

THROUGH THESE DOORS WALK ONLY THE FINEST PEOPLE – THE CITIZENS OF ESCAMBIA COUNTY. DECISIONS ARE MADE IN THIS ROOM AFFECTING THE DAILY LIVES OF OUR PEOPLE. DIGNIFIED CONDUCT IS APPRECIATED.

CHAMBER RULES

1. IF YOU WISH TO SPEAK, YOU WILL BE HEARD.
2. YOU MUST SIGN UP TO SPEAK. SIGN-UP SHEETS ARE AVAILABLE AT THE BACK OF THE ROOM.
3. YOU ARE REQUESTED TO KEEP YOUR REMARKS BRIEF AND FACTUAL.
4. BOTH SIDES ON AN ISSUE WILL BE GRANTED UNIFORM/MAXIMUM TIME TO SPEAK.
5. DURING QUASI-JUDICIAL HEARINGS (I.E., REZONINGS), CONDUCT IS VERY FORMAL AND REGULATED BY SUPREME COURT DECISIONS. VERBAL REACTION OR APPLAUSE IS NOT APPROPRIATE.

**PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED AND TELEVISED**

AGENDA

Board of County Commissioners  
Regular Meeting –December 9, 2010– 5:30 p.m.  
Governmental Complex – First Floor

1. Call to Order.

**(PLEASE TURN YOUR CELL PHONE TO THE VIBRATE, SILENCE, OR OFF SETTING)**

2. Invocation – Commissioner Robinson.
3. Pledge of Allegiance to the Flag.
4. Are there any items to be added to the agenda?

Recommendation : That the Board adopt the agenda as prepared **(or duly amended)**.

5. Commissioners' Forum.

6. Adoption/Ratification of Proclamations

Recommendation: That the Board take the following action concerning adoption/ratification of the following two Proclamations:

A. Adopt the Proclamation proclaiming the third Friday of January 2011 as "Arbor Day" in Escambia County; and

B. Ratify the Proclamation, dated November 30, 2010, commending and congratulating Elizabeth "Beth" Bolles for her outstanding horticultural education commitment to our community and its citizens.

7. Written Communication:

A. September 30, 2010 - Communication from Brandon Vinyard, Owner/Broker, Sellstate Gulf Coast Realty, requesting the release of 5607 Fairview Drive from a Code Enforcement Lien filed against property located at 4203 Erress Boulevard, owned by Michael J. Linney;

B. November 10, 2010 - Email communication from Ron and Susan Degraaf requesting that the Board forgive the fines relative to a Code Enforcement Lien against property located at 7501 Jamesville Road;

C. November 17, 2010 - Email communication from Joel Millar requesting that the Board forgive a Code Enforcement Lien against property located at 109 Syrcle Drive; and

D. November 21, 2010 - Email communication from Denise C. Daughtry concerning Winterfest's holiday visit.

8. Did the Clerk's Office receive the proofs of publication for the Public Hearing(s) on the agenda and the Board's Weekly Meeting Schedule?

Recommendation : That the Board waive the reading of the legal advertisement(s) and accept, 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.

9. 5:31 p.m. Public Hearing - Resolution for the Uniform Method of Collection of Non-Ad Valorem Special Assessments

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, adopt the Resolution establishing the Board's intent to use the Uniform Method of Collection for Non-Ad Valorem Special Assessments, as provided in Florida Statutes 197.3632.

10. 5:32 p.m. Public Hearing - Petition to Vacate All Public Dedications, Tract R-1 Through Tract R-5, in Heritage Oaks Commerce Park

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, take the following action concerning the Petition to Vacate all public dedications, Tract R-1 through Tract R-5 (approximately 111,650 square feet or 2.56 acres), Heritage Oaks Commerce Park (HOCP), as petitioned by Navy Federal Credit Union (NFCU):

A. Approve the Petition to Vacate all public dedications, Tract R-1 through Tract R-5 (approximately 111,650 square feet or 2.56 Acres), Heritage Oaks Commerce Park (HOCP), as petitioned by Navy Federal Credit Union (NFCU);

B. Accept the Hold/Harmless Agreement;

C. Adopt the Resolution to Vacate; and

D. Authorize 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 authorize the Chairman or Vice Chairman to execute them at that time.

11. Reports:

Clerk of the Courts & Comptroller's Report

Growth Management Report

County Administrator's Report

County Attorney's Report

12. Items added to the agenda.

13. Announcements.

14. Adjournment.

**BACKUP NOT INCLUDED WITH THE CLERK'S REPORT IS AVAILABLE FOR  
REVIEW IN  
THE OFFICE OF THE CLERK TO THE BOARD  
ESCAMBIA COUNTY GOVERNMENTAL COMPLEX, SUITE 130**

CLERK OF THE COURTS & COMPTROLLER'S REPORT  
December 9, 2010

I. CONSENT AGENDA

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

A. Payroll Expenditure for Pay Date November 24, 2010, in the amount of \$2,252,562.90;

B. The following three Disbursements of Funds:

(1) November 11, 2010, to November 17, 2010, in the amount of \$4,513,836.41;

(2) November 18, 2010, to November 24, 2010, in the amount of \$7,968,762.61; and

(3) November 25, 2010, to December 1, 2010, in the amount of \$18,015,064.60;

C. The following two Budget Comparison Reports for (12 months, or 100% of) Fiscal Year 2009-2010:

(1) Summarized, by fund, Budget to Actual Comparison as of September 30, 2010; and

(2) Actual Revenue and Expenditure Comparison to the prior Fiscal Year as of September 30, 2010; and

D. The Tourist Development Tax Collections Data for Fiscal Year 2010-2011, which includes the October 2010 returns received in the month of November 2010. **(Recommendation to be distributed under separate cover)**

2. That the Board accept, for filing with the Board's Minutes, the following documents received in the Clerk to the Board's Office:
  - A. Modification Number One to Subgrant Agreement between the Division of Emergency Management and Escambia County Board of County Commissioners, which extends the term of the Agreement until March 20, 2011, as executed by the Chairman on October 19, 2010, based on the Board's July 9, 2009, approval of the Federally Funded Subgrant Agreement;
  - B. Closing documents relating to the sale of surplus property, located at 2310 Truman Avenue, to New Development Christian Center, Inc., as approved by the Board on August 6, 2009, executed by the Chairman on November 9, 2010, and received in the Clerk to the Board's Office on November 10, 2010; and
  - C. The Second Renewal of Antenna Mounting Space Lease between Escambia County and New Cingular Wireless PCS, LLC, as executed by the Chairman on November 10, 2010, based on the Board's action of January 8, 2009, approving the renewal for a five year term, commencing on May 24, 2009.
  
3. That the Board take the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:
  - A. Approve the Minutes of the Regular Board Meeting held November 18, 2010;
  - B. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held November 18, 2010;
  - C. Approve the Minutes of the Special Installation and Organization Meeting held November 16, 2010; and
  - D. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held November 9, 2010.

GROWTH MANAGEMENT REPORT  
December 9, 2010

**I. PUBLIC HEARING**

1. Review of the Rezoning Cases heard by the Planning Board on November 8, 2010

**RECOMMENDATION:**

That the Board take the following action concerning the rezoning cases heard by the Planning Board on November 8, 2010:

- A. Review and either adopt, modify, or overturn the Planning Board's recommendations for Rezoning Cases Z-2010-12, Z-2010-13, Z-2010-14, Z-2010-15, Z-2010-16, Z-2010-17 or remand the case(s) back to the Planning Board; and
- B. Authorize the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the rezoning cases that were reviewed.

- |                                   |   |
|-----------------------------------|---|
| <b>1. Case No.:</b>               | <b>Z-2010-12</b>  |
| Location:                         | 3010 North F Street   |
| Property Reference No.:           | 18-2S-30-6000-001-058   |
| Property Size:                    | 0.19 (+/-) acres  |
| From:                             | R-4, Multiple-family District,<br>(cumulative) Medium High Density (18 du/acre)                     |
| To:                               | R-5, Urban Residential/Limited Office District,<br>(cumulative)<br>High Density (20 du/acre)        |
| FLU Category:                     | C, Commercial   |
| Commissioner District:            | 3   |
| Requested by:                     | Tinnie Bonner McCants, Owner  |
| Planning Board<br>Recommendation: | Approval  |
| Speakers:                         | Tinnie Bonner McCants   |
| <br>                              |   |
| <b>2. Case No.:</b>               | <b>Z-2010-13</b>  |
| Location:                         | 4606 W Jackson Street   |
| Property Reference No.:           | 34-2S-30-0201-006-010   |
| Property Size:                    | 0.51 (+/-) acres  |
| From:                             | R-6, Neighborhood Commercial and Residential<br>District,<br>(cumulative) High Density (25 du/acre) |
| To:                               | C-1, Retail Commercial District,<br>(cumulative) (25 du/acre)                                       |
| FLU Category:                     | MU-2, Mixed Use 2   |
| Commissioner District:            | 2   |
| Requested by:                     | M.D. French & Darrell Liechty, Owners   |

Planning Board  
Recommendation: Approval  
Speakers: M.D. French

**3. Case No.:** **Z-2010-14**  
Location: 9015 Fowler Avenue  
Property Reference No.: 10-1S-30-1101-124-002  
Property Size: 0.98 (+/-) acres  
From: R-3, One-family and Two-family District,  
(cumulative) Medium Density (10 du/acre)  
To: R-5, Urban Residential/Limited Office District,  
(cumulative)  
High Density (20 du/acre)  
FLU Category: UR, Urban Residential  
Commissioner District: 5  
Requested by: Jennifer Bell, Agent for  
Patricia Holt, Owner  
Planning Board  
Recommendation: Approval  
Speakers: Jennifer Bell

**4. Case No.:** **Z-2010-15**  
Location: 306 Beverly Parkway  
Property Reference No.: 46-1S-30-2001-002-037  
Property Size: 0.33 (+/-) acres  
From: R-6, Neighborhood Commercial and Residential District,  
(cumulative) High Density (25 du/acre)  
To: C-2, General Commercial and Light Manufacturing  
District,  
(cumulative) (25 du/acre)  
FLU Category: C, Commercial  
Commissioner District: 3  
Requested by: Tom Hammond, Agent for  
Marco Stolfi, Owner  
Planning Board  
Recommendation: Approval  
Speakers: Tom Hammond

**5. Case No.:** **Z-2010-16**  
Location: 165 Chaseville Street  
Property Reference No.: 38-2S-30-3000-000-001  
Property Size: 1.33 (+/-) acres  
Overlay: C-3(OL), Warrington Commercial Overlay District  
From: C-1, Retail Commercial District, (cumulative) (25  
du/acre)

To: C-2, General Commercial and Light Manufacturing District, (cumulative) (25 du/acre)  
FLU Category: C, Commercial  
Commissioner District: 2  
Requested by: Tom Hammond, Agent for Anthony J. Romeo, Owner  
Planning Board Recommendation: Approval  
Speakers: Tom Hammond

**6. Case No.: Z-2010-17**  
Location: 7422 Pine Forest Road  
Property Reference No.: 24-1S-31-1301-000-001  
Property Size: 0.27 (+/-) acres  
From: R-6, Neighborhood Commercial and Residential District, (cumulative) High Density (25 du/acre)  
To: C-1, Retail Commercial District, (cumulative) (25 du/acre)  
FLU Category: C, Commercial  
Commissioner District: 1  
Requested by: Wiley C. "Buddy" Page, Agent for Rodney Jones for KCJ Properties, LTD, Owners  
Planning Board Recommendation: Approval  
Speakers: Wiley C. "Buddy" Page

2. 5:45 p.m. - Thursday, December 9, 2010 Public Hearing - Amendment to the Official Zoning Map

**RECOMMENDATION:**

That the Board adopt an Ordinance to amend the Official Zoning Map to include the rezoning cases heard by the Planning Board on November 8, 2010 and approved during the previous agenda item and to provide for severability, inclusion in the code, and an effective date.

**II. CONSENT AGENDA**

1. Schedule of Public Hearings

**RECOMMENDATION:**

That the Board authorize the scheduling of the following Public Hearings:

**A. 5:45 p.m. – Thursday, January 6, 2011** – A Public Hearing to amend the Official Zoning Map to include the following rezoning cases to be heard by the Planning Board on December 13, 2010.

**1. Case No.: Z-2010-18**  
Location: 300 Beverly Parkway  
Property Reference No.: 46-1S-30-2001-001-037  
Property Size: 0.34 (+/-) acres

From: R-6, Neighborhood Commercial and Residential District,  
(cumulative) High Density (25 du/acre)  
To: C-2, General Commercial and Light Manufacturing District,  
(cumulative) (25 du/acre)  
FLU Category: MU-1, Mixed Use & C, Commercial  
Commissioner District: 3  
Requested by: Tom Hammond, Agent for  
Ramzan Ali, Owner

**2. Case No.:**

**Z-2010-19**

Location: 3407 N. Tarragona St  
Property Reference No.: 04-2S-30-6001-005-021  
Property Size: 0.16 (+/-) acres  
From: R-3, One-family and Two-family Residential District,  
(cumulative) Medium Density (10 du/acre)  
To: R-5, Urban Residential/Limited Office District,  
(cumulative) High Density (20 du/acre)  
FLU Category: C, Commercial  
Commissioner District: 3  
Requested by: Leonard and Carrie Walker, Owners

**B. 5:46 p.m. – Thursday, January 6, 2011 – Public Hearing – LDC Ordinance – Articles 2 & 3  
“Spot Zoning”**

COUNTY ADMINISTRATOR'S REPORT  
December 9, 2010

I. Technical/Public Service Consent Agenda

1. Recommendation Concerning Request for Disposition of County Property - Michael D. Weaver, Public Safety Bureau Chief

That the Board approve three Request for Disposition of Property Forms for property which is to be properly disposed of, all of which are described and listed on the Disposition Forms with Bureau and reason stated.

2. Recommendation Concerning the County's Acceptance of Donated Property from Pensacola State College for the Southwest Escambia Greenway and Trail System - Joy D. Blackmon, P.E., Public Works Bureau Chief

That the Board take the following action concerning the County's acceptance of donated property from Pensacola State College (formerly Pensacola Junior College), for the Southwest Escambia Greenway and Trail System:

A. Authorize the Chairman or Vice Chairman to accept the Deed for property being donated by Pensacola State College for the Southwest Greenway and Trail System as of the day of delivery to the Chairman or Vice Chairman and authorize the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time; and

B. Authorize the payment of incidental expenses associated with the recording of the Deed in the Public Records.

3. Recommendation Concerning Granting a Conservation Easement to Florida Department of Environmental Protection for the Southwest Escambia Sports Complex Project - Joy D. Blackmon, P.E., Public Works Bureau Chief

That the Board take the following action concerning the granting of a Conservation Easement to the State of Florida Department of Environmental Protection for the Southwest Escambia Sports Complex Project:

A. Approve the Conservation Easement between Escambia County and the State of Florida Department of Environmental Protection, which will mitigate wetland impacts associated with the Southwest Escambia Sports Complex Project;

B. Authorize the payment of incidental expenditures associated with the recording of the documents; and

C. Authorize the Chairman to sign the Conservation Easement and any other documents associated with the granting of the Conservation Easement,

subject to legal review and sign-off.

4. Recommendation Concerning Request for Disposition of Property for the Development Services Bureau - T. Lloyd Kerr, AICP, Development Services Bureau Chief

That the Board approve the Request for Disposition of Property Form for the Development Services Bureau, for property to be properly disposed of, which is described and listed on the Disposition Form with Bureau and reason stated.

5. Recommendation Concerning Escambia County Local Mitigation Strategy Group Multi-Jurisdictional Plan Resolution Update - T. Lloyd Kerr, Development Services Bureau Chief

That the Board adopt by Resolution the Escambia County Multi-Jurisdictional Local Mitigation Strategy Plan, as required by FEMA to reassure them that local governments recognize and endorse the efforts of the mitigation group as a proactive step in preparing and mitigating for natural hazards at no cost to the County.

6. Recommendation Concerning Community Center License and Management Agreement with Warrington Community Homeowners Association and Neighborhood Watch, Inc. - Sandra P. Jennings, P.E., Community & Environment Bureau Chief

That the Board approve and authorize the Chairman to sign the Community Center License and Management Agreement between the County and Warrington Community Homeowners Association and Neighborhood Watch, Inc., for the Marie Ella Davis Community Center, with an effective date of August 16, 2010.

7. Recommendation Concerning Community Center License and Management Agreement with Beulah Senior Citizens Center, Inc. - Sandra P. Jennings, P.E., Community & Environment Bureau Chief

That the Board approve and authorize the Chairman to sign the Community Center License and Management Agreement between the County and Beulah Senior Citizens Center, Inc., the for Beulah Senior Citizen Center (Community Center), with an effective date of December 6, 2010.

8. Recommendation Concerning Request for Waiving the Escambia County Noise Abatement Ordinance for the New Year's Eve Fireworks Display at Casino Beach Fishing Pier - T. Lloyd Kerr, AICP, Development Services Bureau Chief

That the Board approve the "Special Event Permit Application" for a limited waiver of the noise restrictions imposed by the Escambia County Noise Abatement Ordinance to extend the time for the New Year's Eve fireworks display being held by the Pensacola Beach Chamber of Commerce, located at the Casino Beach Fishing Pier, Pensacola Beach, from 11:59 p.m., December 31, 2010, to 12:20 a.m., January 1, 2011.

9. Recommendation Concerning West-End Advisory Committee Members Term Extension - Charles R. "Randy" Oliver, CPA PE, County Administrator  
That the Board approve extending the terms of the following West-End Advisory Committee Members, through January 31, 2011, as requested by Commissioner Gene M. Valentino:

Mark H. Robertson  
Kelly S. Thompson  
Joseph R. Gilchrist  
Richard M. Columbia  
Tim Pyle  
Peter C. King  
Mickey Kropf

(Current Resumes are on file for each of the appointees.)

## II. Budget/Finance Consent Agenda

### 1. Recommendation Concerning the Acquisition of Stormwater Drainage Easement by Property Exchange with Dr. Teodoro and Estela Ortega - Joy D. Blackmon, P.E., Public Works Bureau Chief

That the Board take the following action concerning the acquisition of a Stormwater Drainage Easement by property exchange with Dr. Teodoro and Estela Ortega:

A. Adopt a Resolution approving the exchange of a County parcel (Reference Number: 18-1S-30-3104-000-000) for a Stormwater Drainage Easement over a portion of a parcel owned by Dr. Teodoro and Estela Ortega (Reference Number: 18-1S-30-3103-000-002), in accordance with the terms and conditions contained in the Agreement for Sale and Purchase and the Contract for Sale and Purchase;

B. Waive 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. Authorize the payment of documentary stamps because the Stormwater Drainage Easement is being acquired for a County drainage project, and the public benefits from the acquisition by improved stormwater management; and

D. Authorize the County Attorney to prepare and the Chairman or Vice Chairman to execute any documents necessary to complete the exchange, without further action from the Board.

[Funds for this project are available in Fund 181, Master Drainage Basin Fund, Account 210725/56101]

### 2. Recommendation Concerning the Purchase of Real Property Located at 5925 Hurst Hammock Road, from Neil Harvey Smith and Sheila Smith - Joy D. Blackmon, P.E., Public Works Bureau Chief

That the Board take the following action concerning the purchase of a parcel of real property located at 5925 Hurst Hammock Road (approximately 0.44 acres), from Neil Harvey Smith and Sheila Smith:

A. Authorize the purchase of a parcel of real property (approximately 0.44 acres) from Neil Harvey Smith and Sheila Smith for the appraised value of \$84,000, in accordance with the terms and conditions contained in the Contract for Sale and Purchase; and

B. Authorize the County Attorney to prepare and the Chairman or Vice Chairman to execute any documents, subject to legal review and sign-off,

necessary to complete the purchase, without further action of the Board.

[Funding Source: Fund 352, Lost III, CC 220102 (NESD Capital Projects),  
Object Code 56101, Project 08NE0018 (Boat Ramps)]

3. Recommendation Concerning the Purchase of Real Property Located at 5900 Hurst Hammock Road from Joe Meeks and Lynda Meeks - Joy D. Blackmon, P.E., Public Works Bureau Chief

That the Board take the following action concerning the purchase of a parcel of real property, located at 5900 Hurst Hammock Road (approximately 0.46 acres), from Joe Meeks and Lynda Meeks:

A. Authorize the purchase of a parcel of real property (approximately 0.46 acres) from Joe Meeks and Lynda Meeks, for the appraised value of \$63,000, in accordance with the terms and conditions contained in the Contract for Sale and Purchase; and

B. Authorize the County Attorney to prepare and the Chairman or Vice Chairman to execute any documents, subject to legal review and sign-off, necessary to complete the purchase without further action of the Board.

[Funding source: Fund 352, Lost III, CC 220102 (NESD Capital Projects), Object Code 56101, Project 08NE0018 (Boat Ramps)]

4. Recommendation Concerning Non-Custodial Parent Placement Program Grant Contract - Sandra P. Jennings, P.E., Community & Environment Bureau Chief

That the Board take the following action concerning the Non-Custodial Parent Placement Program (NCPMP) Grant Contract between the County and Workforce Escarosa, Inc.:

A. Approve the Non-Custodial Parent Placement Program Grant Contract, NCPMP #2010-2011, between Workforce Escarosa, Inc., and the County for the period of January 1, 2011, thru June 30, 2011, in the amount of \$109,812; and

B. Authorize the Chairman to sign the Contract and any subsequent Grant-related documents, pending legal review and approval, without further action of the Board.

[Funding Source: Fund 110, Other Grants and Projects - no local match required]

5. Recommendation Concerning Scheduling and Advertising First of Two Public Hearings Designating 3300 Mobile Highway as a Brownfields Area - Sandra P. Jennings, P.E., Community & Environment Bureau Chief

That the Board approve scheduling and advertising the first of two Public Hearings on January 6, 2011, at 5:31 p.m., to consider adoption of a Resolution of the Board of County Commissioners of Escambia County, Florida, designating 3300 Mobile Highway as a Brownfields area within the Brownsville Redevelopment Area of Escambia County for the purpose of

economic development and environmental rehabilitation; authorizing the Community & Environment Deputy Bureau Chief to notify the Department of Environmental Protection of said designation; and providing for an effective date.

[Funding Source: CRA Admin, Fund 151, Cost Center 220523, Object Code 54901]

6. Recommendation Concerning Letter of Agreement between Escambia County and Baptist Health Care Corporation - Amy Lovoy, Management and Budget Bureau Chief

That the Board approve and authorize the Chairman to sign the Letter of Agreement between Escambia County and Baptist Health Care Corporation authorizing Baptist Health Care to provide Baker Act services to the citizens of Escambia County at a cost of \$0 until approximately December 2012.

7. Recommendation Concerning Payment in Lieu of Taxes Agreement between Sacred Heart Health System and Escambia County - Amy Lovoy, Management and Budget Services Bureau Chief

That the Board approve and authorize the Chairman to sign the Payment in Lieu of Taxes Agreement between Sacred Heart Health System, Inc., and Escambia County, allowing Sacred Heart to pay the County a total of \$5,331,309 prior to June 2011.

8. Recommendation Concerning a Resolution to Cancel Taxes and Tax Certificates on a Parcel of Property Owned by Escambia County - Amy Lovoy, Management and Budget Services Bureau Chief

That the Board take the following action concerning a Resolution to cancel taxes and Tax Certificates on property located at 2208 West Herman Avenue, recently acquired by the County, Account Number 05-2830-000, Reference Number 09-2S-30-1100-000-172:

A. Approve the Resolution to cancel taxes for 2010, in the amount of \$294.44, and Tax Certificates 2010-3318 and 2009-3303, in the amounts of \$534.44 and \$1,306.27, respectively; and

B. Authorize the Chairman to execute the Resolution, without further action of the Board.

9. Recommendation Concerning the Sale of Real Property Located on Hayne Street - Amy Lovoy, Management and Budget Services Bureau Chief

That the Board take the following action concerning the sale of real property located on Hayne Street, Account Number 05-0839-000, Reference Number 04-2S-30-6001-021-005:

A. Authorize the sale to the only adjacent property owner for the Property Appraiser's 2010 assessed value of \$95;

B. Make a factual determination, in accordance with Section 46-131, Escambia County Code of Ordinances, that the value of the real property is \$15,000 or less, as determined by the records of the Escambia County Property Appraiser, and the size, shape, location, and value of the property would make it of use only to one adjacent property owner; and

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

10. Recommendation Concerning Design Services for Guidy Lane Roadway and Drainage Improvements from 9 Mile Road to Candlestick Drive - Amy Lovoy, Management and Budget Services Bureau Chief

That the Board take the following action concerning Design Services for Guidy Lane Roadway and Drainage Improvements from 9 Mile Road to Candlestick Drive:

A. Approve the Selection/Negotiation Committee Ranking:

1. Rebol-Battle & Associates, LLC
2. Hatch Mott MacDonald
3. Baskerville-Donovan, Inc.
4. Bayside Consulting Group of Northwest Florida, LLC; and

B. Award a Task Order for PD 09-10.079, Design Services for Guidy Lane Roadway and Drainage Improvements from 9 Mile Road to Candlestick Drive, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to Rebol-Battle & Associates, LLC, for Phase I lump sum base amount of \$88,379.29, plus not-to-exceed allowances of \$15,499.31 and Phase II not-to-exceed base amount of \$53,286.12, plus not-to-exceed allowances of \$2,803.08, for a total of \$159,967.80.

[Funding: Fund 181, Master Drainage Basin VI, Cost Center 210724, Object Code 56301]

11. Recommendation Concerning Supplemental Budget Amendment #51 - Law Enforcement Grants - Amy Lovoy, Management and Budget Services Bureau Chief

That the Board adopt the Resolution approving Supplemental Budget Amendment #51, Other Grants and Projects Fund (110), in the amount of \$147,454, to recognize Grant funds from the Florida Department of Law Enforcement (FDLE) and to appropriate these funds for Drug Court Expansion, Escambia Drug Court Services, and Pensacola State College (PSC) video surveillance equipment and related supplies.

12. Recommendation Concerning Supplemental Budget Amendment #53 - Transportation Trust Fund Subsidy Reduction - Amy Lovoy, Management and Budget Services Bureau Chief

That the Board adopt the Resolution approving Supplemental Budget Amendment #53, Transportation Trust Fund (175) and the General Fund (001), in the amount of \$99,630, to reduce the subsidy to the Transportation Trust Fund, moving personnel funds back to the General Fund and to appropriate these personnel funds into the correct fund and cost center for the newly-created Assistant County Administrator position for Fiscal Year 2010/2011.

13. Recommendation Concerning Supplemental Budget Amendment #54 - Amy Lovoy, Management and Budget Services Bureau Chief  
That the Board adopt the Resolution approving Supplemental Budget Amendment #54, Other Grants and Projects Fund (110), in the amount of \$81,090, to recognize Grant proceeds from the Florida Department of Law Enforcement and to appropriate these funds for gang prosecution activities in Escambia County.
14. Recommendation Concerning Supplemental Budget Amendment #61- EMS County Award Grant - Amy Lovoy, Management and Budget Services Bureau Chief  
That the Board adopt the Resolution approving Supplemental Budget Amendment #61, Other Grants and Projects Fund (110), in the amount of \$2,105, to recognize proceeds from an Emergency Medical Services (EMS) County Award Grant and to appropriate these funds for the purchase of medical supplies.
15. Recommendation Concerning Supplemental Budget Amendment #62 - Hazardous Materials Plan Grant - Amy Lovoy, Management and Budget Services Bureau Chief  
That the Board adopt the Resolution approving Supplemental Budget Amendment #62, Other Grants and Projects Fund (110), in the amount of \$11,449, to recognize proceeds from a State of Florida, Division of Emergency Management (FDEM) Hazardous Materials Planning and Prevention Program Grant and to appropriate these funds for updating the Hazardous Materials Facility Analysis Data.
16. Recommendation Concerning Supplemental Budget Amendment #50 - Enterprise Florida Defense Infrastructure Grant Agreement - Amy Lovoy, Management and Budget Services Bureau Chief  
That the Board adopt the Resolution approving Supplemental Budget Amendment #50, Other Grants and Projects Fund (110), in the amount of \$500,000, to recognize proceeds from an Agreement between Enterprise Florida, Inc., and the Escambia County Board of County Commissioners and to appropriate these funds to be used for the Area "A" and Accident Potential Zone (APZ) Density Reduction Project.
17. Recommendation Concerning Supplemental Budget Amendment #63 - Non-Custodial Parent Placement Grant Agreement - Amy Lovoy, Management and Budget Services Bureau Chief  
That the Board adopt the Resolution approving Supplemental Budget Amendment #63, Other Grants and Projects Fund (110) and the General Fund (001), in the amount of \$109,812, to recognize proceeds from an Agreement between Workforce Escarosa, Inc., and the Escambia County Board of County Commissioners and to appropriate these funds for the Non-Custodial Parent Placement Program.

18. Recommendation Concerning Amending October 21, 2010, Board Action Approving the Issuance of Blanket and/or Individual Purchase Orders for Fiscal Year 2010/2011 - Sandra P. Jennings, P.E., Community & Environment Bureau Chief

That the Board amend its action of 10/21/2010 approving the issuance of blanket and/or individual Purchase Orders, for the Fiscal Year 2010/2011, based upon previously-awarded Contracts, Contractual Agreements, or annual requirements, as follows for the Community & Environment Bureau/Solid Waste Management Division, to include the following Vendor and Contract Numbers which were inadvertently omitted:

Solid Waste Management Division

<b>Vendor</b>	<b>Vendor #</b>	<b>Amount</b>	<b>Contract #</b>	<b>Cost Centers</b>
Roads, Inc.	182328	\$400,000	PD 07-08.134	220602 (EEQ) 220603 (Operations) 220605 (Projects) 220608 (Closed Landfills) 220612 (Transfer Station) 220613 (Saufley Field)

[Funding for the aforementioned Purchase Order is available in Fund 401, Solid Waste]

# COUNTY ATTORNEY'S REPORT

December 9, 2010

## I. FOR ACTION

1. Resolution Extending Scope of Resolution R2010-198  
Recommendation Concerning a resolution extending the scope of Resolution R2010-198 for an additional sixty (60) days (March 5, 2011) to address the threat posed by crude oil on certain private properties.  
That the Board consider adopting a resolution to extend the scope of Resolution R2010-198 to address the threat posed by crude oil on certain private properties.
  
2. Amalgamated Transit Union (ATU) AFL-CIO, Local 1395  
Recommendation Concerning petition for enforcement of the Final Order dated January 5, 2010 requiring that Local Union 1395 (Local) pay the County \$29,759.05 for attorneys fees and costs and proposed civil complaint for damages and petition for enforcement to be filed against the International Amalgamated Transit Union (International ATU).  
That the Board take the following action:
  - A. Authorize the Office of the County Attorney to file a statutory petition for enforcement of the Public Employees Relation Commission (PERC) order requiring payment of attorney's fees and costs against Local; and
  - B. Authorize the Office of the County Attorney to file a complaint for damages and petition for enforcement against International ATU.

3. Attorney-Client Session; Pensacola Bay Fishing Bridge, Inc. v. Escambia County (Case No. 2008 CA 003398)

Recommendation Concerning an Attorney-Client Session for *Pensacola Bay Fishing Bridge, Inc. v. Escambia County* (Case No. 2008 CA 003398)

That the Board:

A. Schedule a private meeting with its attorneys to discuss pending litigation, in accordance with Section 286.011(8), Florida Statutes, for January 13, 2011 at 8:15 a.m.; and

B. Approve the public notice printed below to be published in the *Pensacola News Journal* on Saturday, January 1, 2011.

**PUBLIC NOTICE**

**IT IS THE INTENTION** of the Board of County Commissioners of Escambia County, Florida, to hold a private meeting with its attorney to discuss pending litigation in the case of *Pensacola Bay Fishing Bridge v. Escambia County*, in accordance with Section 286.011 (8), Florida Statutes. Such attorney-client session will be held at 8:15 a.m., C.S.T. on Thursday, January 13, 2011, in the Board Meeting Room, First Floor, Escambia County Governmental Complex, 221 Palafox Place, prior to the meeting of the Board of County Commissioners. Commissioners Wilson B. Robertson, Gene M. Valentino, Marie K. Young, Grover C. Robinson, IV, and Kevin W. White, County Administrator Charles R. "Randy" Oliver, CPA PE, County Attorney Alison Rogers, Attorney representing Escambia County Charles V. Pepler, Deputy County Attorney and a certified court reporter will attend the attorney-client session.

4. Implementation of New Federal Requirements for Privacy and Security of Private Health Information Disclosed to a Business Associate

Recommendation Concerning the implementation of amendments to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the enactment of the Health Information Technology for Economic and Clinical Health Act (the HITECH Act) and regulations promulgated or to be promulgated by the U.S. Department of Health and Human Services pursuant to these Acts.

That the Board take the following action concerning the implementation of amendments to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the enactment of the Health Information Technology for Economic and Clinical Health Act (the HITECH Act) and regulations promulgated or to be promulgated by the U.S. Department of Health and Human Services pursuant to these Acts:

A. Approve Ron Sorrells, HR Manager, and successors to his position or equivalent position as Privacy Officer pursuant to Section 39 of the Escambia County Board of County Commissioners Policies and Procedures on the Uses and Disclosures of Protected Health Information and that the Privacy Officer be authorized to execute amendments to or new Business Associate Agreements as

appropriate, and as required by the above laws; and

B. Approve David Musselwhite, IT Manager, and successors to his position or equivalent position as Information Security Officer pursuant to Section 39 of the above policies. Further, provide the Information Security Officer with authority to designate two Compliance and Security Officers to assist in the enforcement of the above policies as required by Section 39.

5. Thomas Martin Workers' Compensation Settlement  
Recommendation Concerning Thomas Martin Workers' Compensation Settlement

That the Board approve settlement of this workers' compensation claim, including all attorney's fees and costs, for the total amount of \$68,491.80. In exchange for this settlement, former law enforcement officer Thomas Martin will execute a general release of liability.

6. Joint Resolution Between Escambia County and Santa Rosa County and the Draft Fee Simple Bill  
Recommendation Concerning the Joint Resolution Between Escambia County and Santa Rosa County and the Draft Fee Simple Bill

That the Board:

A. Adopt the attached Joint Resolution between Escambia County and Santa Rosa County; and

B. Authorize the language in the attached draft Bill; and

C. Authorize staff to transmit all necessary information to the offices of Congressman Jeff Miller, Senator Bill Nelson or other legislators who will sponsor the bill.

7. Reimbursement to Commissioner Gene Valentino for Attorney's Fees  
Recommendation Concerning Reimbursement to Commissioner Gene Valentino for Attorney's Fees

That the Board:

A. Find that attorney's fees incurred by Commissioner Gene Valentino while a client of attorney Lois Lepp are fees that did not directly arise from criminal, ethical or civil complaints or charges brought against Commissioner Valentino and therefore the Commissioner is not entitled to reimbursement for those fees; and

B. Find that the State Attorney's investigation into complaints that Commissioner Gene Valentino violated the Sunshine Law in communications with City Councilman and then fellow PEDC member Sam Hall:

1. Arose directly from the performance of the Commissioner's duties on behalf of Escambia County and while serving a public purpose; and

2. That the Commissioner is entitled to reimbursement of reasonable attorney's fees and costs directly related to that matter as the State Attorney's Office found insufficient evidence to pursue the charges; and

3. That Commissioner Valentino is authorized reimbursement of attorney's fees and costs paid to attorney Ed Fleming in the amount of \$2,070.00; and

C. Find that a criminal charge that Commissioner Gene Valentino violated the Public Records Law by withholding certain records created or received in the course of county business arose from the performance of his duties on behalf of Escambia County. However, as Commissioner Valentino pled no contest to a civil violation of the Public Records Law and paid a \$500 citation for the violation, he was not serving a public purpose and the Commissioner is not entitled to reimbursement of attorney's fees and costs related to that charge; and

D. Find that a grand jury indictment and subsequent prosecution for solicitation of a political contribution in a building owned by a governmental entity:

1. Arose directly from the performance of the Commissioner's duties on behalf of Escambia County and while serving a public purpose; and

2. That the Commissioner is entitled to reimbursement of reasonable attorney's fees and costs directly related to that matter as Judge Ward entered an Order dismissing the indictment prior to trial which was not appealed by the State Attorney's Office; and

3. That Commissioner Valentino is authorized reimbursement of attorney's fees and costs paid to attorney Barry Berozet in the amount of \$14,483.30.

### III. For Discussion

1. Recommendation Concerning Supplemental Budget Amendment #49 - Civic Center Transfer - Amy Lovoy, Management and Budget Services Bureau Chief

That the Board take the following action:

A. Adopt the Resolution approving Supplemental Budget Amendment #49, Tourist Development Fund (108) and Civic Center Fund (409), in the amount of \$600,000 (moves \$300,000 from the Tourist Development Fund to the Civic Center Fund), to recognize an additional transfer from the 4th Cent Tourist Development Tax (TDT) to the Civic Center and to appropriate these funds to cover the current operational losses for Fiscal Year 2010/2011; and

B. Authorize staff to proceed with the following strategy with respect to the Pensacola Civic Center:

1. Place the Pensacola Civic Center up for sale with a minimum sales price not to be less than the outstanding amount remaining on the portion of the Bond pledging Tourist Development Tax revenues;
2. Solicit for an outside firm to conduct a feasibility study on the Pensacola Civic Center and related facilities;
3. Renegotiate the current management contract; and
4. Request the Clerk's Office to conduct a cost study and audit to determine the revenues and expenses associated with the Pensacola Ice Flyers.