

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 – July 22, 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 White.
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. Proclamations.

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

- A. Adopt the Proclamation proclaiming July 22, 2010, to be “Gulf Power-ECUA Sustainable Florida Day” in Escambia County;
- B. Adopt the Proclamation extending greetings and best wishes to all observing the “ADA-20 Years Strong” Celebration on Saturday, July 24, 2010;
- C. Adopt the Proclamation proclaiming August 3, 2010, to be “National Night Out” in Escambia County; and
- D. Ratify the Proclamation, dated July 7, 2010, recognizing and commending the Blue Angels for their dedication, leadership, and service to our community, country, and Armed Forces.

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. **5:32 p.m. Public Hearing for consideration of 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 Debris Facility, owned by South Palafox Properties, LLC.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, authorize 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 Debris Facility, owned by South Palafox Properties, LLC.

9. Committee of the Whole Recommendation.

(TO BE DISTRIBUTED UNDER SEPARATE COVER)

10. Reports:

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

11. Items added to the agenda.
12. Announcements.
13. 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
July 22, 2010

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

- A. Payroll Expenditures for Pay Date July 9, 2010, in the amount of \$2,225,234.86;
- B. The following two Disbursement of Funds:
 - (1) July 1, 2010, to July 7, 2010, in the amount of \$9,203,769.37; and
 - (2) July 8, 2010, to July 14, 2010, in the amount of \$4,855,115.63;
- C. The following two Budget Comparison Reports for *(9 months, or 75% of)* Fiscal Year 2009-2010:
 - (1) Summarized, by fund, Budget to Actual Comparison as of June 30, 2010; and
 - (2) Actual Revenue and Expenditure Comparison to the prior Fiscal Year as of June 30, 2010; and
- D. The Investment Report for the month ended June 30, 2010.

2. Recommendation Concerning Write-Off Accounts Receivable

Recommendation: That the Board take the following action concerning write-off of Accounts Receivable:

- A. Adopt the Resolution authorizing the write-off of \$914,069.48 in receivables that have been recorded in the Emergency Medical Services (EMS) Fund of the County and have been determined to be uncollectible bad debts ;and
- B. Adopt the Resolution authorizing the write-off of \$50.00 in a returned check and account receivable in a fund of the County that has been determined to be an uncollectible bad debt.

I. CONSENT AGENDA – Continued

3. 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 Regular Board Meeting held July 8, 2010;
- B. Approve the Minutes of the Special Board Meeting held July 13, 2010; and
- C. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held July 8, 2010.

GROWTH MANAGEMENT REPORT

July 22, 2010

I. PUBLIC HEARINGS

5:45 p.m. – Thursday, July 22, 2010 – LDC Ordinance – Articles 3 & 6 “Arcade Amusement Centers & Bingo Facilities”

RECOMMENDATION:

That the Board review and adopt an Ordinance to the Land Development Code (LDC) amending Articles 3 & 6 “Arcade Amusement Centers & Bingo Facilities”, to define “arcade amusement center” and “bingo facility” and establish those zoning districts wherein arcade amusement centers and bingo facilities are conditional uses and permitted uses.

This hearing serves as the second of two required public hearings before the Board of County Commissioners (BCC) as set forth in LDC Section 2.08.04(b) and F.S. 125.66(4)(b).

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, August 5, 2010 – To amend the Official Zoning Map to include the following rezoning case heard by the Planning Board on July 12, 2010.

Case No.:	Z-2010-10
Location:	1500 S. Pine Barren Road
Property Reference No	20-4N-31-2401-000-001
Property Size:	20.28 (+/-) acres
From:	VAG-1, Villages Agriculture District (5 du/100 acres on one acre parcels)
To:	VAG-2, Villages Agriculture District (1 du/5 acres)
FLU:	AG, Agriculture
Commissioner District:	5

Requested by:

Mary J. Graf, Joanne A. Freeman, Frances A.
Townes, and Connie A. Rigby, Owners

B. 5:46 p.m. – Thursday, August 5, 2010 –To amend Articles 3 & 6
“Small Wind Energy Systems & Wind Turbines”

C. 5:47 p.m. – Thursday, August 5, 2010 – To review a Vested Rights determination
for 2414 W. Moreno Street

**COUNTY ADMINISTRATOR'S REPORT
JULY 22, 2010**

I. Technical/Public Service Consent Agenda

1. **Recommendation Concerning Name Change of Neighborhood/Community Services Bureau to Community & Environment Bureau – Sandra P. Jennings, P.E., Community & Environment Bureau Chief**

RECOMMENDATION: That the Board approve changing the name of the Neighborhoods/Community Services Bureau to the Community & Environment Bureau, to better depict the true operations of the Bureau, and retroactively accept the application of the new Bureau name to Recommendations previously submitted.

2. **Recommendation Concerning Certificate of Need for Lifecycle Containers, LLC – Sandra P. Jennings, P.E., Community & Environment Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Certificate of Need for Lifecycle Containers, LLC:

- A. Approve a Certificate of Need Application permitting Lifecycle Containers, LLC, to operate in Escambia County; and
- B. Authorize the Chairman to sign the Certificate.

3. **Recommendation Concerning Center License and Management Agreements for Davisville Heritage and Historical Preservation Association, Inc., and Oak Grove Community Center, Inc. – Sandra P. Jennings, P.E., Community & Environment Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Community Center License and Management Agreements for Davisville Heritage and Historical Preservation Association, Inc., and Oak Grove Community Center, Inc.:

- A. Approve and authorize the Chairman to sign the Community Center License and Management Agreement between the County and Davisville Heritage and Historical Preservation Association, Inc., for the Davisville Community Center, with a retroactive effective date of April 8, 2010; and
- B. Approve and authorize the Chairman to sign the Community Center License and Management Agreement between the County and Oak Grove Community Center, Inc., for the Oak Grove Community Center, with a retroactive effective date of April 2, 2010.

COUNTY ADMINISTRATOR'S REPORT

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4. Recommendation Concerning Resolution for the Urban and Community Forestry Grant from the Florida Department of Agriculture and Consumer Services, Division of Forestry – Sandra P. Jennings, P.E., Community & Environment Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Resolution for the Urban and Community Forestry Grant from the Florida Department of Agriculture and Consumer Services, Division of Forestry:

- A. Adopt the Resolution which supports a Memorandum of Agreement between the County and the Florida Department of Agriculture and Consumer Services, Division of Forestry, enabling the County to be eligible for the Urban and Community Forestry Grant; and
 - B. Authorize the Chairman to sign the Resolution.
5. Recommendation Concerning Community Redevelopment Agency Meeting Minutes – Sandra P. Jennings, P.E., Community & Environment Bureau Chief

RECOMMENDATION: That the Board accept, for filing with the Board's Minutes, the June 3 and the June 17, 2010, Community Redevelopment Agency (CRA) Meeting Minutes prepared by Vera Cardia-Lively, Senior Office Support Assistant, CRA.

6. Recommendation Concerning Resolution to Amend the Warrington Redevelopment Plan – Sandra P. Jennings, P.E., Community & Environment Bureau Chief

RECOMMENDATION: That the Board ratify the action of the Escambia County Community Redevelopment Agency authorizing the scheduling and advertising of a Public Hearing on Thursday, August 19, 2010, at 5:31 p.m., to consider adopting a Resolution to amend the Warrington Redevelopment Plan. [Funding Sources: Fund 151, Warrington Tax Increment Financing (TIF) Trust Fund, Cost Center 220516; Community Development Block Grant funds; Local Option Sales Tax funds; non-County funding sources to be determined.]

COUNTY ADMINISTRATOR'S REPORT

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7. Recommendation Concerning Collective Bargaining Agreement between the Escambia County Board of County Commissioners and the Police Benevolent Association, Locals 1247 and 1248 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Collective Bargaining Agreement between the Escambia County Board of County Commissioners and the Police Benevolent Association, Locals 1247 and 1248:

- A. Adopt and authorize the Chairman to sign the Resolution ratifying the Collective Bargaining Agreement between the Escambia County Board of County Commissioners and the Police Benevolent Association Locals 1247 & 1248, for the contract years October 1, 2009, through September 30, 2012; and
- B. Authorize the Chairman to execute the Ratification Certificate for the Collective Bargaining Agreement on behalf of the Escambia County Board of County Commissioners.
8. Recommendation Concerning Scheduling of a Public Hearing for an Ordinance Authorizing the Installation of Traffic Infraction Detectors (Red Light Cameras) – Larry M. Newsom, Interim County Administrator

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing for August 19, 2010, at 5:33 p.m., to consider adopting an Ordinance authorizing the installation of traffic infraction detectors (red light cameras).

(THE DRAFT ORDINANCE WILL BE DISTRIBUTED UNDER SEPARATE COVER.)

9. Recommendation Concerning Reappointment to the Health Facilities Authority – Larry M. Newsom, Interim County Administrator

RECOMMENDATION: That the Board take the following action concerning a reappointment to the Escambia County Health Facilities Authority:

- A. Waive the Board's Policy, Section I Part B 1. (D), Appointment Policy and Procedures; and
- B. Reappoint Dr. Nell W. Potter for an additional four-year term, effective August 22, 2010, through August 21, 2014, as requested by Ms. Paula Drummond, Executive Director, Escambia County Health Facilities Authority.

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10. Recommendation Concerning Scheduling a Public Hearing to Vacate a Portion of Talbert Street – Joy D. Blackmon, P.E., Interim Assistant County Administrator

RECOMMENDATION: That the Board schedule a Public Hearing for August 19, 2010, at 5:32 p.m., to consider the Petition to Vacate a portion of Talbert Street (60 feet x approximately 512 feet = 30,720 square feet or 0.71 acres), as petitioned by BRACE, LLC.

11. Recommendation Concerning Scheduling a Public Hearing to Repeal or Renew and Amend the Ordinances Granting Wayne Dalton Corporation Certain County Economic Development Ad Valorem Tax Exemptions – Larry M. Newsom, Interim County Administrator

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing on August 5, 2010, at 5:31 p.m., to consider granting either of the following:

A. Repealing, for the 2010 tax year forward, Ordinance Number 2003-52 and Ordinance Number 2008-14, which granted Wayne Dalton Corporation certain County Economic Development Ad Valorem Tax Exemptions;

OR

B. Renewing, for the 2010 tax year forward, Ordinance Number 2003-52 and Ordinance Number 2008-14, which granted Wayne Dalton Corporation certain County Economic Development Ad Valorem Tax Exemptions, and amending the Ordinances to correctly identify the property owner and EDATE (Economic Development Ad Valorem Tax Exemption) recipient as “WDC Florida Realty Company I, LLC, a wholly-owned subsidiary of Overhead Door Corporation”.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Supplemental Budget Amendment #258 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #258, Other Grants & Projects Fund (110), in the amount of \$34,708, to recognize Grant funds from the Florida Department of State and to appropriate these funds for the Escambia County Supervisor of Elections to be used for the administration of federal elections.

2. Recommendation Concerning Supplemental Budget Amendment #259 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #259, Other Grants and Projects (110), in the amount of \$2,800, to recognize additional proceeds to be received from a State of Florida, Division of Emergency Management Emergency Management Preparedness and Assistance Grant and to appropriate these funds for improving the daily and emergency operations of the local Office of Emergency Management, assisting in local disaster preparations and community outreach.

3. Recommendation Concerning Supplemental Budget Amendment #260 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #260, Transportation Trust Fund (175), in the amount of \$27,155, to recognize insurance proceeds received for damages to County property in three separate citizen accidents and to appropriate these funds back to the Transportation and Traffic Division.

4. Recommendation Concerning Supplemental Budget Amendment #261 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #261, General Fund (001), in the amount of \$5,392, to recognize insurance proceeds received for damage to Parks Maintenance Truck #46897 and to appropriate these funds for purchasing a replacement vehicle.

5. **Recommendation Concerning Certification of Millage Rates and the Scheduling of Public Hearings for the Fiscal Year 2010/2011 Budget – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the certification of millage rates and the scheduling of Public Hearings for the Fiscal Year 2010/2011 Budget:

- A. **Certify the millage rates for Fiscal Year 2010/2011 as follows:**
County-wide Operating – 6.9755
Law Enforcement MSTU (Municipal Services Taxing Unit) – .685

Once the millage rates listed above have been certified, the millage rate cannot be increased without re-first class noticing the public; the millage rates must be certified by August 4, 2010. The millage rates are the same levels as those used for funding purposes in Fiscal Year 2009/2010;

- B. **Certify the proposed millage rates at 5.62% below the aggregate rolled-back rate;**
- C. **Reaffirm the Board's intent to maintain the allocation of revenues at the 50% increment in the Community Redevelopment Agency Tax Increment Financing Districts for Fiscal Year 2010/2011;**
- D. **Approve the scheduling of a Public Hearing on the Fiscal Year 2010/2011 Budget for September 9, 2010, at 5:01 p.m., to be held in the Chambers of the Board of County Commissioners of Escambia County, Florida, located on the first floor of the Escambia County Governmental Complex, 221 Palafox Place, Pensacola, Florida; and**
- E. **Approve the scheduling of a Public Hearing to adopt the Fiscal Year 2010/2011 non-ad valorem Special Assessment Roll at 5:02 p.m., on September 9, 2010, to be held in the Chambers of the Board of County Commissioners of Escambia County, Florida, located on the first floor of the Escambia County Governmental Complex, 221 Palafox Place, Pensacola, Florida.**

COUNTY ADMINISTRATOR'S REPORT

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6. Recommendation Concerning Residential Rehab Grant Funding and Lien Agreements for the property located at 410 South 1st Street – Sandra P. Jennings, P.E., Community & Environment Bureau Chief

RECOMMENDATION: That the Board ratify the following July 22, 2010, action of the Escambia County Community Redevelopment Agency (CRA) concerning the Residential Rehab Grant Funding and Lien Agreements for the property located at 410 South 1st Street:

- A. Approving the Residential Rehab Grant Program Funding and Lien Agreements between Escambia County, a political subdivision of the State of Florida, acting in its capacity as Escambia County CRA and Linda Y. Kennedy, owner of residential property located at 410 South 1st Street, Pensacola, Florida, in the Warrington Redevelopment Area, each in the amount of \$937, representing an in-kind match through the Warrington Tax Increment Financing (TIF), Fund 151, Cost Center 220516, Object Code 58301, for the following improvements: Sanitary sewer connection; and**
- B. Authorizing the Chairman to sign the Funding and Lien Agreements and any related documents necessary to implement this Grant award.**

7. Recommendation Concerning a Resolution for a New Animal Services Fee Schedule – Sandra P. Jennings, P.E., Community & Environment Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Resolution for the Community & Environment Bureau, Animal Services Division (Animal Services) Fee Schedule:

- A. Adopt the Resolution authorizing a new Animal Services Fee Schedule, with fees for immunizations, microchip implantation, and heartworm testing included, effective July 30, 2010. (Due to increasing operational costs, Animal Services is seeking to recoup various costs with a new Fee Schedule.); and**
- B. Authorize the Chairman to sign the Resolution.**

8. **Recommendation Concerning Residential Rehab Grant Funding and Lien Agreements for the Property Located at 429 Baublits Court – Sandra P. Jennings, P.E., Community & Environment Bureau Chief**

RECOMMENDATION: That the Board ratify the following July 22, 2010, action of the Escambia County Community Redevelopment Agency (CRA) concerning the Residential Rehab Grant Funding and Lien Agreements for the property located at 429 Baublits Court:

- A. Approving the Residential Rehab Grant Program Funding and Lien Agreements between Escambia County, a political subdivision of the State of Florida, acting in its capacity as Escambia County CRA and Susan Smith, owner of residential property located at 429 Baublits Court, Pensacola, Florida, in the Warrington Redevelopment Area, each in the amount of \$6,000, representing an in-kind match through the Warrington Tax Increment Financing (TIF), Fund 151, Cost Center 220516, Object Code 58301, for the following improvements: Install new storm windows; and
- B. Authorizing the Chairman to sign the Funding and Lien Agreements and any related documents necessary to implement this Grant award.

9. **Recommendation Concerning Sign Grant Funding Agreement for the Property Located at 1717 North Pace Boulevard – Sandra P. Jennings, P.E., Community & Environment Bureau Chief**

RECOMMENDATION: That the Board ratify the following July 22, 2010, action of the Escambia County Community Redevelopment Agency (CRA) concerning the Sign Grant Funding Agreement for the property located at 1717 North Pace Boulevard:

- A. Approving the Sign Grant Program Funding Agreement between Escambia County, a political subdivision of the State of Florida, acting in its capacity as Escambia County CRA and TRC Pace, LLC, owner of commercial property located at 1717 North Pace Boulevard, Pensacola, Florida, in the Brownsville Redevelopment Area, in the amount of \$1,612, representing an in-kind match through the Brownsville Tax Increment Financing (TIF), Fund 151, Cost Center 220515, 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 following improvements: Install an exterior wall sign and a free-standing sign; and
- B. Authorizing the Chairman to sign the Funding Agreement and any related documents necessary to implement this Grant award.

10. **Recommendation Concerning the County's Group Medical Insurance (Group Medical, Life, and Disability Insurance) – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION That the Board take the following action concerning the County's Group Medical Insurance (PD 08-09.042, Group Medical, Life, and Disability Insurance):

- A. Award a Contract to Blue Cross and Blue Shield of Florida, Inc., for one year, from October 1, 2010, to September 30, 2011, to provide health insurance coverage, in the form of plans Blue Option 1352, Blue Option 1552, Health Saving Accounts (HSA), and Blue Medicare and Group Medicare Supplement Plan "F" for retirees who are Medicare-eligible;
- B. Approve the employee and retiree health insurance premiums; Attachment 1 shows premiums reflecting a \$20 discount for employees who do not smoke; Attachment 2 shows the health insurance premiums for the County's retirees; retirees will be responsible for paying their full premium, whether they are Medicare-eligible or not;
- C. Authorize staff to deposit \$600 into the HSA account of each employee who elects the HSA coverage; this will assist the employee in paying the higher deductible (\$2,100 or \$4,200); the deposit will be reviewed each year at renewal time; the cost will include a \$3 monthly fee for each employee, along with a one-time start-up fee of \$22 for each new employee who enrolls; the cost is included in the total cost estimate; and
- D. Authorize the Interim County Administrator to sign the Employer Application.

[Funding Source: Fund 501, Internal Service Fund, Cost Center 140609, Object Code 54501]

11. **Recommendation Concerning the County's Group Medical Insurance Employer Application – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the County's Group Medical Insurance (PD 08-09.042, Group Medical, Life, and Disability Insurance):

- A. Amend the Contract through the Employer Application with Blue Cross and Blue Shield of Florida that will allow retroactive terminations 60 days after separation and self-service billing in reconciling the monthly health insurance bill. These changes will be effective August 1, 2010.
- B. Authorize the Interim County Administrator to sign the Employer Application.

[Funding Source: Fund 501, Internal Service Fund, Cost Center 140609, Object Code 54501]

12. **Recommendation Concerning Voluntary Long Term Disability Insurance Contract – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Voluntary Long Term Disability Insurance Contract with Madison National Life Insurance for the Voluntary Long Term Disability Insurance (PD 08-09.042, Group Medical, Life and Disability Insurance):

- A. Approve Amendment #1 to the National Insurance Services Joinder Agreement for Long Term Disability Insurance, to amend Section 1 – Definitions, for basic monthly earnings for the number of hours for the category "All Other Firefighters", to state the actual earnings should be based on 90 hours in a two week period; and
- B. Authorize the Interim County Administrator to sign Amendment #1.

[Funding Source: Fund 501, Internal Service Fund]

13. Recommendation Concerning a Railroad Reimbursement Agreement for the Pine Forest Road Crossing at Alabama Gulf Coast Railroad – Larry M. Newsom, Interim County Administrator

RECOMMENDATION: That the Board take the following action concerning a Railroad Reimbursement Agreement to improve the Alabama Gulf Coast Railway, LLC, (AGCR) railroad crossing controls located on Pine Forest Road:

- A. Adopt the Resolution that authorizes the County to enter into the Agreement with the State of Florida Department of Transportation (FDOT) and AGCR;
- B. Approve the Railroad Reimbursement Agreement between the State of Florida Department of Transportation, Alabama Gulf Coast Railway, LLC, and Escambia County, Florida, that specifies FDOT will fund the \$195,000 estimated cost to improve the railroad crossing controls on Pine Forest Road at the AGCR crossing, in the Walnut Hill area, and further specifies AGCR and the County will equally share the \$3,146 annual maintenance cost for the crossing controls; and
- C. Authorize the Chairman or Vice Chairman to execute the Resolution and the Agreement.

[Funding: Fund 175, Transportation Trust Fund, Account 110303/54601]

14. Recommendation Concerning Third Amendment to Agreement for Interruptible Natural Gas Service with the City of Pensacola – Joy D. Blackmon, P.E., Interim Assistant County Administrator

RECOMMENDATION: That the Board take the following action concerning the City of Pensacola (d/b/a Energy Services of Pensacola) Third Amendment to Agreement for Interruptible Natural Gas Service:

- A. Approve the Third Amendment authorizing a fixed charge of \$150 monthly; a fuel charge of \$5.24 per MMBTU (Million British Thermal Units); a usage charge of \$1.99 per MMBTU; and a time extension for a period of 12 months, from November 1, 2010, to October 31, 2011; and
- B. Authorize the Chairman or Vice Chairman to execute all documents relating to the Amendment as required.

[Funding: Fund 001, General Fund, Cost Center 210604, Object Code 54301]

COUNTY ADMINISTRATOR'S REPORT

JULY 22, 2010

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15. **Recommendation Concerning Fiscal Year 2010-2011 Federal Elections Activities Grant Funds – Honorable David H. Stafford, Escambia County Supervisor of Elections**

RECOMMENDATION: That the Board take the following action concerning Federal Elections Activities Funds from the Department of State:

- A. Certify that the County will match State Grant Funds with \$5,206.24 from the Supervisor of Elections' Fiscal Year 2010-2011 Budget; and
- B. Authorize the Chairman to sign the Certificate Regarding Matching Funds.
16. **Recommendation Concerning the Starlake Bridge Project – Amy Lovoy, Management and Budget Services Bureau Chief**

(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER.)

17. **Recommendation Concerning Proposed Transfer of Olive Road From the Florida Department of Transportation to Escambia County – Larry M. Newsom, Interim County Administrator**

(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER.)

18. **Recommendation Concerning Ratification of Emergency Change Orders and Purchase Orders – Amy Lovoy, Management and Budget Services Bureau Chief**

(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER.)

COUNTY ATTORNEY'S REPORT
July 22, 2010

I. **FOR ACTION:**

1. Resolution Continuing the Declaration of State of Local Emergency

That the Board authorize the Chairman to execute the attached Resolution which would continue the Declaration of State of Local Emergency for seven days beginning Friday, July 23rd at 2:00 p.m.

2. Amalgamated Transit Union (ATU) AFL-CIO, Local 1395 Enforcement of Final Order Awarding Attorneys Fees and Costs

That the Board authorize the Office of the County Attorney to postpone bringing an action in circuit court for enforcement of the Final Order of PERC awarding attorneys fees and costs to the County in the sum of \$29,759.05 until the International Convention of the ATU from September 26th through October 1st, in Orlando, Florida.

3. Attorney-Client Session - *Johnson v. Monroe* / Case No. 2007 CA 000959

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 Thursday, August 5, 2010 at 3:00 p.m.; and

B. Approve the public notice to be published in the *Pensacola News Journal* on Saturday, July 24, 2010.

4. Ratify Resolution R2010-130 Continuing the Declaration of State of Local Emergency

That the Board ratify the attached Resolution R2010-130 which corrects the dates from the declaration of state of local emergency declared in Resolution R2010-124.