

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD FEBRUARY 4, 2010
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:31 p.m. – 6:01 p.m.)

Present: Commissioner Grover C. Robinson, IV, Chairman, District 4
Commissioner Kevin W. White, Vice Chairman, District 5
(Regular BCC Meeting Only)
Commissioner Wilson B. Robertson, District 1
Commissioner Gene M. Valentino, District 2
Commissioner Marie K. Young, District 3
Mrs. Lisa N. Bernau, Chief Deputy Clerk, representing the
Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller
(Regular BCC Meeting Only)
Mr. Robert R. "Bob" McLaughlin, County Administrator
Mrs. Alison Rogers, County Attorney
Mrs. Cheryl Maher, 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 Robinson called the Public Forum Work Session to order at 4:31 p.m.

1. FOR INFORMATION: The Board:

- A. Heard the request from Suzanne Robbert that the Board consider leasing the area in the Old County Courthouse, previously leased by The Arts Council of Northwest Florida, Inc., to Artel Gallery; and
- B. Heard the request from Commissioner Young that this issue be discussed at the February 11, 2010, Committee of the Whole Workshop.

1631

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

2. FOR INFORMATION: The Board:

1640

- A. Heard the request from William Myrick that the Board purchase the "English property on Perdido River" (*at the January 7, 2010, Regular BCC Meeting, the Board approved authorizing staff to negotiate a purchase and sale agreement [with Gregory and Linda English, for two parcels of property, totaling 4.31 acres, located on Perdido River at Mobile Highway, to be used as a boat ramp], commensurate with the values of the adjacent properties, subject to completion of the property acquisition checklist and normal staff due diligence, and provide a report to the Board*); and
- B. Was advised by Commissioner Robinson that the underlying issue regarding the purchase of the property is that the Board's policy is to not pay in excess of the appraised value, and Mr. English is not willing to reduce his asking price.

3. FOR INFORMATION: The Board:

1648

- A. Heard the request from Lewis Bear, Jr., and David M. Bear that the Board designate A.C.E., Inc. (*Art, Culture and Entertainment, Inc.*), as the entity that, upon completion of 501(c)(3) status, will receive and pass through public funding to local arts organizations;
- B. Heard the request from Commissioner Robertson that this issue be added to tonight's agenda for consideration; and
- C. Heard the suggestion from County Administrator McLaughlin that the Board advertise that the County is interested in designating an entity to receive and pass through public funding to local arts organizations.

1708

- 4. FOR INFORMATION: The Board heard the request from Jim Hunt that the Board review the information and consider the suggested improvements he has provided regarding the Citizens' Environmental Committee.

5:18 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

1732

Chairman Robinson called the Regular Meeting of the Board of County Commissioners to order at 5:32 p.m.

2. Invocation

Chairman Robinson advised that Barbara Mayall would introduce the Reverend Alton Lister, First Pentecostal Church, who would deliver the Invocation.

3. Pledge of Allegiance to the Flag

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

4. Adoption of the Agenda

1735

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting the agenda as prepared and duly amended to include one add-on item under Written Communication (*regarding Art, Culture and Entertainment, Inc.*).

1735

5. Commissioners' Forum – District 4 – Commissioner Robinson recognized and expressed his appreciation to County Administrator McLaughlin for 14 years of service to Escambia County.

REGULAR BCC AGENDA – Continued

1736

6. Proclamations/Special Recognition

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

- A. Taking the following action concern the adoption/ratification of the following three Proclamations:
 - (1) Adopting the Proclamation commending and congratulating Mr. Robert R. McLaughlin, Jr., for 75 hours of volunteerism for his service project “Soles4Soles”, as part of the Pensacola High School International Baccalaureate Program;
 - (2) Adopting the Proclamation commending and congratulating Ms. Betty H. Salter for being one of the four recipients of the first “Lifetime Achievement Award,” presented by Habitat for Humanity International, for her years of volunteerism at the Pensacola Chapter of Habitat for Humanity; and
 - (3) Ratifying the Proclamation proclaiming Thursday, February 4, 2010, as “UWF – Science and Engineering Day” in Escambia County;
- B. Recognizing, with a pin and certificate, Patrick "Pat" Johnson, Division Manager, Solid Waste Management Division, Neighborhoods and Community Services Bureau, for his 25 years of dedicated service to Escambia County; and
- C. Recognizing and commending Cordova Mall, Simon Property Group, for their support of and participation in the 2009 "Keep the Wreath Green" Holiday Fire Safety Campaign.

Speaker(s):

Robert R. "Bobby" McLaughlin, Jr.
Betty H. Salter
Bryan Earnhart

REGULAR BCC AGENDA – Continued

7. Written Communication

A. Code Enforcement Lien(s) – 111 South Second Street

1749

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving to waive all fines associated with this (*property*) and seek (*collect*) only the Lien amount and hard costs, in the amount of \$1,780, relative to the communication, dated January 7, 2010, from Betty H. Salter, President/CEO, Pensacola Habitat for Humanity, requesting that the Board waive two Code Enforcement Lien(s), recorded in Official Records (OR) Book 5344, at Page 1006, and OR Book 4835, at Page 0263, against property located at 111 South Second Street (*in the amount of \$675 and \$1,105, respectively*).

B. A.C.E., Inc.

1751

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried unanimously, designating A.C.E., Inc. (*Art, Culture and Entertainment, Inc.*), as the entity that will enter into a Miscellaneous Appropriations Agreement with Escambia County in order to receive and pass through public funding to local arts organizations; such funding is conditioned upon completion of 501(c)(3) status and other documentation as required by the Clerk; additionally, the Board designates A.C.E., Inc., as the recognized Local Arts Agency to receive the County share of Florida Arts Specialty license plate funds and any other public funds available for Local Arts Agencies.

8. Proofs of Publication

1755

Motion made by Commissioner White, seconded by Commissioner Valentino, 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:

A. The following three Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on January 23, 2010, for consideration of adopting an Ordinance repealing Ordinance Number 2009-33;

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

A. Continued...

(2) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on January 20, 2010, for consideration of adopting an Ordinance amending the Official Zoning Map; and

(3) The 5:46 p.m. Public Hearing, advertised in the Pensacola News Journal on January 20, 2010, for consideration of adopting an Ordinance amending LDC Articles 2, 3, and 7; and

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule February 1, 2010 – February 5, 2010 – Legal No. 1447079*, as published in the Pensacola News Journal on January 30, 2010, as follows:

February 2	9:00 a.m.	Inspections Fund Advisory Board
February 2	10:00 a.m.	Pensacola Beach Beautification Project Steering Committee
February 2	1:30 p.m.	Environmental Enforcement Special Magistrate
February 2	6:00 p.m.	Monarch Lane Neighborhood Meeting
February 3	8:30 a.m.	Application Committee for Competency Board
February 3	9:00 a.m.	Construction Industry Competency Board
February 3	1:00 p.m.	Development Review Committee
February 4	8:00 a.m.	Incident Review Board
February 4	9:00 a.m.	Agenda Work Session
February 4	1:30 p.m.	Citizens Environmental Committee
February 4	3:30 p.m.	Board of County Commissioners Executive Session
February 4	4:30 p.m.	Board of County Commissioners Public Forum
February 4	5:30 p.m.	Board of County Commissioners Public Hearings & Reports

NEXT WEEK'S NOTE:

February 8	8:30 a.m.	Planning Board
February 8	4:00 p.m.	West Florida Regional Planning Council
February 8	5:30 p.m.	Marine Advisory Committee
February 8	6:00 p.m.	District 4 Town Hall Meeting

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. 5:31 p.m. Public Hearing

1755

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, adopting an Ordinance (*Number 2010-1*) repealing Ordinance Number 2009-33, which would (*have*) imposed and levied an additional 1% Tourist Development Tax (*5th Cent*) for air services support to begin collection April 1, 2010.

Speaker(s) – None.

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

I. CONSENT AGENDA

1-4. Approval of Various Consent Agenda Items

1756

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 4, as follows:

1. Accepting, for filing with the Board's Minutes, the following three Reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:
 - A. Payroll Expenditures for Pay Date January 22, 2010, in the amount of \$2,391,347.35; and
 - B. The following two Disbursement of Funds:
 - (1) January 14, 2010, to January 20, 2010, in the amount of \$10,541.12; and
 - (2) January 21, 2010, to January 27, 2010, in the amount of \$5,960,717.88.
2. Adopting the Resolution (*R2010-17*) authorizing the write-off of \$304.62 in returned checks and accounts receivable in various funds of the County that have been determined to be uncollectible bad debts.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
3. Taking the following action concerning documents provided to the Clerk to the Board's Office:
 - A. Accepting, for filing with the Board's Minutes, the certified proof of publication, *Legal No. 1446437, Notice of Intent to Seek Enactment of Legislation (during the 2010 Regular Session of the Florida Legislature, or a subsequent Special Session, relating to Escambia County's acquisition of the Saufley Landfill)*, as published in the Pensacola News Journal on January 22, 2010, and received in the Clerk to the Board's Office on January 26, 2010;
 - B. Accepting, for filing with the Board's Minutes, the original *Agreement Between Escambia County and Edmisten & Associates for Professional Services as Governed by Florida Statute 287.055 (PD 02-03.79)*, as approved by the Board on October 4, 2007, and received in the Clerk to the Board's Office on January 28, 2010, and amending the Board's action of October 4, 2007, awarding a Task Order-based continuing Contract for Professional Services as Governed by Florida Statute 287.055, to correct the name of the Contractor from "Edmisten & Associates" to "Edmisten & Associates"; and
 - C. Accepting, for filing with the Board's Minutes, the original *Agreement Between Escambia County and RSW of NW FL, Inc., DBA 360 Surveying Services, for Professional Services as Governed by Florida Statute 287.055 (PD 02-03.79)*, as approved by the Board on August 21, 2008, and received in the Clerk to the Board's Office on January 28, 2010.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

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

4. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:
 - A. Approving the Minutes of the Regular Board Meeting held January 21, 2010;
 - B. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held January 21, 2010, as follows:
 1. FOR INFORMATION: The agenda package for the 5:30 p.m., January 21, 2010, Regular Board Meeting was reviewed as follows:
 - A. Shirley L. Gafford, Program Coordinator, County Administrator's Office; County Attorney Rogers; Amy Lovoy, Bureau Chief, Management and Budget Bureau; and Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, reviewed the agenda cover sheet;
 - B. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, reviewed the Clerk's Report;
 - C. T. Lloyd Kerr, Bureau Chief, Development Services Bureau, and County Attorney Rogers reviewed the Growth Management Report;
 - D. Shirley L. Gafford, Program Coordinator, County Administrator's Office, and Kenneth Gordon, General Manager, Escambia County Area Transit, reviewed the County Administrator's Report;
 - E. County Attorney Rogers reviewed the County Attorney's Report; and
 - F. Joy D. Blackmon, Bureau Chief, and Wesley J. "Wes" Moreno, Deputy Bureau Chief, Public Works Bureau, reviewed Commissioner Robinson's add-on item.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
4. Continued...
- C. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held January 14, 2010, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Robinson called the Committee of the Whole (C/W) to order at 9:03 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by Doris Harris, Deputy Clerk to the Board, that the Meeting was advertised in the Pensacola News Journal on January 9, 2010, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule January 11, 2010 – January 15, 2010, Legal No. 143646*.

3. Pensacola Care

A. Discussion – The C/W heard the request from County Attorney Rogers for Board direction regarding the following three issues concerning Pensacola Care, Inc. (PCI), and the Pensacola Developmental Center (*located at 1 Villa Drive*), since PCI's lease will expire once the Bonds used to construct the Developmental Center will be paid in full in early 2011:

- (1) Confirming that it is the Board's intent that PCI will not be required to vacate the premises and is willing to continue to negotiate a lease or an ownership agreement;
- (2) Authorizing the expenditure of funds to obtain an appraisal of the property; and

(Continued on Page 11)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

(3) Authorizing the County Attorney to work with PCI so that PCI can simultaneously work with Florida Medicaid;

B. Board Direction – The C/W recommends that the Board take the following action concerning Pensacola Care, Inc. (PCI), operating the Pensacola Developmental Center (PDC) at 1 Villa Drive:

(1) Affirm that the Board will not require PDC to vacate the premises, and that the Board is willing to continue negotiations to arrive at a lease or ownership agreement with Pensacola Care, Inc.; and

(2) Authorize staff to obtain an appraisal of the property at 1 Villa Drive.

Recommended 5-0

Speaker(s):

Fletcher Fleming

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 4. Unite Escambia Update
 - A. Discussion – The C/W heard an update from Buzz Ritchie concerning Unite Escambia (*as outlined in the backup document*); and
 - B. Board Direction – None.
- 5. 5th Cent Tourist Development Tax Retraction
 - A. Discussion – The C/W was advised by County Attorney Rogers that a Public Hearing to repeal the 5th Cent Tourist Development Tax, in its entirety, will be scheduled for the February 4, 2010, Board Meeting; and
 - B. Board Direction – None.

Speaker(s):

Ed Schroeder

- 6. SMG Incentives for Operation of the Pensacola Civic Center
 - A. Discussion – The C/W discussed SMG Incentives for Operation of the Pensacola Civic Center; and
 - B. Board Direction – None.

(Continued on Page 13)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Arts Council Issues

A. Discussion – The C/W discussed Arts Council Issues, and the C/W:

- (1) Heard the request from Lisa N. Bernau, Clerk & Comptroller's Chief Deputy Clerk, for Board direction concerning direct payment, by the Clerk, of promised County funds to the non-profit entities (*as listed in Exhibit "A" of the original Miscellaneous Appropriations Agreement, approved by the Board on October 15, 2009*), once the amounts owed have been verified through examination of cancelled checks;
- (2) Was advised by Commissioner Robertson that he would support allowing the Clerk to disburse payment to the non-profit entities; and
- (3) Heard the suggestion from Commissioner Valentino that ACE be allowed to confer with the Clerk to make certain allocation determinations for the 11 entities that have been certified for approval; and

(Continued on Page 14)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

B. Board Direction – The C/W recommends that the Board take the following action concerning The Arts Council Issues:

(1) Approve payment to the 11 Agencies that have been certified for approval, upon approval of documentation by the Clerk's Office, and, as soon as ACE (*Arts, Culture and Entertainment, Inc.*), receives its preliminary 501(c)(3) status, consider ACE as the pass-through Agency (*for distribution of 4th Cent Tourist Development Tax Funds*); and

Recommended 5-0

(2) Authorize the Clerk of the Circuit Court & Comptroller's Office to conduct a five-year financial audit of The Arts Council of Northwest Florida, and approve that staff will attempt to obtain a judgment for any funds that have been misappropriated.

Recommended 5-0

Speaker(s):

David M. Bear
Lewis Bear, Jr.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 8. In Project Reviews FDOT Pilot Project Update
 - A. Discussion – The C/W did not discuss this issue; and
 - B. Board Direction – None.
- 9. Public Records Law Fee Schedule
 - A. Discussion – The C/W discussed Public Records Law Fee Schedule; and
 - B. Board Direction – The C/W recommends that the Board adopt the Resolution establishing a Public Records Fee Schedule; amending Section II, Part B.4., Photocopying Fees, of the Escambia County Board of Commissioners Policy Manual; providing that with respect to public records, to the extent that there is a conflict with a prior Fee Resolutions, this Resolution shall govern; and providing for an effective date upon adoption.

Recommended 5-0

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Fire Municipal Services Benefits Unit (MSBU) Billing / Delinquent MSBU Forgiveness Policy

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, regarding Fire Municipal Services Benefits Unit (MSBU) Billing / Delinquent MSBU Forgiveness Policy, presented by Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, and the C/W:

- (1) Heard an overview of the methodology and billing process for the County's Fire MSBU (*Municipal Services Benefit Unit*) assessments for mainland and island accounts;
- (2) Was advised by Commissioner White that he has received several complaints concerning structures, such as a garage or barn, that are classified as dwelling units, and are being assessed a Fire MSBU;
- (3) Heard the request from Ms. Lovoy that discussion concerning dwelling unit classification, in relation to Fire MSBU assessments, be scheduled for a future C/W in order to give staff an opportunity to research the issue further and provide recommendations;
- (4) Upon inquiry from Commissioner Robinson, was advised by Ms. Lovoy that, for island accounts, there is no legal mechanism in place to waive, alter, or forgive correctly billed MSBU assessments; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Continued...

A. Continued...

(5) Was advised by County Attorney Rogers that she recommends that the Board not delve into the issue of (*waiving, forgiving, or altering*) special assessments; and

B. Board Direction – None.

11. Equestrian Center Advisory Committee

A. Discussion – The C/W the Equestrian Center Advisory Committee, and the C/W:

(1) Was advised by Commissioner Robertson that he has received a complaint from two of the Advisory Committee members concerning the Committee's requirement to operate under the Sunshine Law; furthermore, he would prefer that a technical, fact-finding Citizens' Advisory Committee, appointed by County Administration, not subject to the Sunshine Law, be established; and

(2) Upon inquiry from Commissioner Robertson, was advised by County Attorney Rogers that true fact-finding Boards are not subject to the Sunshine Law, but as it is currently formed, the Equestrian Center Advisory Committee cannot be classified as such; 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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

11. Continued...

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

- (1) Request that the sitting Equestrian Center Citizens Advisory Committee members advertise and conduct a meeting to discuss, in detail, the type of Committee the members would be willing to work with that would, legally, not be subject to the Sunshine Law.

Recommended 5-0

- (2) Extend the terms for the expired members of the Equestrian Advisory Committee until April 1, 2010.

Recommended 5-0 (*this recommendation was inadvertently omitted from the January 21, 2009, BCC Agenda; however, the Board approved a Replacement Recommendation regarding this issue*)

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

12. Fund Raising / Sponsorship Policy – Naming Rights Policy

A. Discussion – The C/W discussed Fund Raising / Sponsorship Policy – Naming Rights Policy; and

B. Board Direction – The C/W recommends that the Board adopt the *Escambia County Philanthropic Naming Rights and Business Sponsorship Policy*.

Recommended 5-0

13. Adult Arcade Ordinance

A. Discussion – The C/W discussed Adult Arcade Ordinance, and the C/W:

(1) Was advised by Ryan Ross, County Attorney's Office, that an Arcade Amusement Center Ordinance is scheduled to be reviewed by the Planning Board in February to determine appropriate zoning for Bingo Parlors; and

(2) Was advised by County Attorney Rogers that the proposed Ordinance will be presented to the Board for consideration prior to the expiration of the *(Emergency Adult Arcade)* Moratorium; and

B. Board Direction – None.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

14. Proposed Recruitment Plan 2010

A. Discussion – The C/W discussed Proposed Recruitment Plan 2010, and the C/W:

(1) Heard the request from Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, for Board direction regarding the following three issues:

- (a) Establishment of a Selection Committee
- (b) Top criteria for the position
- (c) Salary Range

(2) Agreed to direct Human Resources to submit no more than 25 resumes to the Board to be considered for the interview process;

(3) Agreed that each Commissioner will provide staff with his or her top criteria for a County Administrator, which is to be utilized by Human Resources in the application process; and

(4) Agreed that the salary range for the new County Administrator will be \$120,000 – \$145,000; and

B. Board Direction – None.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

15. Leadership Workshops at Extension Services

- A. Discussion – The C/W agreed to continue the Leadership Workshops at Extension Services; and
- B. Board Direction – None.

16. Maplewoods Phase I Drainage Improvements Rebid

- A. Discussion – The C/W discussed Maplewoods Phase I Drainage Improvements Rebid, and the C/W:
 - (1) Was advised by Commissioner White that his decision to re-bid the contract was based on limited information and upon comments made by Commissioner Valentino, which alluded that the (*bid*) process was flawed, and that the belief that re-bidding the contract could have saved the County money; however, after further evaluation, he found that there were no flaws made by staff in the bid process, and he admits to making a mistake in re-bidding the contract;
 - (2) Was advised by Commissioner Robinson that, not fully understanding the sealed-bid process, he made certain assumptions, and was concerned about monetary savings to the County; therefore, he will be reversing his previous vote and supporting the original recommendation of staff in order to keep the integrity of the bid process;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

16. Continued...

A. Continued...

(3) Was advised by Commissioner Valentino that he made a motion to re-bid the contract because he was convinced by staff that there was a flaw in the bid process;

(4) Was advised by Commissioner Robertson that he supports the original recommendation because the Board erred in its decision to re-bid the contract; and

(5) Upon inquiry from Commissioner Valentino, was advised by Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, and Claudia Simmons, Purchasing Manager, that there was no flaw in the bid process for this contract; and

B. Board Direction – The C/W recommends that the Board take the following action concerning the Board's January 7, 2010, action relative to staff's recommendation that the Board award Contract PD 09-10.002, Maplewoods Phase 1 Drainage Improvements, to Gulf Equipment Corp.:

(1) Reconsider the Board's action of January 7, 2010, approving to re-bid (*the Contract*), with the understanding that the re-bid process ensure a commitment from the Contractor of choice to meet the required deadline so as not to breach the existing funding requirements; and

Recommended 5-0

(Continued on Page 23)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the January 14, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

16. Continued...

B. Continued...

- (2) Rescind the Board's action of January 7, 2009, approving to re-bid, and award the Contract to the lowest responsive and responsible bidder, Gulf Equipment Corp. *(for a total amount of \$1,768,621.70; Funding Source: Fund 352 Local Option Sales Tax [LOST] III, Account 210112/56301 –\$1,326,466.28 [75% Grant]; Fund 352 LOST III, Account 210107/56301/Project No. 09EN0093 –\$442,155.42 [25% County]).*

Recommended 5-0

Speaker(s):

Charles Fairchild
Jerry Couey
Bill McGough
Russell Weaver

17. Adjourn

Chairman Robinson declared the C/W Workshop adjourned at 11:54 a.m.

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

I. PUBLIC HEARINGS

1. Rezoning Cases

1757

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning Rezoning Case Z-2010-01:

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

- (1) Case Number: Z-2010-01
- Location: 9200 Beatrice Drive
- Property Reference Number: 14-1S-30-2102-022-001
- Property Size: 1.99 (+/-) acres
- From: R-3, One-Family and Two-Family District (cumulative), Medium Density (10 dwelling units per acre)
- To: C-1, Retail Commercial District (cumulative), High Density (25 dwelling units per acre)
- FLU Category: MU-1, Mixed Use 1
- Commissioner District: 4
- Requested by: Wiley C. “Buddy” Page, Agent for Pensacola Pediatrics, LLC
- PB Recommendation: Approval

Speaker(s) – None.

(Continued on Page 25)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

1. Continued...

Motion made by Commissioner Young, seconded by Commissioner White, and carried unanimously, taking the following action concerning Rezoning Case Z-2010-02:

A. Adopting the Planning Board’s (PB) 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:

1757

- (2) Case Number: Z-2010-02
- Location: 18 West Scott Street and 100 West Scott Street
- Property Reference Numbers: 00-0S-00-9010-026-147 and 00-0S-00-9010-029-147
- Property Size: 0.48 (+/-) acre total
- From: R-3, One-Family and Two-Family District (cumulative), Medium Density (10 dwelling units per acre)
- To: C-2, General Commercial and Light Manufacturing District (cumulative) (25 dwelling units per acre)
- FLU Category: C, Commercial
- Commissioner District: 3
- Requested by: Wiley C. “Buddy” Page, Agent for Vision Construction Enterprise, Inc.
- PB 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

1758

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting an Ordinance (*Number 2010-2*) to amend the Official Zoning Map to include Rezoning Cases (*Z-2010-01 and Z-2010-02*) heard by the Planning Board on January 11, 2010, and approved during the previous agenda item, and to provide for severability, inclusion in the Code, and an effective date.

Speaker(s) – None.

3. 5:46 p.m. Public Hearing

1758

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting an Ordinance (*Number 2010-3*) to the (*Escambia County*) Land Development Code, amending Article 2, “Administration,” Section 2.05.02, to remove references to the Director of Planning and Zoning; Article 3, “Definitions,” Section 3.02.00, to define “redevelopment”; and Article 7, “Performance Standards,” creating Section 7.00.02, to establish waivers to certain requirements of this Code provided all criteria are met.

Speaker(s) – None.

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA

1. Scheduling of a Public Hearing

1759

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, authorizing the scheduling (*and advertising*) of a Public Hearing for Thursday, March 4, 2010, at 5:45 p.m., to amend the Official Zoning Map to include the following Rezoning Cases (*which are scheduled*) to be heard by the Planning Board on February 8, 2010:

- A. Case Number: Z-2010-03
Location: 3111 Fairfield Drive
Property Reference Numbers: 16-2S-30-1300-001-039, 16-2S-30-1300-001-040, and 16-2S-30-1300-001-041
Property Size: 0.514 (+/-) acre
From: R-4, Multiple-Family District (cumulative), Medium-High Density (18 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: 3
Requested By: Wiley C. “Buddy” Page, Agent for Roger and Karen Wood, Owners

- B. Case Number: Z-2010-04
Location: 51 Highway 97
Property Reference Number: 33-3N-31-1004-000-000
Property Size: 36.51 (+/-) acres
From: V-2, Villages Single-Family Residential (2 dwelling units per acre)
To: VR-2, Villages Rural Residential District (1 dwelling unit per 0.75 acre)
FLU Category: AA-13, Activity Area Molino
Commissioner District: 5
Requested By: Bennie and Gay Hassebrock, Owners

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1. Area Housing Commission Appointment

1759

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, reappointing Ms. Shirley D. Henderson to the Area Housing Commission, to serve another four-year term, effective April 7, 2009, through April 6, 2013.

II. BUDGET/FINANCE CONSENT AGENDA

1-18. Approval of Various Consent Agenda Items

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving Consent Agenda Items 1 through 18, as follows, with the exception of Item 9, which was held for a separate vote:

1759

1. Taking the following action concerning the reduction of the minimum bid required for the sale of real property located at 1117 West Yonge Street due to the Property Appraiser's reassessed value:
 - A. Authorizing the sale of the Board's surplus real property, Account Number 06-2159-800, Reference Number 17-2S-30-1600-190-018, acquired by governmental foreclosure, to the bidder with the highest offer above the minimum bid of \$907, 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.
2. Taking the following action concerning the reduction of the minimum bid required for the sale of real property located in the 1200 West Cross Street Block due to the Property Appraiser's reassessed value:
 - A. Authorizing the sale of the Board's surplus real property, Account Number 06-2410-000, Reference Number 17-2S-30-5009-000-068, acquired by governmental foreclosure, to the bidder with the highest offer above the minimum bid of \$7,018, 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.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

3. Taking the following action concerning the reduction of the minimum bid required for the sale of real property located at 2708 West Bobe Street due to the Property Appraiser's reassessed value:

A. Authorizing the sale of the Board's surplus real property, Account Number 06-1481-000, Reference Number 17-2S-30-1300-015-055, acquired by governmental foreclosure, to the bidder with the highest offer above the minimum bid of \$3,526, 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.

4. Taking the following action concerning the reduction of the minimum bid required for the sale of real property located at 411 Citrus Street due to the Property Appraiser's reassessed value:

A. Authorizing the sale of the Board's surplus real property, Account Number 07-1341-000, Reference Number 34-2S-30-1000-003-100, acquired by governmental foreclosure, to the bidder with the highest offer above the minimum bid of \$3,059, 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.

5. Taking the following action concerning the surplus and sale of real property located at 110 North Merritt Street:

A. Declaring surplus the Board's real property, Account Number 08-1454-000, Reference Number 50-2S-30-5091-011-008;

B. Authorizing the sale of the property to the bidder with the highest offer received above the minimum bid of \$32,207, 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

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

6. Taking the following action concerning the increase of the minimum bid required for the sale of real property located at 2507 North Baylen Street due to the Property Appraiser's reassessed value:

A. Authorizing the sale of the Board's surplus real property, Account Number 13-2330-000, Reference Number 00-0S-00-9010-021-146, acquired by governmental foreclosure, to the bidder with the highest offer above the minimum bid of \$15,518, 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.

7. Adopting the Resolution (*R2010-18*) approving Supplemental Budget Amendment Number 104, General Fund (001) and Building Inspections Fund (406), in the amount of \$75,360, to recognize a transfer from the General Fund in order to reimburse Building Inspections for a vehicle transfer to other County divisions.

8. Adopting the Resolution (*R2010-19*) approving Supplemental Budget Amendment Number 106, Other Grants and Projects Fund (110), in the amount of \$912,500, to recognize proceeds from three State of Florida Department of Transportation Grant Agreements that were approved, but not spent in prior years, and to appropriate these funds for the design update on U.S. 90A (Nine Mile Road), between State Road 297 (Pine Forest Road) and U.S. Highway 29; the design of paved shoulders and bicycle lanes on 2nd Street, from Interbay Avenue to Barrancas Avenue, and for infrastructure improvements at Olive Road and Cody Lane.

9. See Page 36.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

10. Awarding Contract PD 08-09.092, Modular Office Systems for Escambia County Central Office Complex, to Haworth, Inc., as follows (Funding: Fund 351, Local Option Sales Tax II, Cost Center 110261, Project Number 05AD0029, One Stop Building, Object Code 56201):

Base Proposal	\$505,178.98
Additional Storage and Task Lighting	<u>\$ 75,000.00</u>
Total	\$575,178.98

11. Awarding a Contract for Term Employment Services, PD 09-10.008, to I.H.T. of SC, Inc., for the approximate amount of \$600,000, for a period of 12 months, renewable for two additional 12-month periods, for a total of 36 months (Funding: Fund 001, General Fund, Cost Center 220204, Object Code 53401, *[in the amount of]* \$90,000; Fund 001, General Fund, Cost Center 210603, Object Code 53401, *[in the amount of]* \$22,000; Fund 001, General Fund, Cost Center 140101, Object Code 53401, *[in the amount of]* \$120,000; Fund 110, Other Grants and Projects, Cost Center 210504, Object Code 53401, *[in the amount of]* \$30,700; Fund 110, Other Grants and Projects, Cost Center 330459, Object Code 53401, *[in the amount of]* \$22,000; Fund 116, Development Review Fees, Cost Center 250201, Object Code 53401, *[in the amount of]* \$45,000; Fund 129, CDBG HUD Entitlement Fund, Cost Center 220563, Object Code 58301, *[in the amount of]* \$15,907; Fund 129, CDBG HUD Entitlement Fund, Cost Center 220410, Object Code 58301, *[in the amount of]* \$21,093; Fund 401, Solid Waste Fund, Cost Center 220601, Object Code 53401, *[in the amount of]* \$30,000; Fund 401, Solid Waste Fund, Cost Center 220602, Object Code 53401, *[in the amount of]* \$30,000; Fund 401, Solid Waste Fund, Cost Center 220603, Object Code 53401, *[in the amount of]* \$50,000; Fund 401, Solid Waste Fund, Cost Center 220604, Object Code 53401, *[in the amount of]* \$100,000).

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

12. Taking the following action regarding the acquisition of a parcel of real property from Marwan Alselwadi and Nader Alselwady, in connection with the County's Road Improvement Project at the intersection of Ten Mile Road and Chemstrand Road (Funding Source: Fund 352, Local Option Sales Tax [LOST] III, Account 210107/56301/56101, Project 08EN0255; and Fund 351, LOST II, Account 210105/56101, Project 05EN0725):

- A. Adopting a Resolution (*R2010-20*) approving the exchange of two County parcels (approximately 0.40 acre) for a portion of a parcel of property owned by Marwan Alselwadi and Nader Alselwady (approximately 0.05 acre, or 1,980 square feet), 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;
- C. Authorizing the payment of documentary stamps because the property is being acquired for public use, which is the Ten Mile Road and Chemstrand Road Improvement Project, and (*because*) the public benefits from the acquisition by safer and more efficient traffic flow; and
- D. Authorizing the County Attorney to prepare, and the Chairman or Vice Chairman to execute, any documents necessary to complete the exchange of the properties, without further action of the Board.

13. Awarding Contract PD 09-10.005, Re-Solicitation On-Site Employee Health Clinic, to Concentra Health Services, Inc., for 36 months, as follows (Funding: Fund 501, Internal Service Fund, Cost Center 140609, Object Code 53401):

Fiscal Year 2009-2010	Year 1	\$ 583,252
Fiscal Year 2010-2011	Year 2	\$ 534,719
Fiscal Year 2011-2012	Year 3	<u>\$ 550,761</u>
Total		\$1,668,732

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

14. Taking the following action regarding the purchase of a parcel of property for the Area “A” Density Reduction Project, consisting of approximately 3.74 acres, located off Fenceline Road, owned by George J. Roark, III, Donald A. Roark, Bromfield Nichol, Jr., and USAA Federal Savings Bank, as Trustee of the Bromfield Nichol, Jr., Trust, dated September 26, 2007 (Funding Source: Fund 110, Other Grants and Projects, Density Reduction PNS-NAS, Account 221006/56101):
 - A. Authorizing the purchase of one parcel of property from George J. Roark, III, Donald A. Roark, Bromfield Nichol, Jr., and USAA Federal Savings Bank, as Trustee of the Bromfield Nichol, Jr., Trust, dated September 26, 2007 (*[Property Reference Number]* 03-3S-31-2010-000-000), for the appraised value of \$215,000, in accordance with the terms and conditions contained in the *Contract for Sale and Purchase*;
 - B. Authorizing the payment of documentary stamps because the property is being purchased for governmental use to control development and promote the long-term viability of Pensacola Naval Air Station, and will enhance the public safety and general welfare of the citizens of Escambia County; and
 - C. Authorizing the County Attorney to prepare, and the Chairman or Vice Chairman to execute, any documents necessary to complete the purchase, without further action of the Board.
15. Approving, and authorizing the County Administrator to execute, all documents relating to the Department of the Navy’s *License For Non Federal Use of Real Property*, License Number N69450-09-CO-03, which will allow County staff access to Bronson Field, in order to perform outfall/ditch maintenance, including the authorization of any time extension necessary to complete the required maintenance (Funding Source: Fund 351, Local Option Sales Tax II, Account 350233/56301, Project No. 08PR0102).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

16. Taking the following action concerning the Florida Division of Emergency Management (FDEM) Citizen Corps and Community Emergency Response Team (CERT) Grant Program awards, identifying Grant funding being awarded to Escambia County, in the collective amount of \$18,000, with a Grant period of October 1, 2009, through April 30, 2012:
- A. Approving the FDEM Award Letter identifying funding from the Citizen Corps and CERT Grant Program that will be identified in Fund 110, Other Grants and Projects, Cost Centers 330458 and 330430, respectfully;
 - B. Approving the *Federally-Funded Subgrant Agreement* for Citizen Corps Project, Grant Contract Number 10-CC-43-01-27-01-XXX, in the amount of \$7,000, that will be identified in Fund 110, Other Grants and Projects, Cost Center 330458;
 - C. Approving the *Federally-Funded Subgrant Agreement* for the CERT Project, Grant Contract Number 10-CC-43-01-27-01-XXX, in the amount of \$11,000, that will be identified in Fund 110, Other Grants and Projects, Cost Center 330430; and
 - D. Authorizing the Chairman to execute the Grant Award Letter, Citizen Corps Contract, and CERT Contract.
17. Taking the following action concerning approval of Amendment #1 to the Landfill Gas Sales Agreement and Amendment #1 to the Power Plant Site Lease between Gulf Power Company and Escambia County, Florida (Funding: Fund 401, Solid Waste Projects, Cost Center 220605):
- A. Approving *Amendment #1 to the Landfill Gas Sales Agreement between Gulf Power Company and Escambia County, Florida*, revising Article 16, Paragraph 16.1, "Termination for Failure to Obtain Florida Public Service Commission Approval," which removes the requirement for approval by the Florida Public Service Commission prior to proceeding with the Landfill Gas-to-Energy Project;

(Continued on Page 35)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

17. Continued...

B. Approving *Amendment #1 to the Power Plant Site Lease Agreement between Gulf Power Company and Escambia County, Florida*, revising Paragraph 20, "Termination for Failure to Obtain Florida Public Service Commission Approval," which removes the requirement for approval by the Florida Public Service Commission prior to proceeding with the Landfill Gas-to-Energy Project; and

C. Authorizing the Chairman to sign the Amendments.

18. Approving, and authorizing the County Administrator to execute, the following Change Order (Funding Source: Fund 401, Solid Waste Fund, Object Code 53401, Cost Center 220612):

Bureau:	Neighborhoods and Community Services
Division:	Solid Waste Management
Type:	Addition
Amount:	\$900,000
Vendor:	Southern Haulers, LLC
Project Name:	Solid Waste Transfer Station
Contract:	Operations Agreement between Allied Waste Services and Escambia County
Purchase Order Number:	100856
Change Order Number:	1
Original Award Amount:	\$ 50,000
Cumulative Amount of Change Orders through Number 1:	<u>\$900,000</u>
New Contract Total:	<u>\$950,000</u>

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

9. PD 08-09.103

1800

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried 3-0, with Commissioner Robinson abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), and Commissioner Young temporarily out of Board Chambers, amending the Board's action of October 1, 2009, concerning Contract PD 08-09.103, Drug Court Treatment Services to Lakeview Center, Inc., to correct the Cost Center from 410550 to 410553 and 410568; the term of the Contract is 24 months, with three options for 12-month extensions, for a maximum of 60 months; the annual amount is \$399,000 (Funding: Fund 110, Other Grants and Projects, Cost Centers 410553 and 410568, Object Code 53401).

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1-3. Approval of Various For Action Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Young temporarily out of Board Chambers, approving For Action Items 1 through 3, as follows:

1801

1. Authorizing the County Attorney's Office to dismiss the lawsuit against Napoleon Powell (*Wedgewood School Property; Case No.: 2009-CA-003387*) and not seek a judgment for monetary damages and costs.
2. Ratifying the filing of a *Motion for Leave to File Amicus Brief*, with attached proposed *Amicus Brief*, in the Case of M & H Profit, Inc. v. City of Panama City (Case No. 1D08-4983) now on appeal in the First District Court of Appeal.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

- I. FOR ACTION – Continued
- 1-3. Approval of Various For Action Items – Continued
 3. Taking the following action concerning the Interim County Administrator:
 - A. Setting the salary for Larry Newsom at \$120,065, and a \$500 per month car allowance, only for the period of time he serves as the Interim County Administrator, which shall commence at midnight on February 7, 2010;
 - B. Confirming that this is a totally at will appointment that is expected to last no longer than 120 days, or as soon thereafter as a permanent Administrator is appointed;
 - C. Approving that during his tenure as Interim County Administrator, Mr. Newsom is to use Joy Blackmon as Assistant County Administrator;
 - D. Approving that Mr. Newsom shall get Board approval for employment actions and reorganizations as typically required of a County Administrator; and
 - E. Approving that upon completion of service as Interim County Administrator, Mr. Newsom shall revert to his current salary, benefits, and position of Transportation and Traffic Division Manager, or to the equivalent position in the event of a reorganization.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ITEMS ADDED TO THE AGENDA – None.

ANNOUNCEMENTS – None.

ADJOURNMENT

1801

There being no further business to come before the Board, Chairman Robinson declared the Regular Meeting of the Board of County Commissioners adjourned at 6:01 p.m.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

ATTEST:

Ernie Lee Magaha
Clerk of the Circuit Court & Comptroller

By: _____
Grover C. Robinson, IV, Chairman



Deputy Clerk

Approved: February 18, 2010