

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 – January 19, 2012 – 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. Written Communication:

December 7, 2011 - Communication from Anthony Sessa, Re/max Horizons Realty, requesting that the Board forgive, or reduce the amount of, a Code Enforcement Lien against property located at 3550 Ridgecrest Lane.

Recommendation: That the Board review and consider the lien relief request made by Anthony Sessa against property located at 3550 Ridgecrest Lane.

On June 18, 2009, the Board amended the "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" Policy, Section III, H 2. Staff was instructed to review all request for forgiveness of Environmental (Code) Enforcement Liens to determine if the request met the criteria for forgiveness, in accordance with the Board's policy.

After reviewing the request for forgiveness of Liens, staff made the determination that the request does not fall within any of the criteria that would allow the County Administrator to deny relief, in accordance with the Board's Policy, "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" Policy, Section III, H2.

The owner has no other recourse but to appeal before the Board under Written Communication.

7. 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.

8. 5:31 p.m. Public Hearing for consideration of adopting a Resolution amending the Fiscal Year 2011-2012 Budget.

Recommendation: That the Board, at the 5:31p.m. Public Hearing, adopt the Resolution approving Supplemental Budget Amendment #056, in the amount of \$51,924,986, to recognize certain revenues and adjust fund balance estimates for the following funds, and to appropriate these funds accordingly: General Fund (001), Escambia County Restricted Fund (101), Economic Development Fund (102), Code Enforcement Fund (103), Mass Transit Fund (104), M&A State Fund (106), Tourist Promotion Fund (108), Other Grants & Projects Fund (110), Misdemeanor Probation Fund (114), Article V Fund (115), Development Review Fees (116), Perdido Key Beach Mouse Fund (117), Law Enforcement Trust (121), Escambia Affordable Housing (124), Handicapped Parking Fund (130), Family Mediation Fund (131), Fire Protection Fund (143), E-911 Operations Fund (145), HUD-CDBG Housing Rehab (146), Community Redevelopment Fund (151), Southwest Sector CRA Fund (152), Bob Sikes Toll Bridge Fund (167), Transportation Trust Fund (175), MSBU Assessment Fund (177), Master Drainage Basin Fund (181), FTA Capital Projects Fund (320), New Road Construction Fund (333), Local Option Sales Tax II Fund (351), Local Option Sales Tax III Fund (352), Solid Waste Fund (401), Building Inspections Fund (406), EMS Fund (408), Civic Center Fund (409), and the Internal Service Fund (501).

9. Committee of the Whole Recommendation.

The Committee of the Whole (C/W), at the C/W Workshop held January 12, 2012, recommends that the Board take the following action:

A. Proceed with the transfer of four County-owned parcels, located within and near the Escambia Treating property, to the City of Pensacola, with the addition in the Resolution of the condition that the City will not operate a recycling facility on the property (C/W Item 3);

B. Approve Option #1 relative to the creation of the West Florida Public Library Blue Ribbon Committee, which will consist of five County representatives, one from each (*Commission*) District, three City of Pensacola representatives, and one Library Board representative, for a total of nine members (C/W Item 4);

C. Take the following action relative to Natural Gas Franchise for Pensacola Beach (C/W Item 5):

(1) Schedule a Public Hearing to “carve out” an exclusive Franchise Agreement for the City of Gulf Breeze to provide natural gas services to Pensacola Beach residents, unless an amicable agreement of all parties is reached prior to the Public Hearing; and

(2) Approve that the County Administrator and the County Attorney, or her

designee from the County Attorney's Office, will be the County's representatives for the conflict resolution (*Government Dispute Resolution Process*) and that the Santa Rosa Island Authority will be included in the conflict resolution;

D. Approve delaying, for six months, any decision regarding changes in the Structure of (the) Visitor's Convention Bureau, and reschedule the issue for the July 19, 2012, C/W Workshop (C/W Item 7);

E. Authorize the County Administrator to communicate to George Hawthorne that the Board is unwilling to guarantee any debt and that, if Mr. Hawthorne still wishes to make a presentation relative to Adaptive Reuse of The Pensacola Civic Center, he will need to govern himself accordingly (C/W Item 8);

F. Direct staff to proceed with creation, through Lloyd Kerr, of a (*Perdido Key Neighborhood*) Master Plan program and respond at the February 9, 2012, C/W Workshop (C/W Item 10);

G. Authorize the Chairman to send a letter or Resolution to the U. S. Department of Agriculture, or other appropriate agency (*expressing the Board's opposition to the Federal government's closure of the Molino agriculture [Farm Service Agency] office*) (Item added to the agenda by Commissioner White); and

H. Authorize the County Attorney to proceed to mediation, as authorized by Chapter 70.51, Florida Statutes, "*Florida Land Use and Environmental Dispute Resolution Act,*" and as requested by the developer of an RV Park on Pensacola Beach who was cited by Code Enforcement for violation of the County's Sand Ordinance, and approve requiring, in the interim, that the site owner cover the piles of contaminated soil (Item added to the agenda by County Attorney Rogers).

10. Reports:

CLERK & COMPTROLLER'S REPORT

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

I. Consent Agenda

1. Recommendation Concerning Acceptance of Reports Prepared by the Clerk of the Circuit Court & Comptroller's Finance Department

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 Expenditures for Pay Date January 6, 2012, in the amount of \$2,069,537.32;

B. The following two Disbursement of Funds:

(1) December 29, 2011, to January 4, 2012, in the amount of \$10,804,146.64; and

(2) January 5, 2012, to January 11, 2012, in the amount of \$19,396,705.87;

C. Tourist Development Tax Collections Data for the November 2011 returns received in the month of December 2011; this is the third month of collection in Fiscal Year 2012, and the total collected for the month of November 2011 was \$326,460, which is an 8.12% increase over collections during November 2010;

D. Budget Comparison Reports for three months, or 25%, of Fiscal Year 2012, as follows:

(1) Summarized, by Fund, Budget to Actual Comparison as of December 31, 2011; and

(2) Actual Revenue and Expenditure Comparison to the prior Fiscal Year as of December 31, 2011; and

E. The Investment Report for the month ended December 31, 2011 **(to be distributed under separate cover)** .

2. Recommendation Concerning Disposition of Records

That the Board approve *Records Disposition Document No. 471*, for disposition of Board of County Commissioners' Records, Item 32a, Minutes: Official Meetings (Transcripts: Microfilmed on Rolls 475 through 478), for the period June 16, 2011, through September 27, 2011, in accordance with State Retention Schedule GS1, since the permanent records have been scanned and/or microfilmed.

3. Recommendation Concerning Amending Minutes of the September 1, 2011, Regular Board Meeting

That the Board approve amending the Minutes of the Regular Board Meeting held September 1, 2011, Commissioner White's add-on Item 1, approving, and authorizing the Chairman to sign, Contract Amendment #1 to the Management Agreement between the County and Veolia Transportation Services, Inc. - PD# 03-04.036, to extend the Agreement for ninety (90) days, to add "with the option to extend for an additional ninety (90) days", which was omitted due to a scrivener's error.

4. Recommendation Concerning Minutes and Reports Prepared by the Clerk to the Board's Office

That the Board take the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:

A. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held January 5, 2012;

B. Approve the Minutes of the Regular Board Meeting held January 5, 2012; and

C. Approve the Minutes of the Attorney-Client Session held January 12, 2012.

GROWTH MANAGEMENT REPORT

I. Public Hearing

1. 5:45 p.m. A Public Hearing Concerning the Review and Adoption of Comprehensive Plan Amendment (CPA) 2011-02

That the Board of County Commissioners adopt the proposed Comprehensive Plan Amendment (CPA) 2011-02, amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan 2030, as amended; amending the Future Land Use Map designation.

COUNTY ADMINISTRATOR'S REPORT

I. Technical/Public Service Consent Agenda

1. Recommendation Concerning the Request for Disposition of Property for the Information Technology Department - David Musselwhite, Information Technology Department Director

That the Board approve the Request for Disposition of Property Form for the Information Technology Department for one item of equipment, which is described and listed on the request form with reason for disposition stated. The item is to be auctioned as surplus or properly disposed.

2. Recommendation Concerning CRA Meeting Minutes November 17, 2011 - Keith Wilkins, REP, Community & Environment Department Director

That the Board accept, for filing with the Board's Minutes, the November 17, 2011, Community Redevelopment Agency's (CRA) Meeting Minutes, prepared by Clara Long, Urban Planner II, CRA.

3. Recommendation Concerning the Enterprise Zone Development Agency 2011 Annual Report - Keith Wilkins, REP, Community & Environment Department Director

That the Board accept, for filing with the January 19, 2012, Board's Minutes, the Information Report concerning the Enterprise Zone Development Agency (EZDA) 2011 Annual Report.

4. Recommendation Concerning Enterprise Zone Development Agency Board Appointments - Keith Wilkins, REP, Community & Environment Department Director

That the Board take the following action concerning the Enterprise Zone Development Agency (EZDA) Board Appointments:

- A. Appoint Teresa Frye, Mortgage Loan Officer, Navy Federal Credit Union, to fill the vacant Vice Chair position, effective immediately. She will automatically be promoted to Chair on October 30, 2012;
- B. Appoint Scott Luth, Senior Vice President of Economic Development, Pensacola Bay Area Chamber of Commerce, to replace Bridgette Price and to serve a four-year term as a representative from the local Chamber, effective immediately. His term will expire October 30, 2015;
- C. Reappoint Jaunita Williams, President of Edgewater Homeowners' Association & Neighborhood Watch (HA&NW), to serve a four-year term as a resident living in the Enterprise Zone (EZ), effective immediately. Her term will expire October 30, 2015;
- D. Reappoint Chief Deputy Larry Aiken, Escambia County Sheriff's Office, to serve a four-year term as a representative from the local law enforcement agency, effective immediately. His term will expire October 30, 2015; and
- E. Reappoint Susan Nelms, Executive Director, Workforce Escarosa, Inc., to serve a four-year term as a representative from the local workforce development agency, effective immediately. Her term will expire October 30, 2015.

5. Recommendation Concerning a License Agreement to Access a Vacant Lot Owned by the City of Pensacola - Keith Wilkins, REP, Community & Environment Department Director

That the Board take the following action concerning the License Agreement between the City of Pensacola and Escambia County for access authorization to a vacant lot owned by the City of Pensacola off Government Street. This License Agreement grants the County permission to enter the City parcel down gradient of the former County Mosquito Control facility in order to install a groundwater monitoring well:

- A. Approve the License Agreement; and
- B. Authorize the Chairman to sign the License Agreement and all relating documents.

6. Recommendation Concerning a License Agreement between Kenneth A. Jernigan and Escambia County to Access a Vacant Lot at 300 East Highway 4 in Century, Florida - Keith Wilkins, REP, Community & Environment Department Director

That the Board take the following action concerning the License Agreement between Kenneth A. Jernigan and Escambia County for access authorization to 300 East Highway 4, Century, Florida, for the purpose of conducting environmental site assessment on potential and/or suspected environmental contamination:

- A. Approve the License Agreement; and
- B. Authorize the Chairman to sign the License Agreement and all relating documents.

7. Recommendation Concerning Voluntary Cleanup Tax Credit Application - Keith Wilkins, REP, Community & Environment Director

That the Board take the following action concerning the Escambia County Board of County Commissioners Application for Voluntary Cleanup Tax Credits (VCTC) through the Florida Department of Environmental Protection (FDEP) for the environmental remediation of hazardous contamination at the former Escambia County Mosquito Control Facility located at 603 West Romana Street:

- A. Approve the Application to FDEP for VCTC in the amount of \$143,489.86, for the former Mosquito Control Facility located at 603 West Romana Street; and
- B. Authorize the Chairman to sign the application and all relating documents.

8. Recommendation Concerning Appointment to the Escambia County Land Development Code Citizens Advisory Committee - Charles R. "Randy" Oliver, County Administrator

That the Board approve the appointment of Ms. Marilyn Badessa to the Escambia County Land Development Code Citizens Advisory Committee, to replace Muriel Wagner, who resigned, as requested by Paula Montgomery, Co-President of the League of Women Voters of the Pensacola Bay Area. This appointment is effective January 19, 2012, and will run until the project is complete.

9. Recommendation Concerning the Request for Disposition of Property for the Office of Public Information and Communications - Cameron J. "Cam" Johnson, Interim Public Information Manager

That the Board approve the Request for Disposition of Property Form for the Office of Public Information and Communications, for property which is no longer in service, has been damaged beyond repair and/or is obsolete, and is to be auctioned as surplus or properly disposed of, all of which is described and listed on the Disposition Form noting the reason for disposal.

10. Recommendation Concerning Revising the Human Resources Policies and Procedures - Ron Sorrells, Human Resources Department Director

That the Board take the following action concerning the revision of the Human Resources Policies and Procedures, effective October 1, 2011. Changes to these policies and procedures are necessary to conform to the Board of County Commissioners' (BCC) reorganization and to adhere to the Fiscal Year 2011-2012 approved Budget:

A. Approve the following additions to the Human Resources Policies and Procedures:

1. Section 3, Classification of Position, 3.10 Submission of Reclassification, Page 11; and
2. Section 27, Ethics and Standards of Conduct, 27.21 Misuse of the County Visa Purchasing Card and 27.22 Correcting the Misuse of Purchase Card, Pages 88-89;

B. Approve the following revisions to the Human Resources Policies and Procedures:

1. Section 4, Attendances and Holidays, 4.4 Holidays, Pages 12-13;
2. Section 5, Annual Leave (AL) – Classified Employees, 5.2 Restrictions on Accumulation of Annual Leave, page 14;
3. Section 7, Paid Time Off Leave (PTO) Summary – Unclassified Employees, 7.3 Restrictions on Accumulation of Paid Time Off (PTO), Page 21, and 7.18 Transfer/Promotion from Classified to Unclassified Position, Page 24;
4. Section 8, Management Options Benefits (MOB) – Unclassified Employees, 8.2 General Information, Page 25;
5. Section 18, The Salary Administration Program, 18.12 Promotional/Reclassification Increase, Page 58; and
6. Section 20, Demotions, 20.3 Pay Rate, Probationary Period, and Anniversary Dates, Page 66; and

C. Approve changes such as verbiage cleanup for clarity and conformity to current practices.

11. Recommendation Concerning Opposition to HB 7023 and SB 1398 Regarding Local Control Over Workforce Investment Boards - Charles R. "Randy" Oliver, County Administrator

That the Board adopt and authorize the Chairman to sign the Resolution opposing HB 7023 and SB 1398, which will reduce local control over Workforce Investment Boards.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Purchase Orders in Excess of \$50,000 - Robin Wright, Trial Court Administrator, Trial Court Administration, First Judicial Circuit

That the Board approve the issuance of two Purchase Orders to Dell Marketing LP, the total of which exceeds \$50,000, as provided below:

Vendor/Contractor	Amount
Dell Marketing LP Vendor Number: 040517 Fund: 115 (Article V) Cost Center: 410515 Object Code 55201/Operating Supp - \$17,458.32 Object Code 54601/Machinery & Equip - \$12,044.52	\$29,502.84
Dell Marketing LP Vendor Number: 040517 Fund: 115 (Article V) Cost Center: 410503 Object Code 55201/Operating Supp - \$26,088.94 Object Code 54601/Machinery & Equip - \$21,412.48	\$47,501.42

2. Recommendation Concerning Supplemental Budget Amendment #055 - Amy Lovoy, Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #055, Other Grants & Projects Fund (110) in the amount of \$216,729, to recognize Grant funds from the Florida Department of Law Enforcement, and to appropriate these funds for Escambia County Drug Court as well as education and security systems/equipment at Pensacola State College.

3. Recommendation Concerning Supplemental Budget Amendment #057 - Amy Lovoy, Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #057, Local Option Sales Tax III Fund (352) in the amount of \$1,100,000, to recognize proceeds from a Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA), and to appropriate these funds for the design of capacity improvements on State Road (SR) 742 (Burgess Rd) at the intersection of SR 95 (US 29) to the intersection of Hillburn Drive.

4. Recommendation Concerning Supplemental Budget Amendment #058 - Amy Lovoy, Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #058, Transportation Trust Fund (175) in the amount of \$2,817, to recognize insurance proceeds received for damage to traffic equipment at various locations throughout the County, and to appropriate these funds into the Traffic Operations Cost Center.

5. Recommendation Concerning Change Order to Sigma Consulting Group, Inc., on Contract PD 02-03.79 "Professional Engineering, Design and Construction Observation Services for Bellview Sidewalk Project" - Joy D. Blackmon, P.E., Public Works Department Director

That the Board approve and authorize the County Administrator to execute the following Change Order:

Department:	Public Works
Division:	Engineering/Infrastructure Division
Type:	Addition
Amount:	\$19,560.00
Vendor:	Sigma Consulting Group, Inc.
Project Name:	Bellview Avenue Sidewalks
Contract:	PD 02-03.79 "Professional Engineering, Design and Construction Observation Services for Bellview Sidewalk"
PO No.:	111046
CO No.:	2
Original Award Amount:	\$43,910.00
Cumulative Amount of Change Orders through this CO:	\$25,560.00
New Contract Total:	\$69,470.00

On March 4, 2011, a Task Order was issued to Sigma Consulting Group, Inc., on Contract PD 02-03.79 for "Professional Engineering, Design and Construction Observation Services for Bellview Sidewalk", to develop 100% construction plans for the construction of a 5-foot sidewalk, which will include a 6-foot clear zone, ADA compliance, and modification of the existing stormwater system. The project area includes: Bellview Avenue (south side) from Mers Lane to Dallas Avenue, Dallas Avenue (west side) from Seattle Avenue to Michigan Avenue, and Montgomery Avenue (east side) from Bellview Avenue to Michigan Avenue. Change Order #1 added Memphis Avenue from Bellview Avenue to Michigan Avenue and deleted Montgomery Avenue. This second Change Order adds to

the Task Order: Denver Avenue (from Bellview to Michigan Avenue) and Community Drive (from Bellview Avenue to Godwin Lane).

[Funding Source: Fund 352 , "LOST III", Cost Center 210107, Object Code 56301, Project #10EN0641 and Fund 110, "Other Grants and Projects", Cost Center 210515, Object Code 56301]

6. Recommendation Concerning the Surplus and Sale of Real Property Located in the 2300 Block of North Spring Street that has Escheated to the County - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning the surplus and sale of real property located in the 2300 Block of North Spring Street that has escheated to the County:

A. Declare surplus the Board's real property, Account Number 13-2203-600, Reference Number 00-0S-00-9010-041-134;

B. Authorize the sale of the property to the bidder with the highest offer received at or above the minimum bid of \$3,880, in accordance with Section 46.134 of the Escambia County Code of Ordinances; and

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

7. Recommendation Concerning the Surplus and Sale of Real Property Located at 205 East Hatton Street that has Escheated to the County - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning the surplus and sale of real property located at 205 East Hatton Street that has escheated to the County:

A. Declare surplus the Board's real property, Account Number 13-4067-100, Reference Number 00-0S-00-9020-010-122;

B. Authorize the sale of the property to the bidder with the highest offer received at or above the minimum bid of \$3,979, in accordance with Section 46.134 of the Escambia County Code of Ordinances; and

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

8. Recommendation Concerning the Surplus and Sale of Landlocked County-Owned Real Property with No Address - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning the surplus and sale of landlocked County-owned real property, with no address that was obtained through Chancery Order:

A. Declare surplus the Board's real property, Account Number 15-1958-000, Reference Number 00-0S-00-9070-142-003;

B. Authorize the sale of the property to the bidder with the highest offer received at or above the minimum bid of \$95, in accordance with Section 46.134 of the Escambia County Code of Ordinances; and

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

9. Recommendation Concerning Allocating Funding and Establishing Special Assessment Districts for the Northwest Sector Plan - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning allocating funding and establishing Special Assessment Districts for the Northwest Sector Plan:

A. Allocate \$4,000,000 to the Kingsfield Road extension and \$2,000,000 to the Well Line Road extension and require the developers to agree to convey all of the right-of-way they own and that the County Engineer deems necessary for construction at no cost;

B. Require the Developer(s) to petition the County through the normal and customary process to create a special assessment district for Kingsfield and a special assessment for Well Line Road. Any County funds allocated in Item "A" above shall be used first for expenses not expressly eligible from any special assessment. Any funds remaining shall be used to reduce the cost of each roadway;

C. Approve that the County shall provide cost estimates including cost of issuance, carrying costs, construction, design and right-of-way by April 1, 2012.;

D. Require that the Developer(s) shall follow standard County policy regarding the formation of a special assessment district (i.e. signed petitions from two-thirds of the property owners representing two-thirds of the specially benefited properties in the affected areas to sign petitions authorizing the creation of district). The petition for each roadway must be filed with the County's Office of Management and Budget by June 1, 2012. Failure to file the petition(s) on or before that date shall result in the LOST being automatically re-appropriated for one or both roads to County Bridge repair;

E. Approve that, upon filing of the appropriate petitions for each roadway the County shall notice a separate Public Hearing to consider the creation of a special assessment district during the month of April; and

F. Approve, that if the Board of County Commissioners, for whatever reason, does not create the necessary district for any reason for one or both projects the associated funds from Local Option Sales Tax (LOST) funds shall be used by the County for bridge replacement.

10. Recommendation Concerning Owner-Direct Purchases that Exceed \$50,000, for PD 10-11.079, Perdido Key Fire Station and Community Center, PD 10-11.079 - Amy Lovoy, Management and Budget Services Department Director

That the Board authorize the County Administrator to approve and execute any Purchase Order for Owner-Direct Purchases that exceed \$50,000, for PD 10-11.079, Perdido Key Fire Station and Community Center, awarded to Rod Cooke Construction, Inc., on November 17, 2011, in the amount of \$4,620,000, which includes the base bid and additive alternates 1 and 2.

[Funding: Fund 352, LOST III, Cost Center 110267, Object Code 56201, Project #08PF0012]

11. Recommendation Concerning the Purchase of Ambulances - Amy Lovoy, Management and Budget Services Department Director

That the Board authorize the County to piggyback off the HGAC Contract #AM04-10, in accordance with Escambia County, Florida, Code of Ordinances, Chapter 46, Article II, Section 46-44, Applications; Exemptions; and Section 46-64, Board approval, and award a Purchase Order for three ambulances, model H-MD-16 HORTON 623 INTERNATIONAL, PD 11-12.010, to Horton Emergency Vehicles in the amount of \$623,038.

[Funding: Fund 352, (LOST III Fund), Cost Center 330435, Project 08PS0028]

12. Recommendation Concerning Project #1 Quintette Road, PD 10-11.080, Design Services for Project #1 Quintette Road & Project #2 Well Line Road Extensions - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning Project #1 Quintette Road of PD 10-11.080:

A. Award a Not-To-Exceed Contract to Fabre Engineering, Inc., dba Fabre Engineering & Surveying, in the amount of \$356,238.65, for Phase I Conceptual 30% Design of the new roadway, from Highway 29 to Jack's Branch Road and;

B. Allow staff to proceed with negotiations for Phases II & III of the project, including design services for existing portions of Quintette Road, subject to an appropriation of funding and approval by the Board of County Commissioners.

[Funding: Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project Number 11EN1405]

13. Recommendation Concerning Project #2 Well Line Road PD 10-11.080, Design Services for Project #1 Quintette Road & Project #2 Well Line Road Extensions - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning Project #2 Well Line Road of PD 10-11.080:

A. Award a Not-To-Exceed Contract to Atkins North America, Inc., in the amount of \$588,131, for Phase I 60% Design of the new roadway, from Brookhills Drive to Jack's Branch Road and;

B. Allow staff to proceed with negotiations for Phase IB from Highway 29 to Brookhills Drive, subject to an appropriation of funding and approval by the Board of County Commissioners; and

C. Allow staff to proceed with negotiations for Phase II, from Highway 29 to Jack's Branch Road, subject to an appropriation of funding and approval by the Board of County Commissioners.

[Funding: Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project Number 11EN1405]

14. Recommendation Concerning Commercial Facade Grant Funding and Lien Agreements for 919 West Michigan Avenue - Keith Wilkins, REP, Community & Environment Department Director

That the Board ratify the following January 19, 2012, action of the Board of County Commissioners of Escambia County, acting in its capacity as the Escambia County Community Redevelopment Agency (CRA), concerning the Commercial Facade Grant Funding and Lien Agreements for the property located at 919 West Michigan Avenue:

A. Approving the Commercial Facade, Landscape, and Infrastructure Grant Program Funding and Lien Agreements between Escambia County CRA and Litedra Burgess, owner of commercial property located at 919 West Michigan Avenue, Pensacola, Florida, in the Palafox Redevelopment District, each in the amount of \$619, representing an in-kind match through the Palafox Tax Increment Financing (TIF), Fund 151, Cost Center 220517, Object Code 58301, for replacing the windows, doors, and painting the exterior building; and

B. Authorizing the Chairman to sign the Funding and Lien Agreements and any related documents necessary to implement this Grant award.

15. Recommendation Concerning Commercial Facade Grant Funding and Lien Agreements for 3825 West Navy Boulevard - Keith Wilkins, REP, Community & Environment Department Director

That the Board ratify the following January 19, 2012, action of the Board of County Commissioners of Escambia County, acting in its capacity as the Escambia County Community Redevelopment Agency (CRA), concerning the Commercial Facade Grant Funding and Lien Agreements for the property located at 3825 West Navy Boulevard:

A. Approving the Commercial Facade, Landscape, and Infrastructure Grant Program Funding and Lien Agreements between Escambia County CRA and Ball Bushing Warehouse, LLC, owner of commercial property located at 3825 West Navy Boulevard, Pensacola, Florida, in the Warrington Redevelopment Area, each in the amount of \$9,525, representing an in-kind match through the Warrington Tax Increment Financing (TIF), Fund 151, Cost Center 220516, Object Code 58301, for installing a new stucco facing, new storm windows and a glass door in front of the building; and

B. Authorizing the Chairman to sign the Funding and Lien Agreements and any related documents necessary to implement this Grant award.

16. Recommendation Concerning Sign Grant Funding for 3912 Barrancas Avenue - Keith Wilkins, REP, Community & Environment Department Director

That the Board ratify the following January 19, 2012, action of the Board of County Commissioners of Escambia County, acting in its capacity as the Escambia County Community Redevelopment Agency (CRA), concerning the Sign Grant Funding Agreement for the property located at 3912 Barrancas Avenue:

A. Approving the Sign Grant Program Funding Agreement between Escambia County CRA and Kerr Treehouse, Inc., owner of commercial property located at 3912 Barrancas Avenue, Pensacola, Florida, in the Barrancas Redevelopment Area, in the amount of \$2,000, representing an in-kind match through the Barrancas Tax Increment Financing (TIF), Fund 151, Cost Center 220519, Object Code 58301, and/or Neighborhood Enterprise Foundation, Inc. (NEFI), 2008 Community Development Block Grant (CDBG), Fund 129, Cost Center 220563, Object Code 58301, for the installation of a new sign; and

B. Authorizing the Chairman to sign the Funding Agreement and any related documents necessary to implement this Grant award.

17. Recommendation Concerning Lease Agreement with Culligan Water Service of Fort Walton Beach for a Commercial Water Softener - Joy D. Blackmon, P.E., Public Works Department Director

That the Board take the following action concerning approval of the Lease Agreement (Customer Order) between Culligan Water Service of Fort Walton Beach and Escambia County and Addendum to Customer Order for a Commercial Softener [Funding: Fund 001, Facilities Management/Maintenance, Cost Center 210602, Object Code 54401]:

A. Approve the Lease Agreement and the Addendum, for a lease period of 48 months;

B. Authorize the Chairman to sign the Agreement and Addendum; and

C. Authorize the execution of the necessary Purchase Order(s).

A commercial water softener is required to pretreat the water for the Main Jail's steam boilers which produce and distribute steam to the kitchen, laundry, and the building's heating operations. Facilities Management has determined that a lease agreement is the most cost-effective approach to this issue, rather than outright purchasing and owning this type of system. The lease will include a monthly maintenance and repair service to ensure that system efficiency is maintained throughout the 48-month lease period.

III. For Discussion

1. Recommendation Concerning Approval of Miscellaneous Appropriations Agreement between Escambia County and Pensacola Sports Association, Inc. - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning the Miscellaneous Appropriations Agreement between Escambia County and the Pensacola Sports Association, Inc.:

A. Approve the Miscellaneous Appropriations Agreement between Escambia County and the Pensacola Sports Association, Inc., in the amount of \$100,000, to be paid from the Tourist Promotion Fund 108, Cost Center 360101, Account 58201;

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

C. Approve the necessary Purchase Order.

2. Recommendation Concerning Authorization of Allocation of Funds Recommended by the Tourist Development Council and Approval of Miscellaneous Appropriations Agreements - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning allocation of funds recommended by the Tourist Development Council:

A. Authorize the allocation of the following funds recommended by the Tourist Development Council on November 8, 2011 to be paid from the 3 cents Tourist Development Tax (Fund 108,) Cost Center 360101, Account 58201:

1. Pensacola Bay Area Chamber of Commerce, Inc. \$288,143.00; and
2. Pensacola Sports Association, Inc. 39,240.00;

B. Approve the Miscellaneous Appropriation Agreements subject to Legal sign-off; and

C. Approve the necessary Purchase Orders.

3. Recommendation Concerning Request for Qualification for ECAT Management Contract, PD 10-11.060 - Amy Lovoy, Management and Budget Services Department Director

That the Board award Contract PD 10-11.060, for Escambia County Area Transit (ECAT) Management to First Transit, Inc., for an amount not to exceed an average annual amount of \$400,000, for a term of 60 months, with an option for a two- year extension, effective April 1, 2012, and authorize the County Administrator to execute all documents.

[Funding: Fund 104, Mass Transit, Cost Center 320401, 320402 and 320403]

COUNTY ATTORNEY'S REPORT

I. For Action

1. Recommendation Concerning an Amendment to the Decorum Policy Titled, "Orderly Conduct of Meetings"

That the Board consider approving an amendment to the attached Orderly Conduct of Meetings Policy which established rules to ensure the orderly conduct of meetings.

2. Recommendation Concerning the First Amendment to Ground Lease

That the Board approve, and authorize the Chairman or Vice Chairman to execute, the First Amendment to Ground Lease with the School Board of Escambia County, Florida.

3. Recommendation Concerning Proposed Settlement of *Robert Mark Herrmann v. Escambia County, FL* (Case No. 20080 CA 003078)

That the Board authorize a settlement in the Case of *Robert Mark Herrmann v. Escambia County, FL* (Case No. 2008 CA 003078), in which the County will pay to Mr. Herrmann the sum of \$40,000 in exchange for a General Release and Hold Harmless Agreement in favor of Escambia County and dismissal with prejudice of the pending lawsuit.

4. Recommendation Concerning the Settlement of a Workers' Compensation Claim Involving Felix Silcox

That the Board of County Commissioners approve a washout workers' compensation settlement to former employee Felix Silcox in the amount of \$160,935.00, inclusive of attorney's fees and costs. An excess insurance carrier will reimburse the County for 100.0% of the settlement amount.

5. Recommendation Concerning the Conveyance of Real Property Located on the 1st Block of East Jordan Street to the City of Pensacola

That the Board adopt a Resolution authorizing the conveyance of real property located on the 1st block of East Jordan Street (Account Number: 13-2091-000; Reference Number: 00-0S-00-9010-018-118) to the City of Pensacola for the recited consideration of \$1.00, pursuant to Section 125.38, Florida Statutes.

6. Recommendation Concerning Thomas M. Bizzell, as Trustee of the Holiday Holding Trust No. 2's Petition for Relief from Code Enforcement Action Pursuant to §70.51, Florida Statutes

Pursuant to Board direction at the January 12, 2012 Committee of the Whole, that the Board take the following action:

A. Waive any argument regarding failure to exhaust administrative remedies; and,

B. Retain mediator William E. Bond pursuant to the attached Special Master Agreement to provide mediation services. The cost to provide these services will be borne equally by the parties; and

C. The Notice of Code Enforcement violation is stayed, except that all prohibited materials piled on site must be either removed or covered and contained immediately.

II. For Information

1. Recommendation Concerning Collection of Bad Debts owed to the Pensacola Civic Center

That the Board accept the following information concerning the collection of bad debts owed to the Pensacola Civic Center for costs associated with the utilization of the facility:

By Board action on December 8, 2011, the BCC adopted Resolution R2011-183 authorizing the Clerk of the Circuit Court to write off as bad debt certain accounts receivable totaling \$32,142.40 owed to the Pensacola Civic Center for costs associated with the utilization of the facility. At that time, the Board requested that the County Attorney's Office explore possible legal remedies to collect the debts.

The debt involves four vendors, all of whom leased the facility pursuant to a License Agreement entered into with the managing entity, SMG. Under the terms of the License Agreement, failure to pay for the use of the facility constituted a default thereby giving rise to an action for breach of contract to SMG. The County was not a party to the License Agreements and lacks contractual privity with the vendors. Consequently, the County's potential legal remedies to recover debts owed for use of the facility are significantly limited unless the County pursues recovery against SMG under the terms of the Management Services Agreement.

Discussion with the Office of Management and Budget indicated SMG exercised due diligence in attempting to recover the debts owed to the Civic Center. Further, uncollectable accounts of this sort have not occurred with any frequency during SMG's tenure at the Civic Center as it relates to rental fees

for use of the facility.

In light of the circumstances, rather than pursue any action to recover past debts, the County Administrator has requested that the County Attorney's Office address this issue with SMG prospectively in an effort to minimize the County's liability for any future losses. As part of the current contract negotiations with SMG, the new Management Services Agreement shall include specific language relating to SMG's liability for the collection of accounts receivable. In addition, under the terms of the new agreement, the annual incentive fee will be based solely on financial performance. Thus, SMG will have a direct incentive to collect all revenues and minimize any loss in order to earn the annual incentive fee.

11. Items added to the agenda.
12. Announcements.
13. Adjournment.