

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD JULY 9, 2009  
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(4:35 p.m. – 7:28 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  
Ms. Lorraine Hudson, Accounting Supervisor, Clerk & Comptroller's Office  
Mrs. Shirley L. Gafford, Program Coordinator, County Administrator's Office  
Mrs. Doris Harris, Deputy Clerk to the Board

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 regarding an incident involving the Escambia County Area Transit management company, and heard the request from Commissioner Young that staff investigate this matter and provide a report to each Commissioner regarding the specifics of the complaint. 1635
2. FOR INFORMATION: The Board heard a presentation from Earle Rader and Kelly Harris regarding the deployment of an artificial reef in memory and honor of the late Bill Harris. 1644
3. FOR INFORMATION: The Board heard the request from Celestine Lewis that the Board waive the fees associated with the use of The Pensacola Civic Center for Ron Clark's appearance in Pensacola on August 13, 2009. 1656
4. FOR INFORMATION: The Board heard the request from Clois Crumbley for an extension of the time in which he must comply with the Order of the Environmental Code Enforcement Special Magistrate regarding property located at 1552 Dog Track Road, owned by Community Bible Baptist Church, and heard Commissioner Young's request that Sandra Slay, Office of Environmental Code Enforcement, assist Mr. Crumbley and, if necessary, bring this matter back to the Board. 1702

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

5. FOR INFORMATION: The Board heard comments from Sherri Myers regarding animal control issues, and her request that the Board address the tethering of animals. 1720
  
6. FOR INFORMATION: The Board heard comments from Andrew Blewer, who expressed his appreciation to Commissioner Robertson for his assistance in resolving "the illegal holding pond" and "the illegal landfill" problem at Midas and Muldoon Roads. 1724

5:27 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.

2. Invocation

Commissioner Robertson advised that Reverend George Clyde, Chaplain, Waterfront Rescue Mission, would deliver the Invocation.

3. Pledge of Allegiance to the Flag

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

4. Adoption of the Agenda

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting the agenda as prepared and duly amended (*to include Commissioner White's add-on item concerning Molino School property and Wedgewood School property*). 1735

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Commissioners' Forum

- A. District 2 – Commissioner Valentino advised that he will present a Proclamation, on the Board's behalf, to the Blue Angels tomorrow (*July 10, 2009*) at Pensacola Beach, and expressed his appreciation to Chief Jim Sanders, for a job well-done while serving as the County's Fire Chief on an interim basis; 1735
- B. District 1 – Commissioner Robertson expressed his appreciation to Joy D. Blackmon, Bureau Chief, and Wesley J. "Wes" Moreno, Deputy Bureau Chief, Public Works Bureau; 1736
- C. District 5 – Commissioner White expressed his appreciation to the Public Works Bureau; 1738
- D. District 4 – Commissioner Robinson extended "Happy Anniversary" wishes to his wife and expressed his condolences to the family of Rick Morrette, who passed away on July 6, 2009; and 1738
- E. District 3 – Commissioner Young expressed her appreciation to Joy D. Blackmon, Bureau Chief, and Wesley J. "Wes" Moreno, Deputy Bureau Chief, Public Works Bureau, and advised that the Perdido Landfill has won the 2009 Gold Excellence Award in Landfill Management, which will be presented to Sandra P. Jennings, Bureau Chief, Neighborhoods and Community Services Bureau, at the Convention of the Solid Waste Association of North America, in Long Beach, California, on September 24, 2009. 1737

For Information: The Board viewed a PowerPoint Presentation, presented by Sergeant Rick Vinson, Escambia County Sheriff's Office, regarding gang violence in Escambia County, and received photographs of various gang members. 1744

REGULAR BCC AGENDA – Continued

6. Proclamations/Special Recognition

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson temporarily out of Board Chambers, taking the following action concerning Proclamations/Special Recognition:

1811

A. Recognizing, with Certificates of Appreciation, the following students for their volunteerism for the past year, during Board of County Commissioners' Meetings, through the Chain Reaction Program:

(1) Board Room Pages:

- (a) Michael Jobling (Senior)
- (b) Allie Clever (Senior)
- (c) Chelsea Zachary

(2) Television/Production Room:

- (a) Adam Smith
- (b) Amy Meyers
- (c) Hakeem Ali (Senior)

B. Adopting the Proclamation commending and congratulating Paul Garrison, Jr., Building Codes Inspector, Development Services Bureau, on his retirement after 26 years of service.

Speaker(s):

Amy Meyers

REGULAR BCC AGENDA – Continued

7. Written Communication

A. Property Located at Choctaw Avenue

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried unanimously, approving to refer this issue to the County Administrator, County Attorney, and Clerk of the Circuit Court & Comptroller, to determine if the method by which a similar problem was resolved for a Mr. Carpenter can also be used to resolve this issue (*Mr. Toothman purchased the tax deed for the property in December 2006, at which time the Property Appraiser's assessed value was \$30,000 and the use code was vacant residential; however, the use code was subsequently changed to waste land and the assessed value was reduced to \$95, after Mr. Toothman paid \$20,200 for the property and paid the delinquent taxes*), relative to the April 6, 2009, communication from Eric Toothman requesting to be placed on the agenda to discuss issues regarding property located at Choctaw Avenue, Lot 4, Block 15.

1817

Speaker(s):

Eric Toothman

B. 5116 Plateau Road

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried 3-2, with Commissioner Robinson and Commissioner White voting "no," approving to collect the \$3,050 (*in hard costs*), plus the recording fees, and forgive the fines relative to the April 21, 2009, facsimile communication from Vincent and Karen Foster requesting that the Board forgive the daily fines against property located at 5116 Plateau Road.

1828

Speaker(s):

Vincent Foster  
Karen Foster

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

7. Continued...

C. 3500 West Cervantes Street

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving to forgive the entire Lien, based on a flaw in the notice, relative to an undated communication from John Sasser and Stephanie Sasser requesting that the Board forgive a Code Enforcement Lien against property located at 3500 West Cervantes Street.

1836

D. 305 Booth Avenue

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving to waive the daily fines and collect the \$1,100 in hard costs, relative to the June 10, 2009 Communication from Sue King, Sales and Marketing Manager, Rels Title, requesting that the Board reduce the (*Code Enforcement*) fines against property located at 305 Booth Avenue.

1836

Speaker(s):

Robin Spence

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:

1837

A. The following three Public Hearings on the agenda (*the 5:34 p.m. Public Hearing is to be rescheduled and was not advertised*):

- (1) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on June 27, 2009, for consideration of adopting an Ordinance amending the Purchasing Ordinance;

(Continued on Page 7)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

A. Continued...

- (2) The 5:33 p.m. Public Hearing, advertised in the Pensacola News Journal on June 27, 2009, for consideration of adopting an Ordinance establishing a Historical Preservation EDATE for property located at 202 West Gadsden Street; and
- (3) The 5:35 p.m. Public Hearing, advertised in the Pensacola News Journal on June 28, 2009, for consideration of adopting a Resolution to increase Fire MSBU commercial rate to a minimum equivalent to the residential rate; and

1837

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule July 6, 2009 – July 10, 2009 – Legal No. 1410811*, as published in the Pensacola News Journal on July 4, 2009, as follows:

July 6	2:00 p.m.	Benefits Committee
July 7	9:00 a.m.	Santa Rosa Island Authority Ad Hoc Committee
July 8	8:30 a.m.	Examination Committee for Competency Board
July 8	9:00 a.m.	Construction Industry Competency Board
July 8	1:00 p.m.	Board of Adjustment
July 8	1:00 p.m.	Development Review Committee
July 8	5:00 p.m.	Santa Rosa Island Authority Regular Meeting
July 8	6:00 p.m.	FL-AL TPO Project Priorities Workshop
July 9	9:00 a.m.	Agenda Work Session
July 9	1:30 p.m.	Citizens Environmental Committee
July 9	4:30 p.m.	Board of County Commissioners Public Forum
July 9	5:30 p.m.	Board of County Commissioners Public Hearings & Reports
July 9	5:30 p.m.	FL-AL TPO Project Priorities Workshop

NEXT WEEK'S NOTE:

July 13	8:30 a.m.	Planning Board
July 13	5:30 p.m.	FL-AL TPO Project Priorities Workshop
July 13	6:30 p.m.	Fire Services Citizens Advisory Committee

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. 5:32 p.m. Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried unanimously, adopting an Ordinance (*Number 2009-18*) amending Chapter 46, Article 2, Division 1, Section 46-45, and Division 3, Section 46-81, (*Section 46-86*), Section 46-98, and Section 46-102, of the Escambia County Code of Ordinances (Purchasing Ordinance).

1837

Speaker(s) – None.

10. 5:33 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning a Historical Preservation Economic Development Ad Valorem Tax Exemption (EDATE):

1838

- A. Adopting an Ordinance (*Number 2009-19*) establishing a Historical Preservation EDATE for 100% of the exemption amount, for up to ten years, for Robert Savage, for the property located at 202 West Gadsden Street, Pensacola, Florida; and
- B. Authorizing the Chairman to execute the *Historic Preservation Property Tax Exemption Covenant*.

Speaker(s) – None.

11. 5:34 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, approving to reschedule the 5:34 p.m. Public Hearing for August 6, 2009, at 5:32 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

Speaker(s) – None.



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

12. 5:35 p.m. Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, adopting the Resolution (*R2009-126*) to increase the Fire Municipal Services Benefit Unit (MSBU) commercial rate to a minimum equivalent to the residential rate.

1839

Speaker(s) – None.

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

I. CONSENT AGENDA

1-5. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1 through 5, as follows:

1840

1. Accepting, for filing with the Board's Minutes, the following four Reports prepared by the Clerk and Comptroller's Finance Department:
  - A. Payroll Expenditures as of Payday June 26, 2009, in the amount of \$2,177,619.05; and
  - B. The following three Disbursement of Funds:
    - (1) June 11, 2009, to June 17, 2009, in the amount of \$14,848,370.12;
    - (2) June 18, 2009, to June 24, 2009, in the amount of \$7,350,326.29; and
    - (3) June 25, 2009, to July 1, 2009, in the amount of \$26,119,410.48.
2. Approving, in accordance with State Retention Schedule GS1, *Records Disposition Document No. 417*, for disposition of Board of County Commissioners' records, Item 32a, Minutes: Official Meetings (Transcripts: Microfilmed on Rolls 450-451), for the period January 8, 2009, through March 19, 2009, since the permanent records have been scanned and/or microfilmed.

1840

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

3. Approving three (3) forms, *Requests 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. 1840
  
4. Accepting, for filing with the Board's Minutes, the following documents provided to the Clerk of the Circuit Court & Comptroller's Office: 1840
  - A. The original *State Financial Assistance Agreement, DEP Agreement No. LP6085, Escambia County, Amendment No. 4*, based on the Board's October 6, 2005, approval of *Agreement No. LP6085*, as executed by the Chairman on June 2, 2009, and received in the Clerk to the Board's Office on June 18, 2009; and
  - B. Closing documents relating to the sale of surplus property, located at 6100 Schaag Road, to Magdy E. Tawfik, as approved by the Board on February 19, 2009, executed by the Chairman on June 29, 2009, and received in the Clerk to the Board's Office on June 30, 2009.
  
5. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office: 1840
  - A. Approving the Minutes of the Public Forum Work Session and Regular Board Meeting held June 18, 2009;
  - B. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held June 18, 2009, as follows:
    1. FOR INFORMATION: The agenda package for the 5:30 p.m., June 18, 2009, Regular Board Meeting was reviewed as follows:
      - A. Shirley L. Gafford, Program Coordinator, County Administrator's Office, County Attorney Rogers, and Sandra Slay, Environmental Enforcement, reviewed the agenda cover sheet;

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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

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

5. Continued...

B. Report of the June 18, 2009, Agenda Work Session – Continued

1840

1. Continued...

B. Mrs. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, reviewed the Clerk’s Report;

C. County Administrator McLaughlin, County Attorney Rogers, and Shirley L. Gafford, Program Coordinator, County Administrator's Office, reviewed the County Administrator's Report; and

D. County Attorney Rogers reviewed the County Attorney’s Report.

C. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held June 11, 2009, as follows:

1840

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 June 6, 2009, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule June 8, 2009 – June 12, 2009, Legal No. 1406011.*

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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

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

3. Financial Overview

A. Discussion – The C/W heard a financial overview from Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, and was advised by Ms. Lovoy that the proposed Budget for Fiscal Year 2009-2010, which totals \$363 million, represents a \$17.1 million reduction from the General Fund, and because of the reduction, financial strategies for several large-scale projects will have to be addressed; and

B. Board Direction – None.

4. Outside Agencies

A. Discussion – The C/W discussed funding for Outside Agencies, and the C/W:

(1) Agreed to the following General Fund allocations for Fiscal Year 2009-2010:

- (a) Council on Aging – \$40,000
- (b) Escambia Community Clinics – \$215,940
- (c) Escambia County School Readiness Coalition – \$230,000
- (d) First Call for Help/United Way – \$35,000
- (e) Human Relations Commission – \$88,700
- (f) Lakeview Center – half of the amount requested (*the requested amount is \$31,038*)
- (g) NWFL Comprehensive Services for Children – \$70,000

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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

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

4. Continued...

A. Continued...

(1) Continued...

(h) Pensacola's Promise/Chain Reaction – \$20,000

(i) United Way – \$95,500

(j) Veteran's Services – \$15,000

(k) WFL Regional Planning Council – \$14,539

(2) Agreed to fund Clean & Green, in the amount of \$35,000, out of the Solid Waste Fund;

(3) Agreed to fund PEDC (*Pensacola-Escambia Promotion and Development Commission*), in the amount of \$150,000, and Foundations for the Future, in the amount of \$402,000, out of the \$3 million earmarked for early retirements;

(4) Regarding funding for Escambia Community Clinics:

(a) Heard the request from Commissioner White that the Board request \$215,940 from the Escambia County Health Facilities Authority to fund Escambia Community Clinics and half of the amount requested to fund the Lakeview Center (*the requested amount is \$31,038*);

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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

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

4. Continued...

A. Continued...

(4) Continued...

(b) Was advised by County Attorney Rogers that the Escambia County Health Facilities Authority has retained counsel in preparation for this issue and she has been asked to attend a meeting (*on June 12, 2009, at 11:15 a.m.*), to discuss this matter; and

(c) Heard the request from Commissioner Young that Commissioner White attend the meeting with the County Attorney;

(5) Agreed to fund the Wildlife Sanctuary, in the amount of \$32,580, from the Escambia County Tree Ordinance fees;

(6) Agreed to the following 4th Cent Tourist Development Tax allocations for Fiscal Year 2009-2010:

(a) African-American Heritage Society – \$25,000

(b) Arts Council – \$150,000

(c) Historic Preservation Board – \$70,000

(d) Naval Aviation Museum – \$200,000

(e) Pensacola Bay Area Chamber of Commerce/Visitors Information Center –\$600,000

(Continued on Page 15)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

4. Continued...

A. Continued...

(6) Continued...

(f) Pensacola Museum of Art – \$15,000

(g) Sertoma 4th of July – \$74,219

(h) St. Michael's Cemetery – \$25,000

(7) Heard the request from Commissioner Robinson for backup from the African-American Heritage Society concerning tourism generated through the organization; and

B. Board Direction – None.

For Information: Commissioner Robinson made disclosures concerning his involvement with Escambia Community Clinics and Lakeview Center.

Speaker(s):

Gwinn Corley

John Clark

Don Turner

Diane Hutcherson

Dr. Calvin Avant

Gary Bemby

Kristin Fairchild

Jean Norman

Dorothy Kaufman

Catherine Guin

Richard Brosnaham

Angela Baroco

George Touart

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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

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

5. Elected Officials

A. Discussion – The C/W discussed proposed Budgets for Fiscal Year 2009-2010 for Elected Officials, and the C/W:

(1) Was advised by Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, that the proposed Budget for the Escambia County Property Appraiser represents an 11% reduction from Fiscal Year 2008-2009;

(2) Was advised by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, that the proposed Budget for the Clerk of the Circuit Court & Comptroller, in the amount of \$2,275,331, represents a 2.23% decrease from Fiscal Year 2008-2009;

(3) Regarding funding for the Clerk of the Circuit Court's Century Office:

(a) Was advised by Cindy Rhodes, Administrator, Clerk of the Circuit Court & Comptroller, that the estimated cost to keep the Century Office open for one year is \$65,271;

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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

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

5. Continued...

A. Continued...

(3) Continued...

(b) Was advised by Lisa N. Bernau, Chief Deputy Clerk, Clerk of the Circuit Court & Comptroller, that based on the adoption the Resolution (*R2009-115, requesting that the Clerk and the Tax Collector retain an office at the Century Courthouse*), the Clerk has begun interviewing for two part-time positions and has kept the full-time employee in the Century Office; furthermore, funding for the months of June, July, August, and September will need to be addressed, in addition to funding for next Fiscal Year; and

(c) Heard the request from Commissioner White, with consensus, that Ms. Lovoy determine what funding source can be utilized to fund the Clerk's Century Office;

(4) Regarding the proposed Budget for the Escambia County Sheriff:

(a) Heard the suggestion from Commissioner White that the Sheriff's entire Budget be taken out of Ad Valorem and placed in the Sheriff's (*Law Enforcement*) MSTU (*Municipal Services Taxing Unit*), so that the public will know what they are paying for Law Enforcement when they look at their tax bills; and

(Continued on Page 18)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

5. Continued...

A. Continued...

(4) Continued...

(b) Was advised by Henrique Dias, on behalf of Escambia County Sheriff David Morgan, that the proposed Budget for Fiscal Year 2009-2010 represents a \$4 million reduction, which will not affect the level of service in Law Enforcement;

(5) Was advised by Ms. Lovoy that the Tax Collector's Budget is not due until August 1 and the figure provided in the *Department Budget Summary* is only an estimate;

(6) Was advised by Ms. Lovoy that the proposed Budget for the Supervisor of Elections represents a 19% reduction; and

(7) Heard the request from Commissioner White, with consensus, to refer to staff a request from William "Bill" Eddins, State Attorney, to fund Gulf Coast Kid's House, in the amount of \$14,000; and

(Continued on Page 19)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

5. Continued...

B. Board Direction – None.

Speaker(s):

Honorable Chris Jones  
Mayor Freddie McCall  
Honorable David Stafford

6. Board of County Commissioners

A. Discussion – The C/W discussed the proposed Budget for Fiscal Year 2009-2010 for the Board of County Commissioners, and the C/W:

(1) Heard an overview from Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, of the following proposed *Employee Benefit Reductions*:

- (a) Discontinue Longevity Pay as of September 30, 2009;
- (b) Decrease Holiday Overtime pay from 2.5 times the hourly rate to 2 times the hourly rate;
- (c) Decrease the accrual rate of Sick Leave for classified employees from 10 hours per month to eight hours per month;
- (d) Decrease MOB (*Management Option Benefit*) Leave from 80/60 to 60/40;

(Continued on Page 20)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

6. Continued...

A. Continued...

(1) Continued...

- (e) Charge \$5 per month more for basic dental coverage and \$10 per month more for expanded coverage;
  - (f) Eliminate County-funded \$5,000 Retirees Life Insurance;
  - (g) Immediately eliminate the lower-cost health care option for Medicare-eligible retirees, but offer access to Medicare supplement policy (currently BlueMed);
  - (h) Eliminate County-funded long-term disability coverage;
  - (i) Eliminate 24 hours per year ELB (*Extended Leave Benefit*) accrual for senior management;
  - (j) Only pay employees for their Leave accrual once; do not pay employees their leave accrual when they enter DROP (*Deferred Retirement Option Program*) then again when they leave employment;
  - (k) Eliminate the MSPB (*Merit System Protection Board*) and replace it with a grievance board staff from Human Resources;
  - (l) Reduce Workforce;
- (2) Heard the request from Commissioner Robertson to "yellow line" discontinuance of Longevity Pay;

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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

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

6. Continued...

A. Continued...

- (3) Was advised by County Administrator McLaughlin that, based on discussions with the Chairman of the MSPB, staff is drafting a document outlining changes and impacts to the MSPB if it were to be eliminated and replaced, and there will be a meeting to discuss those changes and impacts prior to the MSPB's next official meeting;
- (4) Was advised by Ms. Lovoy that a list of 75 proposed position eliminations has been provided for review and that, in the event of lay-offs, the Board will have to address a severance policy;
- (5) Heard an overview from Ms. Lovoy of the following *Board Program Reductions*, which would correspond with the potential lay-off of the 75 proposed position eliminations:
  - (a) Reduced Community Redevelopment Areas to 50% of the tax increment;
  - (b) Reduced Natural Resource Conservation to minimum staffing of one;
  - (c) Reduced funding to outside agencies by 50%;
  - (d) Eliminated MSPB; the grievance board will be continued using current staff;

(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

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

6. Continued...

A. Continued...

(5) Continued...

- (e) Eliminated Grants Coordination;
- (f) Reduced level of service for response to priority one calls for roads and drainage issues;
- (g) Reduced level of service in EMS (*Emergency Medical Services*); calls will be answered within 10 minutes, 80% of the time;
- (h) The preventative maintenance activities for County owned buildings are backlogged in an effort to fill current Work Orders;
- (i) Work Orders for Mosquito Control are backlogged;
- (k) 25% of the fire alarm testing and certifications for County buildings will be outsourced;
- (l) Parks & Recreation will be reduced by 66%; fees will be raised to support the remaining portions of the Program;
- (m) Reduce the number of District newsletters from two per year to zero; electronic/televised formats will be used to inform the public;
- (n) Code Enforcement complaints will be responded to in two days rather than one day; Code Enforcement sweeps will be reduced from weekly to bi-weekly;
- (o) Reduction in the cap for the number of rezoning, variance, and conditional use applications that can be processed each month;

(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

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

6. Continued...

A. Continued...

(5) Continued...

(p) The minimum cap for the issuance of Purchase Orders will be raised from \$2,500 to at least \$5,000; and

(q) Reduction in Correctional Officers will limit the number of additional inmates that can be housed at the Road Prison; this, in turn, will limit the number of inmate road crews available;

(6) Agreed to retain a staffing level of four in the Natural Resource Conservation Division and "yellow line" this item; and

(7) Agreed to eliminate the Commissioners' \$200 per month fixed travel expense and reduce the Board's out-of-County travel budget to \$11,500; and

B. Board Direction – None.

Speaker(s):

V. Keith Wells

(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

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

7. Gas Tax

A. Discussion – The C/W discussed Gas Tax, and the C/W:

- (1) Was advised by County Administrator McLaughlin that a Public Hearing has been advertised for Thursday (*June 18, 2009*), to consider approving a 3rd Cent Local Option Fuel Tax, and heard his request for Board direction concerning holding the Public Hearing; and
- (2) Heard comments from Commissioner Valentino, Commissioner Robinson, Commissioner Robertson, and Commissioner Young in support of holding the Public Hearing; and

B. Board Direction – None.

Speaker(s):

Reverend Bob Graves  
Barbara Mayall  
Richard Hahner  
Jean Norman  
Sherri Myers

(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

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

8. Fire Municipal Services Benefit Unit (MSBU)

A. Discussion – The C/W discussed Fire Municipal Services Benefit Unit (MSBU), and the C/W:

(1) Was advised by Chief James Sanders that staff recommends a \$5 per year increase to the Fire MSBU rate, beginning Fiscal Year 2010-2011, for five years, in order to secure SAFER (*Staffing for Adequate Fire and Emergency Response*) Grant funding and future growth; and

(2) Was advised by County Administrator McLaughlin that a recommendation to approve the increase will be on the agenda for the June 18, 2009, BCC Meeting; and

B. Board Direction – None.

(Continued on Page 26)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

9. Pensacola Junior College's Request for a \$150K Management Fee

- A. Discussion – The C/W heard the request from Dr. Edward Meadows that the Board reimburse Pensacola Junior College Foundation a 15% management/administrative fee, in the amount of \$150,963.03, and \$157,604.23 for actual expenses incurred for legal fees, surveys, engineering reports, etc., associated with the acquisition of property for the (proposed) Public Safety Complex (a/k/a "Joint Use Training Facility," "Escambia County Gun Firing Range and Public Safety and Fire Training Complex," "Regional Public Safety Training Facility," and "Public Safety Law Enforcement Regional Training Complex"), to be deducted from the \$1,006,420.28 in interest earned on the County's \$10.9 million in Local Option Sales Tax funds invested and managed by the Foundation, prior to the return of the County's funds; and
- B. Board Direction – The C/W recommends that the Board approve reimbursement of all costs, in the amount of \$157,604.23, plus a 15% management fee, in the amount of \$150,963.03.

**Recommended 5-0**

For Information: The Board heard a disclosure from Commissioner Robinson that he serves on the Board of the PJC Foundation; however, because of the volunteer nature of his position, he is not precluded from voting on this issue.

(Continued on Page 27)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

C. Report of the June 11, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

10. Miscellaneous Budget Issues

A. Discussion – The C/W was advised by County Administrator McLaughlin that there are no miscellaneous Budget issues to be discussed; and

B. Board Direction – None.

Speaker(s):

T. R. Eagan

11. Adjourn

Chairman Young declared the C/W Meeting adjourned at 1:18 p.m.

D. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held June 16, 2009, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Young called the Committee of the Whole (C/W) to order at 9:02 a.m.

(Continued on Page 28)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the June 16, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

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 June 13, 2009, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule June 15, 2009 – June 19, 2009, Legal No. 1407222*.

3. Economic Development

A. Discussion – The C/W discussed Economic Development, and the C/W:

- (1) Conducted a teleconference discussion, which was facilitated by Commissioner Valentino and the Honorable Stephen Nodine, County Commissioner, Mobile County, Alabama, with Jim Devine, President and CEO, Lee's Summit Economic Development Council, and Tom Jones, Co-Founder and Urban Policy Author, Smart City Consulting;
- (2) Upon inquiry from Commissioner Young regarding the structure for economic development in Mobile County, was advised by Commissioner Nodine that the Mobile County Board of Commissioners works with the Chamber of Commerce, which the County funds, in the amount of \$350,000 per year, for economic development;

(Continued on Page 29)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the June 16, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

(3) Was advised by Commissioner Robertson that, while he supports a hybrid that would combine the best of both proposed economic development plans, he believes that recruiting activities should be managed by an organization that operates outside the sunshine and the incentives should be managed by the Boards that are responsible for the funds; however, he does not support a plan that will result in additional taxes;

(4) Was advised by Commissioner Valentino that the reason he had proposed a Pensacola Economic Development Authority (PEDA), as opposed to the Pensacola-Escambia Promotion and Development Commission (PEDC), was because, according to opinions from both the County Attorney and the State Attorney General, the (*Economic Development*) entity must operate in the sunshine; however, the individual economic development "courtship" process can take place outside the sunshine to protect the anonymity and confidentiality of prospects;

(5) Was advised by Commissioner Young that the City of Pensacola and the County can get an economic development plan "mapped out";

(Continued on Page 30)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the June 16, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

- (6) Heard comments from Mort O'Sullivan, Chairman, Pensacola Bay Area Chamber of Commerce, who advised that the structure of the PEDDA would not allow conversation among its Board Members outside of a public meeting, which would critically impede economic development;
- (7) Heard the suggestion from Commissioner Robinson, in the form of a motion that was subsequently withdrawn, that the Board use \$3 million from last year's carry forward to fund economic development, with future funding to come from any growth in the franchise fees, using the Greater Pensacola Partnership as the model for the private-sector structure and the PEDC as the public sector entity;
- (8) Was advised by Commissioner Robinson that the economic development organization should be a private-sector foundation, separate from the Chamber of Commerce, and not a government-derived organization;

(Continued on Page 31)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the June 16, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

(9) Was advised by Commissioner Valentino that he had received a letter from the County Attorney, which states, in summary, "thus an economic development council or corporation created by the County and the City that serves in an advisory committee capacity to the Board of County Commissioners and City Council would be in the sunshine; whereas, its Executive Director and staff would not be, unless they were put in the position to be";

(10) Was advised by County Attorney Rogers that the Board should refrain from directing anything to the Greater Pensacola Partnership, since the more involved the Board is, the more likely it is that sunshine law issues will arise;

(11) Was advised by Commissioner Robertson that his concern is how to handle the public sector funding, how much funding will come from the private sector, and whether or not the Board has control of that funding;

(Continued on Page 32)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the June 16, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

(12) Heard the request from Commissioner Young that both plans be referred to staff to review and provide a plan that includes the ideas of the Board; and

(13) Heard the suggestion from Commissioner White that the two plans be referred to the PEDC; and

B. Board Direction – The C/W recommends that the Board approve referring the two Economic Development plans (*one authored by Commissioner Valentino and one authored by Mort O’Sullivan, Chairman, Pensacola Bay Area Chamber of Commerce*), to the next Meeting of the Pensacola-Escambia Promotion and Development Commission (PEDC), to "hammer out" a hybrid plan, with the County Administrator and the City Manager to attend the PEDC Meeting to represent Escambia County and the City of Pensacola.

**Recommended 5-0**

Speaker(s):

Calvin Avant	Tony R. McCray, Jr.
Ken Parsons	Vicki Campbell
Michael Carro	

(Continued on Page 33)



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the June 16, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

4. Gulf Coast Aerospace Defense (GCAD) (REFERRED FROM 05/14/09 COMMITTEE OF THE WHOLE)

A. Discussion – The C/W was advised by County Administrator McLaughlin that discussion concerning Gulf Coast Aerospace Defense (GCAD) was tabled; and

B. Board Direction – None.

5. Sale of Surplus County Property by Internet Auction

A. Discussion – The C/W discussed Sale of Surplus County Property by Internet Auction, and the C/W:

(1) Was advised by County Attorney Rogers that a Public Hearing was scheduled for Thursday, June 18, 2009, to consider adopting an Ordinance to allow for internet auctions, for both real property and other surplus items; however, the issue was placed on the C/W agenda for direction from the Board regarding specific parameters or guidelines, or to determine if the Board wishes to adopt the Ordinance on a trial basis;

(2) Heard the request from Commissioner White that the Ordinance be adopted for a trial period of six months, with a report from staff at the end of the trial period; and

(Continued on Page 34)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the June 16, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

5. Continued...

A. Continued...

(3) Upon inquiry from Commissioner Young, was advised by Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, that those who wish to bid online can call in for telephone assistance, can visit one of the kiosks located in the Governmental Complex or One Stop and use the public computers, or complete a bid form and request staff to enter the bid at the online auction site; and

B. Board Direction – None.

6. Pensacola Ice Hockey Lease Agreement

A. Discussion – The C/W discussed Pensacola Ice Hockey Lease Agreement and was advised by County Administrator McLaughlin that the Lease would be presented for Board approval at the June 18, 2009, Regular Board Meeting; and

B. Board Direction – None.

(Continued on Page 35)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the June 16, 2009, C/W Workshop – Continued

1840

AGENDA NUMBER – Continued

7. Animal Services Advisory Committee

- A. Discussion – The C/W discussed Animal Services Advisory Committee, and the C/W heard the suggestion from Commissioner Robinson that the Commissioners provide their Committee appointees for approval at the July 9, 2009, Regular Board Meeting; and
- B. Board Direction – None.

ITEMS ADDED TO THE AGENDA – COMMISSIONER MARIE K. YOUNG

1. Escambia County Study Commission

- A. Discussion – The C/W discussed the June 15, 2009, letter from Kenneth B. Bell, Clark, Partington, Hart, Larry, Bond & Stackhouse, Attorneys at Law, as Chairman of the Escambia County Study Commission, to Marie K. Young, Chair, Board of County Commissioners, and Mayor Michael C. "Mike" Wiggins, City of Pensacola, requesting clerical assistance from the City and legal assistance from the County; and

(Continued on Page 36)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the June 16, 2009, C/W Workshop – Continued

1840

ITEMS ADDED TO THE AGENDA – COMMISSIONER YOUNG – Continued

1. Continued...

B. Board Direction – The C/W recommends the Board approve responding to Kenneth B. Bell, Chairman of the Escambia County Consolidation Study Commission (*established by House Bill 1431*) that the Board declines his request for legal assistance for the Commission, on the basis that legal assistance from the County Attorney would be a conflict of interest.

**Recommended 5-0**

AGENDA NUMBER – Continued

8. Adjourn

Chairman Young declared the C/W Meeting adjourned at 11:06 a.m.

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

I. ACTION ITEMS

1. CPIC Annual Report

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving, for filing with the Board's Minutes, the Fiscal Year 2007-2008 Comprehensive Plan Implementation Committee (CPIC) Annual Report.

1840

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

1-9. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1-9, as follows, with the exception of Items 5 and 7, which were held for separate votes, as amended to drop Item 9:

1841

1. Approving the revised Escambia County Code Enforcement/Nuisance Abatement Lien Collection Policy (Section III; H.3), which includes an extended partial payment plan, additional cost for research, paperwork and collection processing incurred when a Code Enforcement Lien is paid during the foreclosure procedure, and includes a property selling discount plan. 1841
2. Authorizing (the scheduling and advertising of) a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on July 23, 2009, at 5:31 p.m., to consider the adoption of an Ordinance creating Kingsfield Courtyard Subdivision Street Lighting MSBU. 1841
3. Approving to amend the Board's action taken at the June 4, 2009, Board Meeting, concerning the Maintenance Services for Central Energy Plant, PD 08-09.044, to correct the name from Engineered Cooling Systems, Inc., to Engineered Cooling Services, Inc., due to a scrivener's error. 1841
4. Authorizing the scheduling of a Public Hearing for Thursday, July 23, 2009, at 5:32 p.m., for consideration of adopting an Ordinance establishing an Economic Development Ad Valorem Tax Exemption for Landworks Investments, LLC, for up to 100% of their expansion for 10 years. 1841
5. See Page 38.
6. Approving the *Interlocal Agreement between the Board of County Commissioners of Escambia County, Florida, and the Escambia County School Board to Provide Pet Sheltering Facilities and Services During Emergencies.*
7. See Page 39.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-9. Approval of Various Consent Agenda Items – Continued

8. Approving to schedule a Public Hearing for August 6, 2009, at 5:31 p.m., to consider the proposed vacation, on the Board's own motion, of an unimproved portion of Virginia Avenue (approximately 61 feet x 240 feet = 14,640 square feet or 0.34 acre), as requested by Pensacola Habitat for Humanity, Inc. 1841

9. Dropping the recommendation that the Board take the following action concerning the Resolution relating to the Waxman-Markey Discussion Draft of the American Clean Energy and Security Act of 2009: 1841

A. Adopt the supporting Resolution;

B. Authorize the Chairman to sign the Resolution; and

C. Authorize transmittal of the Resolution to Senators Nelson, Martinez, and Meeks, and to Congressman Miller.

5. Ice Hockey Lease

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, taking the following action concerning the Pensacola Civic Center Ice Hockey Lease (this Contract has been designed to provide a break-even financial program for ice utilization; however, funds will come from the Tourist Development Tax to provide for cash flow): 1841

A. Approving the Lease Agreement between Escambia County, Pensacola Ice, LLC, and SMG Corporation, contingent upon Legal sign-off and receipt of Exhibit D, Corporate Certificate of Good Standing, and Exhibit E, Resolution of Authority; and

B. Authorizing the Chairman to sign the Lease Agreement upon execution by Pensacola Ice, LLC.

Speaker(s):

Andrew Blewer

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

7. Choose Life Funds Coalitions

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried unanimously, approving to support the Policy for the Escambia County Choose Life Funds Coalitions, as submitted by Catholic Charities of Northwest Florida, Inc., serving as Lead Agency for the Choose Life Funds distribution.

1844

Speaker(s):

Susan Patterson

II. BUDGET/FINANCE CONSENT AGENDA

1-35. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1 through 35, as follows, with the exception of Items 15 and 20, which were held for separate votes, as amended to condition the Chairman's signature on the Agreements, in Item 15.C., on the adoption of the attendant land lease:

1857

1. Taking the following action concerning approval of the Fiscal Year 2008-2009 Miscellaneous Appropriations Agreement for Pensacola Beach Chamber of Commerce, Inc. (*for the July 4, 2009, Kaboom Fireworks Display*):
  - A. Approving the Fiscal Year 2008-2009 Miscellaneous Appropriations Agreement, in the amount of \$15,000, to be paid from the 4th Cent Tourist Development Tax Fund (108), Cost Center 360105;
  - B. Authorizing the Chairman to sign the Agreement and all other necessary documents; and
  - C. Approving the necessary Purchase Order.

1857

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

2. Taking the following action concerning approval of the Fiscal Year 2008-2009 Miscellaneous Appropriations Agreement for Pensacola Sports Association, Inc. (additional allocation approved by the Tourist Development Council on January 27, 2009):

1857

A. Approving the Fiscal Year 2008-2009 Miscellaneous Appropriations Agreement, in the amount of \$100,000, to be paid from the 3rd Cent Tourist Development Tax Fund (108), Cost Center 360101;

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

C. Approving the necessary Purchase Order.

3. Adopting the Resolution (R2009-127) approving Supplemental Budget Amendment Number 257, Other Grants and Projects Fund (110), in the amount of \$350,738, to recognize Grant funds from the U.S. Department of Justice and to appropriate these funds for the technology needs of the Sheriff's Office.

1857

4. Adopting the Resolution (R2009-128) approving Supplemental Budget Amendment Number 266, Civic Center Fund (409) and the Tourist Development Tax Fund (108), in the amount of \$220,000, to transfer monies from the 4th Cent Tourist Development Tax fund and to appropriate these funds for ice hockey-related repairs to The Pensacola Civic Center.

1857

5. Adopting the Resolution (R2009-129) approving Supplemental Budget Amendment Number 269, Local Option Sales Tax III Fund (352), in the amount of (\$1,479,734), to recognize a reduction in funds and adjust the funds appropriated for The University of West Florida Campus (Development) Agreement.

1857



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

6. Adopting the Resolution (*R2009-130*) approving Supplemental Budget Amendment Number 271, General Fund (001), in the amount of \$41,796, to recognize reimbursements from auto insurance payments received March 9, 2009, through May 4, 2009, and to appropriate these funds for the Sheriff's Office vehicle activities. 1857
  
7. Adopting the Resolution (*R2009-131*) approving Supplemental Budget Amendment Number 273, Local Option Sales Tax III Fund (352), in the amount of \$8,136,719, to recognize funds from the Federal Stimulus Grant and appropriate these funds for infrastructure improvements to various roadways in Escambia County. 1857
  
8. Adopting the Resolution (*R2009-132*) approving Supplemental Budget Amendment Number 275, Escambia County Restricted Fund (101), in the amount of \$11,500, to recognize (*kenel*) sponsorships received by individuals and companies and to appropriate these funds for (*Animal*) Shelter operations. 1857
  
9. Adopting the Resolution (*R2009-133*) approving Supplemental Budget Amendment Number 276, Other Grants and Projects Fund (110), in the amount of \$163,493, to recognize funds from the State of Florida and appropriate these funds for the Non-Custodial Parent Placement Program in Escambia County. 1857
  
10. Approving the issuance of Purchase Orders, in excess of \$50,000, to Veolia Transportation Services, Inc., to support the Assignment of Agreements executed at the June 4, 2009, Board of County Commissioners Meeting (Funding Source: Mass Transit Fund (104), 220205/53101 and 220208/53101). 1857

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

11. Approving to award a Contract to the number one ranked proposer, O’Sullivan Creel, LLP, for PD 08-09.040, for Auditing Services for Escambia County Government – Fiscal Years ending September 30, 2009, 2010, 2011, 2012, and 2013, in accordance with Section 218.391 (3) (i), Florida Statutes, for the following amounts (Funding Source: Fund 001, General Fund, Cost Center 140201):

1857

Fiscal Year ending September 30, 2009	\$ 195,584
Fiscal Year ending September 30, 2010	\$ 199,496
Fiscal Year ending September 30, 2011	\$ 203,486
Fiscal Year ending September 30, 2012	\$ 207,555
Fiscal Year ending September 30, 2013	\$ 211,706
Total Price for Auditing Services	\$1,017,827

12. Awarding a three-year Contract to Unifirst Corporation, Inc., for "Uniform Rental Service Agreement," PD 08-09.041, for \$100,000 per year, in accordance with the terms and conditions of the solicitation and annual appropriation of funds (Funding: Fund 001, General Fund, Cost Centers 210602, 210901, and 220204, Object Code 54401; Fund 401, Solid Waste, Cost Centers 220601, 220602, 220603, and 220604, Object Code 53401; and Fund 175, Transportation Trust Fund, Cost Center 210402, Object Code 54401).

1857

13. Awarding a Contract PD 08-09.076, for Design-Build Services for West Pensacola Fire Department Emergency Vehicle Signal, to Ingram Signalization, Inc., in the amount of \$153,000 (Funding Source: Fund 352, Local Option Sales Tax III, Cost Center 330228, Object Code 56301).

1857

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

14. Taking the following action concerning Design Build Community Redevelopment Agency (CRA) Sidewalk Project #2, Roadway and Traffic Control Improvements, Phase 1: Winthrop Street; Phase 2: Cairo Street and Old Corry Field (Funding: Fund 151, Community Redevelopment, Warrington, Account 220516, Object Code 56301):

1857

A. Approving the following Selection/Negotiation Committee Ranking:

- (1) Hernandez & Swift Associates, Inc., and Landmark Engineering & Land Planning, Inc.
- (2) Panhandle Grading & Paving, Inc., and Sigma Consulting Group, Inc.
- (3) Gulf Atlantic Constructors, Inc., and Geci & Associates Engineers, Inc.

B. Awarding a Design-Build Contract, PD 08-09.003, Design Build CRA Sidewalk Project #2, Roadway and Traffic Control Improvements, Phase 1: Winthrop Street; Phase 2: Cairo Street and Old Corry Field, to Hernandez & Swift Associates, Inc., and Landmark Engineering & Land Planning, Inc., for a lump sum amount of \$400,000.

15. See Page 56.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

16. Dropping the recommendation that the Board take the following action regarding approval of the Brownsville Community Center Project Agreement, for the purpose of developing a community center facility in the Brownsville Community Redevelopment Area (CRA) (Funding: Fund 124, Housing and Community Redevelopment, Cost Center 220406-\$250,000, and Fund 151, Brownsville CRA TIF, Cost Center 220515-\$150,000):

1857

A. Approve the Brownsville Community Center Project Agreement with Brownsville Assembly of God Church (Brownsville Assembly), The Hope Center – Brownsville, Inc., and the Brownsville Pastor’s Association, providing funding commitments, responsibilities, facility use restrictions, and legal requirements associated with:

- (1) The expenditure of a maximum of \$275,000 in Escambia County Housing and Community Redevelopment funds to complete interior and exterior renovations to the Brownsville Assembly-owned facility into a community center facility;
- (2) The expenditure of a maximum of \$150,000, in Tax Increment Financing (TIF) funds to partially support community center staffing and support, for a maximum of 24 months from the date the facility begins operation as the Brownsville Community Center; and
- (3) Formal commitment of the existing Brownsville Assembly facility, by deed restriction, for long-term and continuing use as the Brownsville Community Center facility, under the direction of The Hope Center – Brownsville, Inc., to effectively deliver recreation, social, health, educational, and community services to the residents of the Brownsville community, per terms and limitations of the Agreement; and

B. Authorize the Chairman or County Administrator, as appropriate, to execute the Agreement and related documents as required to fully complete all aspects of the Project.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

17. Taking the following action concerning the Neighborhood Stabilization Program 2 (NSP 2) Competitive Grant Application, to be filed with the U.S. Department of Housing and Urban Development (HUD) (Funding: Fund 120, HHRP [*Hurricane Housing Recovery Program*], Cost Center 220426; Fund 120, SHIP [*State Housing Initiatives Partnership*], Cost Center 220428; Fund 147, HOME, Cost Center 220501, to be used as match if NSP 2 funds awarded):

1857

- A. Authorizing submission of a Neighborhood Stabilization Program 2 (NSP 2) Competitive Grant Application, jointly with the City of Pensacola, to HUD, in the maximum amount of \$10,000,000, to undertake activities targeting the acquisition, rehabilitation, demolition, and/or redevelopment of vacant, foreclosed, and/or abandoned properties in NSP 2-targeted census tracts in Escambia County and the City of Pensacola, in accordance with HUD Application requirements established under the Housing and Economic Recovery Act of 2008 (HERA);
- B. Authorizing the Chairman to execute the Escambia Consortium NSP 2 Interlocal Agreement with the City of Pensacola, subject to sign-off by the County and City of Pensacola Legal Departments;
- C. Authorizing the commitment of up to \$500,000 in Hurricane Housing Recovery Program, State Housing Initiatives Partnership, and/or HOME Investment Partnerships Act Program income, as local leveraging (matching), to be expended in support of various NSP 2 acquisition, rehabilitation, demolition, and/or redevelopment projects, should the Grant be awarded;
- D. Authorizing the Chairman or County Administrator, as appropriate, to execute the NSP 2 Competitive Application forms, certifications, commitments, and related documents, as required to submit the Application to HUD; and
- E. Authorizing the Chairman or County Administrator, as appropriate, to execute documents required to receive the NSP 2 funds, if awarded, and implement the NSP 2 Program, upon approval of the Grant by HUD.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

18. Approving Amendment #1 to the Buyer-Broker Exclusive Agreement between Escambia County and Beck Property Company, Inc., to extend the Agreement for 180 days from the original termination date of July 5, 2009; the Agreement provides real estate brokerage services to assist the Neighborhoods and Community Services Bureau/Community Redevelopment Agency with property assemblage along Mobile Highway (Funding Source: Fund 352, Local Option Sales Tax III, Cost Center 220102, Object Code 56101).

1857

19. Taking the following action concerning the Memorandum of Understanding (MOU) between Escambia County and each of the following community-based organizations to provide access to the ECivis Grant Locator Program (Funding Source: Fund 401, Solid Waste Environmental Quality, Cost Center 220602, Object Code 55201):

1857

A. Approving each MOU between Escambia County and the following community-based organizations:

- (1) American Red Cross of NW Florida
- (2) ARC Gateway, Inc.
- (3) Area Housing Commission
- (4) Community Enterprise Investments, Inc.
- (5) Council on Aging of West Florida, Inc.
- (6) EscaRosa Coalition on the Homeless
- (7) The Hope Center
- (8) Loaves and Fishes Soup Kitchen, Inc.
- (9) Pensacola Habitat for Humanity
- (10) United Way of Escambia County
- (11) Wildlife Sanctuary of NW Florida, Inc.

B. Authorizing the Chairman to sign each MOU.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

20. See Page 57.

21. Approving Amendment #1 to the Collection Agency Services Agreement between Escambia County (County) and United Collection Service, Inc. (Agency), to provide for the following (Funding: Fund 408, Emergency Medical Services, Cost Center 330304, Account 53401):

1857

Article 2, paragraph 3.3, Timeline for Collection, is amended to read as follows:

3.3 Timeline for Collection: Agency shall have ~~six (6) months~~ an indefinite period from the date of placement of each account to procure payment or a bona fide arrangement to pay the outstanding debt. Once an account is identified as uncollectible by the collection agency, it will be returned to EMS for final disposition. Thereafter Agency shall return the account to EMS unless otherwise agreed in writing. Notwithstanding the preceding guideline, the County retains the ability to remove the account provided County shall credit Agency with subsequent collections procured directly as a result of Agency's prior efforts.

22. Taking the following action regarding the acquisition of two parcels of real property from Richard and Kristin Beck, in connection with the County's Road Improvement Project at the intersection of Ten Mile Road and Chemstrand Road (Funding Source: Fund 333, New Road Construction, Account 210204/ 56301/56101, Project 05EN0925):

1857

A. Adopting a Resolution (*R2009-134*) approving the exchange of a portion of a County parcel (23-1N-30-3304-000-000), for a portion of a parcel owned by Richard and Kristin Beck (23-1N-30-3306-000-003), in accordance with the terms and conditions contained in the Agreement for Sale and Purchase and Contract for Sale and Purchase;

B. Waiving the retention of the fractional interest in the phosphates, minerals, metals, and petroleum in the parcel to be conveyed by the County, in accordance with Section 270.11(3), Florida Statutes;

(Continued on Page 48)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

22. Continued...

C. Authorizing the purchase of another parcel from Richard and Kristin Beck (23-1N-30-3306-000-002), for a purchase price of \$9,840, in accordance with the terms and conditions contained in the Contract for Sale and Purchase;

1857

D. Authorizing the payment of documentary stamps because the properties are being acquired for public use, which is the Ten Mile Road and Chemstrand Road Improvement Project; the public benefits from the acquisition by safer and more efficient traffic flow; and

E. Authorizing the County Attorney to prepare, and the Chairman or Vice Chairman to execute, any documents necessary to complete the exchange and purchase of the properties, without further action from the Board.

23. Approving, and authorizing the Chairman to sign, the Interlocal Agreement for the resurfacing of a portion of Kingsfield Road by the Emerald Coast Utilities Authority (ECUA), in conjunction with the ECUA Main Street Wastewater Treatment Plant Replacement Project (Lift Station #186 Transmission Main Relocation 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 #08EN0208).

1857

24. Taking the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$143,690) for a sidewalk project on Broad Street, from Alexia Avenue to Untreiner Avenue:

1857

A. Approving the LAP Agreement between the FDOT and Escambia County, for a sidewalk project on Broad Street, from Alexia Avenue to Untreiner Avenue;

B. Adopting a Resolution (*R2009-135*) authorizing the execution of the LAP Agreement; and

C. Authorizing the Chairman to sign the LAP Agreement and Resolution for this project.



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

25. Taking the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$539,323) for a resurfacing project on CR 99 (Beulah Road), from Nine Mile Road to Mile Marker 2.6: 1857
- A. Approving the LAP Agreement between the FDOT and Escambia County, for a Resurfacing Project on CR 99 (Beulah Road), from Nine Mile Road to Mile Marker 2.6;
  - B. Adopting a Resolution (*R2009-136*) authorizing the execution of the LAP Agreement; and
  - C. Authorizing the Chairman to sign the LAP Agreement and Resolution for this project.
26. Taking the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$871,927), for a resurfacing project on CR 297 (Dog Track Road), from Blue Angel Parkway to Highway 98 (Lillian Highway): 1857
- A. Approving the LAP Agreement between the FDOT and Escambia County, for a resurfacing project on CR 297 (Dog Track Road), from Blue Angel Parkway to Highway 98 (Lillian Highway);
  - B. Adopting a Resolution (*R2009-137*) authorizing the execution of the LAP Agreement; and
  - C. Authorizing the Chairman to sign the LAP Agreement and Resolution for this project.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

27. Taking the following action concerning a Local Agency Program Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$363,178), for a resurfacing project on CR 297 (Dog Track Road), from Gulf Beach Highway to Blue Angel Parkway:

1857

- A. Approving the LAP Agreement between the FDOT and Escambia County, for a resurfacing project on CR 297 (Dog Track Road), from Gulf Beach Highway to Blue Angel Parkway;
- B. Adopting a Resolution (*R2009-138*) authorizing the execution of the LAP Agreement; and
- C. Authorizing the Chairman to sign the LAP Agreement and Resolution for this project.

28. Taking the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$2,527,424)., for a resurfacing project on CR 453 ("W" Street), from Fairfield Drive to Highway 29:

1857

- A. Approving the LAP Agreement between the FDOT and Escambia County, for a resurfacing project on CR 453 ("W" Street), from Fairfield Drive to Highway 29;
- B. Adopting a Resolution (*R2009-139*) authorizing the execution of the LAP Agreement; and
- C. Authorizing the Chairman to sign the LAP Agreement and Resolution for this project.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

29. Taking the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$499,053), for a resurfacing project on CR 498 (Copter Road), from the entrance to Ellyson Industrial Park to Nine Mile Road: 1857
- A. Approving the LAP Agreement between the FDOT and Escambia County, for a resurfacing project on CR 498 (Copter Road), from the entrance to Ellyson Industrial Park to Nine Mile Road;
  - B. Adopting a Resolution (*R2009-140*) authorizing the execution of the LAP Agreement; and
  - C. Authorizing the Chairman to sign the LAP Agreement and Resolution for this project.
30. Taking the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$1,923,650), for a resurfacing project on CR 95A, from Duke Avenue to Memory Lane: 1857
- A. Approving the LAP Agreement between the FDOT and Escambia County, for a resurfacing project on CR 95A, from Duke Avenue to Memory Lane;
  - B. Adopting a Resolution (*R2009-141*) authorizing the execution of the LAP Agreement; and
  - C. Authorizing the Chairman to sign the LAP Agreement and Resolution for this project.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

31. Taking the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$858,684), for a resurfacing project on CR 95A, from East Roberts Road to Nine Mile Road:

1857

- A. Approving the LAP Agreement between the FDOT and Escambia County, for a resurfacing project on CR 95A, from East Roberts Road to Nine Mile Road;
- B. Adopting a Resolution (*R2009-142*) authorizing the execution of the LAP Agreement; and
- C. Authorizing the Chairman to sign the LAP Agreement and Resolution for this project.

32. Taking the following action concerning a Federally Funded Subgrant Agreement, Contract Number: 10HM-28-01-27-01-001, CFDA Number: 97.039, between the State of Florida, Division of Emergency Management, and Escambia County Board of County Commissioners, for the Maplewoods Drainage Project (Funding Source: Escambia County's 25% construction cost match is available in Fund 352, "[*Local Option Sales Tax*] LOST III," Account 210107/56301, Project #09EN0093; this Hazard Mitigation Grant Program provides a reimbursement total of \$1,909,226, equivalent to 75% of the estimated construction cost and an additional administrative allowance):

1857

- A. Approving the Federally Funded Subgrant Agreement, Contract Number: 10HM-28-01-27-01-001, CFDA Number: 97.039, between the State of Florida, Division of Emergency Management, and Escambia County Board of County Commissioners; and
- B. Authorizing the Chairman to sign the Agreement and any subsequent Grant-related documents.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

33. Taking the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT), for funding (not to exceed \$409,790), for a resurfacing project on Johnson Avenue, from Gateswood Drive to Olive Road:

1857

- A. Approving the LAP Agreement between the FDOT and Escambia County, for a resurfacing project on Johnson Avenue, from Gateswood Drive to Olive Road;
- B. Adopting a Resolution (*R2009-143*) authorizing the execution of the LAP Agreement; and
- C. Authorizing the Chairman to sign the LAP Agreement and Resolution for this project.

34. Taking the following action concerning a Preemption Interconnection Agreement with CSX Transportation, Inc. (Funding Source: Fund 351, Local Option Sales Tax II, Project Number 07EN0375, Account Number 210105/56301):

1857

- A. Approving the Preemption Interconnection Agreement between CSX Transportation, Inc., and Escambia County Board of Commissioners, for CSX Transportation, Inc., to construct and maintain the traffic signal preemption interconnection on Kingsfield Road, at an estimated cost of \$24,446; and
- B. Authorizing the Chairman to sign the Agreement.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

35. Approving Contract Amendment #1 to PD 07-08.088, Design Build Services for Tate Road Bridge Replacement, with Merrill Parker Shaw, Inc., to provide for *(the following changes)* (Funding: Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project Code 08EN0235):

1857

A. SECTION 3. CONTRACT AMOUNT.

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"): ~~\$To Be Negotiated~~ \$431,039.43.

B. SECTION 4. DESIGN-BUILD FIRM FEES.

- B. Construction Phase Fee. Prior to commencement of the Construction phase of the Project, the County will direct the Design-Build Firm in writing to proceed with that Construction Phase. The Design-Build Firm's compensation for services performed during the Construction Phase shall be a total fee of ~~\$To Be Negotiated~~ \$391,878.50 (However, the County retains the right to review the need and effectiveness of any employee or employees assigned by the Design-Build Firm, should the County question the need for the employee or employees). The Construction Phase Fee shall be paid in monthly payments of \$195,939.25 each and one final monthly payment of ~~\$To Be Negotiated~~ \$195,939.25 at the conclusion of the Project;

(Continued on Page 55)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

35. Continued...

B. Continued...

C. Overhead And Profit For the Construction Phase. For overhead, profit, and general expenses of any kind for services provided during and related to the Construction Phase of the Project, the fee shall be ~~\$ To Be Negotiated N/A~~, and shall be paid proportionally to the ratio of the cost of the Work in place, and less retainage as it bears on the latest estimate of the total construction cost or to the GMP or to the County's Construction Budget, whichever is less. The balance of the fee shall be paid when construction of the Project is finally completed and occupancy of the Project accepted by the County as provided in this Agreement. If construction is authorized only for a part of a phase of the Project, the fee paid shall be proportionate to the amount of Work authorized by the County. The Overhead and Profit for the Construction Phase shall be negotiated based on the design and set forth in Exhibit J (Schedule of Project Fees).

1857

C. SECTION 6. CONTRACT TIME AND LIQUIDATED DAMAGES.

A. Time is of the essence in the performance of the Work under this Agreement. Design-Build Firm shall commence the Work within ten (10) calendar days from the Commencement Date, established in each Phase's Notice to Proceed. No Work shall be performed at the Project site prior to such Commencement Dates. Design-Build Firm shall provide forty-eight (48) hours notice prior to beginning the Work. The Work shall be substantially completed within ~~\$To Be Negotiated~~ seventy (70) 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~~ one hundred (100) calendar days (herein "Contract Time").

(Continued on Page 56)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-35. Approval of Various Consent Agenda Items – Continued

35. Continued...

C. Continued...

B. County and Design-Build Firm recognize that, since time is of the essence for this Agreement, the County will suffer financial loss if the Work is not substantially completed within the time specified. 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~~ \$1,000.00 for each calendar day thereafter until Substantial Completion is achieved.

1857

15. Landfill Gas Sales Agreement

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning PD 07-08.111, Landfill Gas-to-Energy Project (Funding: Fund 401, Solid Waste Projects, Cost Center 220605):

1858

- A. Approving a Landfill Gas Sales Agreement between Escambia County, Florida, and Gulf Power Company, for the sale of Landfill Gas, at a rate of \$2.47 per MMBTU of Landfill Gas delivered to the Point of Delivery and utilized by the power plant, with an escalation clause of 3% per year, beginning on the first anniversary of the Commercial Operability Date, for a term of 20 years;
- B. Approving an Operations and Maintenance Agreement between Escambia County, Florida, and LFG Technologies, Inc., a time and materials Contract for certain operations and maintenance services of the Landfill Gas Collection System, for a term of five years; and

(Continued on Page 57)



COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

15. Continued...

C. Authorizing the Chairman to sign the Agreements, as amended to condition the Chairman's signature on these Agreements on the adoption of the attendant land lease.

1858

Speaker(s):

David Guardanado  
Steven Wright  
A. Earl Simmons

20. Edgewater II, Chasevill Sidewalk and Road Resurfacing

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving, and authorizing the County Administrator to execute, the following Change Order (Funding Source: Fund 151, Warrington Tax Increment Financing [TIF], Cost Center 220516, Object Code 56301):

1916

Bureau:	Neighborhoods/Community Services Bureau
Division:	Community Redevelopment
Type:	Addition
Amount:	\$173,545.60
Vendor:	Panhandle Grading & Paving, Inc.
Project Name:	Edgewater Phase II, Chaseville Sidewalk and Road Resurfacing
Contract:	PD 08-09.004
Purchase Order Number:	291202
Change Order Number:	1
Original Award Amount:	\$265,886.10
Cumulative Amount of Change Orders through Number 1:	<u>\$173,545.60</u>
New Contract Total:	\$439,431.70

Speaker(s):

Andrew Blewer

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION

1. Workforce Escarosa Board of Directors

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, taking the following action concerning appointments to the Board of Directors of Workforce Escarosa, Inc.:

1922

- A. Appointing Mr. Bill Lawson, Director, Fleet and Family Support Programs at NAS Whiting Field, to serve on the Board of Directors of Workforce Escarosa, Inc., as a community-based organization veterans' representative for a three-year term, beginning July 10, 2009, through July 9, 2012;
- B. Appointing Mr. David A. Pittman, Local President, AFL-CIO, IBEW, to serve on the Board of Directors of Workforce Escarosa, Inc., as the labor representative for a three-year term, beginning July 10, 2009, through July 9, 2012; and
- C. Confirming the appointment, by ballot, of the following two nominees to each serve on the Board of Directors of Workforce Escarosa, Inc., as private sector representatives for a three-year term, beginning July 10, 2009, through July 9, 2012:
  - (1) Mr. Van E. Mansker, Regional Human Resources Director, Lowe's Home Improvement Company
  - (2) Mr. Scott C. Ginnetti, Director of People Development at Baptist Health Care

For Information: The Board heard Commissioner Robinson disclose, relative to Item C, that Baptist Health Care is his firm's client; however, because the Board is nominating an individual to a non-paid position, he is not prevented from voting for this individual or this item.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1-4. Approval of Various For Action Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving For Action Items 1 through 4, as follows:

1926

1. Approving to schedule a Public Hearing on July 23, 2009, at 5:33 p.m., for consideration of adopting an Ordinance authorizing the issuance of civil citations for certain violations of the Escambia County Code of Ordinances.
2. Taking the following action concerning Pensacola Bay Fishing Bridge, Inc., v. Escambia County, Case No.: 2008 CA 003398:
  - A. Approving to schedule a private meeting with the Board's attorneys to discuss pending litigation, in accordance with Section 286.011 (8), Florida Statutes, for July 23, 2009, at 3:30 p.m.; and
  - B. Approving the public notice printed below to be published in the Pensacola News Journal on Sunday, July 12, 2009:

1926

**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 Pensacola Bay Fishing Bridge v. Escambia County, 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, July 23, 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.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

1-4. Approval of Various For Action Items

3. Approving, regarding Andrea Bishop v. Escambia County, Florida, Case No.: 2008 CA 003398, a settlement with Andrea Bishop of her claim for damages for personal injuries, for the amount of \$45,000, in exchange for a General Release and Hold Harmless Agreement. 1926
4. Adopting a Resolution (*R2009-144*) amending the Escambia County Administrative Code to assign all future non-lawyer positions within the Office of the County Attorney to the unclassified category of the Professional, Technical, and Confidential Service. 1926

ITEMS ADDED TO THE AGENDA – COMMISSIONER KEVIN W. WHITE

1. Caretaker Services – Molino School and Wedgewood School

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving that there is a public purpose, which would be security, for retaining the caretaker on-site, and approving that it is not to exceed 180 days, commencing July 9, 2009, and that they (*caretakers*) pay the utilities, and directing the County Attorney to negotiate agreements to bring back to the Board and allowing the closings to proceed, relative to the recommendation that the Board:

1926

- A. Determine whether there would be a public benefit to retaining the services of an on-site caretaker at the Molino School and Wedgewood School and, if so, identify the nature of the services to be provided by the caretaker (e.g., on-site security, custodial, grounds keeping); and
- B. If the Board determines there would be a public benefit to having a caretaker on either or both properties, direct the County Administrator to negotiate the terms of an agreement with the current caretakers retained by the School Board; and direct the County Attorney's Office to incorporate the terms of the negotiations into a caretaker agreement to be approved by the Board at a later date..

ANNOUNCEMENTS – None.

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 7:28 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: July 23, 2009