

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD MAY 7, 2009  
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(4:32 p.m. – 6:55 p.m.)

Present: Commissioner Marie K. Young, Chairman, District 3  
Commissioner Grover C. Robinson, IV, Vice Chairman, District 4  
Commissioner Wilson B. Robertson, District 1  
Commissioner Gene M. Valentino, District 2  
Commissioner Kevin W. White, District 5  
Mr. Robert R. "Bob" McLaughlin, County Administrator  
Mrs. Alison Rogers, County Attorney  
Mrs. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services  
Mrs. Doris Harris, Deputy Clerk to the Board  
Mrs. Judy H. Witterstaeter, Administrative Assistant, County Administrator's Office

PUBLIC FORUM WORK SESSION

Chairman Young called the Public Forum Work Session to order at 4:32 p.m.

1. FOR INFORMATION: The Board heard comments from Barbara Mayall concerning the "National Day of Prayer." 1632
2. FOR INFORMATION: The Board heard comments from Andrew Blewer concerning drainage at the Southwest Sports Complex and heard the request from Mr. Blewer for an apology from Commissioner Young and County Administrator McLaughlin for various reasons. 1635
3. FOR INFORMATION: The Board heard comments from L. Gary Sansing concerning various County/National issues. 1650

4:57 P.M. – PUBLIC FORUM ADJOURNED

5:32 P.M. – REGULAR BOARD MEETING CONVENED

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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.

2. Invocation

Commissioner Valentino advised that Reverend Mark Stark, Gateway Church of Christ, would deliver the Invocation.

3. Pledge of Allegiance to the Flag

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

4. Adoption of the Agenda

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting the agenda as prepared and duly amended *(to include Commissioner White's add-on item concerning an appointment to the Board of Adjustment; Commissioner Young's two add-on items, one concerning Edward Byrne Memorial JAG Local Solicitation and one concerning a Special Event Permit Application; and Addendum #1 to the County Attorney's Report [Items I-5 and I-6])*.

1735

5. Commissioners' Forum

A. District 2 – Commissioner Valentino thanked the citizens who participated in "EscaRosa Independence Week" by contributing housing for wounded veterans who served in Iraq and Afghanistan;

1736

B. District 1 – Commissioner Robertson:

(1) Echoed Commissioner Valentino's comments and honored those who served in Iraq and Afghanistan; and

(2) Thanked citizens in the community who recognized "National Day of Prayer" today;

(Continued on Page 3)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Continued...

- C. District 5 – Commissioner White gave "kudos" to Wesley "Wes" Moreno, Deputy Bureau Chief, Public Works Bureau, and the staff of the Roads and Bridges Division for a job well done regarding the Agreement with the Naval Air Station Pensacola to obtain milled asphalt material (*at Blue Angel Park*), and the pit on Mobile Highway, which both resulted in a savings to the County;
- D. District 4 – Commissioner Robinson recognized Polly Beard for a job well done during the "National Day of Prayer" services held at City Hall today; and
- E. District 3 – Commissioner Young:
  - (1) Reminded everyone to honor their Mothers on Mother's Day; and
  - (2) Advised that Governor Charlie Crist, on May 5, 2009, signed House Bill 1431, which created a 25-member Consolidation Study Commission to develop a consolidation plan or unification of services for the City of Pensacola, Town of Century, and Escambia County, and three Special Advisory Committees, which will provide advice and counsel to the Consolidation Study Commission; furthermore, in order to facilitate the appointment process, the County Administrator will be sending letters to all those eligible to make appointments to the Commission or serve on one of the Special Advisory Committees, requesting that they notify his Office of their appointees or representatives, and on Tuesday, May 26, 2009, at 5:30 p.m. the County Administrator will be coordinating an Organizational Meeting for the Special Advisory Committee(s), at the University of West Florida's auditorium; in addition, the County Administrator will coordinate an Organizational Meeting of the Consolidation Study Commission on Tuesday, June 2, 2009, at 5:30 p.m., at The Pensacola Civic Center.

REGULAR BCC AGENDA – Continued

6. Proclamations/Special Recognition

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning Proclamations/Special Recognition:

1745

A. Adopting the following eight Proclamations:

- (1) The Proclamation proclaiming May 2009 as “Drug Court Month” in Escambia County;
- (2) The Proclamation proclaiming May 2009 as “Celebrate Escambia Waterways Month” in Escambia County;
- (3) The Proclamation proclaiming May 2009 as “National Military Appreciation Month” in Escambia County;
- (4) The Proclamation proclaiming May 3-9, 2009, as “Arson Awareness Week” in Escambia County;
- (5) The Proclamation proclaiming May 4-8, 2009, as “Charter School Week” in Escambia County;
- (6) The Proclamation proclaiming May 14-17, 2009, as “EscaRosa Independence Weekend” in Escambia County;
- (7) The Proclamation proclaiming May 17-23, 2009, as “Emergency Medical Services Week” in Escambia County; and
- (8) The Proclamation proclaiming May 17-23, 2009, as “Public Works Week” in Escambia County; and

B. Recognizing and thanking Lamar Outdoor Advertising for their assistance and contribution of emergency messaging following the flooding rains April 1-3, 2009.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

7. Written Communication

A. Code Enforcement Lien – Jewel Judkins

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried 4-1, with Commissioner Robinson voting "no," approving to make the accommodations necessary, consistent with the Board's existing Policy, to allow Ms. Judkins to make monthly payments of \$40, plus a one-time \$25 fee to set up the payment plan, relative to the communication, dated March 6, 2009, from Jewel Judkins requesting that the Board consider accepting a payment of \$40 per month to satisfy a lien against property located at 1023 Sawyer Street.

1806

Speaker(s):

Jewel Judkins

B. Code Enforcement Lien(s) – 3800 Kelly Avenue

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried unanimously, approving to forgive the fines, continue the lien amounts, rescind the action of the foreclosure (*approved by the Board on January 8, 2009*) at this particular time, and stop the interest accruing on the 1995 lien, relative to an undated communication from Daniel W. Bailey requesting that the Board forgive liens against property located at 3800 Kelly Avenue.

1813

Speaker(s):

Daniel W. Bailey

REGULAR BCC AGENDA – Continued

8. Proof of Publication

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, 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:

1827

A. The following five Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on May 5, 2009, for consideration of Supplemental Budget Amendment Number 181, fund balance carryforwards for LOST II and LOST III;
- (2) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on April 24, 2009, for consideration of adopting an Ordinance creating an Economic Development Incentive Fund Program for qualifying businesses;
- (3) The 5:33 p.m. TEFRA Public Hearing, advertised in the Pensacola News Journal on April 22, 2009, for consideration of not-exceeding \$10,000,000 Escambia County, Florida, Environmental Improvement Revenue Bonds (International Paper Company Project) 2009 Series "B";
- (4) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on April 22, 2009, for consideration of adopting an Ordinance amending the Official Zoning Map; and
- (5) The 5:46 p.m. Public Hearing, advertised in the Pensacola News Journal on April 17, 2009, for consideration of the master development plan for Journey, a proposed PUD on West Avery Street; and

(Continued on Page 7)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule May 4, 2009 – May 8, 2009 – Legal No. 226604*, as published in the Pensacola News Journal on May 2, 2009, as follows:

May 4	1:30 p.m.	Public Safety Coordinating Council
May 4	5:30 p.m.	Marine Advisory Committee
May 5	9:00 a.m.	Audit Committee Meeting
May 5	3:00 p.m.	Workforce Escarosa Career Council Meeting
May 5	3:30 p.m.	Fire Chief Interview Team
May 5	5:30 p.m.	Southwest Sports Complex Public Meeting
May 6	11:00 a.m.	Workforce Escarosa Business Competitiveness Council
May 6	1:00 p.m.	Development Review Committee
May 6	2:30 p.m.	Workforce Escarosa Youth Development Council
May 6	5:00 p.m.	Santa Rosa Island Authority Private Attorney-Client Session
May 6	5:05 p.m.	Santa Rosa Island Authority Regular Meeting
May 6	6:30 p.m.	Fire Services Citizens Advisory Committee
May 7	8:00 a.m.	Incident Review Board
May 7	9:00 a.m.	Agenda Work Session
May 7	1:30 p.m.	Citizens Environmental Committee
May 7	4:30 p.m.	Board of County Commissioners Public Forum
May 7	5:30 p.m.	Board of County Commissioners Public Hearings & Reports
NEXT WEEK'S NOTE:		
May 11	8:30 a.m.	Planning Board
May 11	6:00 p.m.	Enterprise Zone Neighborhood Leaders

9. 5:31 p.m. Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, adopting the Resolution (R2009-96) approving Supplement Budget Amendment Number 181, Local Option Sales Tax (LOST) II Fund (351) and LOST III Fund (352), in the amount of \$39,173,866, to recognize fund balance carryforwards and to appropriate these funds for ongoing projects.

1827

Speaker(s):

Andrew Blewer

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

10. 5:32 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, taking the following action concerning adopting an Ordinance creating Chapter 78, Article IX, Sections 78-309 through 78-315 (*of the Escambia County Code of Ordinances*), establishing an Economic Development Incentive Fund Program for qualifying businesses:

1830

- A. Conducting the Public Hearing to consider adopting an Ordinance creating Chapter 78, Article IX, Sections 78-309 through 78-315 (*of the Escambia County Code of Ordinances*), establishing an Economic Development Incentive Fund Program for qualifying businesses; and
- B. Adopting, and authorizing the Chairman to sign, the Ordinance (*Number 2009-13*).

Speaker(s) – None.

11. 5:33 p.m. TEFRA Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, taking the following action regarding the proposed issuance of not-exceeding \$10,000,000 Escambia County, Florida, Environmental Improvement Revenue Bonds (International Paper Company Project) 2009 Series "B" (the "Bonds"):

1830

- A. Ratifying the scheduling (*of the 5:33 p.m. Tax Equity and Fiscal Responsibility Act [TEFRA] Public Hearing*) and advertising of the Notice of the Public Hearing;
- B. Conducting the Public Hearing; and
- C. Adopting, and authorizing the Chairman to execute, the Resolution (*R2009-97*) authorizing the issuance and sale of the Bonds upon the terms established therein.

Speaker(s):

John Livingston



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

1-8. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 8, as follows:

1833

1. Accepting, for filing with the Board's Minutes, the following five Reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:

1833

A. The following two Payroll Expenditures:

- (1) Pay Date April 17, 2009, in the amount of \$2,158,368.56; and
- (2) Pay Date May 1, 2009, in the amount of \$2,229,912.02; and

B. The following three Disbursement of Funds:

- (1) April 9, 2009, to April 15, 2009, in the amount of \$1,004,793.52;
- (2) April 16, 2009, to April 22, 2009, in the amount of \$3,613,722.58; and
- (3) April 23, 2009, to April 29, 2009, in the amount of \$2,404,661.16.

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

1833

A. Expenditure Budget Analysis (Budget to Actual) as of March 31, 2009;

B. Revenue Budget Analysis (Budget to Actual) as of March 31, 2009; 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

1-8. Approval of Various Consent Agenda Items – Continued

- 3. Approving to hire PFM Asset Management, LLC, to perform a one-time, 120-day review of Escambia County's Investment Portfolio, at a cost of \$18,000, to be paid from interest earnings, based on the following ten-step Treasury Management Program, as recommended by the County Investment Advisory Committee at its Quarterly Meeting held April 24, 2009:

1833

<u>Phases of Investment Program Development</u>		<u>Completion Timeframe</u>
Step 1	Preliminary Review	10-15 days
Step 2	Interview Officials and Key Staff	10-30 days
Step 3	Evaluate and Provide Recommendations Regarding the Current Investment Program	10-30 days
Step 4	Prepare the Cash Flow Analysis	30-60 days
Step 5	Review/Update Investment Policy	30-60 days
Step 6	Update Investment Strategies	30-60 days
Step 7	Verify Adherence to GASB 31 and 40	30-60 days
Step 8	Review/Update Performance Benchmarks	30-60 days
Step 9	Review/Update Internal Controls Manual	30-90 days
Step 10	Monitor Investments with Quarterly Performance Reports	90-120 days

- 4. Authorizing the Chairman to execute the *Agreement for Banking Services*, providing for a three-year contract with Bank of America to provide general banking services, beginning June 1, 2009, and ending May 31, 2012, with an optional renewal for an additional two-year period.
- 5. Approving 13 forms, *Request for Disposition of Property*, indicating equipment to be sold as surplus and/or appropriately disposed of; the Requests were prepared by various County Bureaus and state the reasons for disposition/reinstatement.
- 6. Adopting the Resolution (*R2009-98*) authorizing the write-off of \$21,001.51 in receivables that have been recorded in the Civic Center Fund of the County and have been determined to be uncollectible bad debts.

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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

1-8. Approval of Various Consent Agenda Items – Continued

7. Accepting, for filing with the Board's Minutes, the following documents provided to the Clerk to the Board's Office:

1833

- A. *Task Order - PD 02-03.79.8.6.ENG, Design Services for Fairgrounds Road, TO 07-08.095 (per the terms and conditions of PD 02-03.079), to Fabre Engineering & Surveying, as approved by the Board on November 6, 2008, and received in the Clerk to the Board's Office on April 9, 2009;*
- B. Closing documents relating to the sale of surplus property, located at West Intendencia Street, to David A. Bosso and Kathy Bosso, as approved by the Board on November 6, 2008, and received in the Clerk to the Board's Office on April 14, 2009;
- C. *The 2007-2010 State Homeland Security Grant Program Subrecipient Agreement for Expenditure of Local Government Unit Funding for Florida, as approved by the Board on November 20, 2008, and received in the Clerk to the Board's Office on April 20, 2009; and*
- D. Copies of the following two *Partial Release of Lien*, as approved by the Board on November 20, 2008:
  - (1) The *Partial Release of Lien* recorded in Official Records Book 6412, Page 365, on January 2, 2009, for property located at 2932 Mission Road, owned by EMCR, Inc.; and
  - (2) The *Partial Release of Lien* recorded in Official Records Book 6424, Page 1114, on February 11, 2009, for property located at 608 Benjulyn Road, owned by Rebecca Teachey.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-8. Approval of Various Consent Agenda Items – Continued

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

1833

- A. Approving the Minutes of the Attorney-Client Session held April 30, 2009;
- B. Approving the Minutes of the Special Board Meeting held April 30, 2009;
- C. Approving the Minutes of the Regular Board Meeting held April 16, 2009;
- D. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held April 16, 2009, as follows:

- 1. FOR INFORMATION: The agenda package for the 5:30 p.m., April 16, 2009, Regular Board Meeting was reviewed as follows:
  - A. County Administrator McLaughlin, Shirley L. Gafford, Program Coordinator, County Administrator's Office, County Attorney Rogers, Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, and Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, reviewed the agenda cover sheet, and Lisa N. Bernau, Chief Deputy Clerk, provided comments regarding Item 7B;
  - B. Cheryl A. Maher, Accounting Supervisor, Clerk & Comptroller's Office, reviewed the Clerk's Report;
  - C. T. Lloyd Kerr, Bureau Chief, Development Services Bureau, County Attorney Rogers, and Shirley L. Gafford, Program Coordinator, County Administrator's Office, reviewed the Growth Management Report, and Patricia Hightower, Chairman, District School Board, and J. Dan Gilmore provided comments regarding the 5:45 p.m. Public Hearing;

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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
- 1-8. Approval of Various Consent Agenda Items – Continued
8. Continued...
- D. Report of the April 16, 2009, Agenda Work Session – Continued
  1. Continued...
    - D. Shirley L. Gafford, Program Coordinator, County Administrator's Office, Wesley J. Moreno, Deputy Bureau Chief, Public Works Bureau, and Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, reviewed the County Administrator's Report; and
    - E. Shirley L. Gafford, Program Coordinator, County Administrator's Office, reviewed Commissioner Valentino's add-on item.
  - E. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held April 9, 2009, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Young called the Committee of the Whole (C/W) to order at 9:07 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 April 4 2009, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule April 6, 2009 – April 10, 2009, Legal No. 1394114.*

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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
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Naval Flight Academy

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *National Flight Academy*, presented by VADM Gerry Hoewing, who also provided a brochure and a DVD regarding *National Flight Academy*, and heard the request from VADM Hoewing that the Board pledge an additional \$1 million, payable at \$100,000 per year, for a ten-year period, with the pledge to begin after commencement of construction on the National Flight Academy, and the C/W:

- (1) Heard the request from Commissioner Valentino that the Board approve the request for an additional \$1 million for the Naval Flight Academy, with the funding to come from the County's \$11 million share of the funding for the Regional Training Facility (*on February 19, 2009, the Board approved terminating the February 21, 2008, Interlocal Agreement among Escambia County, the Sheriff's Office, the District Board of Trustees of Pensacola Junior College, and the Pensacola Junior College Foundation, Inc., for a Regional Public Safety Training Project to be funded from Local Option Sales Tax [LOST] proceeds*);
- (2) Was advised by County Administrator McLaughlin that the funding source for the original \$1 million pledge was Tourist Development Tax (TDT) proceeds;

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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
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

- (3) Was advised by Commissioner Robertson that he would support an additional \$1 million pledge from the 3rd Cent TDT; however, he did not believe this would be an eligible expenditure of LOST proceeds;
- (4) Heard the request from Commissioner Valentino that the Board direct staff to determine the legitimate source of funds for the additional \$1 million funding request; and
- (5) Was advised by County Attorney Rogers that Commissioner Robinson had submitted a position statement regarding this issue; and

B. Board Direction – None.

(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
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 4. Gulf Coast Citizen Diplomacy Council – International Visitor Leadership Program
  - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, presented by Jena Melancon, regarding the Gulf Coast Citizen Diplomacy Council – International Visitor Leadership Program, a public diplomacy program administered by the U. S Department of State, which has brought over 195,000 people to the U. S. since its inception in 1940; and
  - B. Board Direction – None.
- 5. Southern Professional Hockey League – Hockey in Pensacola / The Pensacola Civic Center
  - A. Discussion – The C/W discussed Southern Professional Hockey League – Hockey in Pensacola / The Pensacola Civic Center, and the C/W:
    - (1) Heard comments from Cyndee Pennington, SMG, regarding SMG's analysis, which was based on the letter (*dated February 26, 2009*) from Tim Kerr, Pensacola Ice Pilots, and the information submitted to County Administrator McLaughlin by the Southern Professional Hockey League; and
    - (2) Was advised by County Attorney Rogers that Commissioner Robinson submitted a position statement regarding this issue; 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
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

B. Board Direction – The C/W recommends the Board take the following action:

- (1) Approve directing staff to negotiate, by May 1, 2009, a lease that is acceptable to all parties and meets the "break even" cash flow requirements, absent the \$247,000 capitalization expense, and attendance levels; and
- (2) Authorize the County Administrator to schedule a Special Board Meeting, prior to May 1, 2009, for Board approval of the negotiated lease.

**Recommended 3-0, with Commissioner Robinson and Commissioner White absent**

Speaker(s):

Jim Combs	"New York Nick"
Alan Siskind	Paul Frederick
Keith Jeffries	Ray Palmer
Todd Gordon	Sam Kelley
Cindy Williamson	

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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
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 6. Proposed Changes as it Relates to the A/E Selection Process and the Workshop Recommendations for the Board of County Commissioners
  - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled *A/E Selection Process – April 2009*, presented by Claudia Simmons, Purchasing Manager, and the C/W:
    - (1) Upon inquiry from Commissioner Valentino regarding the use of DOT (*Department of Transportation*) standards for issues on the relative importance of whether or not a bidder is local, was advised by Ms. Simmons that staff uses a mathematical technique to ensure that one particular score does not have more weight in the selection process;
    - (2) Heard comments from Mike Dooley, Chair, Northwest Florida Chapter of the Florida Engineering Society (NWFES), regarding the NWFES preliminary *Review of Escambia County's Engineer Selection Process – March 2009*;
    - (3) Upon inquiry from Commissioner Robertson, was advised by Joy D. Blackmon, Bureau Chief, Public Works Bureau, that the requirements are the same regardless of the size of the project; however, staff is seeking to abbreviate or expedite the process; 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
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 6. Continued...
  - A. Continued...
    - (4) Heard the suggestion from Commissioner Young that this issue be discussed when all five Commissioners are present; and
  - B. Board Direction – None.
- 7. Emergency Communications Update
  - A. Discussion – None; and
  - B. Board Direction – None.

**(This issue will be added to the agenda for the May 14, 2009, C/W Workshop)**

- 8. Taxicab Ordinance
  - A. Discussion – None; and
  - B. Board Direction – None.

**(This issue will be added to the agenda for the May 14, 2009, C/W Workshop)**

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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
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 9. Downtown Technology Park Interlocal Agreement
  - A. Discussion – None; and
  - B. Board Direction – None.

**(This issue will be added to the agenda for the May 14, 2009, C/W Workshop)**

- 10. Economic Development Incentive Amended Ordinance
  - A. Discussion – The C/W discussed the Economic Development Incentive Amended Ordinance, and was advised by County Attorney Rogers that, unlike the County's existing Ordinances that provide for Economic Development Ad Valorem Tax Exemptions and rebates or reimbursement of fees, taxes, or other monies collected by the government, this Ordinance will allow for incentive grant money for qualifying new or expanding businesses, at the local level, and, further, that she can discuss the proposed Ordinance with interested parties, including representatives of the (*Pensacola Bay Area*) Chamber of Commerce and individual Commissioners; and
  - B. Board Direction – The C/W recommends the Board approve allowing the parties of interest to continue to proceed with the Commissioners and staff to develop a revision to the proposed Ordinance.

**Recommended 3-0, with Commissioner Robinson and Commissioner White absent**

(Continued on Page 21)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

11. Economic Development Blue Ribbon Group

- A. Discussion – The C/W discussed the Economic Development Blue Ribbon Group (*Economic Development "Innovation" Task Force*), and the C/W:

(1) Was advised by County Administrator McLaughlin that:

- (a) He would recommend that this matter be referred to the May 14, 2009, C/W Workshop, for discussion by all Commissioners, and that the Board provide direction as to how to frame the discussion for that Workshop;
- (b) Citizens and various groups, including Pensacola Young Professionals and the Pensacola Bay Area Chamber of Commerce Economic Development Review Committee, have provided input regarding economic development; and
- (c) The Pensacola City Council (PCC) will discuss this issue at a Committee Meeting on Monday, April 13, 2009, and he has advised the City Manager that he will be available to address the PCC at that Meeting;

(2) Was advised by County Attorney Rogers that Commissioner Robinson submitted a position statement regarding this issue; and

(Continued on Page 22)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

11. Continued...

A. Continued...

(3) Heard the request from Commissioner Valentino that, at the next C/W Workshop, the Board proceed with a Task Force, which will be subject to the Sunshine Law, to study economic development, embracing the "Mort O'Sullivan Proposal" that was presented at the Joint City-County Meeting (*held March 17, 2009*), and that the Board set a 90-day deadline, after the Task Force is established, for the Task Force to provide a resolution; and

B. Board Direction – The C/W recommends the Board approve proceeding with the Economic Development "Innovation" Task Force, with the cooperation of the City of Pensacola.

**Recommended 3-0, with Commissioner Robinson and Commissioner White absent**

(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
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 12. Forgiveness of Liens Related to Liens Created by the Order of the Environmental Enforcement Special Magistrate / Tax Deed Purchase Screening Process
  - A. Discussion – None; and
  - B. Board Direction – None.

**(This issue will be added to the agenda for the May 14, 2009, C/W Workshop)**

- 13. Property Acquisition
  - A. Discussion – The C/W discussed Property Acquisition; and
  - B. Board Direction – The C/W recommends the Board take the following action concerning property acquisition:
    - (1) Authorize staff to initiate the process, including obtaining Phase I Environmental Assessments, appraisals, and surveys, to purchase three parcels of property, located within "Area A" in the vicinity of the Naval Air Station (NAS) and Bill Dickson Park, utilizing Enterprise Florida Defense Infrastructure Grant proceeds;

(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

1-8. Approval of Various Consent Agenda Items – Continued

8. Continued...

E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

13. Continued...

B. Continued...

(2) Authorize staff to proceed with negotiations to purchase, at a price not to exceed the appraised values, the following properties for the purpose of enhancing current fire station abilities:

(a) Two parcels, totaling approximately 2.7 acres, located adjacent to the Beulah Volunteer Fire Department (*the appraised value on June 10, 2008, was \$105,000*); and

(b) One parcel, consisting of approximately 0.47 acre, located adjacent to the Innerarity Point Volunteer Fire Department (*the appraised value on June 10, 2008, was \$62,000*); and

(3) Authorize staff provide a recommendation at the May 7, 2009, Regular Board Meeting, regarding the purchase of the Old Molino School Property from the Escambia County School Board, at the agreed-upon purchase price of \$400,000.

**Recommended 3-0, with Commissioner Robinson and Commissioner White absent**

(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
- 1-8. Approval of Various Consent Agenda Items – Continued
- 8. Continued...
- E. Report of the April 9, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 14. Draft Letter and Agreement Concerning Santa Rosa County Use of Escambia County Reef Sites
  - A. Discussion – None; and
  - B. Board Direction – None.

**(This issue will be added to the agenda for the May 14, 2009, C/W Workshop)**

- 15. Adjourn

Chairman Young declared the C/W Meeting adjourned at 11:28 a.m.

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

I. PUBLIC HEARINGS

1. Rezoning Case Z-2009-03

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, taking the following action concerning Rezoning Case Z-2009-03:

1833

- A. Adopting the Rezoning Hearing Examiner's (RHE) recommendation and approving C-2; 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-2009-03
Location:	2800 East Olive Road
Property Reference Number:	17-1S-30-2101-003-119
Property Size:	0.36 (+/-) acre
From:	C-1, Retail Commercial District (cumulative) (25 dwelling units per acre)
To:	C-2, General Commercial and Light Manufacturing District (cumulative) (25 dwelling units per acre)
FLU Category:	MU-1, Mixed Use 1
Commissioner District:	4
Requested by:	Wiley C. "Buddy" Page, Agent for Interstate Pawn, Inc., Owner
RHE Recommendation:	Approval

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

2. 5:45 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, adopting an Ordinance (*Number 2009-14*) to amend the Official Zoning Map to include Rezoning Case Z-2009-03.

1835

Speaker(s) – None.

3. 5:46 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, taking the following action, based upon the recommendation of the Planning Board, the testimony, evidence, and exhibits presented, concerning the development plan for Journey, a proposed Planned Unit Development (PUD) on West Avery Street, requested by iehle-halstead, inc., agent and engineer for Interfaith Housing Coalition of Northwest Florida, Inc., owner and developer:

1835

- A. Adopting, as findings of fact, the statements set forth in the PUD criteria worksheet as adopted by the Planning Board;
- B. Expressly finding that the project under review complies with each criteria set forth in Section 6.06.00(E)(2)(c) (1) through (5) of the Land Development Code (LDC);
- C. Expressly finding that the project under review complies with the concurrency requirements of the LDC;
- D. Approving the PUD development plan; and
- E. Authorizing the Chairman to endorse two copies of the approved PUD.

Speaker(s):

Donald P. Jehle

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

1-8. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 8, as follows, with the exception of Item 7, which was held for a separate vote:

1838

1. Authorizing the scheduling and advertising of a Public Hearing for May 21, 2009, at 5:31 p.m., concerning a Permit to Construct, Operate, Modify or Close a land clearing disposal management facility for Mobile Highway Land Clearing Debris Facility, owned by Escambia County. 1838
2. Approving the street name "Wiley Lane" for an unnamed, private road that runs west off of the 100 Block of Juniper Street and one-half mile north of Arthur Brown Road. 1838
3. Authorizing the scheduling (*and advertising*) of a Public Hearing for June 4, 2009, at 5:31 p.m., to consider the proposed vacation of a portion of Dunaway Lane (approximately 66 feet x 4,413 feet), as petitioned by Charles E. Bell. 1838
4. Taking the following action regarding granting Gulf Power Company an easement for electric service in order to supply electrical service to the Escambia County Central Office Complex: 1838
  - A. Approving, for Gulf Power Company, an *Easement for Electric Service*, which will lie 10 feet on each side of the centerline of the electrical facilities providing electrical service, to the new Escambia County Central Office Complex (*located at 3363 West Park Place*), per Exhibits "A" and "B"; and
  - B. Authorizing the Chairman or Vice Chairman to execute the *Easement for Electric Service* document.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-8. Approval of Various Consent Agenda Items – Continued

5. Taking the following action concerning an Agreement with the Naval Air Station Pensacola to obtain, at no cost to the County, milled sand asphalt material, in an amount estimated at 8,500 cubic yards, located at Blue Angel Park, for use by the Roads Division of the Escambia County Public Works Bureau:

1838

A. Approving the *Agreement between Escambia County Board of County Commissioners and Naval Air Station Pensacola*; and

B. Authorizing the Chairman to sign the Agreement.

6. Taking the following action concerning an Interlocal Agreement between Escambia County and the City of Pensacola relating to the transfer of oversight and responsibility of bus benches and bus shelters:

1838

A. Approving the *Interlocal Agreement between the Escambia County Board of County Commissioners and the City of Pensacola relating to the Transfer of the Oversight and Responsibility of Bus Benches and Bus Shelter Facilities Located in the City of Pensacola for Riders of the Escambia County Area Transit (ECAT) to Escambia County*; and

B. Authorizing the Chairman to sign the Interlocal Agreement.

7. See Page 30.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-8. Approval of Various Consent Agenda Items – Continued

8. Taking the following action concerning the 2009 NACo Annual Conference:

1838

- A. Authorizing out-of-County travel for any member of the Commission, County Administrator, and County Attorney wishing to participate in the 2009 NACo Annual Conference in Nashville, Tennessee, on July 24-28, 2009;
- B. Designating Commissioner Marie Young as Escambia County's delegate; and
- C. Authorizing the Chairman to sign the 2009 NACo {Voting} Credentials Identification Form.

7. LOST Advisory Committee

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried 4-1, with Commissioner Robinson voting "no," approving to not adopt (*the Resolution*), relative to the recommendation that the Board take the following action concerning the establishment of a Local Option Sales (LOST) Tax Advisory Committee:

1840

- A. Adopt the Resolution establishing the Local Option Sales Tax Advisory Committee and authorize the Commissioners and County Administrator to submit names and Resumes for their appointees; and
- B. Authorize the Chairman to sign the Resolution.

Speaker(s):

Andrew Blewer

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-24. Approval of Various Consent Agenda Items

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 24, as follows, as amended to drop Item 4, with the exception of Item 23, which was held for a separate (Item 25 was also held for a separate vote):

1847

1. Taking the following action concerning the Brickyard Road Dirt Road Paving and Drainage Improvements (Funding: Fund 352, Local Option Sales Tax III, Account 210107, Object Code 56301):

1847

A. Approving the following Selection/Negotiation Committee Ranking:

- (1) jehle-halstead, inc.
- (2) Hatch Mott MacDonald
- (3) Fabre Engineering & Surveying

B. Awarding a Task Order, PD 08-09.025, Brickyard Road Dirt Road Paving & Drainage Improvements, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to jehle-halstead, inc., for a lump sum amount of \$74,045, with allowances of \$65,505, for a total of \$139,550.

2. Amending the Board's action of October 2, 2008, concerning *Amendment #1 to the Agreement Between Escambia County and the Debris Removal Manager Providing for Debris Removal Management Services*, for 10 previously-awarded contractors (*Advance Construction Services, Inc.; AshBritt, Inc.; Bamaco, Inc.; Ceres Environmental Services, Inc.; Crowder-Gulf Joint Ventures, Inc.; D&J Enterprises, Inc.; DRC Emergency Services, LLC; Panhandle Grading & Paving, Inc.; Phillips & Jordan; and Roads Inc., of NWF*), for disaster debris collection and removal, to correct the PD Number from PD 06-07.097 to PD 05-06.097, due to a scrivener's error, and authorizing the County Administrator to execute the Amendment on behalf of the Board.

1847

3. Awarding an Indefinite Quantity, Indefinite Delivery, Unit Price Contract, PD 08-09.037, "Chemstrand & Ten Mile Intersection Improvement," to Roads, Inc., of NWF, for a total amount of \$818,432.75 (Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project Number 08EN0255).

1847

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-24. Approval of Various Consent Agenda Items – Continued

4. Dropping the recommendation that the Board take the following action concerning the State of Florida VISA Purchasing Card Services, Contract Number 973-120-97-1:

1847

A. Terminate the utilization of the State of Florida VISA Purchasing Card Services, Contract Number 973-120-97-1, with Bank of America; and

B. Authorize the County to piggyback off of the City of Port St. Lucie's Procurement Card Program Linking Authorization Contract # 20070062, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section 46-44, Applications; exemptions; and Section 46-64, Board Approval, and award a Contract to FIA Card Services, N.A., a Bank of America Company, for use of the Purchasing Card Program and rebate with Bank of America, at no cost to the County, PD 08-09.053, for a period of 36 months, contingent on approval by the County Attorney's office.

5. Authorizing the County to piggyback off of the Florida Sheriff's Association Contract #07-15-0827(RO), in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section 46-44, Applications; exemptions; and Section 46-64, Board Approval, and awarding a Purchase Order to Atlantic Truck Center for a truck tractor, with specified options, in the total amount of \$106,000, with funds available from Project # 08PS128, Account 56401, Cost Center 330435, for the Public Safety Division.

1847

6. Authorizing the County to piggyback off of the National Joint Powers Alliance (NJPA) Contract #IFB 100907, awarded to Caterpillar in October 2007, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section 46-44, Applications; exemptions; and Section 46-64, Board Approval, and awarding a Purchase Order to Thompson Tractor Company, Inc., for one Caterpillar Model 836 H landfill compactor, with specified options, in the total amount of \$972,661, with funds available from the Solid Waste Fund (401), Cost Center 220603, for Solid Waste Management.

1847

7. Adopting the Resolution (R2009-100) approving Supplemental Budget Amendment Number 199, Tourist Development Fund (108), in the amount of (\$833,983), to recognize a reduction in the fund balance calculation for Fiscal Year 2008-2009 and make the adjustment accordingly.

1847



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-24. Approval of Various Consent Agenda Items – Continued

8. Adopting the Resolution (*R2009-100*) approving Supplemental Budget Amendment Number 200, SHIP Fund (120), in the amount of \$2,015,000, to recognize funds from the Florida Housing Finance Corporation for the Impact Fee Proviso Grant and appropriate these funds for the State Housing Initiatives Partnership Affordable Housing Program (SHIP). 1847
9. Adopting the Resolution (*R2009-101*) approving Supplemental Budget Amendment Number 201, Community Redevelopment Fund (151), in the amount of \$2,206, to recognize funds from Lakewood Investment Partners, LLC, and appropriate these funds for the Barrancas Redevelopment Area for Fiscal Year 2008-2009. 1847
10. Adopting the Resolution (*R2009-102*) approving Supplemental Budget Amendment Number 203, E911 Operations Fund (145), in the amount of \$489,069, to recognize proceeds from an E911 State Grant Program, Project E911 Mapping Software, and to appropriate the funds for purchase of such software. 1847
11. Adopting the Resolution (*R2009-103*) approving Supplemental Budget Amendment Number 210, Local Option Sales Tax III Fund (352), in the amount of \$1,479,734, to recognize funds from the University of West Florida (UWF), and appropriate these funds for the UWF Campus Agreement Project. 1847
12. Adopting the Resolution (*R2009-104*) approving Supplemental Budget Amendment Number 213, Other Grants and Projects Fund (110), in the amount of \$47,000, to recognize proceeds from the Florida Department of Emergency Management (FEMA), Domestic Security Subgrant Agreement Number 09-DS-51-01-27-01-375, and to appropriate these funds for the activities related to planning, training, exercises, and associated costs identified in the Domestic Homeland Security-FEMA National Preparedness Directorate. 1847

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-24. Approval of Various Consent Agenda Items – Continued

13. Taking the following action concerning a Purchase Order for additional network storage capacity (Funding: Fund 001, General Fund, Cost Center 140101 – *[in the amount of]* \$55,048):

1847

A. Authorizing the County to piggyback off the Florida State Contract 250-000-09-01 and awarding a Purchase Order, in the amount of \$55,048, to e-Tech Services, Inc., for additional network storage capacity of the two County datacenters located in the Escambia County Governmental Complex and the Public Safety Building; and

B. Authorizing the County Administrator to execute the Purchase Order.

14. Taking the following action concerning a Task Order Award for PD 08-09.027, New Interchange in the Vicinity of I10/Beulah Road Study (Funding: Fund 352, Local Option Sales Tax III, Account 210107, Object Code 56301, Project No. 08EN002; Fund 110, *[Other]* Grants and Projects, Account 210505, Object Code 56301, *[in the amount of]* \$248,375.00):

1847

A. Approving the following Selection/Negotiation Committee Ranking:

- (1) Post, Buckley, Schuh & Jernigan, Inc. (PBS&J)
- (2) Hernandez & Swift

B. Awarding a Task Order for PD 08-09.027, New Interchange in the Vicinity of I10/Beulah Road Study, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055.00, to PBS&J, for a lump sum amount of \$499,037.84 for Phases I and II, and allowances of \$166,223.33, for a total of \$665,261.17.

15. Approving, and authorizing the Chairman to sign, the Interlocal Agreement for the resurfacing of certain County roadways by the Emerald Coast Utilities Authority (ECUA), in conjunction with the ECUA Main Street Wastewater Treatment Plant Replacement Project; funds will be supplied from the annual resurfacing budget to perform this scope of work; funds are available in Fund 352, Local Option Sales Tax III, Account 210107/56301, Project #08EN020.

1847

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-24. Approval of Various Consent Agenda Items – Continued

16. Approving issuance of Purchase Orders to D.K.E. Marine Services, Inc., on Contract PD 06-07.080, "Miscellaneous Bridge Contract," in an amount not to exceed \$250,000, for miscellaneous bridge repairs/renovations (Funding Source: Fund 352, Local Option Sales Tax III, Account 210107/56301, Project No. 09EN0235). 1847

17. Taking the following action concerning resurfacing open graded coal mix roads (Fund 352, Local Option Sales Tax III, Account 210107/56301; Project Number will be set up upon Board approval): 1847

A. Authorizing the County Engineer to use up to \$250,000 of the Resurfacing Budget to resurface Open Graded Cold Mix roads that are nearing failure; and

B. Authorizing the issuance of Purchase Orders on Contract PD 06-07.082, "Various Road Materials Pricing Agreement 2007," for a not-to-exceed amount of \$250,000.

18. Taking the following action concerning the surplus and sale of real property, Account Number 03-0504-000, located at Brewer Drive and Lepley Road: 1847

A. Declaring surplus the Board's real property, Account Number 03-0504-000, Reference Number 23-1S-30-1201-001-083, acquired by quitclaim deed;

B. Authorizing the sale of this property to the bidder with the highest offer received from sealed bids above the minimum bid of \$9,975 for the western parcel, and \$3,848 for the eastern parcel, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and

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

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-24. Approval of Various Consent Agenda Items – Continued

19. Taking the following action concerning the reduction of minimum bid required for the sale of real property located off Lepley Road and Interstate Circle: 1847

A. Authorizing the sale of the Board's surplus real property, Account Number 03-0465-000, Reference Number 23-1S-30-1201-001-040, to the bidder with the highest offer received from sealed bids above the minimum bid of \$7,410 for the western parcel, and \$4,988 for the eastern parcel, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and

B. Authorizing the Chairman to sign all documents related to the sale.

20. Approving the issuance of various Purchase Orders for installation of pavilions in County parks, for Fiscal Year 2008-2009, to REP Services, Inc., in an amount not to exceed \$125,000 (Funding Source: Fund 352, Local Option Sales Tax III, Account 210802/56301). 1847

21. Approving issuance of Purchase Orders to Landtec North America, Inc., for landfill gas piping material and miscellaneous supplies, from the Solid Waste Fund (401), Cost Center 220602, for the Neighborhoods and Community Services Bureau, Solid Waste Division, not to exceed \$100,000 in total. 1847

22. Approving a final payout to Escambia Gas Producers, Inc., in the amount of \$25,855.01, for predetermined services bringing Contract closure with Escambia County for landfill gas extraction; funding is available from the Solid Waste Fund (401), Cost Center 220602, for the Neighborhoods and Community Services Bureau, Solid Waste Division. 1847

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-24. Approval of Various Consent Agenda Items – Continued

23. See below.

24. Taking the following action concerning the sale of surplus timber from tree harvesting to meet the requirements of the Jones Swamp Land Management Plan:

1847

- A. Declaring certain trees on the property located at 1131 Patton Drive as surplus timber;
- B. Authorizing and approving the sale of the surplus timber to the highest bidder; and
- C. Authorizing the Chairman to execute any Agreements necessary related to the surplus and sale of the timber at 1131 Patton Drive.

23. HPRP Substantial Amendment

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson abstaining (*and filing Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), taking the following action concerning the Homelessness Prevention and Rapid Re-Housing Program (HPRP)/Substantial Amendment to the 2008 Escambia Consortium Annual Action Plan:

1848

- A. Approving and authorizing submission of a Substantial Amendment to the 2008 Escambia Consortium Annual Action Plan to incorporate \$855,417 in the Homelessness Prevention and Rapid Re-Housing Program; and
- B. Authorizing the County Administrator to execute the Substantial Amendment for HPRP funding and related HPRP forms, certifications, and any related documents, as may be required to submit the Amendment to the U. S. Department of Housing and Urban Development, and authorizing the County Administrator or Chairman, as appropriate, to execute all documents required to receive the HPRP funds and to implement the HPRP Program.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

25. Purchase of Old Molino Elementary School

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning the purchase of the Old Molino Elementary School property:

1849

- A. Authorizing the purchase of the Old Molino Elementary School located at 6450 Highway 95A, Molino, Florida 32577, from the School Board of Escambia County, in the amount of \$400,000, utilizing Local Option Sales Tax III Revenue, Fund 352, Project Number 08PF0045;
- B. Authorizing the payment of all incidental expenses associated with the purchase, which may include, but is not limited to, legal document preparation fees and recording of documents;
- C. Authorizing the Chairman to execute the Contract for Sale and Purchase; and
- D. Authorizing approval of the necessary Purchase Order to complete the transaction.

III. FOR DISCUSSION

1. Scheduling of a Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, denying the request to reschedule a Public Hearing for June 4, 2009, at 5:32 p.m., to consider the Petition to Vacate an unnamed right-of-way of varying width (approximately 10,750 square feet, or 0.25 acre), located in the Bowling Green Subdivision, as petitioned by 1211, LLC.

1850

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1-6. Approval of Various Action Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Action Items 1 through 6, as amended to drop Item 4:

1850

1. Approving settlement of the lawsuit Shelton Pinnacle v. Escambia County, Case No.: 2007 CA 001899, for the sum of \$22,500, payable to Shelton Pinnacle, in exchange for the execution of a general release of all claims.
2. Approving a Workers' Compensation settlement, in the amount of \$190,000, to former Detention Deputy Lisa Brooks; an excess insurance carrier shall reimburse the County for approximately \$138,000 of the settlement amount; in exchange for the settlement, Ms. Brooks shall execute a general release of liability and waiver of future employment with the County.
3. Adopting a Resolution (*R2009-105*) approving the request of the Emerald Coast Utilities Authority to exercise its power of eminent domain to acquire additional property on Esperanto Drive for construction of a larger ground storage tank necessary to maximize use of the existing Carriage Hills Well Site.
4. Dropping the recommendation that the Board adopt the Resolution amending Section 39 and creating Section 60 of Escambia County's Privacy and Security Policies.
5. Taking the following action concerning initiation of legal proceedings against Emerald Coast Utilities Authority (ECUA) for Injunctive or Declaratory Relief, or both, relating to the exercise of ECUA's right of first refusal pursuant to the Agreement between ECUA and Allied Waste Services of North America, LLC, dated November 6, 2008:
  - A. Authorizing the County Attorney's Office to initiate legal action against ECUA for Injunctive or Declaratory Relief, or both; and
  - B. Approving to find, should a court determine that Chapter 164, Florida Statutes, is applicable to the legal action to be brought by Escambia County, that the Board's significant legal rights will be compromised if this lawsuit does not take place before provisions of Chapter 164, Florida Statutes, are complied with, such that notice, public meeting, or other proceedings, as set forth in Chapter 164.1041, Florida Statutes, are not required.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

1-6. Approval of Various Action Items – Continued

6. Taking the following actions concerning the acquisition of the Transfer Station (*located at 2910 North Palafox Street, owned by Allied Waste Services of North America, LLC, and Browning-Ferris Industries of Florida, Inc.*):
- A. Adopting the Resolution (*R2009-107*) declaring a public necessity and setting forth a public purpose for appropriation of real property and improvements;
  - B. Authorizing the County Attorney's Office to initiate and undertake to acquire the property by eminent domain, pursuant to Chapter 127, Florida Statutes;
  - C. Authorizing the payment of documentary stamps because the real property and improvements are being acquired for public purpose and governmental use and the public will benefit thereby;
  - D. Authorizing the payment of incidental expenditures associated with the acquisition of this property;
  - E. Authorizing the Chairman or Vice Chairman to sign all documents required to implement these actions; and
  - F. Approving to find, should a court determine that Chapter 164, Florida Statutes, is applicable to this eminent domain proceeding, that the Board's significant legal rights will be compromised if this proceeding, which contemplates joinder of ECUA (*Emerald Coast Utilities Authority*) as a defendant, does not take place before provisions of Chapter 164, Florida Statutes, are complied with, such that notice, public meeting, or other proceedings, as set forth in Chapter 164.1041, Florida Statutes, are not required.

1850



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ITEMS ADDED TO THE AGENDA – COMMISSIONER GENE M. VALENTINO

1. Amendment to Sorrento Road Design Phase Agreement

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, taking the following action concerning reducing the funded portion of the Sorrento Road Design Phase Agreement:

1852

A. Approving the *Amendment to Transportation Regional Incentive Program Joint Participation Agreement*, submitted by the State of Florida Department of Transportation, which specifies the reduction of the project cost (referenced in Exhibit 3B, on Page 2, of the original Agreement), for the Design Phase of State Road 292, Sorrento Road and Bridge project, by \$898,064.12; and

B. Authorizing the Chairman to sign the Amendment.

ITEMS ADDED TO THE AGENDA – COMMISSIONER KEVIN W. WHITE

1. Board of Adjustment Appointment

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, appointing David W. Fitzpatrick, P.E., replacing Mick J. Breault, who resigned, as Commissioner Kevin W. White's appointee on the Board of Adjustment, with a term of office effective May 7, 2009, and running concurrent with Commissioner White's term of office (November 2012), or at his discretion.

1852

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

1. Roger Scott Tennis Center

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, taking the following action regarding the Interlocal Agreement between Escambia County and the City of Pensacola (*relating to the Fiscal Year 2008-2009 funding of renovations to the Roger Scott Tennis Center*):

1853

A. Approving the Interlocal Agreement relating to the Fiscal Year 2008-2009 funding of renovations to the Roger Scott Tennis Center, in the amount of \$1,000,000, payable from Local Option Sales Tax III funds, Cost Center 110267, Account 58101;

(Continued on Page 42)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ITEMS ADDED TO THE AGENDA – COMMISSIONER ROBINSON – Continued

1. Continued...
  - B. Authorizing the Chairman to execute the Interlocal Agreement; and
  - C. Authorizing approval of the necessary Purchase Order.

ITEMS ADDED TO THE AGENDA – COMMISSIONER MARIE K. YOUNG

1. Recovery Act: Edward Byrne Memorial JAG Local Solicitation

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, taking the following action concerning the recommendations from the Public Safety Coordinating Council, which met on May 4, 2009:

1854

- A. Rescinding Item "A" of the Board's action of April 16, 2009, approving the proposed allocations for the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Local Solicitation, in the amount of \$834,502; and
- B. Approving the reallocations as outlined below and detailed in the memorandum dated May 4, 2009, from Robin Wright, Court Administrator:
  - (1) Escambia County Sheriff's Office – \$606,710:
    - (a) Mental Health – \$187,169
    - (b) Mental Health – \$115,000
    - (c) Gang Intelligence/Patrol – \$110,000
    - (d) Narcotics Overtime – \$194,541
  - (2) Court Administration – Escambia County Drug Court – \$70,000; and
  - (3) State Attorney's Office – Gang Attorney – \$157,792.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ITEMS ADDED TO THE AGENDA – COMMISSIONER YOUNG – Continued

2. Special Event Permit Application

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving the *Special Event Permit Application* for a limited waiver of the noise restrictions imposed by the Escambia County Noise Abatement Ordinance, to extend time for the fireworks display being presented by Pensacola Pelicans Professional Baseball at Pelican Park at the University of West Florida, from 10:00 p.m. through 12:00 a.m. (directly after the game), Saturday, May 16, 2009.

1854

ANNOUNCEMENTS

1. FOR INFORMATION: The Board heard the request from Commissioner Valentino that discussion concerning the Board's authority regarding the behavior of speakers who approach the podium at BCC Meetings be added to the agenda for the May 14, 2009, Committee of the Whole Workshop.


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 6:55 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: May 21, 2009