

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

AGENDA

Board of County Commissioners
Regular Meeting – January 8, 2009 – 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 – Bishop Philip Duncan, Episcopal Diocese of the Central Gulf Coast.
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.

AGENDA – BOARD OF COUNTY COMMISSIONERS

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6. Proclamations/Special Recognition.

Recommendation: That the Board take the following action concerning Proclamations/Special Recognition:

A. Take the following action concerning the adoption/ratification of the following four Proclamations:

- (1) Adopt the Proclamation recognizing Mr. John Appleyard for his publication, entitled, *An In-depth Study of County Government 1821-2006*, as part of a County Project recognizing the 450th Anniversary of North America's First Place City;
- (2) Adopt the Proclamation recognizing Mr. Gary A. Beeler, Warning Coordination Meteorologist of the National Weather Service Mobile-Pensacola Forecast Office, on his retirement after 41 years of dedicated service;
- (3) Adopt the Proclamation proclaiming the third Friday of January 2009 as "Arbor Day" in Escambia County; and
- (4) Ratify the Proclamation, dated December 22, 2008, recognizing Mr. Arthur Matthew Keene for being the first sea kayaker to paddle the entire 1,600-mile Florida Circumnavigational Saltwater Paddling Trail; and

B. Take the following action:

- (1) Recognize and commend Pall Life Sciences for the donation of a hazardous materials foam trailer; and
- (2) Recognize and commend Jason Lopez for his life-saving efforts on December 6, 2008.

7. Employee of the Month Proclamations – None.

AGENDA – BOARD OF COUNTY COMMISSIONERS

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8. Written Communication:

- A. November 21, 2008 – Email communication from Vicki H. Campbell, C.L.S., Agency Operations Manager, First American Title, requesting that the Board release a Code Enforcement Lien, recorded in Official Records Book 4786, Page 1303, against property previously known as Dolphin Pass;
- B. December 1, 2008 – Communication from Anna Christo, Special Assets Department, Mercantile Bank, concerning a Code Enforcement Lien against property located at 13080 Lillian Highway;
- C. December 3, 2008 – Communication from Ruthie Wiggins, concerning a Code Enforcement Lien against property located at 2607 West Lloyd Street;
- D. December 11, 2008 – Communication from Monica Agerton requesting that the Board forgive a Code Enforcement Lien against property located at 2330 Klinger Street; and
- E. Undated communication from Mildred Sidener requesting that the Board forgive a Code Enforcement Lien against property located at 1220 North "U" Street.

9. 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*.

AGENDA – BOARD OF COUNTY COMMISSIONERS

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10. **5:31 p.m. Public Hearing for consideration of a Permit Renewal to Construct, Operate, Modify or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility for Longleaf C&D Disposal Facility, owned by Waste Management, Inc.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, approve the renewal of a *Permit to Construct, Operate, Modify or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility* for Longleaf C&D Disposal Facility, owned by Waste Management, Inc., and authorize the Bureau Chief of the Neighborhoods and Community Services Bureau to sign the approved Permit.

11. **5:32 p.m. Public Hearing for consideration of a Permit Renewal to Construct, Operate, Modify or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility for Rolling Hills C&D Disposal Facility, owned by South Palafox Properties, LLC.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, approve the renewal of a *Permit to Construct, Operate, Modify or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility* for Rolling Hills C&D Disposal Facility, owned by South Palafox Properties, LLC, and authorize the Bureau Chief of the Neighborhoods and Community Services Bureau to sign the approved Permit.

12. Committee of the Whole Recommendation(s).

Recommendation: The Committee of the Whole (C/W), at the December 18, 2008, C/W Workshop, recommends that the Board take the following action:

- A. Direct staff to provide, at the January 8, 2009, Regular Board Meeting, a recommended funding source, and approve up to \$400,000 in additional funding, for the remainder of Fiscal Year 2008-2009, for the Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller (Item 3);
- B. Approve, conceptually, the proposed (*Bob Sikes Bridge Toll Facility*) toll increase (*from \$1 to \$2*), subject to a single purpose or single design which is the consensus of the citizenry from the Pensacola Beach area, with staff to provide a report at the February 12, 2009, Committee of the Whole Workshop, and approve a commitment to retain, for a period of five years, the \$50 (*annual*) transponder rate (Item 5);

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12. Continued...

- C. Approve accepting up to \$100,000, from the Escambia County Health Facilities Authority's Charitable Grant Program, to fully fund the (*Fiscal Year 2008-2009*) Budget request of the Escambia Community Clinic (Item 7);
- D. Approve to not establish a "Peacock Ordinance" and leave the County's (*Animal Control*) Ordinance as it is (Item 8);
- E. Direct staff to provide a cost estimate for drainage improvements at Siguenza Cove, and determine the funding source from the Local Option Sales Tax Projects (Item 10);
- F. Approve, for a six-month to one-year period, a solicitation process for a State Lobbyist (Item 11);
- G. Direct staff to research economic development options for Escambia County, to be followed by a presentation from the Pensacola Bay Area Chamber of Commerce's Subcommittee at the March 2009 Joint City-County Meeting, then general public input regarding the Subcommittee's recommendations at the next Regular Board Meeting (Item 12);
- H. Authorize staff to take the following action concerning a wetlands mitigation bank for the proposed expansion of Perdido Key Drive, Sorrento Road, Blue Angel Parkway, and Longleaf/Pinestead Roads (Item 14):
 - (1) (*Advertise a*) Request for Letters of Interest (RLI) from landowners with large wetland tracts, to be evaluated for suitability;
 - (2) Directly contact known landowners (to ascertain availability and potential costs for the County to directly acquire mitigation lands); and
 - (3) Determine a least-cost option for the County to satisfy regulatory wetland mitigation requirements;

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12. Continued...

- I. Approve continuing, for one year, the lease of 350 acres of property located south of Interstate 10, on which the County has a number of wells for pumping contaminated groundwater to the constructed wetlands at Perdido Landfill (Item 15);
- J. Authorize staff to advertise for and hire a staff Veterinarian in Escambia County Animal Services (Item 17);
- K. Ratify the following action of the C/W concerning the conveyance of real property, located at the corner of Chase Street and 9th Avenue, for the development of the Downtown Technology Park (Item 19):
 - (1) Adopting a Resolution (*R2008-215*) authorizing the conveyance of the property to the Pensacola-Escambia Development Commission (PEDC); and
 - (2) Authorizing the Chairman to execute a Corrective Deed, the Resolution, and all other documents necessary to complete the conveyance; and
- L. Ratify the C/W's action approving the "Special Event Permit Application" for a limited waiver of the noise restrictions imposed by the Escambia County Noise Abatement Ordinance, in conjunction with the New Year's Eve fireworks display by the Pensacola Beach Chamber of Commerce, held at the Casino Beach Fishing Pier from 11:59 p.m., December 31, 2008, to 12:20 a.m., January 1, 2009 (Item 20).

13. Reports:

Clerk of the Circuit Court & Comptroller
Growth Management
County Administrator
County Attorney

14. Items added to the agenda.

15. Announcements.

16. 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
JANUARY 8, 2009

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

Recommendation: That the Board accept, for filing with the Board's Minutes, the following seven Reports prepared by the Clerk and Comptroller's Finance Department:

A. The following two Payroll Expenditures:

- (1) As of Payday December 12, 2008, in the amount of \$2,391,317.75; and
- (2) As of Payday December 24, 2008, in the amount of \$2,185,304.51;

B. The following three Disbursement of Funds:

- (1) December 4, 2008, to December 10, 2008, in the amount of \$13,886,510.50;
- (2) December 11, 2008, to December 17, 2008, in the amount of \$21,517,092.06;
and
- (3) December 18, 2008, to December 24, 2008, in the amount of \$18,479,086.76;

C. The Investment Report for the month ended November 30, 2008; and

D. The Tourist Development Tax (TDT) Collections Data for Fiscal Year 2008-2009, which includes the October 2008 returns received in the month of November 2008; the revenues collected to date represent two months, or 16% of the Fiscal Year, and reflect 12% of the Budget to date.

CLERK OF THE COURTS & COMPTROLLER'S REPORT

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2. Recommendation Concerning Escambia County Housing Finance Authority Financial Statements

Recommendation: That the Board accept, for filing with the Board's Minutes, the *General Purpose External Financial Statements and Report on Internal Control Over Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards, and Management Letter* for the Escambia County Housing Finance Authority for the Fiscal Year ended September 30, 2008, as prepared and audited by Calvin Charles Johnson, Certified Public Accountant.

3. Recommendation Concerning Public Official Bond

Recommendation: That the Board approve the Public Official Bonds, underwritten by Fidelity and Deposit Company of Maryland, for the following three Elected Officials, for a term beginning January 6, 2009, and ending January 7, 2013:

- A. The Honorable Chris C. Jones, Property Appraiser, Bond No.: POB8526408, in the amount of \$25,000;
- B. The Honorable David Morgan, Sheriff, Bond No. POB8900446, in the amount of \$25,000; and
- C. The Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller, Bond No. POB8526407, in the amount of \$50,000.

4. Recommendation Concerning Minutes and Reports

Recommendation: 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 Attorney-Client Session held December 11, 2008;
- B. Approve the Minutes of the Public Forum Work Session and Regular Board Meeting held December 11, 2008;
- C. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held December 11, 2008; and
- D. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held December 3, 2008.

GROWTH MANAGEMENT REPORT

January 08, 2009

I. PUBLIC HEARINGS

1. **5:45 p.m. – January 08, 2009 Public Hearing** – Development Agreement for UWF Campus Master Plan

RECOMMENDATION: That the Board take the following actions:

- A. Ratify the scheduling of the January 8, 2009, 5:45 p.m. Public Hearing; and
- B. Schedule the second of two public hearings for January 22, 2009 at 5:45 p.m.; and
- C. Review and consider the Development Agreement for the UWF Campus Master Plan for adoption on January 22, 2009.

II. ACTION ITEMS

1. **Sunshine Hill Estates Final Plat**

RECOMMENDATION: That the Board take the following actions concerning recording of the Final Plat of Sunshine Hill Estates, (a 22 lot single family private residential subdivision), located in the Sunny Hill Community on Sunny Hill Road and lying west of Atmore Highway (Florida State Road 97). Owned and developed by BCK Properties, LLC. Prior to recording, the County Engineer, County Surveyor, Development Services Bureau Chief and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4.02.07.E, of the Escambia County Land Development Code. Also, prior to recording the County Surveyor must sign the Final Plat as set forth in Chapter 177.081 (1) Florida Statutes;

- A. Approve the final plat for recording; and
- B. Approve the street names “Sunny Brook Court, and Sunshine Ridge Court”; and
- C. Authorize the Chairman or Vice-Chairman to execute a Hold Harmless, and Indemnification Agreement and a Conservation Easement.

III. CONSENT AGENDA

1. Scheduling of Public Hearings

- A. 5:45 p.m. – Thursday, February 05, 2009** – A public hearing to amend the Official Zoning Map to include the following Rezoning Case heard by the Rezoning Hearing Examiner (RHE) on December 15, 2008.

Case No.:	Z-2008-19
Location:	1040 East Nine Mile Road
Property Reference No.:	06-1S-30-2101-060-001
Property Size:	4.10 (+/-) acres
From:	R-4, Multiple Family District, Medium High Density, (cumulative) (18du/acre)
To:	C-1, Retail Commercial District, (cumulative) (25 du/acre)
FLU Category:	C, Commercial and MU-2, Mixed Use 2
Commissioner District:	5
Requested by:	Ryan P. Hatler, Agent for YB North Pensacola, LLC, Owner

**COUNTY ADMINISTRATOR'S REPORT
JANUARY 8, 2009**

I. Technical/Public Service Consent Agenda

1. **Recommendation Concerning the Appointment of Chairman and Vice Chairman of the Community Redevelopment Agency – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board approve appointing Commissioner Marie Young, Chairman, and Commissioner Grover Robinson, IV, Vice Chair of the Board of County Commissioners, to serve as Chair and Vice Chair of the Community Redevelopment Agency.

2. **Recommendation Concerning Second Renewal of Antenna Mounting Space Lease with New Cingular Wireless PCS, LLC – Michael Hardin, Public Safety Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Second Renewal of Antenna Mounting Space Lease with New Cingular Wireless PCS, LLC:

- A. Approve the Lease renewal for a five-year term commencing on May 24, 2009, at no cost to the County, with all other provisions of the Lease as previously renewed and amended remaining unchanged; and
- B. Authorize the Chairman to sign the document.

3. **Recommendation Concerning Disposition of Surplus Equipment and Donation of a 2000 Ford F50 Horton Ambulance to the Escambia County School Board – Michael Hardin, Public Safety Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning disposition of surplus equipment and donation of a 2000 Ford F350 Horton Ambulance (Property Number 49170) to the School Board of Escambia County, Florida, for use by the West Florida High School of Advanced Technology in its fire/rescue program:

- A. Rescind its action taken September 4, 2008, approving disposal of referenced vehicle by sale or auction and approve disposal of the obsolete ambulance by the aforementioned donation;
- B. Adopt a Resolution authorizing conveyance of an ambulance (Serial Number 1FDWF36F4YEC62278) to the School Board of Escambia County, Florida, in compliance with Section 274.06, Florida Statutes; and
- C. Authorize the Chairman to sign all documents related to the donation.

4. **Recommendation Concerning Adoption of a Maintenance Map – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning adoption of a Maintenance Map (Map):

- A. Adopt a Maintenance Map, Engineering Division Map Number L-4821, of an unnamed street abutting Luke Street and being south of Fisher Street and north of Scott Street. The Map delineates the extent of County Maintenance to define County property in areas where the County maintains roads without having deeded right-of-way;
- B. Approve said areas shown on the Map for continued maintenance, pursuant to Florida Statutes, Chapter 95.361; and
- C. Authorize the Chairman or Vice Chairman to accept the Map as of the day of delivery of the map to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute the Map for recording at that time.

COUNTY ADMINISTRATOR'S REPORT

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5. **Recommendation Concerning Scheduling a Public Hearing to Establish the West Ridge Place Street Lighting MSBU – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board authorize a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on January 22, 2009, at 5:32 p.m., to consider the adoption of an Ordinance creating West Ridge Place Street Lighting MSBU.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Supplemental Budget Amendment #66 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #66, Article-V Fund (115) and the General Fund (001), in the amount of \$621,764, to recognize \$1 of the \$2 recording fee revenue from the Walton County Interlocal Agreement, and appropriate these funds for the information technology needs of the Public Defender and State Attorney's Offices in Escambia County.

2. Recommendation Concerning Florida Division of Emergency Management, Community Emergency Response Team Subgrant Agreement – Michael Hardin, Public Safety Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the State of Florida, Division of Emergency Management (FDEM), Community Emergency Response Team (CERT) Subgrant Agreement #09CI-XXXX, providing Grant funding, in the amount of \$10,000, for a period of 18 months after the date of execution, but no later than May 31, 2010:

- A. Approve the FDEM Federally-Funded Subgrant Agreement, with funding to be identified in Fund 110, Other Grants and Projects, Cost Center 330430, Revenue Account 334248; and
- B. Authorize the Chairman to sign the Agreement.

3. Recommendation Concerning Florida Division of Emergency Management, Citizen Corps Subgrant Agreement – Michael Hardin, Public Safety Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the State of Florida, Division of Emergency Management (FDEM), Citizen Corps Subgrant Agreement #09CC-XXXX, providing Grant funding, in the amount of \$7,500, for a period of 18 months after the date of execution, but no later than May 31, 2010:

- A. Approve the FDEM Federally-Funded Subgrant Agreement, with funding to be identified in Fund 110, Other Grants and Projects, Cost Center 330458, Revenue Account 334251; and
- B. Authorize the Chairman to sign the Agreement.

4. **Recommendation Concerning a Memorandum of Agreement for the County's Citizen Corps Coordinator – Be Ready Alliance Coordinating for Emergencies – Michael Hardin, Public Safety Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Memorandum of Agreement (MOA) between the Be Ready Alliance Coordinating for Emergencies and Escambia County:

- A. Approve the MOA providing reimbursement of \$7,275, for satisfactory completion of services as the County's Citizen Corps coordinator for a term effective on the date of issuance of the Purchase Order through April 30, 2010; and
- B. Authorize the Chairman to sign the MOA. [Funding: Florida Division of Emergency Management Citizen Corps Grant Contract 09CC-XXXX, Fund 110, Other Grants and Projects/Cost Center 330458]
5. **Recommendation Concerning Fiscal Year 2008/2009 Miscellaneous Appropriations Agreement for the Arts Council of Northwest Florida, Inc. – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning approval of the Fiscal Year 2008/2009 Miscellaneous Appropriations Agreement for The Arts Council of Northwest Florida, Inc.:

- A. Approve the Miscellaneous Appropriations Agreement for \$61,000, to be paid from the 3rd Cent Tourist Development Tax Fund (108), Cost Center 360101;
- B. Authorize the Chairman to sign the Agreement and all other necessary documents; and
- C. Authorize the execution of the necessary Purchase Order.
6. **Recommendation Concerning Award of Contract for East Chipper Paving and Drainage – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board award an Indefinite Quantity, Indefinite Delivery, Unit Price Contract, PD 07- 08.142 "East Chipper Paving & Drainage", to Panhandle Grading & Paving, Inc., for an amount of \$296,454.45. [Funding to be provided in Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project Number 09EN0165]

7. **Recommendation Concerning Award of Contract for Ebonwood Area Improvements – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board award an Indefinite Quantity, Indefinite Delivery, Unit Price Contract, PD 08-09.011 “Ebonwood Area Improvements”, to Roads, Inc., of NWF, for an amount of \$1,056,526.60. [Fund 351, LOST II, Cost Center 210105, Object Code 56301, Project Number 07EN0343, \$715,356.60; Fund, 129, 2004 CDBG, Cost Center 220415, Object Code 56301, \$220,315; Fund 129, 2006 CDBG, Cost Center 221403 Object Code 56301, \$120,855]

8. **Recommendation Concerning Award of Contract for Northcross Motel Demolition – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board award a Cover Sheet Lump Sum Contract, PD 07-08.138 “Northcross Motel Demolition”, to Maverick Demolition, Inc., in the amount of \$54,867. [Funding to be provided in Fund 001, “General Fund”, Cost Center 110201, Object Code 53401]

9. **Recommendation Concerning Purchase of a Cab and Chassis for Solid Waste Management – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the purchase of a cab and chassis for Solid Waste Management: authorize the County to piggyback off of the Florida Sheriff’s Association Contract # 08-16-0908, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section 46-44, Applications; Exemption; and Section 46-64, Board approval, and award a Purchase Order to Atlantic Truck Center for one 2009 Freightliner cab and chassis in the total amount of \$102,841, with funds available from Fund 401, Cost Center 220603.

10. **Recommendation Concerning General Paving, Drainage and Resurfacing Pricing Agreement – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning PD 07-08.134, General Paving, Drainage and Resurfacing Pricing Agreement:

- A. Approve and award an Indefinite Quantity, Indefinite Delivery Cover Sheet Contract to each of the following list of contractors, accepting their prices for the subject solicitation for PD 07-08.134, for a period of up to 12 months, authorizing up to 2 options to extend for periods up to 12 months each, beginning on October 1st of each year, upon mutual agreement of the parties subject to the terms and conditions contained therein and Board approval of said extension:

APAC-Southeast, Inc.
Henry Haire Building and Development, Inc.
Gulf Atlantic Constructors, Inc.
Panhandle Grading & Paving, Inc.
Pensacola Concrete Construction Co., Inc.
Roads, Inc., of NWF
Starfish, Inc., of Alabama
Utility Service Co., Inc.;

- B. Authorize the subject Contract for use by various Bureaus utilizing the accepted Bid Form Price Listing and Balance-of-Line (BOL) items, as defined within the Special Terms and Conditions of the Solicitation to determine the lowest bid for a project:
- C. Authorize the Public Works Bureau to request price modifications on an annual basis only, allowing the first year to be amended, so as to put those modifications on an October-September Fiscal Year planning schedule; and
- D. Authorize the issuance of individual or blanket Purchase Orders, in accordance with Chapter 46 of the Escambia County Code of Ordinances, in an amount of \$1,000,000, per contractor in Fiscal Year 2008/2009, to be issued from various Funds, Cost Centers, Object Codes and Project Numbers for the Public Works Bureau, Engineering Division only. All other Bureaus/Divisions shall bring their requirements of \$50,000 or greater to the Board for approval on an as-needed basis.

COUNTY ADMINISTRATOR'S REPORT

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11. Recommendation Concerning Medical Supply and Equipment Contract – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize a price increase as documented, to Moore Medical, for “Medical Supply and Equipment Contract”, PD. 06-07.72, in accordance with the terms and conditions of the Contract. [Fund Source: Fund 408 (Emergency Medical Services)/Cost Center 330302 and Fund 143 (Fire Services)/Cost Center 330202]

12. Recommendation Concerning Foreclosure on Real Property Located at 6114 Brosnaham Avenue – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure of the Code Enforcement Lien, recorded in OR Book 5215 at page 1760 of the Public Records of Escambia County, Florida, on real property located at 6114 Brosnaham Avenue, Account #031438000, Reference Number 27-1S-30-1203-000-037. The County's current Lien amount is \$1,293, and the current assessed value of the property is \$56,921.

13. Recommendation Concerning Foreclosure on Real Property Located at 3800 Kelly Avenue – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure of the Code Enforcement Liens, recorded in OR Book 6219 at page 790 and in OR Book 6050 at page 43 of the Public Records of Escambia County, Florida, on real property located at 3800 Kelly Avenue, Account #052975000, Reference Number 09-2S-30-1400-560-002. The County's current total Lien amount is \$25,840, and the current assessed value of the property is \$30,267.

14. Recommendation Concerning Foreclosure on Real Property Located at 8531 San Lucus Calzada – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure of the Code Enforcement Lien, recorded in OR Book 4969 at page 162 of the Public Records of Escambia County, Florida, on real property located at 8531 San Lucus Calzada, Account #095015388, Reference Number 33-2S-31-2400-003-006. The County's current Lien amount is \$978.81, and the current assessed value of the property is \$43,670.

COUNTY ADMINISTRATOR'S REPORT

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15. Recommendation Concerning Foreclosure of Real Property Located at 600 West Caro Street – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure of the Code Enforcement Lien, recorded in OR Book 6266 at page 754 of the Public Records of Escambia County, Florida, on real property located at 600 West Caro Street, Account #020524000, Reference Number 11-1S-30-1901-001-008. The County's current Lien amount is \$3,082.50, and the current assessed value of the property is \$49,842.

16. Recommendation Concerning Foreclosure of Real Property Located at 4902 Alvin Drive – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize foreclosure of the Code Enforcement Lien, recorded in OR Book 5419 at page 805 of the Public Records of Escambia County, Florida, for real property located at 4902 Alvin Drive, Account #102101580, Reference Number 23-3S-31-1300-014-001. The County's current Lien amount is \$8,698, and the current assessed value of the property is \$23,750.

17. Recommendation Concerning Design Build Services for Tate Road Bridge Replacement – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning Design Build Services for Tate Road Bridge Replacement:

A. Approve the Selection/Negotiation Committee Ranking:

- 1. Merrill Parker Shaw, Inc.;**
- 2. Murphree Bridge Corporation; and**
- 3. McCormick Contracting Co.; and**

B. Award a Contract, PD 07-08.088, Design Build Services for Tate Road Bridge Replacement, to Merrill Parker Shaw, Inc., for a Design Phase Fee of \$39,160.93. [Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project Code 08EN0235]

18. Recommendation Concerning Surplus and Sale of Real Property Located at 97 Hood Drive – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the surplus and sale of real property located at 97 Hood Drive, known as the Sheriff's Ensley Sub-Station:

- A. Declare surplus the Board's real property, Account Number 02-0336-910, Reference Number 11-1S-30-1101-140-280, acquired in 1998. A legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting offers by sealed bid;
- B. Authorize the sale of this property to the bidder with the highest offer received from sealed bids, above the minimum bid of \$325,000, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
- C. Authorize the Chairman to sign all documents related to the sale.

19. Recommendation Concerning Purchase Order to Perform an Evaluation of the Access Ladders to the Bob Sikes Bridge Fender System – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board approve issuance of a Purchase Order to Hatch Mott MacDonald Florida, LLC, in the amount of \$2,504.80, on Contract PD 02-03.79.13.16.ENG, "Perform An Evaluation of the Access Ladders to the Bob Sikes Bridge Fender System". [Funding Source: Fund 167, Bob Sikes Toll Bridge, Account 140302/53101]

20. Recommendation Concerning Purchase Order for Design Services for Innerarity Point Road (MSBU) – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board approve issuance of a Purchase Order to PBS&J, in the amount of \$59,762.10, on Contract PD 07-08.016, "Design Services for Innerarity Point Road (MSBU)". [Funding Source: Fund 177, MSBU Assessment Program, Account 140963/53101]

21. Recommendation Concerning Purchase Order for Management Fee for the Pensacola Civic Center – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board approve a Purchase Order, in the amount of \$167,957.60, to SMG for the management fee for the Pensacola Civic Center for Fiscal Year 2008/2009, to be paid from Cost Center 221301.

22. Recommendation Concerning United Way – City/County Human Services Appropriations Committee Funding Recommendations – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board accept the funding recommendations from the United Way Human Services Appropriations Committee for Fiscal Year 2008/2009, in the amount of \$95,500, in the adopted 2008/2009 Budget, Public Social Services, General Fund (001), Cost Center 220202.

23. Recommendation Concerning Purchase for Installation of a Zonar Systems Project – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board authorize the issuance of Purchase Order #290958 to Zonar Systems, Inc., in the amount of \$75,569.44, to replace previously issued Purchase Order #281597 in Fiscal Year 2007/2008, based on prior approval August 21, 2008. The installation of the Zonar System project had begun but was not completed at the end of Fiscal Year 2007/2008. Due to the cost of this continuing project being in excess of \$50,000, it is necessary to submit a new Purchase Order to encumber funds re-budgeted for Fiscal Year 2008/2009.

24. Recommendation Concerning Funding for Davis Highway Corridor Mass Transit Service – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Supplemental Joint Participation Agreement (JPA) Number 3, Financial Project Number 42027418401:

- A. Ratify the Chairman's signature on the JPA, Financial Project Number 42027418401, providing for Florida Department of Transportation participation, in the amount of \$200,000, Fiscal Year 2008/2009 funding for the Davis Highway Corridor Mass Transit Service; and
- B. Ratify the Chairman's signature on the authorizing Resolution R2008-194.

COUNTY ADMINISTRATOR'S REPORT

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25. **Recommendation Concerning Funding for Fairfield Drive Corridor Mass Transit Service – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Supplemental Joint Participation Agreement (JPA) Number 2, Financial Project Number 42027318401:

- A. Ratify the Chairman's signature on the JPA, Financial Project Number 42027318401, providing for Florida Department of Transportation participation, in the amount of \$200,000, for funding the Fiscal Year 2008/2009 Fairfield Drive Corridor Mass Transit Service; and
 - B. Ratify the Chairman's signature on the authorizing Resolution R2008-195.
26. **Recommendation Concerning Resolution Adjusting Adoption Fees and Spay/Neuter Fees – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Escambia County Animal Services Fee Schedule, effective February 1, 2009:

- A. Adopt the Resolution adjusting the Adoption Fees and Spay/Neuter Fees; and
 - B. Authorize the Chairman to sign the Resolution.
27. **Recommendation Concerning Marketing ECAT Services – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the State of Florida, Department of Transportation, Public Transportation, Joint Participation Agreement (JPA), Financial Project Number 42349128401:

- A. Ratify the Chairman's signature on the JPA, Financial Project Number 42349128401, providing for Florida Department of Transportation participation, in the amount of \$73,000, to provide funding for Service Development Marketing for a comprehensive print media, radio, and television marketing project for Escambia County Area Transit Service; and
- B. Ratify the Chairman's signature on the authorizing Resolution R2008-196.

III. For Discussion

1. Recommendation Concerning Appointment to the Tourist Development Council – Robert R. McLaughlin, County Administrator

RECOMMENDATION: That the Board approve appointing one of the following nominees to the Tourist Development Council, effective January 6, 2009, through January 5, 2013, as an “Interested in Tourism” appointee:

A. Nan Harper; or

B. Gina O. Dudley

COUNTY ATTORNEY'S REPORT
January 8, 2009

I. **FOR ACTION:**

1. ATTORNEY-CLIENT SESSION: Carl R. Gilbert, II and Sharon Gilbert vs. Harry R. McNesby, Charlie Walker, and Sotirios Thagouras. Case No. 3:08cv51/RV/MD; and Robert K. Mandel and Sharon F. Mandel vs. Harry R. McNesby, Charlie Walker, Sotirios Thagouras, and Steve Littlejohn. Case No.: 3:08cv49/RV/MD

- A. That the Board schedule a private meeting with its attorneys to discuss pending litigation, in accordance with § 286.011 (8), Florida Statutes, for January 22, 2009 at 3:30 p.m.
- B. That the Board approve the public notice printed below to be published in the *Pensacola News Journal* on Sunday, January 11, 2009.

2. Surplus Property Sell to Bellview Small Engine Repair, Inc. (Corrective Deed)

That the Board:

- A. Authorize the Chairman to execute a Corrective Deed to Bellview Small Engine Repair, Inc.
- B. Authorize payment of any incidental costs associated with recording the Corrective Deed in the public records of Escambia County, Florida.

3. Alcohol-Free Zone on Pensacola Beach

That the Board schedule a public hearing for January 22, 2009 at 5:31 p.m. to consider an ordinance establishing an alcohol-free zone on Pensacola Beach.

4. SmartCop, Inc. and Escambia County for software license and services agreement and a software maintenance support agreement both dated August 19, 2004, in the sum of \$1,325,000.00 under PD 03-04.23

- A. That the Board of County Commissioners approve the settlement of this lawsuit upon execution of a settlement agreement and mutual general releases by the County and SmartCop.

- B. That the Board of County Commissioners authorize the Chairman to sign a settlement agreement to include the following terms:
1. The hardware and equipment purchased by the County under this contract award would be retained and the County would forgo any further claims for monetary damages or equitable relief.
 2. SmartCop and the County would execute mutual general releases of claims and SmartCop would waive any further payments due it under the contracts and would further waive any claims for defamation against the County or its employees, commissioners, or agents.
 3. The County would erase or obliterate any SmartCop software purchased as part of the contract.
 4. SmartCop would return any records which included exempt information such as Social Security Numbers, medical information protected by HIPAA, addresses of patients, floor plans of the Public Safety Building or of any security systems utilized in the Public Safety Building. The information contained in electronic form would be erase or the information contained in records would be returned to the County upon execution of the settlement agreement.
 5. Any third party software purchased by the County pursuant to the contract award would be retained by the County.
 6. The settlement agreement would include the following language in lieu of an evaluation concerning contract performance:

SmartCop was awarded two contracts under P.D. 03-04.23. Pursuant to these contracts, a portion of the SmartCop software requirements were to be completed after the award date. Because certain aspects of these software requirements were in the development stages, neither party could foresee whether the SmartCop software applications for the EMS

and Fire Modules would be satisfactory to the County. Both the County and SmartCop worked together to clarify and perform these application requirements, but the County did not believe its expectations had been met. Although the parties disagreed as to the facts, both the County and SmartCop worked diligently trying to resolve their differences, without ultimate success. Despite this disagreement, the parties have agreed that it is in the best interest of the citizens of Escambia County to lay their differences aside, terminate the contracts, and settle the litigation.

- C. That the Board of County Commissioners authorize the County Attorney's Office, after execution of the settlement agreement and general mutual releases, to execute a stipulation for dismissal with prejudice of the lawsuit and submit a proposed order to the trial judge for execution which dismisses the lawsuit with prejudice.