

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD JANUARY 8, 2009  
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(4:35 p.m. – 6:17 p.m.)

Present: Commissioner Marie K. Young, Chairman, District 3 (Regular Meeting only)  
Commissioner Grover C. Robinson, IV, Vice Chairman, District 4  
Commissioner Gene M. Valentino, District 2  
Commissioner Kevin W. White, District 5  
Mrs. Lisa N. Bernau, Chief Deputy Clerk, representing the  
Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller (Regular  
Meeting only)  
Mr. Robert R. "Bob" McLaughlin, County Administrator  
Mrs. Alison Rogers, County Attorney  
Mrs. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services  
Mrs. Shirley L. Gafford, Program Coordinator, County Administrator's Office  
Mrs. Doris Harris, Deputy Clerk to the Board

Absent: Commissioner Wilson B. Robertson, District 1

PUBLIC FORUM WORK SESSION

Vice Chairman Robinson called the Public Forum Work Session to order at 4:35 p.m.

1. FOR INFORMATION: The Board:

1635

  - A. Heard comments from Patricia Altgilbers concerning dredging of the Siguenza Cove Canal;
  - B. Was advised by County Attorney Rogers that the County has not accepted the Canal for dredging; and
  - C. Heard the suggestion from Commissioner Robinson that Ms. Altgilbers meet with County Attorney Rogers to discuss the issue of ownership of the Canal and that County Attorney Rogers provide a report to the Board.
2. FOR INFORMATION: The Board heard comments from Sherri Myers concerning the need for an economic development plan. 

1659
3. FOR INFORMATION: The Board heard comments from Barbara Mayall concerning the management of Escambia County Area Transit. 

1703

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

PUBLIC FORUM WORK SESSION – Continued

4. FOR INFORMATION: The Board heard "Happy New Year" wishes and comments from L. Gary Sansing concerning the economy and issues discussed during Public Forum.

1709

5:17 P.M. – PUBLIC FORUM ADJOURNED

5:31 P.M. – REGULAR BOARD MEETING CONVENED

REGULAR BCC AGENDA

1. Call to Order

Chairman Young called the Regular Meeting of the Board of County Commissioners to order at 5:31 p.m.

2. Invocation

Chairman Young advised that Bishop Philip Duncan, Episcopal Diocese of the Central Gulf Coast, would deliver the Invocation.

3. Pledge of Allegiance to the Flag

Chairman Young advised that Commissioner White would lead the Pledge of Allegiance to the Flag.

4. Adoption of the Agenda

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Robertson absent, adopting the agenda, as prepared and duly amended (*to include Commissioner Young's two add-on items, once concerning the ICMA Library Innovation Grant Application and one concerning an agreement with Intelligent Management Solutions, and the County Attorney's Addendum [Item II-1]*).

1736

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Commissioners' Forum

- A. District 2 – Commissioner Valentino commended CSX Railroad for its cleanup of almost a mile of track in less than 24 hours following a train derailment in Santa Rosa County; and
- B. District 5 – Commissioner White presented Ronald E. Swaine with a plaque, for his dedicated services on the Escambia County Planning Board.

1737

6. Proclamations/Special Recognition

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Robertson absent, taking the following action concerning Proclamations/Special Recognition:

1740

- A. Taking the following action concerning the adoption/ratification of the following four Proclamations:
  - (1) Adopting the Proclamation recognizing Mr. John Appleyard for his publication, entitled, *An In-depth Study of County Government 1821-2006*, as part of a County Project recognizing the 450th Anniversary of North America's First Place City;
  - (2) Adopting the Proclamation recognizing Mr. Gary A. Beeler, Warning Coordination Meteorologist of the National Weather Service Mobile-Pensacola Forecast Office, on his retirement after 41 years of dedicated service;
  - (3) Adopting the Proclamation proclaiming the third Friday of January 2009 as "Arbor Day" in Escambia County; and
  - (4) Ratifying the Proclamation, dated December 22, 2008, recognizing Mr. Arthur Matthew Keene for being the first sea kayaker to paddle the entire 1,600-mile Florida Circumnavigational Saltwater Paddling Trail; and

(Continued on Page 4)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6. Continued...

B. Taking the following action:

- (1) Recognizing and commending Pall Life Sciences for the donation of a hazardous materials foam trailer; and
- (2) Recognizing and commending Jason Lopez for his life-saving efforts on December 6, 2008.

Speaker(s):

John Appleyard  
John Ireton

7. Employee of the Month Proclamations – None.

8. Written Communication

A. Code Enforcement Lien – Dolphin Pass

1753

The Board took no action regarding an Email Communication, dated November 21, 2008 from Vicki H. Campbell, C.L.S., Agency Operations Manager, First American Title, requesting that the Board release a Code Enforcement Lien, recorded in Official Records Book 4786, Page 1303, against property previously known as Dolphin Pass;

B. Code Enforcement Lien – 13080 Lillian Highway

1753

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried 4-0, with Commissioner Robertson absent, approving to freeze the fines for 60 days to allow for closing and, once the property is abated, the buyer can approach the Board regarding the fines; however, the hard costs must be paid, relative to a Communication, dated December 1, 2008, from Anna Christo, Special Assets Department, Mercantile Bank, concerning a Code Enforcement Lien against property located at 13080 Lillian Highway;

Speaker(s):

Jane Wilcox

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

C. Code Enforcement Lien – Ruthie Wiggins

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried 4-0, with Commissioner Robertson absent, approving to dispose of the second Code Enforcement complaint in its entirety, and to modify the conditions of the first lien to a net amount of \$2,500, relative to a Communication, dated December 3, 2008, from Ruthie Wiggins concerning a Code Enforcement Lien against property located at 2607 West Lloyd Street;

1758

D. Code Enforcement Lien – 2330 Klinger Street

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson absent, approving to collect the hard costs (*in the amount of \$7,268*) and half of the fines (*or \$8,462.50*), relative to a Communication, dated December 11, 2008, from Monica Agerton requesting that the Board forgive a Code Enforcement Lien against property located at 2330 Klinger Street; and

1759

Speaker(s):

Monica Agerton

E. Code Enforcement Lien – 1220 North "U" Street

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Robertson absent, approving to take no action relative to an Undated communication from Mildred Sidener requesting that the Board forgive a Code Enforcement Lien against property located at 1220 North "U" Street.

1801

REGULAR BCC AGENDA – Continued

9. Proof of Publication

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried 4-0, with Commissioner Robertson absent, waiving the reading of the legal advertisement(s) and accepting, 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*, as follows:

1802

A. The following three Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on December 28, 2008, and January 4, 2009, for consideration of a Permit for Longleaf C&D Disposal Facility;
- (2) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on December 28, 2008, and January 4, 2009, for consideration of a Permit Renewal for Rolling Hills C&D Disposal Facility; and
- (3) The 5:45 p.m. **first** Public Hearing, advertised in the Pensacola News Journal on December 26, 2008, for consideration the Development Agreement for the UWF Campus Master Plan; and

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. Continued...

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule January 5, 2009 – January, 9, 2009 – Legal No. 1376702*, as published in the Pensacola News Journal on January 3, 2009, as follows:

January 5	5:30 p.m.	Marine Advisory Committee
January 6	1:30 p.m.	Environmental Enforcement Special Magistrate
January 6	3:00 p.m.	Workforce Escarosa Career Council
January 7	8:30 a.m.	Examination Committee for Competency Board
January 7	9:00 a.m.	Construction Industry Competency Board
January 7	11:00 a.m.	Workforce Escarosa Business Competitiveness Council
January 7	1:00 p.m.	Development Review Committee
January 7	2:30 p.m.	Workforce Escarosa Youth Development Council
January 8	9:00 a.m.	Agenda Work Session
January 8	1:30 p.m.	Citizens Environmental Committee
January 8	4:30 p.m.	Board of County Commissioners Public Forum
January 8	5:30 p.m.	Board of County Commissioners Public Hearings & Reports

**NEXT WEEK'S NOTE:**

January 12	8:30 a.m.	Joint Land Use Implementation Oversight Committee
January 12	9:00 a.m.	Planning Board
January 12	9:05 a.m.	Planning Board Workshop
January 12	4:00 p.m.	West Florida Regional Planning Council

10. 5:31 p.m. Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried 4-0, with Commissioner Robertson absent, approving the renewal of a *Permit to Construct, Operate, Modify or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility* for Longleaf C&D Disposal Facility, owned by Waste Management, Inc., and authorizing the Bureau Chief of the Neighborhoods and Community Services Bureau to sign the approved Permit.

1803

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

11. 5:32 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson absent, approving the renewal of a *Permit to Construct, Operate, Modify or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility* for Rolling Hills C&D Disposal Facility, owned by South Palafox Properties, LLC, and authorizing the Bureau Chief of the Neighborhoods and Community Services Bureau to sign the approved Permit.

1803

Speaker(s) – None.

12. Committee of the Whole Recommendation(s)

A. Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson absent, approving to direct staff to provide, at the January 8, 2009, Regular Board Meeting, a recommended funding source, and approve up to \$400,000 in additional funding (*to be funded from General Fund reserves*), for the remainder of Fiscal Year 2008-2009, for the Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller, as recommended by the Committee of the Whole (C/W), at the December 18, 2008, C/W Workshop (Item 3).

1804

B. Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson absent, approving to continue to research the proposal regarding a (*Bob Sikes Bridge Toll Facility*) toll increase (*from \$1 to \$2*), subject to a single purpose or single design which is the consensus of the citizenry from the Pensacola Beach area, with staff to provide a report at the February 12, 2009, Committee of the Whole Workshop, and approving a commitment to retain, for a period of five years, the \$50 (*annual*) transponder rate, as recommended by the C/W at the December 18, 2008, C/W Workshop (Item 5).

1804

(Continued on Page 9)



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

12. Continued...

- C. Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 3-0, with Commissioner Robertson absent and Commissioner Robinson abstaining (*and filing Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), approving to accept up to \$100,000, from the Escambia County Health Facilities Authority's Charitable Grant Program, to fully fund the (*Fiscal Year 2008-2009*) Budget request of the Escambia Community Clinic, as recommended by the C/W at the December 18, 2008, C/W Workshop (Item 7). 1805
  
- D. Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Robertson absent, approving to not establish a "Peacock Ordinance" and leave the County's (*Animal Control*) Ordinance as it is, as recommended by the C/W at the December 18, 2008, C/W Workshop (Item 8). 1805
  
- E. Motion made by Commissioner Robinson, seconded by Commissioner White, and carried 4-0, with Commissioner Robertson absent, approving to direct staff to provide a cost estimate for drainage improvements at Siguenza Cove, and determine the funding source from the Local Option Sales Tax Projects, as recommended by the C/W at the December 18, 2008, C/W Workshop (Item 10). 1806
  
- F. Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried 3-1, with Commissioner Robertson absent and Commissioner White voting "no," approving, for a six-month to one-year period, a solicitation process for a State Lobbyist, as recommended by the C/W at the December 18, 2008, C/W Workshop (Item 11). 1806

(Continued on Page 10)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

12. Continued...

G. Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Robertson absent, taking the following action concerning economic development options in Escambia County, as recommended by the C/W at the December 18, 2008, C/W Workshop (Item 12).

1807

- (1) Approving to direct staff to research economic development options;
- (2) Approving to extend an invitation to the public to provide the Board of County Commissioners and the Pensacola City Council with their thoughts, ideas, and concepts for Economic Development in Escambia County; and
- (3) Approving to direct the respective staffs to synthesize this data and provide recommendations to their respective bodies at their next scheduled Committee of the Whole Workshop.

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Robertson absent, approving Items H through L, as follows, as recommended by the C/W at the December 18, 2008, C/W Workshop

1807

H. Authorizing staff to take the following action concerning a wetlands mitigation bank for the proposed expansion of Perdido Key Drive, Sorrento Road, Blue Angel Parkway, and Longleaf/Pinestead Roads (Item 14):

- (1) *(Advertise a)* Request for Letters of Interest (RLI) from landowners with large wetland tracts, to be evaluated for suitability;
- (2) Directly contact known landowners (to ascertain availability and potential costs for the County to directly acquire mitigation lands); and
- (3) Determine a least-cost option for the County to satisfy regulatory wetland mitigation requirements;

I. Approving to continue, for one year, the lease of 350 acres of property located south of Interstate 10, on which the County has a number of wells for pumping contaminated groundwater to the constructed wetlands at Perdido Landfill (Item 15);

(Continued on Page 11)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

12. Continued...

- J. Authorizing staff to advertise for and hire a staff Veterinarian in Escambia County Animal Services (Item 17);
- K. Ratifying the following action of the C/W concerning the conveyance of real property, located at the corner of Chase Street and 9th Avenue, for the development of the Downtown Technology Park (Item 19):
  - (1) Adopting a Resolution (*R2008-215*) authorizing the conveyance of the property to the Pensacola-Escambia Development Commission (PEDC); and
  - (2) Authorizing the Chairman to execute a Corrective Deed, the Resolution, and all other documents necessary to complete the conveyance; and
- L. Ratifying the C/W's action approving the "Special Event Permit Application" for a limited waiver of the noise restrictions imposed by the Escambia County Noise Abatement Ordinance, in conjunction with the New Year's Eve fireworks display by the Pensacola Beach Chamber of Commerce, held at the Casino Beach Fishing Pier from 11:59 p.m., December 31, 2008, to 12:20 a.m., January 1, 2009 (Item 20).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Honorable Ernie Lee Magaha, Clerk  
of the Circuit Court & Comptroller

I. CONSENT AGENDA

1-4. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson absent, approving Consent Agenda Items 1 through 4, as follows:

1808

1. Accepting, for filing with the Board's Minutes, the following seven Reports prepared by the Clerk and Comptroller's Finance Department:

1808

A. The following two Payroll Expenditures:

- (1) As of Payday December 12, 2008, in the amount of \$2,391,317.75; and
- (2) As of Payday December 24, 2008, in the amount of \$2,185,304.51;

B. The following three Disbursement of Funds:

- (1) December 4, 2008, to December 10, 2008, in the amount of \$13,886,510.50;
- (2) December 11, 2008, to December 17, 2008, in the amount of \$21,517,092.06; and
- (3) December 18, 2008, to December 24, 2008, in the amount of \$18,479,086.76;

C. The Investment Report for the month ended November 30, 2008; and

D. The Tourist Development Tax (TDT) Collections Data for Fiscal Year 2008-2009, which includes the October 2008 returns received in the month of November 2008; the revenues collected to date represent two months, or 16% of the Fiscal Year, and reflect 12% of the Budget to date.

For Information: Commissioner Valentino commended the Clerk's staff for their management of the County's Investment Portfolio.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

1-4. Approval of Various Consent Agenda Items – Continued

2. Accepting, for filing with the Board's Minutes, the *General Purpose External Financial Statements and Report on Internal Control Over Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards, and Management Letter* for the Escambia County Housing Finance Authority for the Fiscal Year ended September 30, 2008, as prepared and audited by Calvin Charles Johnson, Certified Public Accountant. 1808

3. Approving the Public Official Bonds, underwritten by Fidelity and Deposit Company of Maryland, for the following three Elected Officials, for a term beginning January 6, 2009, and ending January 7, 2013: 1808

- A. The Honorable Chris C. Jones, Property Appraiser, Bond No.: POB8526408, in the amount of \$25,000;
- B. The Honorable David Morgan, Sheriff, Bond No. POB8900446, in the amount of \$25,000; and
- C. The Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller, Bond No. POB8526407, in the amount of \$50,000.

4. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office: 1808

- A. Approving the Minutes of the Attorney-Client Session held December 11, 2008;
- B. Approving the Minutes of the Public Forum Work Session and Regular Board Meeting held December 11, 2008;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
4. Continued...
- C. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held December 11, 2008, as follows:
  1. FOR INFORMATION: The agenda package for the 5:30 p.m., December 11, 2008, Regular Board Meeting was reviewed as follows:
    - A. County Administrator McLaughlin, County Attorney Rogers, Shirley L. Gafford, Program Coordinator, County Administrator's Office, Sandra Slay, Division Manager, Office of Environmental Enforcement, and Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, reviewed the agenda cover sheet;
    - B. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, reviewed the Clerk's Report;
    - C. T. Lloyd Kerr, Bureau Chief, Development Services Bureau, and County Attorney Rogers reviewed the Growth Management Report;
    - D. County Administrator McLaughlin, County Attorney Rogers, Shirley L. Gafford, Program Coordinator, County Administrator's Office, Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, Randy Wilkerson, Executive Director, Neighborhood Enterprise Foundation, Inc., Michael Watts, Risk Management, John Sims, Public Safety Bureau, and Joy D. Blackmon, Bureau Chief, and Wesley J. "Wes" Moreno, Deputy Bureau Chief, Public Works Bureau, reviewed the County Administrator's Report;
    - E. County Attorney Rogers reviewed the County Attorney's Report; and
    - F. Commissioner White and Commissioner Young each reviewed his/her add-on item.

(Continued on Page 15)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

D. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held December 3, 2008, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Young called the Committee of the Whole (C/W) to order at 9:16 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, that the Meeting was advertised in the Pensacola News Journal on November 29, 2008, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule December 1, 2008 – December 5, 2008, Legal No. 1369147.*

3. Escambia County Area Transit 2008 Annual Review

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Escambia County Area Transit 2008 Annual Review*, presented by Travis Lakin, General Manager, Escambia County Area Transit (ECAT), and the C/W:

- (1) Was advised by Mr. Lakin that, although he is confident that the Budget is accurate, Workers' Compensation, medical, and fuel costs will need to be monitored, and, further, without a dedicated funding source (*as opposed to the General Fund allocation*), the Board will be forced to reduce the service within the next couple of years; and

(Continued on Page 16)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- D. Report of the December 3, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

(2) Was advised by Bob Blandine, ECAT, that Federal funding is based on the five-year TEA-LU (Transportation Efficiency Act, A Legacy for Users) Plan, and the County's allocation increases by approximately 1.5% per year; however, only a certain percentage of those funds can be used for operating expenses; and

B. Board Direction – None.

Speaker(s):

Alex Roman

4. Zonar Platform Roll-Out

A. Discussion – The C/W discussed the Zonar Platform Roll-Out, and the C/W:

(1) Viewed and discussed a PowerPoint Presentation by Craig Kahoun, Eastern U. S. Sales Manager, and Troy Stevens, Eastern U. S. Product Support Manager, Zonar Systems; and

(Continued on Page 17)



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- D. Report of the December 3, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 4. Continued...
  - A. Continued...
    - (2) Was advised by Travis Lakin, General Manager, Escambia County Area Transit, that the Zonar system has been purchased and is being implemented, and that he can provide a cost-savings report in approximately one year, upon inquiry from Commissioner Robinson; and
  - B. Board Direction – None.
- 5. Veolia Contract Extension
  - A. Discussion – The C/W discussed the Veolia Contract Extension; and
  - B. Board Direction – The C/W recommends that the Board approve extending, for two years (*effective October 1, 2009*) the Contract (*Escambia County Area Transit Management Services Agreement by and between Escambia County, Florida, and ATC/Vancom, Inc., dba ATC*) with Veolia Transportation.

**Recommended 5-0**

(Continued on Page 18)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- D. Report of the December 3, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. 2009 State Legislative Requests

- A. Discussion – The C/W discussed the 2009 State Legislative Requests; and
- B. Board Direction – The C/W recommends that the Board authorize the County Administrator and staff to submit a 2008-2009 Legislative Policy and Project Request Package to all Northwest Florida Legislative Delegates, as amended to include the following additional items under "Policy Requests (Non-Financial)" (*Item 6*):
  - (1) A request regarding environmental permitting as it relates to roadway construction and economic development;
  - (2) A request regarding tax credits for economic development; and
  - (3) A copy of Resolution R2008-197 requesting the Florida Legislature to adopt a Special Act that creates a process for the consolidation of County and Municipal Governments in Escambia County, as adopted on November 20, 2008, to include clarification that the All For One Political Action Committee is to fund the entire initiative.

**Recommended 5-0**

(Continued on Page 19)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- D. Report of the December 3, 2008, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA

1. Joint Training Range Project

- A. Discussion – The C/W was advised by County Administrator McLaughlin that Sheriff-elect David Morgan objects to the plans for the Joint Training Range Project, and heard his request that the Board take action concerning the Project; and
- B. Board Direction – The C/W recommends that the Board approve the County Administrator's Option #2, as follows, subject to the County Administrator's ability to brief, or educate, Sheriff-elect (*David*) Morgan on the merits of the transaction (*regarding the Joint Training Range Project, a/k/a "Joint Use Training Facility," "Escambia County Gun Firing Range and Public Safety and Fire Training Complex," "Regional Public Safety Training Facility," and "Public Safety Law Enforcement Regional Training Complex"*):
  - (1) Call an emergency meeting of the panel
  - (2) Object to the closing
  - (3) Cancel the project
  - (4) Have Board action on December 11, 2008, to close the project

**Recommended 3-1, with Commissioner Robinson voting "no" and Commissioner Young temporarily out of Board Chambers**

AGENDA NUMBER – Continued

7. Adjourn

Chairman Young declared the C/W Meeting adjourned at 11:46 a.m.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – T. Lloyd Kerr, Chief, Development Services Bureau

I. PUBLIC HEARINGS

1. 5:45 p.m. first Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Robertson absent, taking the following action concerning the *Campus Development Agreement between Escambia County and the University of West Florida (UWF)*: 1809

- A. Ratifying the scheduling (*and advertising*) of the January 8, 2009, 5:45 p.m. first Public Hearing;
- B. Scheduling the **second** of two Public Hearings for January 22, 2009, at 5:45 p.m.; and
- C. Reviewing and considering the Development Agreement for the UWF Campus Master Plan for adoption on January 22, 2009.

II. ACTION ITEMS

1. Final Plat of Sunshine Hill Estates

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson absent, approving to drop the recommendation that the Board take the following action concerning recording of the Final Plat of Sunshine Hill Estates, (a 22-lot, single-family private residential subdivision), located in the Sunny Hill Community on Sunny Hill Road and lying west of Atmore Highway (Florida State Road 97), owned and developed by BCK Properties, LLC; prior to recording, the County Engineer, County Surveyor, Development Services Bureau Chief, 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; also, prior to recording, the County Surveyor must sign the Final Plat, as set forth in Chapter 177.081 (1), Florida Statutes: 1809

- A. Approve the Final Plat for recording;
- B. Approve the street names "Sunny Brook Court" and "Sunshine Ridge Court"; and

(Continued on Page 21)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. ACTION ITEMS – Continued

1. Continued...

C. Authorize the Chairman or Vice Chairman to execute a *Release of Claims for Damages, Hold Harmless, and Indemnification Agreement (Limited Liability Company)*.

III. CONSENT AGENDA

1. Scheduling of Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Robertson absent, scheduling a Public Hearing for 5:45 p.m., Thursday, February 5, 2009, to consider adopting an Ordinance to amend the Official Zoning Map to include the following Rezoning Case heard by the Rezoning Hearing Examiner on December 15, 2008:

1809

Case Number:	Z-2008-19
Location:	1040 East Nine Mile Road
Property Reference Number:	06-1S-30-2101-060-001
Property Size:	4.10 (+/-) acres
From:	R-4, Multiple-Family District, Medium-High Density (cumulative) (18 dwelling units per acre)
To:	C-1, Retail Commercial District (cumulative) (25 dwelling units per acre)
FLU Category:	C, Commercial, and MU-2, Mixed Use 2
Commissioner District:	5
Requested by:	Ryan P. Hatler, Agent for YB North Pensacola, LLC, Owner

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Robert R. "Bob" McLaughlin, County Administrator

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-5. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson absent, approving Consent Agenda Items 1 through 5, as follows:

1810

1. Approving to appoint Commissioner Marie Young, Chairman, and Commissioner Grover Robinson, IV, Vice Chair of the Board of County Commissioners, to serve as Chair and Vice Chair of the Community Redevelopment Agency.
2. Taking the following action concerning the Second Renewal of Antenna Mounting Space Lease with New Cingular Wireless PCS, LLC:
  - A. Approving the Lease renewal for a five-year term commencing on May 24, 2009, at no cost to the County, with all other provisions of the Lease as previously renewed and amended remaining unchanged; and
  - B. Authorizing the Chairman to sign the document.
3. Taking the following action concerning disposition of surplus equipment and donation of a 2000 Ford F350 Horton Ambulance (Property Number 49170) to the School Board of Escambia County, Florida, for use by the West Florida High School of Advanced Technology in its fire/rescue program:
  - A. Rescinding the Board's action taken September 4, 2008, approving disposal of referenced vehicle by sale or auction and approving disposal of the obsolete ambulance by the aforementioned donation;
  - B. Adopting a Resolution (*R2009-1*) authorizing conveyance of an ambulance (Serial Number 1FDWF36F4YEC62278) to the School Board of Escambia County, Florida, in compliance with Section 274.06, Florida Statutes; and
  - C. Authorizing the Chairman to sign all documents related to the donation.

1810

1810

1810

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-5. Approval of Various Consent Agenda Items – Continued

4. Taking the following action concerning adoption of a Maintenance Map (Map):

1810

- A. Adopting a Maintenance Map, Engineering Division Map Number L-4821, of an unnamed street abutting Luke Street and being south of Fisher Street and north of Scott Street; the Map delineates the extent of County Maintenance to define County property in areas where the County maintains roads without having deeded right-of-way;
- B. Approving said areas shown on the Map for continued maintenance, pursuant to Florida Statutes, Chapter 95.361; and
- C. Authorizing the Chairman or Vice Chairman to accept the Map as of the day of delivery of the map to the Chairman or Vice Chairman, and authorizing the Chairman or Vice Chairman to execute the Map for recording at that time.

5. Authorizing (*the scheduling of*) a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on January 22, 2009, at 5:32 p.m., to consider the adoption of an Ordinance creating West Ridge Place Street Lighting MSBU.

1810

II. BUDGET/FINANCE CONSENT AGENDA

1-27. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson absent, approving Consent Agenda Items 1 through 27, as follows, with the exception of Item 22, which was held for a separate vote, as amended to drop Items 14 and 18:

1811

1. Adopting the Resolution (*R2009-2*) approving Supplemental Budget Amendment Number 66, Article-V Fund (115) and the General Fund (001), in the amount of \$621,764, to recognize \$1 of the \$2 recording fee revenue from the Walton County Interlocal Agreement and appropriate these funds for the information technology needs of the Public Defender and State Attorney's Offices in Escambia County.

1811

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-27. Approval of Various Consent Agenda Items – Continued

2. Taking the following action concerning the State of Florida, Division of Emergency Management (FDEM), Community Emergency Response Team (CERT) Subgrant Agreement Number 09CI-XXXX, providing Grant funding, in the amount of \$10,000, for a period of 18 months after the date of execution, but no later than May 31, 2010:

1811

A. Approving the FDEM, Federally-Funded Subgrant Agreement, with funding to be identified in Fund 110, Other Grants and Projects, Cost Center 330430, Revenue Account 334248; and

B. Authorizing the Chairman to sign the Agreement.

3. Taking the following action concerning the State of Florida, Division of Emergency Management (FDEM), Citizen Corps Subgrant Agreement Number 09CC-XXXX, providing Grant funding, in the amount of \$7,500, for a period of 18 months after the date of execution, but no later than May 31, 2010:

1811

A. Approving the FDEM, Federally-Funded Subgrant Agreement, with funding to be identified in Fund 110, Other Grants and Projects, Cost Center 330458, Revenue Account 334251; and

B. Authorizing the Chairman to sign the Agreement.

4. Taking the following action concerning a Memorandum of Agreement (MOA) between the Be Ready Alliance Coordinating for Emergencies and Escambia County (Funding: Florida Division of Emergency Management Citizen Corps Grant Contract 09CC-XXXX, Fund 110, Other Grants and Projects, Cost Center 330458):

1811

A. Approving the MOA providing reimbursement of \$7,275, for satisfactory completion of services as the County's Citizen Corps coordinator, for a term effective on the date of issuance of the Purchase Order through April 30, 2010; and

B. Authorizing the Chairman to sign the MOA.



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-27. Approval of Various Consent Agenda Items – Continued

5. Taking the following action concerning approval of the Fiscal Year 2008-2009 Miscellaneous Appropriations Agreement for The Arts Council of Northwest Florida, Inc.:

1811

A. Approving the Miscellaneous Appropriations Agreement for \$61,000, to be paid from the 3rd Cent Tourist Development Tax Fund (108), Cost Center 360101;

B. Authorizing the Chairman to sign the Agreement and all other necessary documents; and

C. Authorizing the execution of the necessary Purchase Order.

6. Awarding an Indefinite Quantity, Indefinite Delivery, Unit Price Contract, PD 07-08.142, "East Chipper Paving & Drainage," to Panhandle Grading & Paving, Inc., for an amount of \$296,454.45 (funding to be provided in Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project Number 09EN0165).

1811

7. Awarding an Indefinite Quantity, Indefinite Delivery, Unit Price Contract, PD 08-09.011, "Ebonwood Area Improvements," to Roads, Inc., of NWF, for an amount of \$1,056,526.60 (Fund 351, Local Option Sales Tax II, Cost Center 210105, Object Code 56301, Project Number 07EN0343, *[in the amount of]* \$715,356.60; Fund 129, 2004 CDBG, Cost Center 220415, Object Code 56301, *[in the amount of]* \$220,315; Fund 129, 2006 CDBG, Cost Center 221403, Object Code 56301, *[in the amount of]* \$120,855).

1811

8. Awarding a Cover Sheet Lump Sum Contract, PD 07-08.138, "Northcross Motel Demolition," to Maverick Demolition, Inc., in the amount of \$54,867 (funding to be provided in Fund 001, "General Fund," Cost Center 110201, Object Code 53401).

1811

9. Authorizing the County to piggyback off of the Florida Sheriff's Association Contract # 08-16-0908, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section 46-44, Applications; Exemption; and Section 46-64, Board Approval, and awarding a Purchase Order, to Atlantic Truck Center for one 2009 Freightliner cab and chassis for Solid Waste Management, in the total amount of \$102,841, with funds available from Fund 401, Cost Center 220603.

1811

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-27. Approval of Various Consent Agenda Items – Continued

10. Taking the following action concerning PD 07-08.134, *General Paving, Drainage and Resurfacing Pricing Agreement*.

1811

A. Approving and awarding an Indefinite Quantity, Indefinite Delivery, Cover Sheet Contract to each of the following list of Contractors, accepting their prices for the subject solicitation for PD 07-08.134, for a period of up to 12 months, authorizing up to two options to extend for periods up to 12 months each, beginning on October 1 of each year, upon mutual agreement of the parties subject to the terms and conditions contained therein and Board approval of said extension:

- APAC-Southeast, Inc.
- Henry Haire Building and Development, Inc.
- Gulf Atlantic Constructors, Inc.
- Panhandle Grading & Paving, Inc.
- Pensacola Concrete Construction Co., Inc.
- Roads, Inc., of NWF
- Starfish, Inc., of Alabama
- Utility Service Co., Inc.

B. Authorizing the subject Contract for use by various Bureaus, utilizing the accepted Bid Form Price Listing and Balance-of-Line (BOL) items, as defined within the Special Terms and Conditions of the Solicitation to determine the lowest bid for a project;

C. Authorizing the Public Works Bureau to request price modifications on an annual basis only, allowing the first year to be amended so as to put those modifications on an October-September Fiscal Year planning schedule; and

D. Authorizing the issuance of individual or blanket Purchase Orders, in accordance with Chapter 46 of the Escambia County Code of Ordinances, in an amount of \$1,000,000, per Contractor, in Fiscal Year 2008-2009, to be issued from various Funds, Cost Centers, Object Codes, and Project Numbers for the Public Works Bureau, Engineering Division only; all other Bureaus/Divisions shall bring their requirements of \$50,000 or greater to the Board for approval on an as-needed basis.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-27. Approval of Various Consent Agenda Items – Continued

11. Authorizing a price increase, as documented, to Moore Medical, for "Medical Supply and Equipment Contract," PD 06-07.72, in accordance with the terms and conditions of the Contract (Fund Source: Fund 408 [Emergency Medical Services]/Cost Center 330302 and Fund 143 [Fire Services]/Cost Center 330202). 1811
12. Authorizing foreclosure of the Code Enforcement Lien, recorded in OR (*Official Records*) Book 5215 at Page 1760 of the Public Records of Escambia County, Florida, on real property located at 6114 Brosnaham Avenue, Account Number 031438000, Reference Number 27-1S-30-1203-000-037; the County's current Lien amount is \$1,293, and the current assessed value of the property is \$56,921. 1811
13. Authorizing foreclosure of the Code Enforcement Liens, recorded in OR (*Official Records*) Book 6219 at Page 790 and in OR (*Official Records*) Book 6050 at Page 43 of the Public Records of Escambia County, Florida, on real property located at 3800 Kelly Avenue, Account Number 052975000, Reference Number 09-2S-30-1400-560-002; the County's current total Lien amount is \$25,840, and the current assessed value of the property is \$30,267. 1811
14. Dropping the recommendation that the Board authorize foreclosure of the Code Enforcement Lien, recorded in OR (*Official Records*) Book 4969 at Page 162 of the Public Records of Escambia County, Florida, on real property located at 8531 San Lucus Calzada, Account Number 095015388, Reference Number 33-2S-31-2400-003-006; the County's current Lien amount is \$978.81, and the current assessed value of the property is \$43,670. 1811
15. Authorizing foreclosure of the Code Enforcement Lien, recorded in OR (*Official Records*) Book 6266 at Page 754 of the Public Records of Escambia County, Florida, on real property located at 600 West Caro Street, Account Number 020524000, Reference Number 11-1S-30-1901-001-008; the County's current Lien amount is \$3,082.50, and the current assessed value of the property is \$49,842. 1811
16. Authorizing foreclosure of the Code Enforcement Lien, recorded in OR (*Official Records*) Book 5419 at Page 805 of the Public Records of Escambia County, Florida, for real property located at 4902 Alvin Drive, Account Number 102101580, Reference Number 23-3S-31-1300-014-001; the County's current Lien amount is \$8,698, and the current assessed value of the property is \$23,750. 1811

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-27. Approval of Various Consent Agenda Items – Continued

17. Taking the following action concerning Design Build Services for Tate Road Bridge Replacement:

1811

A. Approving the following Selection/Negotiation Committee Ranking:

- (1) Merrill Parker Shaw, Inc.
- (2) Murphree Bridge Corporation
- (3) McCormick Contracting Co.

B. Awarding a Contract, PD 07-08.088, Design Build Services for Tate Road Bridge Replacement, to Merrill Parker Shaw, Inc., for a Design Phase Fee of \$39,160.93 (Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project Code 08EN0235).

18. Dropping the recommendation that the Board take the following action concerning the surplus and sale of real property located at 97 Hood Drive, known as the Sheriff's Ensley Sub-Station:

1811

A. Declare surplus the Board's real property, Account Number 02-0336-910, Reference Number 11-1S-30-1101-140-280, acquired in 1998; a legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting offers by sealed bid;

B. Authorize the sale of this property to the bidder with the highest offer received from sealed bids, above the minimum bid of \$325,000, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and

C. Authorize the Chairman to sign all documents related to the sale.

19. Approving issuance of a Purchase Order to Hatch Mott MacDonald Florida, LLC, in the amount of \$2,504.80, on Contract PD 02-03.79.13.16.ENG, "Perform An Evaluation of the Access Ladders to the Bob Sikes Bridge Fender System" (Funding Source: Fund 167, Bob Sikes Toll Bridge, Account 140302/53101).

1811

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-27. Approval of Various Consent Agenda Items – Continued

20. Approving issuance of a Purchase Order to PBS&J (*Post, Buckley, Schuh & Jernigan*), in the amount of \$59,762.10, on Contract PD 07-08.016, "Design Services for Innerarity Point Road (MSBU)" (Funding Source: Fund 177, MSBU Assessment Program, Account 140963/53101).

1811

21. Approving a Purchase Order, in the amount of \$167,957.60, to SMG for the management fee for The Pensacola Civic Center for Fiscal Year 2008-2009, to be paid from Cost Center 221301.

1811

22. See Page 31.

23. Authorizing the issuance of Purchase Order Number 290958 to Zonar Systems, Inc., in the amount of \$75,569.44, to replace previously issued Purchase Order Number 281597 in Fiscal Year 2007-2008, based on prior approval August 21, 2008; the installation of the Zonar System project had begun but was not completed at the end of Fiscal Year 2007-2008; due to the cost of this continuing project being in excess of \$50,000, it is necessary to submit a new Purchase Order to encumber funds re-budgeted for Fiscal Year 2008-2009.

1811

24. Taking the following action concerning the Supplemental Joint Participation Agreement (JPA) Number 3, Financial Project Number 42027418401:

1811

A. Ratifying the Chairman's signature on the JPA, Financial Project Number 42027418401, providing for Florida Department of Transportation participation, in the amount of \$200,000, Fiscal Year 2008-2009 for funding the Davis Highway Corridor Mass Transit Service; and

B. Ratifying the Chairman's signature on the authorizing Resolution R2008-194.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-27. Approval of Various Consent Agenda Items – Continued

25. Taking the following action concerning the Supplemental Joint Participation Agreement (JPA) Number 2, Financial Project Number 42027318401:

1811

A. Ratifying the Chairman's signature on the JPA, Financial Project Number 42027318401, providing for Florida Department of Transportation participation, in the amount of \$200,000, for funding the Fiscal Year 2008-2009 Fairfield Drive Corridor Mass Transit Service; and

B. Ratifying the Chairman's signature on the authorizing Resolution R2008-195.

26. Taking the following action concerning the Escambia County Animal Services Fee Schedule, effective February 1, 2009:

1811

A. Adopting the Resolution (R2009-3) adjusting the Adoption Fees and Spay/Neuter Fees; and

B. Authorizing the Chairman to sign the Resolution.

27. Taking the following action concerning the State of Florida, Department of Transportation, Public Transportation, Joint Participation Agreement (JPA), Financial Project Number 42349128401:

1811

A. Ratifying the Chairman's signature on the JPA, Financial Project Number 42349128401, providing for Florida Department of Transportation participation, in the amount of \$73,000, to provide funding for Service Development Marketing for a comprehensive print media, radio, and television marketing project for Escambia County Area Transit Service; and

B. Ratifying the Chairman's signature on the authorizing Resolution R2008-196.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-27. Approval of Various Consent Agenda Items – Continued

22. United Way Human Services Appropriations Committee funding

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 3-0, with Commissioner Robertson absent and Commissioner Robinson abstaining (*and filing Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), accepting the funding recommendations from the United Way Human Services Appropriations Committee for Fiscal Year 2008-2009, in the amount of \$95,500, in the adopted Fiscal Year 2008-2009 Budget, Public Social Services, General Fund (001), Cost Center 220202.

1811

III. FOR DISCUSSION

1. Tourist Development Council Nomination

The Board, by 4-0 ballot, with Commissioner Robertson absent, approved appointing Nan Harper to the Tourist Development Council, by ballot, effective January 6, 2009, through January 5, 2013, as an "Interested in Tourism" appointee.

1812

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

- I. FOR ACTION
- 2-4. Approval of Various Consent Agenda Items  
and
- II. INFORMATION AGENDA
2. County Attorney Recertification

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson absent, approving For Action Items 2 through 4 (Item 1 was held for a separate vote) and Information Agenda Item 2, as follows:

1815

- I. FOR ACTION

1. See Page 35.

2. Taking the following action regarding surplus property sold to Bellview Small Engine Repair, Inc. (Corrective Deed):

1815

- A. Authorizing the Chairman to execute a Corrective Deed to Bellview Small Engine Repair, Inc.; and

- B. Authorizing payment of any incidental costs associated with recording the Corrective Deed in the Public Records of Escambia County, Florida.

3. Scheduling a Public Hearing for January 22, 2009, at 5:31 p.m. to consider adopting an Ordinance establishing an alcohol-free zone on Pensacola Beach.

1815

4. Taking the following action regarding SmartCop, Inc., and Escambia County for Software License and Services Agreement and a Software Maintenance Support Agreement, both dated August 19, 2004, in the sum of \$1,325,000, under PD 03-04.23:

1815

- A. Approving the settlement of this lawsuit upon execution of a Settlement Agreement and mutual General Releases by the County and SmartCop;

(Continued on Page 33)



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

2-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

B. Authorizing the Chairman to sign a Settlement Agreement to include the following terms:

- (1) The hardware and equipment purchased by the County under this contract award would be retained and the County would forgo any further claims for monetary damages or equitable relief;
- (2) SmartCop and the County would execute mutual General Releases of Claims and SmartCop would waive any further payments due it under the Contracts and would further waive any claims for defamation against the County or its employees, commissioners, or agents;
- (3) The County would erase or obliterate any SmartCop software purchased as part of the Contract;
- (4) SmartCop would return any records which included exempt information such as Social Security Numbers, medical information protected by HIPAA, addresses of patients, floor plans of the Public Safety Building or of any security systems utilized in the Public Safety Building; the information contained in electronic form would be erased or the information contained in records would be returned to the County upon execution of the Settlement Agreement;
- (5) Any third-party software purchased by the County pursuant to the Contract award would be retained by the County; and

(Continued on Page 34)

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

2-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

B. Continued...

- (6) The Settlement Agreement would include the following language in lieu of an evaluation concerning contract performance:

SmartCop was awarded two contracts under PD 03-04.23. Pursuant to these Contracts, a portion of the SmartCop software requirements were to be completed after the award date. Because certain aspects of these software requirements were in the development stages, neither party could foresee whether the SmartCop software applications for the EMS and Fire Modules would be satisfactory to the County. Both the County and SmartCop worked together to clarify and perform these application requirements, but the County did not believe its expectations had been met. Although the parties disagreed as to the facts, both the County and SmartCop worked diligently trying to resolve their differences, without ultimate success. Despite this disagreement, the parties have agreed that it is in the best interest of the citizens of Escambia County to lay their differences aside, terminate the Contracts, and settle the litigation.

- C. Authorizing the County Attorney's Office, after execution of the Settlement Agreement and mutual General Releases, to execute a Stipulation for Dismissal with Prejudice of the lawsuit and submit a proposed Order to the Trial Judge for execution, which dismisses the lawsuit with prejudice.

II. INFORMATION AGENDA

2. Accepting, for filing with the Board's Minutes, the information concerning the County Attorney's recent recertification in the City, County, and Local Government Law specialization, effective through the year 2013.

1815

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

- I. FOR ACTION – Continued
1. Scheduling of Attorney-Client Session  
and
- II. INFORMATION AGENDA – Continued
1. Scheduling of Private Meeting for Pending Litigation

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried 3-0, with Commissioner Robertson absent and Commissioner White abstaining (*and filing Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), approving For Action Item 1 and Information Agenda Item 1, as follows:

1814

- I. FOR ACTION
1. Taking the following action regarding Carl R. Gilbert, II and Sharon Gilbert vs. Harry R. McNesby, Charlie Walker, and Sotirios Thagouras, Case No.: 3:08cv51/RV/MD; and Robert K. Mandel and Sharon F. Mandel vs. Harry R. McNesby, Charlie Walker, Sotirios Thagouras, and Steve Littlejohn, Case No.: 3:08cv49/RV/MD:
  - A. Scheduling a private meeting with the Board's attorneys to discuss pending litigation, in accordance with Section 286.011 (8), Florida Statutes, for January 22, 2009, at 3:30 p.m.; and

1814

(Continued on Page 36)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

1. Continued...

B. Approving the Public Notice printed below to be published in the Pensacola News Journal on Sunday, January 11, 2009:

**PUBLIC NOTICE**

**IT IS THE INTENTION** of the Board of County Commissioners of Escambia County, Florida, to hold a private meeting with its attorney to discuss pending litigation in the case of Carl and Sharon Gilbert v. Harry R. McNesby. et al, and Robert and Sharon Mandel v. Harry R. McNesby, et al, in accordance with § 286.011 (8), Florida Statutes. Such attorney-client session will be held at 3:30 p.m., C.S.T. on Thursday, January 22, 2009, in the Board Meeting Room, First Floor, Escambia County Governmental Complex, 221 Palafox Place, prior to the meeting of the Board of County Commissioners. Commissioners Wilson Robertson, Gene Valentino, Marie Young, Grover Robinson, IV, and Kevin White, County Administrator Robert McLaughlin, Attorney representing Escambia County Joseph Hammons, Esq., County Attorney Alison Rogers and a certified court reporter will attend the attorney-client session.

II. INFORMATION AGENDA

1. Accepting, for filing with the Board's Minutes, the information concerning Robert K. Mandel and Sharon F. Mandel vs. Harry R. McNesby, Charlie Walker, Sotirios Thagouras, and Steve Littlejohn, wherein the Court granted Defendants' motions to dismiss as to all counts, and Carl R. Gilbert, II, and Sharon Gilbert vs. Harry R. McNesby, Charlie Walker, and Sotirios Thagouras, wherein the Court granted Defendants' motions to dismiss as to one count only.

1814

ITEMS ADDED TO THE AGENDA – COMMISSIONER MARIE K.YOUNG

1. ICMA Library Innovation Grant Application

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried 4-0, with Commissioner Robertson absent, taking the following action regarding the ICMA (*International City/County Management Association*) Library Innovation Grant Application:

1816

A. Approving the County Administrator to sign the ICMA Library Innovation Grant Application submittal letter; and

B. Approving submission of the ICMA Library Innovation Grant Application.

2. Agreement with IMS Expert Services for Economic Development Incentives

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried 4-0, with Commissioner Robertson absent, taking the following action concerning economic development incentives (funds are based on refund fees and taxes paid to the County by IMS Expert Services, as set forth in Ordinance Number 2007-56):

1816

A. Approving to enter into an Agreement with Intelligent Management Solutions (IMS) Expert Services for Economic Development Incentives; and

B. Authorizing the Chairman to sign the *Economic Development Agreement Between Escambia County and Intelligent Management Solutions, Inc., d/b/a IMS Expert Services*.

ANNOUNCEMENTS

1. FOR INFORMATION: The Board was advised by Commissioner Young that County employee Angela Meeks lost her husband in a plane crash on Tuesday (*January 6, 2009*).

1735

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ADJOURNMENT

There being no further business to come before the Board, Chairman Young declared the Regular Meeting of the Board of County Commissioners adjourned at 6:17 p.m.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

ATTEST:

Ernie Lee Magaha  
Clerk of the Circuit Court & Comptroller

By: \_\_\_\_\_  
Marie K. Young, Chairman



\_\_\_\_\_  
Deputy Clerk

Approved: January 22, 2009