

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD FEBRUARY 5, 2009
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:35 p.m. – 6:29 p.m.)

Present: Commissioner Marie K. Young, Chairman, District 3
Commissioner Grover C. Robinson, IV, Vice Chairman, District 4
(Regular Meeting only)
Commissioner Wilson B. Robertson, District 1
Commissioner Gene M. Valentino, District 2
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 Kevin W. White, District 5

PUBLIC FORUM WORK SESSION

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

1. FOR INFORMATION: The Board heard comments from Barbara Mayall concerning the good things that United Way does for the community, and heard her request that the Board vote against cardroom gaming at Pensacola Greyhound Track. 1635
2. FOR INFORMATION: The Board heard comments from L. Gary Sansing concerning the proposed cardroom gaming at Pensacola Greyhound Track and issues concerning the economy. 1638

4:43 P.M. – PUBLIC FORUM ADJOURNED

5:32 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 5:32 p.m.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

2. Invocation

Chairman Young advised that Reverend Earl Hammons, Pastor, Pine Summit Baptist Church, would deliver the Invocation.

3. Pledge of Allegiance to the Flag

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

4. Adoption of the Agenda

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried 4-0, with Commissioner White absent, *(to include Commissioner Valentino's three add-on items, one concerning a FDOT stormwater retention parcel, one concerning an appointee to the Fire Services Citizen Advisory Committee, and one concerning an appointee to the West-End Advisory Committee; Commissioner Robertson's two add-on items, one concerning the purchase of property on Marcus Pointe Boulevard and one concerning the purchase of property on Kingsfield Road; Commissioner Robinson's add-on item concerning the red snapper regulation changes; and Commissioner Young's add-on item concerning the County wellness program).*

1735

5. Commissioners' Forum

A. District 4 – Commissioner Robinson expressed his appreciation to Eagle Scout Patrick Sheldon, son of Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, for his work in building a new campsite at Park East, on the Sound side at Pensacola Beach, and advised the Board that he had attended the Florida Fish and Wildlife Commission meeting in Destin;

1735

(Continued on Page 3)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Continued...

B. District 3 – The Board:

(1) Was advised by Commissioner Young that Keith Wilkins, Neighborhoods and Community Services Bureau, challenged each of the Commissioners to submit the names of at least three citizens who might attend the third Escambia County Citizens Academy Class on February 24, 2009; and

(2) Navy Federal Credit Union

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried 4-0, with Commissioner White absent, approving to "adopt that policy," upon being advised by Commissioner Young that the Board supports the continued presence of Navy Federal Credit Union in Escambia County and looks forward to its growth and expansion and, further, that the Board has directed staff to finalize arrangements with the formation of an economic development incentive fund that could provide additional incentives for Navy Federal Credit Union and other firms that wish to expand or locate in Escambia County.

6. Proclamations – None.

7. Employee of the Month Proclamations – None.

8. Written Communication

A. Code Enforcement Lien – 41 Sugar Bowl Lane

The Board was advised by County Attorney Rogers that this item will be rescheduled for the March 5, 2009, Regular Board Meeting, relative to a Communication, dated January 5, 2009, from Charles P. Hoskin, Emmanuel, Sheppard & Condon, on behalf of Marc and Darlene Robert, requesting that the Board release a Code Enforcement Lien (*recorded in Official Records Book 6001, Page 814*), against property located at 41 Sugar Bowl Lane, and the Board took no action.

1742

(Continued on Page 4)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

B. Code Enforcement Lien – 2262 Bob White Lane

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White absent, approving to forgive the fines, in the amount of \$11,650.00, and approving that the imposed fee would be the Lien, in the amount of \$1,100.00, the abatement costs, in the amount of \$3,510.00, minus the tax deed overpayment of \$814.01, for a total amount due of \$3,796.00, relative to a Communication, dated January 5, 2009, from Keri Mendoza and David Kaeser requesting that the Board forgive a Code Enforcement Lien (*recorded in Official Records Book 5977, Page 787, amended Lien recorded in Official Records Book 6388, Page 1284*), against property located at 2262 Bob White Lane.

1742

Speaker(s):

David Kaeser

C. Code Enforcement Lien – Dolphin Pass

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried 4-0, with Commissioner White absent, approving to forgive the Lien in its entirety, relative to a Communication, dated January 6, 2009, from Stephen R. Moorhead, McDonald, Fleming, Moorhead, Attorneys at Law, on behalf of First American Title Insurance Company, Inc., requesting that the Board release a Code Enforcement Lien (*recorded in Official Records Book 4786, Page 1303*), against property previously known as Dolphin Pass.

1755

Speaker(s):

Katie M. White

(Continued on Page 5)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

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

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried 4-0, with Commissioner White absent, approving to take no action, relative to an Undated communication from Mildred Sidener requesting that the Board forgive a Code Enforcement Lien (*recorded in Official Records Book 6287, Page 33*), against property located at 1220 North "U" Street.

1756

Speaker(s):

Ruby Horton

9. Proof of Publication

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried 4-0, with Commissioner White 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:

1810

A. The following two Public Hearings on the agenda:

- (1) 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on January 26, 2009, for consideration of adopting an Ordinance creating the Indian Lake Subdivision Street Lighting MSBU; and
- (2) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on January 23, 2009, for consideration of adopting an Ordinance amending the Official Zoning Map; 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 February 2, 2009 – February 6, 2009 – Legal No. 0001381547*, as published in the Pensacola News Journal on January 31, 2009, as follows:

February 2	5:30 p.m.	Marine Advisory Committee
February 2	6:00 p.m.	Comprehensive Plan Public Input Workshop
February 3	10:00 a.m.	BID Inspections Fund Advisory Board
February 3	1:30 p.m.	Environmental Enforcement Special Magistrate
February 3	5:30 p.m.	Southwest Sports Complex Public Meeting
February 3	6:00 p.m.	Comprehensive Plan Public Input Workshop
February 4	8:30 a.m.	Examination Committee for Competency Board
February 4	9:00 a.m.	Construction Industry Competency Board
February 4	1:00 p.m.	Development Review Committee
February 5	8:00 a.m.	Incident Review Board
February 5	9:00 a.m.	Agenda Work Session
February 5	1:30 p.m.	Citizens Environmental Committee
February 5	4:30 p.m.	Board of County Commissioners Public Forum
February 5	5:30 p.m.	Board of County Commissioners Public Hearings & Reports
February 5	6:00 p.m.	Beulah Regional Park Development Meeting
NEXT WEEK'S NOTE:		
February 9	9:00 a.m.	Planning Board
February 9	4:00 p.m.	West Florida Regional Planning Council
February 9	6:30 p.m.	Fire Services Citizens Advisory Committee

REGULAR BCC AGENDA – Continued

10. 5:31 p.m. Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White absent, adopting, and authorizing the Chairman to sign, the Ordinance (*Number 2009-3*) creating the Indian Lake Subdivision Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and making the following findings of fact:

1810

- A. Lots in the District are specially benefited since street lighting not only increases the market value of an individual lot in the District, but also increases safety in the District surrounding individual lots and the ability of lot owners to use their individual lots after dark;
- B. The benefit from improved street lighting varies according to the relative size of the affected lots; residential lots benefit from improved street lighting uniformly because of the small variation in size throughout the District;
- C. The non-ad valorem special assessments levied represent a fair and reasonable apportionment of the cost of the special benefit received by each lot and do not represent a fair share of the cost of general governmental service provided to residents in the unincorporated areas of Escambia County; and
- D. Lots which do not receive a special benefit have been and shall be excluded from the non-ad valorem special assessment for street lighting.

Speaker(s) – None.

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

1811

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

1811

- A. Payroll Expenditures as of Payday January 23, 2009, in the amount of \$2,414,124.61; and

- B. The following two Disbursement of Funds:

- (1) January 15, 2009, to January 21, 2009, in the amount of \$753,758.33; and

- (2) January 22, 2009, to January 28, 2009, in the amount of \$10,196,194.81.

2. Accepting, for filing with the Board's Minutes, Budget Analyses for the first quarter of Fiscal Year 2008-2009, as follows:

1811

- A. Expenditure Budget Analysis (Budget to Actual) as of December 31, 2008;

- B. Revenue Budget Analysis (Budget to Actual) as of December 31, 2008; and

- C. Profit and Loss Statements for the following five Enterprise Funds:

- (1) *Solid Waste Fund*

- (2) *Inspections Fund*

- (3) *Emergency Medical Service Fund*

- (4) *Civic Center Fund*

- (5) *Internal Service Fund*

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

3. Accepting, for filing with the Board's Minutes, the following documents received in the Clerk to the Board's Office:

1811

- A. The Closing documents relating to the exchange of property located on Hanks Road, a/k/a Bratt Property (Account Number 123027000, Property Reference 14-5N-32-2301-000-000), owned by the County, for property located on West Highway 4 (Account Number 122980000, Property Reference 11-5N-32-3201-000-000), owned by Kale and Donna Schneider, as approved by the Board on April 3, 2008, and received in the Clerk to the Board's Office on January 16, 2009;
- B. A copy of Internal Revenue Service Form 8328, *Carryforward Election of Unused Private Activity Bond Volume Cap*, in the amount of \$134,000,000, executed by the Chairman on January 9, 2009, relative to the Board's September 18, 2008, action approving the issuance of not exceeding \$200,000,000 in Industrial Development Revenue Bonds, Series 2008, for Gulf Power Company; and
- C. The *Continuation Certificate* executed by Evergreen National Indemnity Company, in the amount of \$500,000, as Surety on Bond Number 551298, on behalf of Allied Waste Services of North America, LLC, in favor of the Escambia County, Florida, Department of Solid Waste, effective January 1, 2009, through January 1, 2010, as provided by Denee M. Rudd, Accounting Supervisor, Neighborhoods and Community Services Bureau.

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

1811

- A. Approving the Minutes of the Attorney-Client Session held January 22, 2009;
- B. Approving the Minutes of the Public Forum Work Session and Regular Board Meeting held January 22, 2009;

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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 January 22, 2009, as follows:

1. FOR INFORMATION: The agenda package for the 5:30 p.m., January 22, 2009, Regular Board Meeting was reviewed as follows:
 - A. County Administrator McLaughlin, Shirley L. Gafford, Program Coordinator, County Administrator's Office, County Attorney Rogers, and Sandra Slay, Division Manager, Office of Environmental Enforcement, reviewed the agenda cover sheet, with comments from William J. "Will" Dunaway, Attorney at Law, Clark, Partington, Hart, Larry, Bond & Stackhouse, regarding Item 8.B.;
 - 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, reviewed the Growth Management Report;
 - D. County Administrator McLaughlin, Shirley L. Gafford, Program Coordinator, County Administrator's Office, Joy D. Blackmon, Bureau Chief, Public Works Bureau, Sandra P. Jennings, Bureau Chief, Neighborhoods and Community Services Bureau, Gordon Pike, Bureau Chief, Corrections Bureau, Michael Hardin, Bureau Chief, Public Safety Bureau, reviewed the County Administrator's Report; and
 - E. County Attorney Rogers reviewed the County Attorney's Report; and
 - F. Commissioner Valentino reviewed his add-on item.

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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...

D. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held January 15, 2009, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Young called the Committee of the Whole (C/W) to order at 9:05 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 January 10, 2009, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule January 12, 2009 – January 16, 2009, 2009, Legal No. 1377705.*

3. Pathways for Change

A. Discussion – The C/W watched a skit performed by participants of Pathways for Change; and

B. Board Direction – None.

Speaker(s):

Connie Bookman
Patricia Sutherland

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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...

D. Report of the January 15, 2009, C/W Workshop – Continued

4. Healthy Start Presentation

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, presented by Deborah A. Trocki, Executive Director, Escambia County Healthy Start Coalition, Inc., and the C/W:

(1) Heard the request from Ms. Trocki that the Board:

(a) Support the Healthy Start/Beds for Babies Program by considering a funding request, in the amount of \$5,000 per quarter, for a total amount of \$20,000;

(b) Become a member of the Escambia County Health Start Coalition, Inc.; and

(c) Designate a "Day for Safe Sleeping" in Escambia County;

(2) Was advised by Commissioner White that he would support a one-time allocation, for the requested amount, from Operating Reserves;

(3) Was advised by Commissioner Valentino that funding for this Program should come from the (*Escambia County*) Health Facilities Authority (HFA), and heard his request that County Administrator McLaughlin, on behalf of the County Commission, attend the next HFA meeting to request a match to the County's \$20,000 allocation; and

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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...
 - D. Report of the January 15, 2009, C/W Workshop – Continued
 4. Continued...
 - A. Continued...
 - (4) Was advised by County Administrator McLaughlin that staff will start the quarterly increments, and he will work with Paula Drummond (*Executive Director and General Counsel, HFA*), and other organizations, to assist the Healthy Start Coalition to obtain funding; and
 - B. Board Direction – None.
5. Financing of Santa Rosa Island Authority Beautification Plan
 - A. Discussion – The C/W was advised by Chairman Young that this item has been pulled from the Agenda; and
 - B. Board Direction – None.
6. Ferry Service for Santa Rosa Island and Fort Pickens
 - A. Discussion – The C/W was advised by Chairman Young that this item has been pulled from the Agenda; and
 - B. Board Direction – None.

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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...

D. Report of the January 15, 2009, C/W Workshop – Continued

7. Escambia River Muzzleloaders

A. Discussion – The C/W heard an update from Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, concerning ongoing negotiations with the Escambia River Muzzle Loaders (ERML) regarding the Lease Agreement for the shooting range (*located on Rocky Branch Road*), and the C/W:

(1) Was advised by Mr. Wilkins that the following four issues are still in the negotiation process with ERML:

- (a) Noise study;
- (b) Requirement for Automobile liability and Workers' Compensation;
- (c) Reimbursement schedule for repayment of infrastructure/ construction costs if the Agreement is terminated early; and
- (d) Liability for cleanup of the existing contamination on the property;

(2) With regard to the cleanup requirements of the property, heard the request from Commissioner Robertson that the word "pristine" be stricken from the Agreement;

(3) Was advised by Mr. Wilkins that, moving forward, a requirement for a "Best Management Practice" will be included in the Agreement(s) with the County, as well as with other regulatory agencies; and

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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...
- D. Report of the January 15, 2009, C/W Workshop – Continued

7. Continued...

A. Continued...

- (4) Heard the request from Commissioner Valentino that a schedule of all forthcoming matters concerning this issue be provided to the Board; and

B. Board Direction – None.

Speaker(s):

Charles Miller
James Thompson

8. Mahogany Mill Road Boat Ramp Property Acquisition

A. Discussion – The C/W discussed Mahogany Mill Road Board Ramp Property Acquisition, and heard the request from Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, for Board direction to proceed with negotiations with the seller of the property, and the C/W:

- (1) Upon inquiry from Commissioner White, was advised by Mr. Wilkins that staff is waiting on a proposal from the seller of the Hurst Hammock (*Landing boat ramp*); and
- (2) Upon inquiry from Commissioner White, was advised by Robert Turpin, Marine Resources, that staff is waiting on a proposal from the seller of Rubys Fish Camp; 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 January 15, 2009, C/W Workshop – Continued

8. Continued...

B. Board Direction – The C/W heard the request from Commissioner Valentino that staff proceed with negotiations concerning the acquisition of Hurst Hammock (*Landing boat ramp*) and Mahogany Mill Road boat ramp property, with equal regard to Rubys Fish Camp.

9. Large Area Artificial Reef West Application

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Artificial Reef Permit Renewal: LAARS West Permit Conditions*, presented by Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, and the C/W:

(1) Was advised by Mr. Wilkins that the Army Corps of Engineers (Corps) is going to reject the LAARS (*Large Area Artificial Reef Site*) West Application unless the Permit Conditions submitted by the County, per the Marine Advisory Committee, are modified; furthermore, if the Application is rejected, the County will never have an opportunity to submit another Application for further deployments at this particular site;

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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...

D. Report of the January 15, 2009, C/W Workshop – Continued

9. Continued...

A. Continued...

(2) Was advised by Robert Turpin, Chief, Marine Resources Division, that the three Permit Conditions submitted on the Application, as requested by the Marine Advisory Committee, that are unacceptable by the Corps, are as follows:

- (a) Expansion of the area to 404 square miles;
- (b) No monitoring of personal reef deployments; and
- (c) Reporting reef coordinates to nearest mile;

(3) Was advised by County Attorney Rogers that Commissioner Robinson provided written comments concerning this issue, and, further, Commissioner Robinson has indicated, in his comments, that it is his belief that there is a strong need for more very close to shore reefs and he supports reaching a compromise with regard to the LAARS West Application;

(4) Upon inquiry from Commissioner Valentino concerning the Minimum Reef Weight Requirement, was advised by Clif Payne, Army Corps of Engineers, that 500 pounds is the standard minimum reef weight requirement throughout the State of Florida; furthermore, at the time the standardized conditions were being suggested for implementation, it was agreed that if an applicant desires not to follow the standard guidelines, that the project would stand on its own merits through public review;

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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...

D. Report of the January 15, 2009, C/W Workshop – Continued

9. Continued...

A. Continued...

(5) Was advised by Commissioner Valentino that because of the Corps' willingness to acquiesce on issues, case-by-case, based on merit, he is willing to modify the Application to the satisfaction of the Corps; and

(6) Upon receiving consensus from the Board, was advised by Mr. Wilkins that the Application will be modified to concur with the three conditions (*referenced above in Item 2*), as required by the Corps, as follows:

- (a) Maintain at 43 square miles;
- (b) Monitor some or all personal reef deployments; and
- (c) Report exact personal reef coordinates to the Corps; and

B. Board Direction – None.

Speaker(s):

Paul Redman

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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...

D. Report of the January 15, 2009, C/W Workshop – Continued

10. Update on South West Escambia County Sports Complex

A. Discussion – The C/W Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Southwest Escambia County Sports Complex*, presented by Bruce Brodsky, Post, Buckley, Schuh & Jernigan; and

B. Board Direction – None.

Speaker(s):

Jeff Helms

11. Conceptual Plan for Integrated Solid Waste Management

A. Discussion – The C/W discussed Conceptual Plan for Integrated Solid Waste Management, and was advised by County Attorney Rogers that Commissioner Robinson provided written comments concerning this issue, regarding which County Attorney Rogers read a portion thereof; and

B. Board Direction – The C/W heard the request from Commissioner Valentino that Sandra P. Jennings, Bureau Chief, Neighborhoods and Community Services Bureau, and the ECUA (*Emerald Coast Utilities Authority*) team, with outside facilitation, conduct a task force study to consolidate/integrate all solid waste operations, including, but not limited to, collections, disposal, recycling, and transfer, to come forward to the Board within six months.

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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...

D. Report of the January 15, 2009, C/W Workshop – Continued

12. Centenarian Program

A. Discussion – The C/W discussed a proposed Policy establishing a Centenarian Program; and

B. Board Direction – The C/W recommends that the Board adopt the Policy.

Recommended 4-0, with Commissioner Robinson absent

13. Spay/Neuter Initiative

A. Discussion – The C/W heard a review of the Spay/Neuter Initiative from Sandra P. Jennings, Bureau Chief, Neighborhoods and Community Services Bureau; and

B. Board Direction – None.

14. Hot Topics for Each District

A. Discussion – The C/W discussed Hot Topics for each District, as follows:

(1) Commissioner Valentino

- ◆ Fire Station 19 on Perdido Key Drive
- ◆ Sidewalk project on Gulf Beach Highway, from Theo Baars Bridge eastbound to Blue Angel Parkway
- ◆ RTFA (*Regional Transportation Finance Authority*)
- ◆ Establishment of a WDA (*Waterfront Development Authority*)
- ◆ Economic Development

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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...

D. Report of the January 15, 2009, C/W Workshop – Continued

14. Continued...

A. Continued...

(2) Commissioner Robinson (*read by County Attorney Rogers*)

- ◆ Budget Reduction
- ◆ Solid Waste consolidation and integration
- ◆ Pensacola Beach issues (drainage and core development)
- ◆ Olive Road improvements (including Ferry Pass improvements to drainage)
- ◆ Rewrite of the Escambia County Land Development Code
- ◆ District 4 Code Enforcement

(3) Commissioner Robertson

- ◆ Cleanup/leveling of the old Saufley Field Landfill (the Board was advised by County Administrator McLaughlin that a report will be provided in February concerning a tentative closure plan for the Landfill and estimated costs relating to the closure)

(4) Commissioner White

- ◆ Budget Reduction
- ◆ Economic Development
- ◆ Transportation
- ◆ Rewrite of the Escambia County Land Development Code
- ◆ Attitude of Code Enforcement staff towards citizens
- ◆ Dirt road paving

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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...

D. Report of the January 15, 2009, C/W Workshop – Continued

14. Continued...

A. Continued...

(5) Commissioner Young

- ◆ Escambia County Area Transit
- ◆ Wedgewood Community Center & Sports Complex
- ◆ Pinestead-Longleaf Corridor
- ◆ District 3 Code Enforcement
- ◆ Specific District 3 drainage issues

B. Board Direction – None.

15. Topics for School Board/County Meeting (January 27, 2009)

A. Discussion – The C/W reviewed the Agenda Items for the Joint Meeting of the Escambia County Board of County Commissioners and the Escambia County District School Board, to be held on January 27, 2009; and

B. Board Direction – None.

(Continued on Page 23)

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 January 15, 2009, C/W Workshop – Continued

16. Topics for Joint City-County Meeting – March 17, 2009

A. Discussion – The C/W discussed Topics for Joint City-County Meeting – March 17, 2009, and the C/W:

- (1) Was advised by County Administrator McLaughlin that Al Coby, City Manager, will be discussing with the Council whether or not a four-hour meeting will be possible, and, if not, he suggested to Mr. Colby that two, two-hour meetings be scheduled for the month of March;
- (2) Heard the request from Commissioner Robertson that the Board revert to the original topic of discussion, which is Economic Development, if it is not possible to cover all issues on the Agenda at the March 17, 2009, Joint Meeting; and
- (3) Was advised by County Attorney Rogers that Commissioner Robinson would like discussion concerning mutual aid fire services to be added to the Agenda; and

B. Board Direction – None.

(Continued on Page 24)

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 January 15, 2009, C/W Workshop – Continued

17. Visit of the King and Queen of Spain (King Juan Carlos I and Queen Sofia of Spain) to Pensacola on February 18, 2009

A. Discussion – The C/W discussed the visit of King Juan Carlos I and Queen Sofia of Spain to Pensacola on February 18, 2009, and the C/W:

(1) Was advised by County Administrator McLaughlin that the Board will be receiving an invitation to attend a luncheon with the King and Queen at the Naval Aviation Museum; furthermore, in order to ensure the County is presentable, staff will be working on Code Enforcement issues on the route that the King and Queen will be taking to the Museum; and

(2) Heard the request from Commissioner Valentino that staff address the issue of making "bubba boxes" more presentable; and

B. Board Direction – None.

(Continued on Page 25)

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 January 15, 2009, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA

- 1. FOR INFORMATION: Upon inquiry from Commissioner Young, the C/W was advised by David Wheeler, Deputy Bureau Chief, Public Works Bureau, that the Pensacola Fishing Bridge is scheduled for completion by January 2010.
- 2. FOR INFORMATION: Upon inquiry from County Administrator McLaughlin, the C/W was advised by Commissioner White that he wished to reconsider his vote concerning *(adopting an Ordinance providing authorization for pari-mutuel wagering facilities to conduct)* cardroom gaming and would agree to the scheduling of a Public Hearing to reconsider this matter.

AGENDA NUMBER – Continued

- 18. Adjourn

Chairman Young declared the C/W Meeting adjourned at 12:45 p.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. Rezoning Case Z-2008-19

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White absent, taking the following action concerning Rezoning Case Z-2008-19:

1811

- A. Adopting the Rezoning Hearing Examiner's (RHE) recommendation and approving C-1; and
- B. Authorizing the Chairman to sign the Order of the Escambia County Board of County Commissioners for the Rezoning Case that was reviewed, as follows:

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
RHE Recommendation:	Approval

Speaker(s) – None.

2. 5:45 p.m. Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White absent, adopting an Ordinance (*Number 2009-4*) to amend the Official Zoning Map to include Rezoning Case Z-2008-19.

1812

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. ACTION ITEMS

1. Hold Harmless Agreement for Signs Adjacent to Right-of-Way

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White absent, approving the "Hold Harmless Agreement for Signs Adjacent to Right-of-Way (*between Escambia County and Chandelle Subdivision Homeowners' Association, Inc.*)."

1812

III. CONSENT AGENDA

1. Scheduling of Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White absent, scheduling a Public Hearing for 5:45 p.m., Thursday, March 5, 2009, to review the Interlocal Agreement to provide for Navy participation in decisions regarding land development in Escambia County.

1812

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1. Copter Road and Weed Street

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried 4-0, with Commissioner White absent, dropping the recommendation concerning one-way traffic on Copter Road and Weed Street (*a recommendation was not provided*).

1813

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-18. Approval of Various Consent Agenda Items

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried 4-0, with Commissioner White absent, approving Consent Agenda Items 1 through 18, as follows, as amended to drop Item 18:

1814

1. Approving and authorizing a Purchase Order, in the amount of \$110,961.00, to Accela, Inc., for proprietary annual (*land records management*) software maintenance for the County (Funding: Fund 001, General Fund, Cost Center 140101, Information Systems – [*in the amount of*] \$55,480.50, and Fund 406, Building Inspections Fund, Cost Center 250101, Permitting – [*in the amount of*] \$55,480.50).
2. Taking the following action concerning the State of Florida Department of Transportation (FDOT) Grant Application for 2009 Section 5311 funding (Federal Transit Administration non-urbanized area funding), to be used by the Community Transportation Coordinator and Escambia County Area Transit in the non-urbanized areas of Escambia County, including operation of the fixed route to Century:
 - A. Ratifying the Chairman's signature on the Grant Application; and
 - B. Ratifying the Chairman's signature on the authorizing Resolution (*R2009-4*).

1814

1814

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

3. Authorizing the County Administrator to execute the following Change Order (Funding Source: 2008 Community Development Block Grant (CDBG), ADA Improvements to County Facilities, Cost Center 220563, Account 56301 –*[in the amount of]* \$40,000.00; Fund 352, Local Option Sales Tax III, Natural Resources/Community Redevelopment Program Area, Cost Center 220102 – *[in the amount of]* \$308,000.00):

1814

Bureau: Neighborhoods and Community Services
Division: Neighborhood Redevelopment
Type: Restoration and Construction
Amount: \$348,000.00
Vendor: Greenhut Construction Company, Inc.
Project Name: Restoration of the Old County Courthouse
Contract: PD 06-07.045
Purchase Order Number: 280478
Changer Order Number: 7
Original Award Amount: \$ 59,577.00
Cumulative Amount of Change Orders through Number 7: \$1,394,677.60
New Contract Total: \$1,454,254.60

4. Taking the following action concerning disposition of surplus equipment and donation of a 1986 GMC CB 8900 fire truck (Property Number 32615) to Beulah Volunteer Fire Department of Boaz, Alabama:

1814

- A. Approving a *Request for Disposition of Property* for the fire truck, which is obsolete and serves no useful function to the County, to be appropriately disposed of through donation to Beulah Volunteer Fire Department of Boaz, Alabama;
- B. Adopting the Resolution (*R2009-12*) authorizing conveyance of the fire truck (Serial Number 1GDJK34J1GJ514474) to Beulah Volunteer Fire Department of Boaz, Alabama, in compliance with Section 274.06, Florida Statutes; and
- C. Authorizing the Chairman to sign required documents related to the donation.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

5. Taking the following action concerning Pine Forest Road Widening (Nine Mile Road to County Road 297A) (Funding: Fund 175, Transportation Trust Fund, Account 210304/56301, no Project Number – *[in the amount of]* \$45,669; Fund 352, Local Option Sales Tax III, Account 210107/56301, Project Number 09EN0185 – *[in the amount of]* \$13,508):

1814

A. Approving the Selection/Negotiation Committee Ranking, as follows:

- (1) HDR Engineering, Inc.
- (2) Fabre Engineering, Inc.
- (3) Hatch Mott MacDonald of Florida

B. Awarding a Task Order, PD 07-08.083, Professional Services for Pine Forest Road Widening (Nine Mile Road to CR 297A), per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to HDR Engineering, Inc., for \$59,177.

6. Adopting the Resolution (R2009-13) approving Supplemental Budget Amendment Number 94, General Fund (001), in the amount of (\$2,188,974), to recognize a reduction in revenue and adjust the revenue estimates for ad-valorem taxes and the Sheriff's MSTU (Municipal Services Taxing Unit) accordingly, as well as appropriate the new allocation of \$20,000 for the Healthy Start Program for Fiscal Year 2008-2009.

1814

7. Adopting the Resolution (R2009-14) approving Supplemental Budget Amendment Number 96, General Fund (001), in the amount of \$5,400, to recognize a reimbursement from the City of Pensacola for municipal runoff election expenses and to appropriate these funds for Poll Worker salaries.

1814

8. Approving Budget Amendment Request Number 97, Other Grants and Projects Fund (110), in the amount of \$14,961, to reallocate Poll Worker Grant funds from operating accounts to personnel accounts.

1814

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

9. Adopting the Resolution (*R2009-15*) approving Supplemental Budget Amendment Number 98, Other Grants and Projects Fund (110), in the amount of \$18,132, to recognize proceeds from the State of Florida, Division of Emergency Management, Grant Agreement Contract Number 07HM-5@-01-27-01-021, and to appropriate these funds for installing protective shutters on the McDavid Fire Station. 1814
10. Adopting the Resolution (*R2009-16*) approving Supplemental Budget Amendment Number 99, Other Grants and Projects Fund (110), in the amount of \$16,411, to recognize proceeds from the State of Florida, Division of Emergency Management, Grant Agreement Contract Number 07HM-5@-01-27-01-023, and to appropriate these funds for installing protective shutters on the Walnut Hill Fire Station. 1814
11. Adopting the Resolution (*R2009-17*) approving Supplemental Budget Amendment Number 100, General Fund (001) and Escambia County Restricted Fund (101), in the amount of \$77,431, to recognize animal license fees collected at the Animal Shelter and to appropriate these funds for shelter operating and capital needs. 1814
12. Adopting the Resolution (*R2009-18*) approving Supplemental Budget Amendment Number 101, Transportation Trust Fund (175) and General Fund (001), in the amount of \$46,981, to transfer funds from the General Fund to the Road Prison and to appropriate these funds into the correct Cost Centers, so that the Funding Source matches the work location for a Corrections Officer. 1814
13. Adopting the Resolution (*R2009-19*) approving Supplemental Budget Amendment Number 102, Transportation Trust Fund (175) and Capital Projects New Road Construction Fund (333), in the amount of \$0, to move the estimated revenue for the 9th Cent Gas Tax from Fund 333 to Fund 175, and to appropriate these personnel funds into the correct Cost Centers. 1814

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

14. Taking the following action concerning the Airway Drive Sidewalk Project from SR 10 (Nine Mile Road) to Johnson Avenue, Escambia County, PD 08-09.009 (Funding: Fund 110, Other Grants and Projects, Cost Center 210511, Account Code 56301, *[in the amount of]* \$60,388.00; Fund 352, Local Option Sales Tax III, Account Code 56301, Project #09EN0033 *[in the amount of]* \$107,408.04):

1814

A. Approving the Selection/Negotiation Committee Ranking for the Airway Drive Sidewalk Project from State Road 10 (Nine Mile Road) to Johnson Avenue, Escambia County, PD 08-09.009, as follows:

- (1) Rebol-Battle & Associates
- (2) Jehle-Halstead, Inc.
- (3) Thompson Engineering, Inc.

B. Awarding a Task Order for Design Services for the Airway Drive Sidewalk Project from SR 10 (Nine Mile Road) to Johnson Avenue, Escambia County, PD 08-09.009, to Rebol-Battle & Associates, in the amount of \$167,796.04.

15. Approving, in accordance with the Escambia County Code of Ordinances, Chapter 46, Section 46-106, Multi-year lease and lease purchase agreements, and Chapter 46, Section 46-44, Applications; exemptions, to piggyback off the State of Florida Department of Children and Families Contract #NSC00003199, to Ricoh Americas Corporation, for two 48-month Leases for a Ricoh copier, Model Aficia MP 25550SP, as outlined in Ricoh Quote #213510, for Escambia County Road Prison, in the amount of \$281.07 per month, and for a Ricoh Aficio MP 2550SP, as outlined in Ricoh Quote #221935, for Escambia County Probation, in the amount of \$168.85 per month; leases are contingent on approval by the County Attorney's Office (Fund 175 [Transportation Trust Fund], Road Prison Care and Custody, Cost Center 290202, Object Code 54401; Fund 114, Community Correction Misdemeanor Probation, Cost Center 290301, Object Code 54401).

1814

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

16. Taking the following action concerning a Contract award for Traffic Signal Design Olive Road (SR290) and Cody Lane (Funding: Cost Center 210107, Object Code 56301, Project Number 08EN0524):

1814

A. Approving the Selection/Negotiation Committee Ranking, as follows:

- (1) American Consulting Engineers of Florida, LLC
- (2) Hatch Mott MacDonald of Florida
- (3) Volkert & Associates, Inc.

B. Awarding a Task Order, PD 07-08.118, Traffic Signal Design Olive Road (SR 290) and Cody Lane, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to American Consulting Engineers of Florida, LLC, based on a lump sum of \$44,958.37 and allowances of \$15,750.00, for a total of \$60,708.37.

17. Taking the following action concerning Professional Auditing Services (Funding: Fund 401, Solid Waste):

1814

A. Approving the Assignment of Agreement authorizing the Contract PD 05-06.061, Professional Auditing Services, awarded originally to FelsingRankin, LLC, to be assigned to Carr, Riggs & Ingram, LLC, effective January 1, 2009, in accordance with the terms and conditions of the Contract; and

B. Authorizing the Chairman to sign the *Assignment of Agreement between Escambia County, Florida and Felsing Rankin, LLC to Carr, Riggs & Ingram, LLC.*

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

18. Dropping the recommendation that the Board take the following action concerning Contract Amendment #2 to PD 06-07.045, Design-Build Services for Restoration to the Old County Courthouse with Greenhut Construction Company, Inc., and Quina Grundhoefer Architects (Funding Sources: Community Development Block Grant (CDBG) Housing and Urban Development (HUD) Entitlement Fund, Fund 129, 2005 CDBG, Cost Center 220422/56201 – [in the amount of] \$84,949.00; 2006 CDBG, Cost Center 221403/5620 – [in the amount of] \$125,000.00; CDBG HUD Entitlement Fund, Fund 129, 2007 CDBG, Cost Center 220555/56201 – [in the amount of] \$100,000.00; Old Courthouse Renovation, Fund 110, Other Grants & Projects, Cost Center 310103/56201 – [in the amount of] \$368,865.50; Local Option Sales Tax II, Fund 351, Cost Center 110224/56201 – [in the amount of] \$369,682.46):

1814

- A. Rescind the Board's action of May 1, 2008, to approve Amendment #2 to the Contract PD 06-07.045, Design-Build Services for Restoration to the Old County Courthouse with Greenhut Construction Company, Inc., and Quina Grundhoefer Architects P.A.; and
- B. Approve, retroactive to May 1, 2008, Amendment #2 to the Contract PD 06-07.045, Design-Build Services for Restoration to the Old County Courthouse with Greenhut Construction Company, Inc., and Quina Grundhoefer Architects P.A., as follows:

SECTION 3, CONTRACT AMOUNT, is amended to read as follows:

In consideration of the faithful performance by Design-Build Firm of the covenants in this Agreement to the full satisfaction and acceptance of County, County agrees to pay, or cause to be paid, to Design-Build Firm in accordance with the terms of this Agreement the following Guaranteed Maximum Price (GMP) amount for the Project (herein "Contract Amount"): ~~\$700,000.00~~ 1,120,431.00.

SECTION 4, DESIGN-BUILD FIRM FEES, is amended to read as follows:

For the performance of the design services set forth herein and for profit and overhead related to these services, a total fee of ~~\$59,577.00~~ 75,677.00 shall be paid to the Design-Build Firm.

(Continued on Page 35)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

18. Continued...

B. Continued...

SECTION 4, DESIGN-BUILD FIRM FEES, B, Construction Phase Fee is amended to read as follows:

1. The Design-Build Firm's compensation for services performed during the Construction Phase shall be a total fee of ~~\$To Be Negotiated~~ \$1,044,754.00
2. The Construction Phase Fee shall be paid in monthly payments of ~~\$To Be Negotiated~~ \$174,125.66 each and one final monthly payment of ~~\$To Be Negotiated~~ \$174,125.66 at the conclusion of the Project.

SECTION 6 is amended to read as follows:

1. The Work shall be substantially completed within ~~To Be Negotiated~~ One Hundred Eighty (180) calendar days from the Commencement Date. The Work shall be fully completed and deemed ready by the County for final completion within ~~To Be Negotiated~~ Thirty (30) calendar days from the Substantial Completion Date. The Contract Time shall be the time period from the Commencement Date to the date of final completion totaling ~~To Be Negotiated~~ Two Hundred Ten (210) calendar days.
2. Should Design-Build Firm fail to substantially complete the Work within the time period noted above, County shall be entitled to assess, as liquidated damages, but not as a penalty, ~~\$To Be Negotiated~~ \$500.00 for each calendar day thereafter until Substantial Completion is achieved.

(Continued on Page 36)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

18 Continued...

B. Continued...

SECTION 7 is amended to read as follows:

The following documents are expressly agreed to be incorporated by reference and made a part of this Agreement.

- Exhibit A: General Terms and Conditions
- Exhibit B: Form of Performance and Payment Bonds
- Exhibit C: Insurance Requirements
- Exhibit D: Form of Release and Affidavit
- Exhibit E: ~~Form of Application for Payment~~ Owner's Certificate Of Partial Payment
- Exhibit F: Form of Change Order
- Exhibit G: Owner Direct Purchases (if applicable)
- Exhibit H: Contract Definitions
- Exhibit I: Design Criteria Package
- Exhibit J: Schedule of Project Fees
- Exhibit K: Approved Schematic Designs/Development Documents
- Exhibit L: Approved GMP Construction Drawings and Specifications
- Exhibit M: Pre-Construction Fee proposal
- Exhibit N: Design-Build Firm Project Personnel Roster
- Exhibit O: Project Schedule
- Exhibit P: GMP Amount Detail
- Exhibit Q: Information Package

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1-2. Approval of Action Items

Motion made by Commissioner Valentino, second by Commissioner Robinson, and carried 4-0, with Commissioner White absent, approving Action Items 1 and 2, as follows, as amended to drop Item 1:

1. Dropping the recommendation that the Board take the following action concerning a request by George Touart for reimbursement of attorneys fees and costs to defend complaints brought against him in the Florida Commission on Ethics: 1814
 - A. Find that the defense of complaints filed by Preston Solomon and Michael Coonan with the State of Florida Commission on Ethics, by (*against*) former County Administrator George Touart, does not meet either statutory or common law criteria for reimbursement of legal fees and costs by Mr. Touart; and
 - B. Deny reimbursement of Mr. Touart's attorneys fees and costs paid to the law firm of Emmanuel, Sheppard & Condon, in the sum of \$3,629.60.

2. Taking the following action concerning Escambia County v. McCall & Associates, Inc., Case No.: 2008 CA 000007: 1815
 - A. Scheduling a private meeting with the Board's attorneys to discuss pending litigation, in accordance with Section 286.011 (8), Florida Statutes, for February 19, 2009, at 3:30 p.m.; and
 - B. Approving the Public Notice printed below to be published in the Pensacola News Journal on Sunday, February 8, 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 Escambia County v. McCall & Associates, Inc., in accordance with Section 286.011 (8), Florida Statutes. Such attorney-client session will be held at 3:30 p.m., C.S.T. on Thursday, February 19, 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 Charles V. Peppler, Deputy County Attorney, Alison Rogers, County Attorney and a certified court reporter will attend the attorney-client session.

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

II. FOR INFORMATION

1. Sherri Myers v. Robert McLaughlin

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White absent, accepting, for filing with the Board's Minutes, the information concerning Sherri Myers v. Robert McLaughlin, Case No.: 2008 CA 003467, wherein the Court granted the County's Motion to Dismiss with Prejudice.

1815

ITEMS ADDED TO THE AGENDA – COMMISSIONER GENE M. VALENTINO

1. FDOT Stormwater Retention Parcel

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White absent, taking the following action concerning the County's acceptance of the Florida Department of Transportation (FDOT) stormwater retention parcel on Talladega Trail:

1815

- A. Accepting the transfer of real property from FDOT as shown on the right-of-way map recorded in Map Book 2 at Page 30 of the public records of Escambia County, Florida;
- B. Adopting the Resolution (*R2009-20*) authorizing the acceptance of the transfer of the real property from FDOT as shown on the right-of-way map recorded in Map Book 2 at Page 30 of the public records of Escambia County, Florida;
- C. Authorizing the payment of incidental expenses associated with the recording of the Resolution; and
- D. Authorizing the Chairman to sign all documents necessary to complete this transaction.

2. Appointee to the Fire Services Citizens Advisory Committee

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried 4-0, with Commissioner White absent, appointing Vytautas "Vete" S. Senkus to the Fire Services Citizens Advisory Committee, replacing Robert S. Duerstock, who resigned, to serve a term effective December 1, 2008, and to run concurrent with Commissioner Valentino's term of office, or at his discretion.

1817

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ITEMS ADDED TO THE AGENDA – COMMISSIONER VALENTINO – Continued

3. Appointee to the West-End Advisory Committee

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White absent, appointing Mark H. Robertson to the West-End Advisory Committee, replacing Bobby McCarley, who resigned, effective February 5, 2009, to run concurrent with Commissioner Valentino's term of office, or at his discretion.

1818

ITEMS ADDED TO THE AGENDA – COMMISSIONER WILSON B. ROBERTSON

1. Purchase of Property on Marcus Pointe Boulevard

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White absent, taking the following action concerning the purchase of a portion of property (435.60 square feet or approximately 0.01 acre), owned by Patrick H. Paulsen, located at Marcus Pointe Boulevard and "W" Street (Funding Source: Fund 351, LOST II, Account 210105/56301/56101, Project 07EN0383):

1818

- A. Authorizing staff to acquire this 435.60 square-foot parcel for the negotiated price of \$3,000;
- B. Authorizing the payment of documentary stamps because the property is being purchased for governmental use, to improve the roads and drainage systems in the Marcus Pointe Boulevard and "W" Street intersection area, which will result in a safer, properly functioning intersection; and
- C. Authorizing staff to prepare, and the Chairman to accept, the warranty deed and any other documents to complete this acquisition, as of the day of delivery of the warranty deed and documents to the Chairman, and authorizing the Chairman to acknowledge the Board's acceptance at that time.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ITEMS ADDED TO THE AGENDA – COMMISSIONER ROBERTSON – Continued

2. Purchase of Property on Kingsfield Road

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried 4-0, with Commissioner White absent, taking the following action concerning the purchase of a portion of property (7,205.04 square feet or approximately 0.16 acre), owned by James L. and Jody L. Nielson, located on Kingsfield Road and County Road 97 (Funding Source: Fund 351, LOST II, Account 210105/56301/56101, Project 05EN1515):

1819

- A. Authorizing staff to acquire this 7,205.04 square-foot parcel for the negotiated price of \$7,205.04;
- B. Authorizing the payment of documentary stamps because the property is being purchased for governmental use to improve the roads and drainage systems in the Kingsfield Road and County Road 97 intersection area, which will result in a safer, properly functioning intersection; and
- C. Authorizing staff to prepare, and the Chairman to accept, the warranty deed and any other documents to complete this acquisition, as of the day of delivery of the warranty deed and documents to the Chairman, and authorizing the Chairman to acknowledge the Board's acceptance at that time.

ITEMS ADDED TO THE AGENDA – COMMISSIONER GROVER C. ROBINSON, IV

1. Red Snapper Regulation Changes

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried 4-0, with Commissioner White absent, approving to endorse the position of the Marine Advisory Council regarding the red snapper regulations to include the following changes:

1819

- A. Length of the red snapper fishing season: April 15 – October 31;
- B. Red snapper bag limit: four fish per person and 16-inch minimum length;

(Continued on Page 41)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ITEMS ADDED TO THE AGENDA – COMMISSIONER ROBINSON – Continued

1. Continued...
 - C. Considering a red snapper stamp to obtain accurate data of red snapper fisherman;
 - D. Red snapper stamp proceeds to fund habitat and research at 70% / 30%; and
 - E. Establishing a State study to follow-up and get more accurate data on red snapper population.

ITEMS ADDED TO THE AGENDA – COMMISSIONER MARIE K. YOUNG

1. County Wellness Program

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried 4-0, with Commissioner White absent, taking the following action concerning the County's Wellness Programs (Funding Source: Cost Center 140614):

1827

- A. Approving a Contract with Blue Cross Blue Shield of Florida, Inc. (BCBS), (P.D. 01-02.18), which will initiate the County receiving \$250,000 to promote wellness programs throughout the County, in exchange for a three-year commitment to continue the County's health insurance with BCBS; if the County decides to go out for bid within the three-year period, the reimbursement of the \$250,000 to BCBS will be built into the requirements of the bid package and paid by the new healthcare provider; and
- B. Authorizing the County Administrator to sign the Contract (*BlueCross BlueShield of Florida, Inc. Health Options Inc. Account & Retention Agreement*).

ANNOUNCEMENTS

1. FOR INFORMATION: The Board was advised by Commissioner Young that County employee Cynthia Kinney was involved in a serious traffic accident last week.
2. FOR INFORMATION: The Board was advised by Commissioner Valentino that he and Commissioner Robertson attended a public meeting concerning Post-Buckley's two proposed designs for the Southwest Escambia County Sports Complex on Bauer Road, and that he favors concept number one.

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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 6:29 p.m.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

ATTEST:

Ernie Lee Magaha
Clerk of the Circuit Court & Comptroller

By: _____
 Marie Young, Chairman

Deputy Clerk

Approved: February 19, 2009