

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD SEPTEMBER 2, 2010
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:32 p.m. – 6:48 p.m.)

Present: Commissioner Grover C. Robinson, IV, Chairman, District 4
Commissioner Kevin W. White, Vice Chairman, District 5
Commissioner Wilson B. Robertson, District 1
Commissioner Gene M. Valentino, District 2
Commissioner Marie K. Young, District 3
Mrs. Alison Rogers, County Attorney
Ms. Joy D. Blackmon, Interim Assistant County Administrator
Mrs. Cheryl Maher, Clerk's Accounting Supervisor
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 4:32 p.m.

1. FOR INFORMATION: The Board heard comments from Lianne Bush regarding the County's No Smoking Policy and her request that the Board remove the grandfather clause for County employees who smoke, and include a 7 mg nicotine limit, which will allow her to wear a nicotine patch, which she needs to quit smoking, and be eligible for hire as a County EMT (*Emergency Medical Technician*).
2. FOR INFORMATION: The Board heard comments from John Peacock regarding community resource utilization and heard his request that a future Committee of the Whole Workshop agenda include discussion concerning the utilization of vacant government buildings by various non-profit entities that could share administrative staff, technology, etc., and that Local Option Sales Tax proceeds be utilized to fund the renovations to these buildings.
3. FOR INFORMATION: The Board heard comments from Kenneth Williams, Williams Communications, Tallahassee, Florida, regarding the Rebanding of the Communications System, and Mr. Williams was advised by Chairman Robinson that he could address the issue (*Item III-2 on the County Administrator's Report*) during the Regular Board Meeting.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

4. FOR INFORMATION: The Board heard comments from Elizabeth Peaden concerning the County's health insurance premiums for retirees, and heard her suggestion that the Board take action to reduce costs, as outlined in a two-page document submitted by Ms. Peaden.
5. FOR INFORMATION: The Board heard comments from L. Gary Sansing regarding previous Public Forum speakers and various world, national, and local issues.
6. FOR INFORMATION: The Board witnessed Commissioner Young's presentation of certificates congratulating Jalen Benson, Katarina Espenscheid, Savannah Green, Nicholas Gupta, Dennis Hornsby, Amanda Patton, and Nathan Gupta, Pensacola High School International Baccalaureate Program students, for winning the National History Fair at the University of Maryland, and heard comments from Tracy Brown, Lisa Gupta, and L. Gary Sansing.

5:13 P.M. – PUBLIC FORUM ADJOURNED

5:33 P.M. – REGULAR BOARD MEETING CONVENED

REGULAR BCC AGENDA

1. Call to Order

Chairman Robinson called the Regular Meeting of the Board of County Commissioners to order at 5:33 p.m.

1733

2. Invocation

Chairman Robinson advised that Reverend Robert Lewis, Pastor, Immanuel Missionary Baptist Church, would deliver the Invocation.

3. Pledge of Allegiance to the Flag

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

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

4. Adoption of the Agenda

1736

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting the agenda, as prepared and duly amended *(to include Addendum #1 to the County Attorney's Report [Item I-5] and Commissioner Robinson's add-on item concerning conveyance of property to Community Enterprise Investments, Inc.)*.

5. Commissioners' Forum

A. District 3 – Commissioner Young:

1737

- (1) Expressed her appreciation to her colleagues who provided her birthday breakfast this morning; and
- (2) Presented a plaque to Marcie Whitaker, Division Manager, Community Redevelopment Agency, in appreciation for her dedication, professionalism, and commitment to excellence while leading the revitalization efforts of Escambia County and enhancing the quality of life for its citizens;

B. District 5 – Commissioner White expressed his congratulations to Commissioner Valentino and Commissioner Robinson on their victories in the Primary Election on Tuesday, August 24, 2010; and

C. District 4 – Commissioner Robinson:

1743

- (1) Advised that the Department of Energy wants to use the Escambia County Landfill Gas-to-Energy Program as a best practice example for grant programs; and
- (2) The EPA (*Environmental Protection Agency*) Contractor with Watershed Alliance reviewed the Glen Key Stormwater and Wetland Project for recognition as an urban stormwater and community collaborative example.

REGULAR BCC AGENDA – Continued

6. Proclamations

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning the adoption/ratification of the following six Proclamations:

- A. Adopting the Proclamation extending a warm welcome to Most Worshipful Grand Master J. Dick Martinez, Grand Master of Free and Accepted Masons of the State of Florida, upon the occasion of his visit to Escambia County;
- B. Ratifying the Proclamation, dated August 26, 2010, offering sincere gratitude to the Members of the Florida Fish and Wildlife Conservation Commission for showing its solidarity with this region by changing the location of its September 1-3, 2010, Commissioners' Meeting from Weston, Florida, to Escambia County, Florida, to be held at the Hilton Pensacola Beach Gulf Front Hotel located on Pensacola Beach;
- C. Ratifying the Proclamation, dated August 18, 2010, commending and congratulating Phillip Masterson for attaining the standard of excellence to achieve the rank of Eagle Scout;
- D. Ratifying the Proclamation, dated August 18, 2010, commending and congratulating Shaun Hagerott for attaining the standard of excellence to achieve the rank of Eagle Scout;
- E. Ratifying the Proclamation, dated August 18, 2010, commending and congratulating Brian Hagerott for attaining the standard of excellence to achieve the rank of Eagle Scout; and
- F. Ratifying the Proclamation, dated August 18, 2010, commending and congratulating Jake T. Hartnett for attaining the standard of excellence to achieve the rank of Eagle Scout.

REGULAR BCC AGENDA – Continued

1743

7. Proof of Publication

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 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on August 19, 2010, for consideration of the Petition to Vacate a portion of the alleyway in Block 48, Hazelhurst Subdivision, as petitioned by Frank C. Whitfield; and
- B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule August 30, 2010 – September 3, 2010 – Legal No. 1483375*, as published in the Pensacola News Journal on August 28, 2010, as follows:

August 31	1:30 p.m.	Environmental Enforcement Special Magistrate
September 1	8:30 a.m.	Application Committee for Competency Board
September 1	9:00 a.m.	Construction Industry Competency Board
September 1	1:00 p.m.	Development Review Committee
September 2	8:30 a.m.	Incident Review Board
September 2	9:00 a.m.	Agenda Work Session
September 2	1:30 p.m.	Citizens Environmental Committee
September 2	4:30 p.m.	Board of County Commissioners Public Forum
September 2	5:30 p.m.	Board of County Commissioners Public Hearings & Reports

NEXT WEEK’S NOTE:

September 6		Holiday/Labor Day – County Offices Closed
September 7	10:00 a.m.	FL-AL TPO – Bicycle/Pedestrians Advisory Committee
September 7	1:00 p.m.	FL-AL TPO – Technical Coordinating Committee
September 7	1:30 p.m.	Environmental Enforcement Special Magistrate
September 7	3:30 p.m.	FL-AL TPO – Citizens Advisory Committee

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. 5:31 p.m. Public Hearing

1744

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action regarding the Petition to Vacate a portion of the alleyway in Block 48, Hazelhurst Subdivision (approximately 92 feet x 20 feet = 1,840 square feet, or 0.04 acre), as petitioned by Frank C. Whitfield:

- A. Approving the Petition to Vacate;
- B. Accepting the Hold/Harmless Agreement;
- C. Adopting the Resolution (*R2010-160*) to Vacate; and
- D. Authorizing the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorizing the Chairman or Vice Chairman to execute them at that time.

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

1744

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 4, as follows, as amended to drop Item 2:

- 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 August 20, 2010, in the amount of \$2,191,487.03;
 - B. The following two Disbursement of Funds:
 - (1) August 12, 2010, to August 18, 2010, in the amount of \$2,589,172.98; and
 - (2) August 19, 2010, to August 25, 2010, in the amount of \$23,323,009.77.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

2. Dropping the recommendation that the Board approve the disposition of Asset #54069, Dell Laptop.
3. Accepting, for filing with the Board's Minutes, the *Agreement for On-Site Services* between Concentra Health Services, Inc., and Escambia County (for Contract PD 09-10.005, *Re-Solicitation On-Site Employee Health Clinic*), as approved by the Board on February 4, 2010, and executed by the Chairman on August 17, 2010.
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 August 19, 2010;
 - B. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held August 19, 2010;
 - C. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held August 12, 2010, as follows:

AGENDA NUMBER

1. Call To Order

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

(Continued on Page 8)

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 August 12, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

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 August 7, 2010, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule August 9, 2010 – August 13, 2010, Legal No. 1479486.*

3. Chamber Recovery Committee

- A. Discussion – The C/W heard the request from Lewis Bear, representing the Chamber Recovery Committee, Pensacola Bay Area Chamber of Commerce, that the Board fund \$35,000 for "seed money" to be used for the initiative specifically aimed at coastal recovery and creation of jobs, based on the issues created by the Deepwater Horizon Oil Spill; and
- B. Board Direction – The C/W recommends that the Board approve identifying \$35,000 from some of the County's Economic Development funds for "seed money," and approve filing a claim with BP to attempt to recover the funds.

Recommended 4-0, with Commissioner Young absent

(Continued on Page 9)

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 August 12, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Rural Work Program

A. Discussion – The C/W heard an update from Mary Beth Washnock, Senior Transportation Planner, West Florida Regional Planning Council, concerning rural area projects in the Florida Department of Transportation Five Year Work Program for Fiscal Years 2012-2016, as depicted on the map provided by Ms. Washnock; and

B. Board Direction – None.

5. Reinstatement of Citizens Academy

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Citizens Academy Fiscal Year 2011*, presented by Sonya M. Daniel, Public Information Manager, and the C/W:

(1) Heard the suggestion from Commissioner Robinson that the classes be held twice a year, in one central location, or at the Bureau locations; and

(2) Heard the request from Commissioner Robertson that the Board resume the scheduling of Leadership Workshops; and

B. Board Direction – None.

(Continued on Page 10)

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 August 12, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Inmate Labor Policy

- A. Discussion – The C/W heard the request from County Attorney Rogers for Board direction concerning incorporating the Escambia County Road Prison Standard Operating Procedures, *Use of Inmate Labor Policy*, and the *Sale of Inmate Produced Items Policy*, in the Escambia County *Policy and Procedure Manual*; and
- B. Board Direction – The C/W recommends that the Board adopt the Policy.

Recommended 4-0, with Commissioner Young absent

7. Mooring Ordinance

- A. Discussion – The C/W was advised by Robert Turpin, Marine Resources Division, that the Marine Advisory Committee recommends that the Board abandon the County's attempt to become a participant in the Mooring Field Pilot Program sponsored by the Florida Fish and Wildlife Conservation Commission, and the C/W:
 - (1) Upon inquiry from Commissioner Valentino, was advised by Mr. Turpin that one of the requirements for participation in the Pilot Program was to collect monthly data, which, for five months, has not been collected, due to circumstances resulting from the (*Deepwater Horizon*) Oil Spill;

(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 August 12, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

A. Continued...

(2) Heard the request from Commissioner Valentino that, absent any clear "no" or rejection by the State Agency (*Florida Fish and Wildlife*) on this issue, the County move forward with its efforts to participate in the Program; and

(3) Was advised by Commissioner White that, based on the recommendations from staff and the Marine Advisory Committee, he would support a County Mooring Ordinance; and

B. Board Direction – The C/W recommends that the Board approve referring to the full Board for additional input, with no recommendation, the discussion concerning the Mooring Field Pilot Program.

Recommended 3-1, with Commissioner White voting "no" and Commissioner Young absent

(Continued on Page 12)

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 August 12, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Waiver of Fees Policy for Use of the Civic Center and Discussion on Scheduling Policy

- A. Discussion – The C/W heard the request from Sandra P. Jennings, Bureau Chief, Community & Environment Bureau, that the Board authorize staff to advertise a RFP (*Request for Proposals*) for a cost-benefit analysis of The Pensacola Civic Center and its programs in order to evaluate the feasibility of the possible sale or renovation of the Civic Center; and
- B. Board Direction – The C/W recommends that the Board take the following:
 - (1) Authorize staff to publish a Request for Proposals for the *Cost Benefit Analysis Scope –Pensacola Civic Center*; and

Recommended 4-0, with Commissioner Young absent

- (2) Approve, notwithstanding an extreme, unusual emergency, that the Board adopt a "No Waiver" Policy for the Civic Center.

Recommended 4-0, with Commissioner Young absent

(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 August 12, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

9. Escambia County Area Transit Ten Year Transportation Development Plan

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Pensacola Urbanized Area/Escambia County Ten Year Transit Development Plan (TDP)*, presented by Marilyn Wesley, Deputy Bureau Chief, Community & Environment Bureau, and Kenneth Gordon, General Manager, Escambia County Area Transit; and

B. Board Direction – None.

10. Rebanding of the Communications System

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Radio Systems Replacement*, presented by Robert "Bob" Boschen, Communications Manager, Public Safety Bureau, and the C/W:

- (1) Heard an explanation of a proposed funding mechanism provided by staff; and
- (2) Was advised by Commissioner Robinson that he would not support the use of "Pensacola Beach Back Taxes" as a funding source until drainage issues on Pensacola Beach have been resolved; 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 August 12, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Continued...

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

- (1) Approve Option 4, Standards-based digital radio system, at a cost of \$12.5 million, based on the Alabama State Contract and the Houston-Galveston Inter-local Contract; and

(Continued on Page 15)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

C. Report of the August 12, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Continued...

B. Continued...

- (2) Approve the following funding mechanism, as outlined on the one-page document entitled *P25 Project*, pending staff's verification that the drainage issues on Pensacola Beach can be resolved with the balance of the Pensacola Beach Back Taxes:

Grant	\$ 1,000,000.00
CAD/AVL	478,188.00
Microwave Tower (Warrington)	181,351.00
Public Safety Facility	30,489.70
Public Safety Storage	13,245.00
Pensacola Beach Back Taxes	3,133,745.30
Fuel Station Cover @ new Public Safety site	200,000.00
Rebanding Initiative	4,362,811.00
Code Enforcement	157,291.00
Emergency Management	24,667.00
Solid Waste	3,341.00
EMS	462,374.00
Fire	1,131,736.00
Sheriff's LOST	1,200,000.00
Road Prison	<u>120,761.00</u>
Total	\$12,500,000.00

Recommended 4-0, with Commissioner Young absent

(Continued on Page 16)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the August 12, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Continued...

Speaker(s):

Honorable David Morgan, Sheriff

11. Adjourn

Chairman Robinson declared the C/W Workshop adjourned at 11:22 a.m.

- D. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held August 26, 2010, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Robinson called the Committee of the Whole (C/W) to order at 9:06 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 August 21, 2010, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule August 23, 2010 – August 27, 2010, Legal No. 1482113.*

(Continued on Page 17)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

D. Report of the August 26, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Status of Property Values

A. Discussion – The C/W heard comments from the Honorable Chris Jones, Property Appraiser, concerning the potential (*negative*) impact the Deepwater Horizon Oil Spill event will have on the assessment of property values for the Year 2011 and the possibility that the number of foreclosures on properties on the barrier islands could increase significantly; and

B. Board Direction – None.

4. Status of Fiscal Year 2010-2011 Budget

A. Discussion – The C/W discussed Status of Fiscal Year 2010-2011 Budget, and the C/W:

(1) Was advised by Commissioner Robinson that he believes that the proposed Fiscal Year 2010-2011 Budget is not balanced and has concerns regarding funding Outside Agencies; and

(2) Was advised by Commissioner Young and Commissioner Robertson that it is their understanding that the proposed Fiscal Year 2010-2011 Budget is balanced; and

B. Board Direction – None.

(Continued on Page 18)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
4. Continued...
- D. Report of the August 26, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

Speaker(s):

Honorable David Morgan, Sheriff
James Pasquale
Elizabeth Hooton

5. Adjourn

Chairman Robinson declared the C/W Workshop adjourned at 10:01 a.m.

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

I. CONSENT AGENDA

1. Scheduling of a Public Hearing

1745

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, authorizing the scheduling of a Public Hearing for Thursday, October 7, 2010, at 5:45 p.m., to amend the Official Zoning Map to include the following Rezoning Case to be heard by the Planning Board on September 13, 2010:

Case Number:	Z-2010-11
Location:	4923 Lillian Highway
Property Reference Number:	34-2S-30-0200-002-011
Property Size:	2.25 (+/-) acres
From:	R-2 Single-family District (cumulative), Low-Medium Density (7 dwelling units per acre) and R-6 Neighborhood Commercial and Residential District (cumulative), High Density (25 dwelling units per acre)
To:	C-1 Retail Commercial District (cumulative) (25 dwelling units per acre)
FLU Category:	MU-2 (Mixed-Use 2)
Commissioner District:	2
Requested by:	Wiley C. "Buddy" Page, Agent for Rhonda M. Riley and Alan D. Howard, Owners

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Larry M. Newsom, Interim County Administrator

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-7. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 7, as follows, as amended to refer Item 1 to the September 16, 2010, Regular Board Meeting:

1. Referring, to the September 16, 2010, Regular Board Meeting, the recommendation that the Board take the following action concerning support of Myrtle Grove Subdivision as a Crime Prevention District (funding for Crime Prevention Districts and their related enforcement activities shall be from fines and/or fees collected and eligibility under Florida Statutes 775.083[2], as amended, for use in neighborhood projects):
 - A. Adopt the Resolution in support of Myrtle Grove Subdivision as a Crime Prevention District; and
 - B. Authorize the Chairman to sign the Resolution and any other documents necessary to accomplish goals of the Crime Prevention Program.
2. Taking the following action concerning the Community Center License and Management Agreements for Walnut Hill Ruritan Club, Inc., and Boys & Girls Clubs of the Emerald Coast, Inc.:
 - A. Approving, and authorizing the Chairman to sign, the *Community Center License and Management Agreement* between the County and Walnut Hill Ruritan Club, Inc., for the Walnut Hill Community Center, with an effective date of August 5, 2010; and
 - B. Approving, and authorizing the Chairman to sign, the *Community Center License and Management Agreement* between the County and Boys & Girls Clubs of the Emerald Coast, Inc., for the Englewood Community Center, with an effective date of September 1, 2010.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-7. Approval of Various Consent Agenda Items – Continued

1844

3. Taking the following action concerning an appointment and *(two)* reappointments to the Workforce Escarosa, Inc., Board of Directors:
 - A. Confirming the appointment of Lesa G. Morgan, Director of Workforce Education, Escambia County School District, as the School District representative, for a three-year term, with the term of appointment to be effective September 2, 2010, through September 1, 2013;
 - B. Confirming the reappointment of Reagan L. McDaniel, Business Manager, International Brotherhood of Electrical Workers Local Union #676, as the labor representative, for a fourth three-year term, per the end date of his previous appointment, with the term of the appointment to be effective August 1, 2010, through July 31, 2013, with special dispensation requested for this additional term of service; and
 - C. Confirming the reappointment of Dr. Harold M. White, Jr., Executive Vice President, University of West Florida, as a private sector representative, for a three-year term, per the end date of his previous appointment, with the term of appointment to be effective August 1, 2010, through July 31, 2013.
4. Approving three *Request for Disposition of Property* Forms for property which is no longer in service, has been damaged beyond repair, and/or is obsolete and requires proper disposal, all of which are described and listed on the disposition Forms with Bureau and reason stated.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-7. Approval of Various Consent Agenda Items – Continued

5. Accepting, and authorizing the Chairman or Vice Chairman to execute, a Conservation Easement (*Limited Liability Company*) document (*from Tradewinds Home Builders, LLC*) conveying a Conservation Easement at Binkley Place, an unplatted subdivision, Development Review #07021966, pursuant to the Escambia County Land Development Code, as set forth in Section 7.13.03.F., Protection Standards.
6. Authorizing the scheduling of a Public Hearing for October 7, 2010, at 5:31 p.m., to consider the Petition to Vacate a portion of Bates Drive (15 feet x approximately 825 feet = 12,375 square feet, or 0.28 acre), as petitioned by Shirlaura Bremer.
7. Taking the following action concerning a Certificate of Need Application for Wise Recycling, LLC:
 - A. Approving a Certificate of Need Application, permitting Wise Recycling, LLC, to operate in Escambia County; and
 - B. Authorizing the Chairman to sign the Certificate.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-15. Approval of Various Consent Agenda Items

1844

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 15, as follows, with the exception of Item 5, which was held for a separate vote, as amended to refer Item 15 to the September 16, 2010, Regular Board Meeting:

1. Taking the following action concerning the conveyance of real properties to Pensacola Habitat for Humanity, Inc., a not-for-profit corporation, using Escambia County's Surplus Property Disposition for Affordable Housing Development Program;
 - A. Declaring surplus the Board's real property (*located*) at 1925 North "P" Street, Account Number 06-1119-000, Reference Number 17-2S-30-1200-080-003, and real property located in the 1000 Block of West Yonge Street, Account Number 06-2754-000, Reference Number 18-2S-30-6000-070-030;
 - B. Adopting the Resolutions (*R2010-161 and R2010-162*) authorizing the conveyance of these two properties to Pensacola Habitat for Humanity, Inc.;
 - C. Approving the sale price of \$3,403.25 for the 1925 North "P" Street property and \$4,079.70 for the property located in the 1000 Block of West Yonge Street, for a total amount of \$7,482.95;
 - D. Approving to allow Pensacola Habitat for Humanity Inc., up to a maximum of 120 days to close because of the U.S. Department of Housing and Urban Development approval requirements; and
 - E. Authorizing the Chairman to execute the Resolutions and 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

1-15. Approval of Various Consent Agenda Items – Continued

2. Taking the following action concerning the purchase of real property being foreclosed by the County, in compliance with the Code Enforcement/Nuisance Abatement Lien Collection Policy, approved by the Board on July 10, 2008 (purchase of this property will be paid from Local Option Sales Tax):

A. Authorizing (*the*) purchase of real property (*located*) at 2208 West Herman Avenue, Account Number 05-2830-000, Reference Number 09-2S-30-1100-000-172, for use in the Delano Area Drainage Project Study, which identified the need for a pond located in this area;

B. Approving the bid price of \$100 up to \$6,490.16 in the Clerk of the Court's online foreclosure sale; and

C. Authorizing the Chairman to execute all documents related to the purchase.

3. Taking the following action regarding surplus and sale of real property located at 3009 North Tarragona Street, due to the failure of the bidder to close on the property:

A. Rescinding the Board's action of April 8, 2010, approving, due to the failure of the successful bidder to close in 2007, to grant the successful bidder (Sam Phillips) an additional 90-day extension period to close on the sale of real property located at 3009 North Tarragona Street, Account Number 05-0885-000, Reference Number 04-2S-30-6001-008-007, acquired by tax deed in 2003, and amend the minimum bid amount from \$3,000 to the Property Appraiser's reassessed value of \$1,425;

B. Declaring the bidder in default, approving to retain the bid deposit, and authorizing the property to be re-advertised;

C. Authorizing the sale of the property to the bidder with the highest offer received at or above the minimum bid of \$1,425, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and

D. 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

1-15. Approval of Various Consent Agenda Items – Continued

4. Taking the following action concerning the surplus and sale of real property located at 8020 Mobile Highway:

A. Declaring surplus the Board's real property, Account Number 09-0832-000, Reference Number 18-1S-31-1105-000-000;

B. Authorizing the sale of the property to the bidder with the highest offer received at or above the minimum bid of \$27,808, in accordance with Section 46.134 of the Escambia County of Ordinances, without further action of the Board (the current assessed value is \$25,992; however, a Tax Certificate was purchased in the amount of \$1,816);

C. Approving the updated Sales Agreement Contract to be used for this sale and future sales; and

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

5. See Page 30.

6. Adopting the Resolution (*R2010-164*) approving Supplemental Budget Amendment Number 299, Tourism Promotion Fund (108) and Civic Center Fund (409), to recognize a funding transfer, in the amount of \$75,000, to the Civic Center, and to appropriate these funds for concert promotions, according to the allocations made by the Tourist Development Council on the third allocation of BP Tourism funding.

7. Adopting the Resolution (*R2010-165*) approving Supplemental Budget Amendment Number 300, Other Grants and Projects Fund (110), in the amount of \$416,801, to recognize proceeds from a Florida Department of Transportation Local Agency Program Agreement and to appropriate these funds for construction of sidewalks near Bellview Elementary School, along the north side of Bellview Avenue, from Mers Lane to Dallas Avenue and on the west side of Dallas Avenue, from Seattle Avenue to Tucson Avenue.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-15. Approval of Various Consent Agenda Items – Continued

8. Taking the following action regarding the Florida Department of State, Division of Library and Information Services, State Aid to Libraries Grant Agreement (Funding Source: the Grant amount shall be calculated in accordance with Chapter 257, Florida Statutes and guidelines of the State Aid to Libraries Grant Program; the first payment to be made upon execution of the Agreement, and the remaining payment will be made by June 30, 2011):

A. Approving the *Florida Department of State, Division of Library and Information Services, State Aid to Libraries Grant Agreement*, for Fiscal Year 2010-2011; and

B. Authorizing the Chairman to sign the Grant Agreement and any related documents necessary to implement any award received, without further action of the Board.

9. Taking the following action concerning the *2009-2010 State Homeland Security Grant Program Subrecipient Agreement for Expenditure of Local Government Unit Funding for Florida*, Grant #010-DS-39-13-00-16-414 (this Grant will provide for reimbursement, of up to \$34,695, for HazMat and Urban Search and Rescue [USAR] equipment sustainment and \$34,600 for HazMat and USAR team training):

A. Approving the Agreement between Escambia County, Florida, and the State of Florida, Department of Financial Services; and

B. Authorizing the Chairman to sign the Agreement.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-15. Approval of Various Consent Agenda Items – Continued

10. Approving, and authorizing the Interim County Administrator to execute, the following Change Order related to Emergency Operation Center activation during the declared State of Local Emergency, Deepwater Horizon BP Oil Spill (Funding Source: Fund 112, Disaster Recovery; Cost Center 330481, Gulf Oil Spill 2010; Project OILSPL10):

Bureau: Public Safety
Division: Emergency Management
Type: Addition
Amount: \$11,182
Vendor: Pot Belly Deli (#164765)
Project Name: OILSPL10
Purchase Order Number: 101367
Change Order Number: 2
Original Award Amount: \$25,000
Cumulative Amount of Change Orders through Number 2: \$67,282
New Contract Total: \$92,282

11. Approving, and authorizing the Interim County Administrator to execute, the following Change Order (Funding Source: Fund 408, EMS; Cost Center 330302, EMS Operations; Account Code 53401, Other Contractual Services):

Bureau: Public Safety
Division: Emergency Medical Services (EMS)
Type: Addition
Amount: \$96,000
Vendor: Keegan Staffing (#110369)
Project Name: MEDOIL1
Contract: PD 08-09.069 – Employment Services, Temporary
Purchase Order Number: 101503
Change Order Number: 01
Original Award Amount: \$ 42,000
This Change Order Amount: \$ 96,000
New Contract Total: \$138,000

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-15. Approval of Various Consent Agenda Items – Continued

12. Taking the following action concerning the final extension of the General Paving, Drainage and Resurfacing Pricing Agreement, PD 07-08.134 (Funding: various Funds/Cost Centers/Object Codes and Project Numbers):
- A. Accepting and approving the final 12-month extension, effective October 1, 2010, of the Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.134, to each of the following list of contractors, accepting those price changes (increases/decreases) as indicated:
- ◆ APAC-Mid South, Inc. (formerly APAC-Southeast, Inc.) – no Unit Price changes requested
 - ◆ Gulf Atlantic Constructors, Inc. – no Unit Price changes requested
 - ◆ Panhandle Grading and Paving, Inc. – Unit Price changes requested as indicated on the list (*provided with the recommendation*)
 - ◆ Pensacola Concrete Construction Co. – no Unit Price changes requested
 - ◆ Roads, Inc., of NWF – Unit Price changes requested as indicated on the list (*provided with the recommendation*)
 - ◆ Starfish, Inc., of Alabama – no Unit Price changes requested
 - ◆ Utility Service Co., Inc. – delete as nonresponsive to extension request
- B. Authorizing the subject Contract for use by various Bureaus, utilizing the accepted Bid Form Price Listing and Balance-of-Line items, as defined within the Special Terms and Conditions of the Solicitation, to determine the lowest bid for a project; and
- C. Authorizing the issuance of Individual or Blanket Purchase Orders by all Bureaus/ Divisions, in accordance with Chapter 46 of the Escambia County Code of Ordinances, during Fiscal Year 2010-2011.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-15. Approval of Various Consent Agenda Items – Continued

13. Awarding an Indefinite Quantity, Indefinite Delivery Contract, PD 09-10.068, Magnolia Lake Estates Stormwater Pond Rehabilitation, to J. Miller Construction, Inc., for a total amount of \$388,066 (Funding: Fund 351, Local Option Sales Tax [LOST] II, Cost Center 210105, Object Code 56301, Project No. 10EN0265, *[in the amount of]* \$327,000, and Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project No. 10EN0815, *[in the amount of]* \$61,066).
14. Taking the following action concerning the Low Income Pool Medical Education Grant Program (there will be no net effect to the County's Budget):
 - A. Approving the *Letter of Agreement* between the State of Florida's Agency for Health Care Administration (AHCA) and Escambia County, allowing the County to participate in the Low Income Pool Program, which will provide matching dollars, on behalf of Sacred Heart Hospital, for a Medical Education Grant, in the amount of \$240,013;
 - B. Authorizing the County to act as the pass-through agency, on behalf of Sacred Heart Hospital, for the required contribution to AHCA; and
 - C. Authorizing the execution of any necessary Purchase Orders.
15. Referring to the September 16, 2010, Regular Board Meeting, the recommendation concerning Navy Federal Credit Union, Economic Development Rebate Reimbursement (Ordinance 2007-56 *[recommendation not provided]*).

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

5. Supplemental Budget Amendment Resolution

1845

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting the Resolution (R2010-163) approving Supplemental Budget Amendment Number 287, Other Grants and Projects Fund (110), in the amount of \$142,120, to recognize Grant funds from the Florida Department of Law Enforcement and to appropriate these funds for (*Pensacola State College [PSC], f/k/a*) Pensacola Junior College (PJC), to be used for a new emergency voice system on the PJC (PSC) Main and West-side campuses.

For Information: The Board heard Commissioner Robinson disclose that he serves on the Board of the Pensacola State College Foundation; however, because of the voluntary nature of his position, he is not precluded from voting on this issue.

III. FOR DISCUSSION

1. Chamber Recovery Committee

1745

Motion made by Commissioner Robertson, seconded by Commissioner White, and carried 4-1, with Commissioner Young voting "no," approving to table the request (*from Lewis Bear, Jr., for funding, in the amount of \$35,000 for*) the Chamber Recovery Committee for the Initiative Specifically Aimed at Coastal Recovery and Creation of Jobs, Based on the Issues Created by the Deepwater Horizon Oil Spill, and Approving Filing a Claim with BP to Attempt to Recover the Funds.

Speaker(s):

Lewis Bear, Jr.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION – Continued

2. Rebanding of the Communications System

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried unanimously, taking the following action, as recommended by the Committee of the Whole (C/W) at the August 12, 2010, C/W Workshop, subject to Legal sign-off:

- A. Approving Option 4, Standards-based digital radio system, at a cost of \$12.5 million, based on the Alabama State Contract and the Houston- Galveston Inter-local Contract; and
- B. Approving the following funding mechanism, as outlined on the one-page document entitled *P25 Project*, pending staff's verification that the drainage issues on Pensacola Beach can be resolved with the balance of the Pensacola Beach Back Taxes:

Grant	\$ 1,000,000.00
CAD/AVL	478,188.00
Microwave Tower (Warrington)	181,351.00
Public Safety Facility	30,489.70
Public Safety Storage	13,245.00
Pensacola Beach Back Taxes	3,133,745.30
Fuel Station Cover @ new Public Safety site	200,000.00
Rebanding Initiative	4,362,811.00
Code Enforcement	157,291.00
Emergency Management	24,667.00
Solid Waste	3,341.00
EMS	462,374.00
Fire	1,131,736.00
Sheriff's LOST	1,200,000.00
Road Prison	<u>120,761.00</u>
Total	\$12,500,000.00

Speaker(s):

Richard "Dick" Schneider	Honorable David Morgan, Sheriff
Kyle Brinkman	Kenneth Williams
Dave Hoxeng	Captain Gary Montee

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1-5. Approval of Various For Action Items

1846

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving For Action Items 1 through 5, as follows, with the exception of Item 2, which was held for a separate vote:

1. Adopting a Resolution (*R2010-166*) to extend the scope of Resolution R2010-128 (*for an additional 60 days [November 5, 2010]*) to address the threat posed by crude oil on certain private properties.
2. See Page 33.
3. Authorizing the Risk Management Division, working with the County Attorney's Office, to continue to utilize Public Entity Legal Solutions for Legal representation regarding excess Workers' Compensation and presumption law claims, and to increase the hourly rate for such representation from \$120 per hour to \$135 per hour for attorney's services; the rate for paralegal services shall remain the same at \$75 per hour; travel expenses will be limited to no more than one (1) hour of attorney time per day and actual transportation cost will be pro-rated with other clients, when possible.
4. Approving an indemnity-only settlement payable to former employee Raymond Merritt, in the sum of \$250,000; an excess insurance carrier shall reimburse the County for \$150,000 of this settlement amount; this settlement will resolve the County's liability for any and all indemnity benefits to Mr. Merritt, including, but not limited to, past and future permanent total disability benefits, attorney's fees, penalties, interest, and costs for all compensable injuries.
5. Authorizing the scheduling of a Public Hearing for September 16, 2010, at 5:31 p.m., (*to consider adopting an Ordinance*) to amend the Palafox Redevelopment Trust Fund, Englewood Redevelopment Trust Fund, Warrington Redevelopment Trust Fund, Brownsville Neighborhood Redevelopment Trust Fund, and Barrancas Redevelopment Trust Fund to reflect the County's home rule powers as authority for the tax increment financing of the CRA (*Community Redevelopment Agency*) districts.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

1. FOR ACTION – Continued
2. Saufley Landfill – Stipulated Final Judgment

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried 4-0, with Commissioner Young abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), ratifying the release of \$300,000 as full satisfaction of a stipulated final judgment against the Saufley Landfill, as the County Attorney's Office determined appropriate steps were taken to protect the County's interests, without obtaining a release from Tony Green.

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

1. Conveyance of Property to CEII

1847

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning the conveyance of real property, located at 1301 Rainbow Avenue, to Community Enterprise Investments, Inc. (CEII):

- A. Adopting a Resolution (*R2010-167*) authorizing the conveyance of real property located at 1301 Rainbow Avenue, Property Reference No. (a portion of) 44-1s-30-2000-003-037, to Community Enterprise Investments, Inc., a Florida not-for-profit corporation, for development of affordable housing;
- B. Approving the sale price of \$1;
- C. Waiving the document preparation and closing fees otherwise required by Section II, B.16, of the Escambia County Board of County Commissioners' Policy Manual; and
- D. Authorizing the Chairman to execute the Resolution and all other documents necessary to complete the conveyance.

ANNOUNCEMENTS

1. FOR INFORMATION: The Board was advised by Commissioner Robinson that State waters have been opened for snapper fishing on Fridays, Saturdays, and Sundays, from October 1 to November 22, 2010.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ADJOURNMENT

1848

There being no further business to come before the Board, Chairman Robinson declared the Regular Meeting of the Board of County Commissioners adjourned at 6:48 p.m.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

ATTEST:

By: _____
Grover C. Robinson, IV, Chairman

Ernie Lee Magaha
Clerk of the Circuit Court and Comptroller



Deputy Clerk

Approved: September 16, 2010