as submitted to the Clerk of the Circuit Court by Debra Buckley, Director of Finance, ECUA, and received in the Clerk to the Board's Office on August 30, 2006; and
- E. Copies of the Minutes of the Santa Rosa Island Authority's July 12, 2006, Regular Board Meeting and the August 2, 2006, Special Board Meeting.

I. CONSENT AGENDA – Continued

4. 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 August 17, 2006;
- B. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held August 17, 2006; and
- C. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held August 10, 2006.

GROWTH MANAGEMENT REPORT

September 7, 2006

I. PUBLIC HEARINGS

1. Review of Rezoning Cases heard by the Rezoning Hearing Examiner on July 24, 2006

RECOMMENDATION: That the Board take the following actions:

- A. Review and either adopt, modify, or overturn the Rezoning Hearing Examiners recommendation for rezoning case Z-2005-03 heard at the March 17, 2005 BCC Meeting and cases Z-2006-53 through Z-2006-57 and Z-2006-59 heard at the July 24, 2006 RHE; and
- B. Authorize the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the rezoning cases that were reviewed.

Case No.:	Z-2005-03
Location:	5104 North "W" Street (rescheduled to October 5, 2006 BCC per Agent)
Property Reference No.:	46-1S-30-2001-009-050
Property Size:	0.34 (+/-) acres
From:	R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25 du/acre)
To:	C-2, General Commercial and Light Manufacturing District (cumulative), High Density (25 du/acre)
FLU Category:	MU-1, Mixed Use
Commissioner District:	3
Requested by:	Dennis C. Paedae, Jr. and Suzanne R. Paedae, Owners
RHE Recommendation:	Approval
Staff Recommendation:	Approval
Speakers:	Stephanie Lowry, Presentation Dennis C. Paedae, Jr., Owner

Case No.:	Z-2006-53
Location:	133 East Johnson Avenue
Property Reference No.:	21-1S-30-2101-000-009
Property Size:	0.96 (+/-) acres
From:	R-2, Single-Family District (cumulative), Low-Medium Density (7du/acre)

To: R-3, One-Family and Two-Family District
(cumulative) Medium Density (10du/acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 3
Requested by: Johnny C. Crawford, Agent for Crawford
McBride Development, LLC Owner
RHE Recommendation: Approval
Staff Recommendation: Approval
Speakers: Tim Lampkin, Presentation
Johnny C. Crawford
Roger Gilkison
Betty Gilkison
Leroy W. Richards
Stacie Mead
Kevin Holland

Case No.: **Z-2006-54**
Location: 799 West Leonard Street
Property Reference No.: 18-2S-30-3001-008-001
Property Size: 4.72 (+/-) acres
From: R-2, Single-Family District (cumulative), Low-
Medium Density (7du/acre)
To: R-3, One-Family and Two-Family District,
(cumulative) Medium Density (10du/acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 3
Requested by: Wiley C. "Buddy" Page, Agent for William H.
Dean, Owner
RHE Recommendation: Approval
Staff Recommendation: Approval
Speakers: Tim Lampkin, Presentation
Buddy Page, Agent
William H. Dean, Owner
Jodie L. Manale, CRA
Larry D. Biuines
Steve Chaney
Joyce Andrews
Pauline Tolbert
Rita E. Jones

Case No.: **Z-2006-55**
Location: 929 Upland Road
Property Reference No.: 16-1N-31-3101-003-001
Property Size: 4.76 (+/-) acres
From: VR-1, Villages Rural Residential Districts,
Gross Density, (1du/4 acres)

To: V-2, Villages Single-Family Residential District,
Gross Density (2du/acre)
FLU Category: MU-6, Mixed Use 6, Area 3
Commissioner District: 5
Requested by: W.R. Ward, Agent for B.K. Investments, Owner
RHE Recommendation: Approval
Staff Recommendation: Approval
Speakers: Tim Lampkin, Presentation
W.R. Ward, Agent

Case No.: **Z-2006-56**
Location: 650 Edgecliff Drive
Property Reference No.: 35-2S-30-7001-000-002
Property Size: 6.59 (+/-) acres
From: R-2, Single-Family District (cumulative), Low-Medium Density (7du/acre)
To: R-4, Multiple-Family District, (cumulative), Medium High Density (18du/acre)
FLU Category: MU-2, Mixed Use 2
Commissioner District: 2
Requested by: Neil Patel, Agent for PK Garg, LLC, Owner
RHE Recommendation: Denial
Staff Recommendation: Denial
Speakers: Tim Lampkin, Presentation
Neil Patel, Agent
Mary H. Wise
Richard W. Wise
Phillip A. Trammell
Joyce W. Cauley
Clem W. Hicks
Lon R. Wise
Patricia A. Lackey
Michael Freeman
Tom Wise
Tosha Fraley
Edward R. White
Ann Davis White
Joseph Ledford
John Amargo
Michael W. Rhodes
Ruth Kennel
Robert W. Hazelwood
Paul Marini
Misty Adams
Nancy Benner

Case No.: **Z-2006-57**
Location: 8611 & 8615 Untreiner Avenue
Property Reference No.: 10-1S-30-1101-130-008 & 10-1S-30-1101-140-008
Property Size: 9.65 (+/-) acres
From: R-5, Urban Residential/Limited Office District (cumulative), High Density (20 du/acre)
To: R-3, One-Family and Two-Family District (cumulative), Medium Density (10du/acre)
FLU Category: C, Commercial
Commissioner District: 3
Requested by: Thomas G. Hammond Jr./Hammond Engineering Inc., Agent for LJJ Developers, LLC, Owner
RHE Recommendation: Approval, subject to FLU Amendment to MU-1
Staff Recommendation: Approval, subject to FLU Amendment to MU-1
Speakers: Tim Lampkin, Presentation

Case No.: **Z-2006-59**
Location: 625 Hawthorn Drive
Property Reference No.: 50-2S-30-5020-014-006
Property Size: 0.28 (+/-) acres
From: R-2, Single-Family District (cumulative), Low-Medium Density (7du/acre)
To: R-3, One-Family and Two-Family District, (cumulative) Medium Density (10du/acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 2
Requested by: Scott Bryars, Agent for Creative Investments Group, LLC, Owner
RHE Recommendation: Denial
Staff Recommendation: Denial
Speakers: Tim Lampkin, Presentation
Scott Bryars, Agent
Morris Shuler
Alvin E. Hardwick

2. 5:45 p.m. – Thursday, September 7, 2006, Public Hearing – Amendment to the Official Zoning Map

RECOMMENDATION: That the Board adopt an ordinance to amend the Official Zoning Map to include a case heard by the BCC on March 17, 2005, and the rezoning cases that were heard by the Rezoning Hearing Examiner on July 24, 2006 and approved during the previous agenda item and to provide for severability, inclusion in the code, and an effective date.

3. 5:46 p.m. – Thursday, September 7, 2006, Public Hearing – Small Scale Comprehensive Plan Amendment 2006-04

RECOMMENDATION: That the Board 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 2006-04), to the Year 2020 Future Land Use Map, as amended, and as requested by Wiley C. “Buddy” Page, Agent for The Mitchell Company, Inc., changing the Future Land Use of 4.19 (+/-) acres at 1620 Village Oaks Drive, from Commercial (C) to Mixed-Use 2 (MU-2); providing for a title, a copy on file; severability; and an effective date.

4. 5:47 p.m. – Thursday, September 7, 2006, Public Hearing – Small Scale Comprehensive Plan amendment 2006-05

RECOMMENDATION: That the Board 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 2006-05), to the Year 2020 Future Land Use Map, as amended, and as requested by Thomas G. Hammond, Jr., P.E., Agent for Jay Patel, Owner, changing the Future Land Use of 9.65 (+/-) acres located at 8611 & 8615 Untreiner Avenue, from Commercial (C) to Mixed Use-1 (MU-1); providing for a title, a copy on file; severability; and an effective date.

5. 5:48 p.m. – Thursday, September 7, 2006, Public Hearing – Small Scale Comprehensive Plan Amendment 2006-06

RECOMMENDATION: That the Board 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 2006-06), to the Year 2020 Future Land Use Map, as amended, and as requested by W.R. Ward, P.E., Agent for Robert Gulley, Owner, changing the Future Land Use of .83 (+/-) acre located at 1229 Hope Drive, from Industrial (I) to Urban Residential (UR); providing for a title, a copy on file; severability; and an effective date.

6. 5:49 p.m. – Thursday, September 7, 2006, Public Hearing – Gulley Estates Subdivision, a Planned Unit Development (PUD)

RECOMMENDATION: That the Board approve the development plan for Gulley Estates Subdivision, a proposed 5 lot residential Planned Unit Development on Hope Drive, requested by W.R. Ward, P.E. of Southern Land Concepts, Inc., agent and engineer for Robert Gulley, owner.

7. **5:50 p.m. – Thursday, September 7, 2006, Public Hearing – LDC Articles 3 & 6, Automobile Rental Agencies and Truck, Utility Trailer, and Recreational Vehicle (RV) Rental Service or Facility Clarification**

RECOMMENDATION: That the Board conduct the second of two public hearings and an ordinance to the Land Development Code (LDC)(Ord. No. 96-03, as amended); Article 3, Section 3.00.01 to clarify and add the definitions for all types of vehicle, truck, utility trailer, and RV rental service or facility; Amending Article 6, Zoning Districts to identify in which zoning districts automobile rental agencies and truck, utility trailer, and RV rentals services or facilities are allowed, including the placement of truck rental service or facility with mini-warehouses; clarifying the language of vehicle placement in public right-of-ways; amending verbiage of automobile rental agencies for consistency; and adding additional standards regulating conditional uses; Providing for severability, inclusion in the Code and an effective date.

8. **5:51 p.m. – Thursday, September 7, 2006, Public Hearing – LDC Article 10, Floodplain Management**

RECOMMENDATION: That the Board adopt an ordinance of Escambia County, Florida, amending Part III of the Escambia County Code of Ordinances (1999), the Land Development Code; Article 10, as amended; Sections 10.00.02 and 10.01.02 to amend the Flood Insurance Rate Map revision date and Section 10.01.03 to add and modify definitions related to datums.

9. **5:52 p.m. – Thursday, September 7, 2006, Public Hearing - LDC Article 3, Hotel/Motel Units**

RECOMMENDATION: That the Board take the following actions:

- A. Ratify the scheduling a public hearing for September 7, 2006 at 5:52 p.m. to consider an Hotel/Motel Unit Ordinance; and
- B. Ratify the notice of intent to adopt the Hotel/Motel Unit Ordinance that was advertised in the Pensacola New Journal on Sunday, August 27, 2006; and
- C. Conduct the public hearing and adopt the attached Hotel/Motel Unit Ordinance.

II. ACTION ITEM:

1. Navy Interlocal Agreement

RECOMMENDATION: That the BCC review, approve, and authorize the Chairman to sign the attached interlocal agreement for Navy participation in decisions regarding land development in Escambia County.

III. CONSENT AGENDA:

1. Scheduling of Public Hearings

- A. **5:45 p.m. – Thursday, October 5, 2006** – A public hearing to amend the Official Zoning Map to include the following Rezoning Cases heard by the Rezoning Hearing Examiner (RHE) on August 28, 2006:

Case No.:	Z-2006-60
Location:	3573 Molino Road
Property Reference No.:	06-2N-31-3202-000-001(Parcel A) (Western 20 acres of parcel)
Property Size:	20.00 (+/-) acres
From:	VAG-1, Villages Agriculture Districts (5du/100 acres on one-acre parcels)
To:	VAG-2, Villages Agriculture Districts (1du/5 acres)
FLU Category:	AA-13, Activity Area, Molino
Commissioner District:	5
Requested by:	Roger L. & Karen E. Wood, Owners
Case No.:	Z-2006-61
Location:	1400 Block of Dunhurst Drive
Property Reference No.:	12-1S-31-1100-020-001(Northern ID –1 portion)
Property Size:	10.17 (+/-) acres
From:	Portion zoned ID-1, Light Industrial District, (cumulative) (no residential uses allowed)
To:	R-4, Multiple-Family District, (cumulative), Medium High Density (18du/acre)
FLU Category:	MU-1, Mixed Use 1
Commissioner District:	5
Requested by:	Wiley C. "Buddy" Page, Agent for Mitchell Homes, Owner
Case No.:	Z-2006-63
Location:	9700 Bridlewood Road
Property Reference No.:	06-1S-31-2301-000-000
Property Size:	20.16 (+/-) acres
From:	AG, Agricultural District, Low Density (1.5du/acre)
To:	R-1, Single-Family District, Low Density (4du/acre)
FLU Category:	LDR, Low Density Residential

Commissioner District: 1
Requested by: Wiley C. "Buddy" Page, Agent for
Busbee Family Partnership, Owner

Case No.: **Z-2006-64**
Location: 1100 & 1147 Creighton Road
Property Reference No.: 30-1S-30-7902-070-011 &
30-1S-30-7902-080-011
Property Size: 1.05 (+/-) acres
From: C-1, Retail Commercial District
(cumulative) (25du/acre)
To: C-2, General Commercial and Light
Manufacturing District (cumulative)
(25du/acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 4
Requested by: Wiley C. "Buddy" Page, Agent for
Westside Energy Builders, Inc., Owner

Case No.: **Z-2006-65**
Location: 8240 Binkley Street
Property Reference No.: 17-1S-30-2101-000-037
Property Size: 2.62 (+/-) acres
From: R-2, Single-Family District (cumulative),
Low- Medium Density (7du/acre)
To: R-5, Urban Residential/Limited Office
District (cumulative), High Density
(20du/acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 4
Requested by: Wesley Majors, Agent for Brandon
Metz, Owner

Case No.: **Z-2006-66**
Location: 2600 Dog Track Road
Property Reference No.: 05-3S-31-5000-000-050
Property Size: 1.89 (+/-) acres
From: R-3, One-Family and Two-Family
District, (cumulative) Medium Density
(10du/acre) & C-2, General Commercial
and Light Manufacturing District,
(cumulative), AIPD-1 (Airfield Influence
Planning District Overlay), (3du/acre)
To: AMU-1, with an AIPD-1, (Airfield
Influence Planning District Overlay),
(3du/acre)
FLU Category: C, Commercial

Commissioner District: 2
Requested by: Richard D. & Vivian L. Harris, Owner

Case No.: **Z-2006-67**
Location: 4821 West Nine Mile Road
Property Reference No.: 09-1S-31-1101-000-000
Property Size: 6.88 (+/-) acres
From: R-R, Rural Residential District
(cumulative), Low Density (2du/acre)
AIPD-1 (Airfield Influence Planning
District Overlay)
To: AMU-1, Airfield Mixed Use 1 District,
AIPD-1 (Airfield Influence Planning
District Overlay), (3 du/acre)
FLU Category: LDR, Low Density Residential
Commissioner District: 1
Requested by: David Skipper, Hatch Mott McDonald,
Agent for Nature Walk, LLC, Owner

Case No.: **Z-2006-68**
Location: 8800 Block Gulf Beach Highway
Property Reference No.: 33-2S-31-2000-060-001(R-3 zoned
portion)
Property Size: 0.58 (+/-) acres
From: R-3, One-Family and Two-Family
District, (cumulative) Medium Density;
AIPD-1 (Airfield Influence Planning
District Overlay), (3du/acre)
To: C-2, General Commercial and Light
Manufacturing District, (cumulative),
AIPD-1 (Airfield Influence Planning
District Overlay), (3du/acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 2
Requested by: Jesse W. Rigby, Agent for Edward R. &
Ann Davis White, Owners

- B. 5:46 p.m. – Thursday, October 5, 2006** -A public hearing to review and approve the development plan for Bayou Place Condominiums, Weis Lane, a Planned Unit Development.
- C. 5:47 p.m. – Thursday, October 5, 2006** – 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 2006-07), to the Year 2020 Future Land Use Map, as amended, and as requested by David Harrison,

agent for Nelson Gilbert, Owner, changing the Future Land Use of 9.17 +/- acres located on Dogwood Place, from Commercial (C) to Residential (R).

- D. 5:48 p.m. – Thursday, October 5, 2006** – A public hearing to review and adopt an ordinance of Escambia County, Florida, amending Part III of the Escambia County Code of Ordinance (1999), the Land Development Code of Escambia County, Florida, Article 6, “Zoning Districts,” to add the restrictions of a minimum five-foot side yard setback to all zoning districts.

**COUNTY ADMINISTRATOR'S REPORT
SEPTEMBER 7, 2006**

I. Technical/Public Service Consent Agenda

1. Recommendation Concerning Agreement for Clinical Facilities for Fire Science and Related Programs – Kenneth W. Perkins, Fire Chief

RECOMMENDATION: That the Board take the following action relative to the Agreement between Escambia County Fire Rescue and The District Board of Trustees of Pensacola Junior College, Florida, to provide Clinical Facilities for the Fire Science and related programs:

- A. Amend the Board action of July 20, 2006, to approve the Agreement retroactive to November 7, 2005, due to a clerical error; and**
- B. Approve the automatic extension of the Agreement.**

2. Recommendation Concerning Certificate of Need for Titan Waste Service, Incorporated – Sandra P. Jennings, E.I., DSWM Director

RECOMMENDATION: That the Board take the following action concerning a Certificate of Need for Titan Waste Service, Incorporated:

- 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.**

3. Recommendation Concerning Non-Exclusive Long Term Franchise Agreement for the Collection of Commercial Solid Waste for Titan Waste Service, Incorporated – Sandra P. Jennings, E.I., DSWM Director

RECOMMENDATION: That the Board take the following action concerning a Non-Exclusive Long Term Franchise Agreement for the Collection of Commercial Solid Waste with Titan Waste Service, Incorporated:

- A. Approve an Agreement permitting the above-named company to haul commercial solid waste in Escambia County; and**
- B. Authorize the Chairman to sign the Agreement.**

4. **Recommendation Concerning Insurance Requirements for Escambia County's Solid Waste Management Permit Holders – Sandra P. Jennings, E.I., DSWM Director**

RECOMMENDATION: That the Board take the following action concerning a Resolution revising the Insurance Requirements for Escambia County's Solid Waste Management Permit Holders to incorporate minor changes to reflect recent changes in the insurance industry:

- A. Adopt the Resolution; and
- B. Authorize the Chairman to sign the Resolution.

5. **Recommendation Concerning Scheduling of Public Hearing to Amend Ordinance for Disposition of Collected Revenues – Sandra P. Jennings, E.I., DSWM Director**

RECOMMENDATION: That the Board schedule a public hearing at 5:31 p.m., on September 21, 2006, to amend Ordinance 82-197 in reference to Disposition of Collected Revenues.

6. **Recommendation Concerning Audrey Plantation – Final Plat – Richard Duane, P.E., County Engineer**

RECOMMENDATION: That the Board take the following action concerning recording of the Final Plat of Audrey Plantation (a 43-lot, single-family, residential subdivision), located in the Beulah Community, lying south of Mobile Highway (U.S. Highway 90) and west of Beulah Road, owned and developed by Gulf Coast Development Group, 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 name "Ferlon Avenue";
- C. Accept the public road paving, all public easements and drainage improvements including Stormwater Pond E1 (0.27 acre) and Stormwater Pond E2 (0.58 acre), as depicted upon the Final Plat, for permanent County maintenance. The cost of maintenance for drainage improvements and the stormwater ponds is to be funded through the establishment of a stormwater management Municipal Services Benefit Unit (MSBU); and
- D. Authorize the Chairman or Vice Chairman to execute a Two-Year Warranty Agreement for Streets and Drainage Improvements Without Surety/Financial Security.

7. **Recommendation Concerning Resolution – Escambia County Extension Office Building Addition Project – Lamar Christenberry, Extension Service Director**

RECOMMENDATION: That the Board take the following action concerning a Resolution approving the Agriculture Education and Promotion Facility Request for Funding with the Florida Department of Agriculture and Consumer Services (FDACS), Division of Marketing and Development, for the Escambia County Extension Office Building Addition Project:

- A. Adopt the Resolution approving the Agriculture Education and Promotion Facility Request for Funding to FDACS; and
- B. Authorize the Chairman to sign the Resolution.

8. **Recommendation Concerning Mosquito Control Administration and Operation – Keith Wilkins, NESD Director**

RECOMMENDATION: That the Board take the following action concerning grant funding from the Florida Department of Agriculture & Consumer Services for mosquito control administration and operation:

- A. Approve the Agreement between the Florida Department of Agriculture & Consumer Services and Escambia County, effective October 1, 2006, through September 30, 2007; and
- B. Authorize the Chairman to sign the Agreement.

9. **Recommendation Concerning 9-1-1 Call-Takers – Janice Kilgore, CEM, Public Safety Director**

RECOMMENDATION: That the Board approve and authorize the Chairman to sign Amendment #11 to the Agreement between Escambia County and the City of Pensacola Providing for Reimbursement Payments for 9-1-1 Call-Takers at the Pensacola Police Department, for the period October 1, 2006, through September 30, 2007.

10. **Recommendation Concerning Certificates of Public Convenience and Necessity – Janice Kilgore, CEM, Public Safety Director**

RECOMMENDATION: That the Board approve and authorize the Chairman to sign the Certificates of Public Convenience and Necessity for the Escambia County Department of Public Safety/Emergency Medical Services, effective October 1, 2006, through September 30, 2007, for the provision of Advanced Life Support and Basic Life Support ambulance services in Escambia County.

11. Recommendation Concerning Hosting Agreement – Janice Kilgore, CEM, Public Safety Director

RECOMMENDATION: That the Board approve the Hosting Agreement by and between AWS Convergence Technologies, Inc., and Escambia County, Florida, for a period of three years, with automatic annual extensions at no cost to the County and authorize the Chairman to execute the Agreement.

12. Recommendation Concerning Amendment to Tower Lease – Janice Kilgore, CEM, Public Safety Director

RECOMMENDATION: That the Board approve the Amendment to the Tower Lease between the District Board of Trustees of Pensacola Junior College (PJC) and Escambia County, entered into on June 30, 1998, (which allows PJC to increase the size of the ground space, and also addresses certain easements that were overlooked in the original lease), at no cost to the County and authorize the Chairman to execute the Amendment.

13. Recommendation Concerning Agreement for Computer Maintenance and Support – Janice Kilgore, CEM, Public Safety Director

RECOMMENDATION: That the Board take the following action concerning the Master Services Agreement with Stratus Technologies:

- A. Approve the Master Services Agreement with Stratus Technologies, at no additional cost to the County, to maintain and support the computer purchased for use with the Computer-Aided Dispatch System, purchased from Smart Cop; and
- B. Authorize the Chairman to execute the Agreement.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Purchase of Buses for Escambia County Area Transit – Dawn Groters, ECAT General Manager

RECOMMENDATION: That the Board award a Purchase Order Contract to Gillig Corporation, Hayward, California, in the amount of \$1,992,476, for the procurement of six replacement 29 ft. x 102 in. low floor buses for Escambia County Area Transit (ECAT), in accordance with Hartline RRP 2002-07-01, dated August 22, 2003. [This project is included in Federal Transit Administration (FTA) Capital Grant FL90-X-575, Cost Center 360527, Object Code 56401.]

2. Recommendation Concerning Supplemental Budget Amendment #398 – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #398, Economic Development and Industrial Fund (415), in the amount of \$193,264 to recognize the proceeds of a land sale in Marcus Pointe Commerce Park and to appropriate these funds for a principal payment on an outstanding commerce park loan.

3. Recommendation Concerning Supplemental Budget Amendment #403 – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #403, Other Grants & Projects (110), in the amount of \$20,000, to recognize a Grant from the U.S. Fish and Wildlife Service and to appropriate these funds for the Jones Creek Restoration Project.

4. Recommendation Concerning Supplemental Budget Amendment #408 – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #408, Local Option Sales Tax II Fund (351), in the amount of \$4,044, to recognize and appropriate funds from an insurance reimbursement for the theft of a Kawasaki Mule.

5. Recommendation Concerning Supplemental Budget Amendment #409 – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #409, Other Grants and Projects Fund (110), in the amount of \$2,967, to recognize and appropriate additional funds from the Florida Department of Community Affairs for the Domestic Security Grant.

6. Recommendation Concerning Supplemental Budget Amendment #413 – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #413, Article V Fund (115), in the amount of \$57,000, to recognize and appropriate an increase over the budgeted amount due to the continued increase in the collection of fees and fines associated with the "\$65 Court Cost Fine" for Fiscal Year 05/06. The additional funds will be split at 25% into four programs: Legal Aide (410801), Law Library (410701), Other Juvenile Programs (410504), and Local Options (410501).

7. Recommendation Concerning Supplemental Budget Amendment #415 – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #415, Local Option Sales Tax II (351), in the amount of \$74,900, to recognize a Grant from the U.S. Fish & Wildlife Service received through the West Florida Regional Planning Council and to appropriate these funds for dirt road paving projects.

8. Recommendation Concerning Supplemental Budget Amendment #426 – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board take the following action regarding the Mosquito Control Budget:

- A. Adopt the Resolution approving Supplemental Budget Amendment #426, Mosquito Control State I Fund (106), in the amount of \$2,500 to recognize funds from the sale of State-owned surplus property assigned to the Mosquito Division and appropriate these funds for reserves in the Mosquito Control Cost Center (220703);
- B. Approve the State of Florida Arthropod Control Budget Amendment for Fiscal Year 2005/2006 related to Mosquito Control funds; and
- C. Authorize the Board to execute the Amendments and any other related documents as required.

9. Recommendation Concerning Two Additional Code Enforcement Officer I Positions – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board approve two Environmental Code Enforcement Officer I positions in Environmental Code Enforcement for the 2005-2006 Fiscal Year.

10. Recommendation Concerning the Ponte Verde and Gulf Beach Highway Hurricane Ivan Repair Project – Richard Duane, P.E., County Engineer

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program Supplemental Agreement, between the State of Florida Department of Transportation (FDOT) and Escambia County, for the Ponte Verde and Gulf Beach Highway (County Road 292A) Hurricane Ivan Repair Project, to adjust and increase the funding amount from \$572,202 to \$650,254.96, to be reimbursed for the project from the Federal Highway Administration (FHWA):

- A. Authorize staff to negotiate and resolve any matters related to, or associated with the State of Florida Department of Transportation, Local Agency Program, Supplemental Agreement, Supplement No. 1, FIN No. 421026-1-58-01, Contract No. AOB31;
- B. Approve the Supplemental Agreement and authorize the Chairman or Vice Chairman to execute the Agreement.

11. Recommendation Concerning Change Order for Repair and Maintenance of Ambulances – Janice Kilgore, CEM, Public Safety Director

RECOMMENDATION: That the Board ratify Change Order No. 1 to Purchase Order 260228, payable to Escambia County Area Transit (ECAT), in the amount of \$60,000, to increase funding to allow continued repair and maintenance of ambulances (Cost Center 330302/Account Code 54601) for the balance of the Fiscal Year.

12. Recommendation Concerning Modification #3 to the Department of Community Affairs Domestic Security Grant Agreement – Janice Kilgore, CEM, Public Safety Director

RECOMMENDATION: That the Board take the following action concerning the Department of Community Affairs (DCA) Domestic Security Grant Contract Number 05DS-2N-01-27-01-094, Modification #3 to Grant Agreement, that reinstates the referenced Contract, provides an additional \$2,967 for Emergency Operations Center enhancements, and extends the Contract deadline to September 30, 2006:

- A. Approve the State of Florida, DCA Modification #3 to the Grant Agreement; and
- B. Authorize the Chairman to execute the Modification.

13. Recommendation Concerning Sheriff's Administration Building Repair Due to Hurricane Ivan – 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:	\$ 10,573.00	
Vendor:	Benchmark Construction Corp.	
Project Name:	Sheriff Admin Repair Due to Hurricane Ivan	
PO#:	260479 (251952)	
CO#:	4	
Original Award Amount:		\$452,478.00
Cumulative Amount of Contract Change Orders through #4		<u>\$810,931.00</u>
New Contract Total:		\$1,263,409.00

Additional time for completion is 19 calendar days. New substantial completion date is August 30, 2006.

14. Recommendation Concerning Sign Grant Funding Agreement – Keith Wilkins, NESD Director

RECOMMENDATION: That the Board ratify the following action of the Escambia County Community Redevelopment Agency (CRA) concerning a Sign Grant Program Funding Agreement:

- A. Approve the Sign Grant Program Funding Agreement between Escambia County CRA and Larry M. and Barbara J. Tronu, owners of commercial property located at 3701 N. Pace Boulevard, Pensacola, Florida, in the Palafox Redevelopment Area, in the amount of \$2,000, representing an in-kind match through 2004 Community Development Block Grant (CDBG) Cost Center 220415, Object Code 58301, for the following improvements:

Remove and replace damaged sign face; and

- B. Authorize the Chairman to execute the Funding Agreement and any other related documents necessary to implement this Grant award.

15. Recommendation Concerning 2006/2007 Annual Certified Budget for Mosquito Control – Keith Wilkins, NESD Director

RECOMMENDATION: That the Board take the following action concerning annual grant funding received from the Florida Department of Agriculture and Consumer Services for Mosquito Control:

- A. Approve the 2006/2007 Annual Certified Budget for Mosquito Control to be allocated under Fund 106, Cost Center 220703; and
- B. Authorize the Chairman to sign this document.

16. Recommendation Concerning Purchase of Real Property Located South of Beulah Landfill – Sandra P. Jennings, E.I., DSWM Director

RECOMMENDATION: That the Board take the following action regarding the purchase of real property (approximately 14.37 acres) owned by International Paper, located south of Escambia-County-owned Beulah Landfill, subject to Engineering Department sign off:

- A. Authorize staff to negotiate the terms and conditions and purchase the property owned by International Paper for not-more-than the appraised amount of \$109,000;
- B. Authorize the payment of documentary stamps because the County accidentally placed construction and demolition material on private property, and it is in the best interest of the County to purchase the property to correct this oversight;
- C. Authorize the County Attorney's Office to handle and prepare all necessary documents pertaining to the closing of the purchase of the property;
- D. Authorize the payment of closing costs and incidental expenditures associated with the acquisition of this property; and
- E. Authorize the Chairman to execute the documents pertaining to the sale without further action from the Board.

[Funding Source: Solid Waste Fund 401, Cost Center 230355]

17. Recommendation Concerning Oak Grove Convenience Center – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board award a construction Contract, PD 05-06.118, Oak Grove Convenience Center, to Aero Training & Rental, Inc., in the amount of \$346,900, Fund 401 Solid Waste Fund, Cost Center 230315

18. **Recommendation Concerning Contract Award for Design/Build Sheriff's Garage, PD 05-06.084 – Claudia Simmons, Purchasing Department Chief**

RECOMMENDATION: That the Board take the following action concerning Contract Award for Design/Build Sheriff's Garage, PD 05-06.084:

A. Approve the Selection/Negotiation Committee Ranking:

1. Morette Company, Inc.;
2. R.D. Ward Construction, Inc.; and
3. Vision Construction, Inc.; and

B. Award a Contract, PD 05-06.084, Design/Build Sheriff's Garage, to Morette Company, Inc., as follows:

1. Design Phase Fee, \$177,500;
2. Construction Phase Fee, at the time the Guaranteed Maximum Price (GMP) is negotiated and established;
3. Overhead and Profit for Construction Phase, at the time the Guaranteed Maximum Price (GMP) is negotiated and established; and
4. Budgeted Amount, \$2,200,000.

[Fund 351, Sheriffs Cap Imp, LOST II, Cost Center 540110]

19. **Recommendation Concerning Emergency Purchase Orders for Improvements to Infirmiry Jail Cells – Claudia Simmons, Purchasing Department Chief**

RECOMMENDATION: That the Board accept for information and ratification the issuance of the following two Emergency Purchase Orders as detailed for the improvements to four Infirmiry jail cells at the Escambia County Jail:

- A. Purchase Order 261990 to Marathon Engineering Corporation, in the amount of \$80,741, for the purchase and installation of Gold Medal Safety Padding for four cells; and
- B. Purchase Order 262050 to Sonitrol of Northwest Florida, in the amount of \$24,341.01, for the purchase and installation of electronic video and audio surveillance equipment for four cells.

[Fund 351, Account 540206, Project Number 05500049]

20. Recommendation Concerning Purchase of Vehicles for NESD – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board authorize the County to piggyback off of the Florida State Contract #070-001-05-1, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section 46-44, Applications; Exemptions; and Section 46-64 Board Approval, and award a Purchase Order for one Ford 1/2-ton, extended cab, 4X2 pickup, to Orville-Beckford Ford Mercury, in the amount of \$18,838, for NESD, with funds available in Fund 1 (General Fund), Cost Center 220101.

21. Recommendation Concerning Disaster Debris Removal and Recovery Services – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board award a “Pre-position” Contract, PD 05-06.097, Disaster Debris Removal and Recovery Services, to the following contractors:

Tier 1 (Prime)

Ashbritt Environmental
Crowder-Gulf Joint Venture, Inc.
Ceres Environmental
D&J Enterprises, Inc.
DRC Emergency Services, LLC
Phillips & Jordan, Inc.

Tier II

Advanced Construction
Bamaco, Inc.
Panhandle Grading & Paving
Roads, Inc. of NWF

22. Recommendation Concerning Gun Firing Range and Public Safety and Fire Training Complex – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board award a Lump Sum Contract for the Master Plan and Programming for the Escambia County Gun Firing Range and Public Safety and Fire Training Complex, in the amount of \$150,000, to DAG Architects, Inc. [Funds are available in Cost Center 330210, Object Code 56201, and Project Number 05FS0011]

23. Recommendation Concerning LeeBoy 8500 High Deck Asphalt Paver – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board award a Contract to Joe Money Machinery Co., Inc., PD 05-06.135, for a LeeBoy 8500 High Deck Asphalt Paver, in the amount of \$97,878, as per County specifications and in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section 46-44, Applications; Exemptions; and Section 46-44, Board Approval as a piggyback from the U.S. Air Force Contract FA2823-05-P-3143. [Fund 175, Cost Center 260106, Object Code 56401]

24. **Recommendation Concerning Professional Services as Governed by Florida Statute 287.055 (A&E Services) – Claudia Simmons, Purchasing Department Chief**

RECOMMENDATION: That the Board take the following action concerning Professional Services as Governed by Florida Statute 287.055 (A&E Services):

- A. Award a Task-Order-based on a continuing Contract to Professional Service Industries, Inc., and Pope Environmental Consulting & Services, per PD 02-03.79, Professional Services, as Governed by Florida Statute 287.055 (A&E 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);
- 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.

25. **Recommendation Concerning Emergency Purchase of Goods and Services – Claudia Simmons, Purchasing Department Chief**

RECOMMENDATION: That the Board approve and authorize the Chairman to execute Commitment Contracts 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 for the health, safety and welfare of the citizens.

26. **Recommendation Concerning Donation of Property Located in Shoal Creek Villas Subdivision for Stormwater Drainage – Richard Duane, P.E., County Engineer**

RECOMMENDATION: That the Board take the following action concerning the donation of a parcel of property, located in Shoal Creek Villas subdivision, owned by Shoal Creek Villas Owners' Association, Inc., consisting of approximately two acres, for stormwater drainage purposes:

- A. Authorize the Chairman or Vice Chairman to accept the Deed as of the day of delivery of the Deed to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time;
- B. Authorize staff to negotiate and resolve any matters related to, or associated with the acquisition of this property, gather information and conduct inspections as needed, to allow the Board's acceptance of the real property;
- C. Authorize the payment of documentary stamps because the property is being acquired for governmental use, which is for stormwater drainage purposes, and the County benefits from this acquisition because the construction of a properly functioning stormwater retention area on this site will improve the stormwater drainage system in this area, which will enhance the quality of life for the citizens of Escambia County; and
- D. Authorize the payment of incidental expenditures associated with the acquisition of this property.

[Funding Source: Fund 175, "Transportation Trust Fund"]

27. **Recommendation Concerning Funding for Widening of Alabama State Road 113 – Robert R. McLaughlin, Assistant County Administrator**

RECOMMENDATION: That the Board take the following action concerning Escambia County, Florida's, \$4 million share of the \$5 million local matching funds needed for the widening of Alabama State Road 113:

- A. Adopt the Resolution of Escambia County, Florida, Supporting an Agreement with the State of Alabama to Provide Additional Traffic Lanes on SR-113, from US-31 in Flomaton, Alabama, to I-65 at Exit 69;
- B. Approve the Agreement for Preliminary Engineering, Right-of-Way Acquisition, Utility and Construction between the State of Alabama and the Town of Flomaton, Alabama, and Escambia County, Florida, for Project STPAA-0113, Additional Roadway Lanes on SR-113 from US-31 in Flomaton to I-65 at Exit 69; and
- C. Authorize the Chairman to sign the Resolution and the Agreement.

28. **Recommendation Concerning Land Records Management System – Claudia Simmons, Purchasing Department Chief**

RECOMMENDATION: That the Board take the following action concerning PD 05-06.047, Land Records Management System:

- A. Approve the following rankings:
 - 1. ACCELA, Inc.;
 - 2. CRW Associates; and
- B. Authorize the Selection/Negotiation Committee to enter into negotiations with the number-one-ranked firm.

29. Recommendation Concerning Amendment to Items "D" and "E" of the Enterprise Resource Planning Governance Council's Recommendation Approved by the Board on August 17, 2006, Concerning the Continued Implementation of the Enterprise Resource Planning Software/Oracle Implementation – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board amend its action taken on August 17, 2006 by approval of amended paragraphs D & E, as follows:

- D. Authorize the Human Resources Department to release offers of priority consideration documents to all affected employees of the Clerk to the Board's Finance Department and to complete a review of the titles and classifications of the new BCC Finance Department within one year.
- E. Affected employees of the Clerk to the Board's Finance Department will be offered priority consideration to the new Board Finance Department with comparable salary, longevity, leave and benefits. Some management positions will be designated under the unclassified service and be eligible for Management Optional Benefits (MOB). The remaining positions will be temporarily unclassified.
30. Recommendation Concerning Waiver of Rental/Conversion Fees at The Pensacola Civic Center – George Touart, County Administrator

RECOMMENDATION: That the Board take the following action concerning two requests received for waiver of rental/conversion fees at The Pensacola Civic Center:

- A. Florida Department of Financial Services – Fortify Florida Fair on September 29-30, 2006;
1. Waive The Pensacola Civic Center's rent (arena rental/\$3,750 and parking lot rental/\$1,000) of \$4,750; and
 2. Authorize the payment of \$1,000 for the arena conversion fee to be paid from the General Fund, Cost Center 110201; and
- B. United States Marine Corps - 8th and I Battle Colors Ceremony on October 12, 2006;
1. Waive The Pensacola Civic Center's rent (arena rental/\$2,500 and parking lot rental/\$1,500) of \$4,000.

COUNTY ATTORNEY'S REPORT
September 7, 2006

I. Discussion Agenda:

1. LDC § 4.06.11 – Extension or Tolling of Development Orders.

RECOMMENDATION:

That the Board schedule a public hearing for September 21, 2006 at 5:34 p.m. for the Board to consider adopting an ordinance amending § 4.06.11 of the Land Development Code to allow for additional tolling of certain development orders issued for Perdido Key.

2. Escambia County Area Transit (ECAT) / Extension of Interlocal Agreement with the City of Pensacola and Escambia County

RECOMMENDATION: That the Board:

- A. Authorize the extension of the terms of the Interlocal Agreement between the City of Pensacola and Escambia County for the funding of ECAT for one more year at the current funding formula (\$875,000) with the understanding that the parties identify a dedicated funding source by April 1, 2007.
- B. Authorize the County Administrator to execute the Extension to the Interlocal Agreement.

3. Ordinance Amendment related to Appraisals and other Inspections required before Acquisition of Real Property by Escambia County

RECOMMENDATION:

That the Board schedule a public hearing for September 21, 2006 at 5:33 p.m. to consider adoption of an ordinance to amend the requirement for obtaining appraisals and other inspections required before acquiring real property.

4. Escambia County, Florida v. York International Corp. Case No. 2005 CA 1023

RECOMMENDATION:

That the Board approve the settlement and mediation agreement reached between County and York International Corporation in which York agrees to replace Air Handler Unit No. 6 at the M. C. Blanchard Building with a completely new air handler unit and pay for all costs related to the installation of the new unit and removal of the old unit.

II. **Information Agenda:**

1. **Escambia County, Florida v. State of Florida, et al. Case No. 2006 CA 881 (Validation of not exceeding \$135,000,000.00 Southwest Escambia Improvement Revenue Bonds of Escambia County, Florida).**

RECOMMENDATION:

That the Board accept the attached Final Judgment in the case of *Escambia County, Florida, a political subdivision of the State of Florida v. The State of Florida, and the Taxpayers, Property Owners and Citizens of the City of Pensacola and Escambia County, Florida, including nonresidents owning property or subject to taxation therein, and all others having or claiming any right, title or interest in property to be affected by the issuance by Plaintiff of the Bonds*, Case No. 2006 CA 881.