

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 – May 1, 2008 – 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 – Rabbi Leonard Zikrow, Temple Bethel.
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/Special Recognition.

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

- A. Take the following action concerning adoption/ratification of the following three Proclamations:
- (1) Adopt the Proclamation proclaiming May 2008 as “National Bicycle Month” in Escambia County;
 - (2) Adopt the Proclamation proclaiming May 18-24, 2008, as "Emergency Medical Services Week" in Escambia County; and
 - (3) Ratify the Proclamation, dated April 16, 2008, recognizing ACS Government Healthcare Solutions’ Dental Outreach Initiative, which offers education seminars and free dental screenings to at-risk children, and commending them for their outstanding achievement in community service;
- B. Recognize, and present an Adopt a Spot sign to, Fraternal Order of Eagles: Aerie 3483 for their efforts in making Escambia County a better place to live; and
- C. Recognize and commend the Veterinarians, Sandy Uarich, DVM, and Cliff Owen, DVM, for their tremendous support and exceptional community service in the medical care of the 53 animals seized during the raid on April 16, 2008.

7. Employee of the Month Proclamations/Retirement Proclamations.

Recommendation: That the Board adopt the following three Proclamations:

- A. The Proclamation commending and congratulating Rita A. Chapman, Department of Community Corrections, on her retirement after 35 years of service;
- B. The Proclamation commending and congratulating James W. Miller, Facilities Management Department, on his retirement after 25 years of service; and
- C. The Proclamation commending and congratulating Allen R. Travis, Department of Community Corrections, on his retirement after 22 years of service.

8. Written Communication – Undated communication from Stephen M. Davidson, who wishes to address the Board regarding the County Budget and ways to streamline government.

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*.

10. **5:32 p.m. Public Hearing for consideration of adopting an Ordinance amending The Barrancas Redevelopment Area Trust Fund Ordinance.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, adopt an Ordinance amending "The Barrancas Redevelopment (Area) Trust Fund Ordinance," Number 2002-41, allowing for a 75% allocation of revenue for community redevelopment projects in the Barrancas Tax Increment Financing District.

11. **5:33 p.m. Public Hearing for consideration of adopting an Ordinance amending The Brownsville Neighborhood Redevelopment Trust Fund Ordinance.**

Recommendation: That the Board, at the 5:33 p.m. Public Hearing, adopt an Ordinance amending "The Brownsville Neighborhood Redevelopment Trust Fund Ordinance," Number 2007-31, allowing for a 75% allocation of revenue for community redevelopment projects in the Brownsville Tax Increment Financing District.

12. **5:34 p.m. Public Hearing for consideration of adopting an Ordinance amending The Englewood Redevelopment Trust Fund Ordinance.**

Recommendation: That the Board, at the 5:34 p.m. Public Hearing, adopt an Ordinance amending "The Englewood Redevelopment Trust Fund Ordinance," Number 2000-25, allowing for a 75% percent allocation of revenue for community redevelopment projects in the Englewood Tax Increment Financing District.

13. **5:35 p.m. Public Hearing for consideration of adopting an Ordinance amending The Palafox Redevelopment Trust Fund Ordinance.**

Recommendation: That the Board, at the 5:35 p.m. Public Hearing, adopt an Ordinance amending "The Palafox Redevelopment Trust Fund Ordinance," Number 2003-56, allowing for a 75% allocation of revenue for community redevelopment projects in the Palafox Tax Increment Financing District.

14. **5:36 p.m. Public Hearing for consideration of adopting an Ordinance amending the Warrington Redevelopment (Area) Trust Fund Ordinance.**

Recommendation: That the Board, at the 5:36 p.m. Public Hearing, adopt an Ordinance amending the "Warrington Redevelopment (Area) Trust Fund Ordinance," Number 2002-15, allowing for a 75% allocation of revenue for community redevelopment projects in the Warrington Tax Increment Financing District.

15. **5:37 p.m. Public Hearing for consideration of Fiscal Year 2008-2009 Grant Application for FTA Section 5307 funding for Planning and Capital Assistance for Mass Transit Projects.**

Recommendation: That the Board take the following action concerning Fiscal Year 2008-2009 Grant Application for Federal Transit Administration (FTA) Section 5307 funding for Planning and Capital Assistance for Mass Transit Projects for Escambia County Area Transit (ECAT):

- A. Ratify the scheduling and advertising of a Public Hearing for 5:37 p.m. on Thursday, May 1, 2008, for the purpose of receiving comments from the general public concerning the Escambia County Fiscal Year 2008-2009 Section 5307 Grant Application for \$2,921,765 in Federal assistance for Mass Transit Projects;
- B. After receipt of comments at the Public Hearing, approve, or amend and approve, the Escambia County Fiscal Year 2008-2009 Section 5307 Grant Application for \$2,921,765 in Federal assistance for Mass Transit Projects;
- C. Adopt the Resolution authorizing the Chairman or County Administrator to sign and file all appropriate documents for application, execution, and receipt of Federal funds from the FTA; and
- D. Authorize the ECAT General Manager to file the Grant Application and Grant Award Execution via the Federal Transportation Electronic Award and Management System, using the authorized Passwords for the Chairman and County Attorney, where necessary.

16. **5:38 p.m. Public Hearing for consideration of adopting an Ordinance establishing an Economic Development Ad Valorem Tax Exemption for International Paper Company.**

Recommendation: That the Board, at the 5:38 p.m. Public Hearing, adopt an Ordinance establishing an Economic Development Ad Valorem Tax Exemption for International Paper Company, for 100%, for 10 years, for their new lightweight containerboard business.

17. Committee of the Whole Recommendation.

Recommendation: The Committee of the Whole (C/W), at the April 22, 2008, Special C/W Budget Workshop, recommends that the Board authorize staff to respond to a Request for Proposals to be advertised by Workforce Escarosa, Inc., for the Board to become the "Employer of Record" for 31 grant-funded positions, for direct oversight of the Workforce Investment Act Universal and Intensive Services and the Welfare Transition Case Management Services Programs and, if necessary, bring forth a recommendation to the Board for ratification.

18. Reports:

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

19. Items added to the agenda.

20. Announcements.

21. 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**

REPORT OF CLERK OF THE CIRCUIT COURT & COMPTROLLER
May 1, 2008

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

A. Payroll Expenditures for Pay Date April 18, 2008, in the amount of \$2,219,114.10;
and

B. The following two Disbursement of Funds:

(1) April 10, 2008, to April 16, 2008, in the amount of \$4,406,699.04; and

(2) April 17, 2008, to April 23, 2008, in the amount of \$9,366,488.81.

2. Recommendation Concerning EMS Accounts Receivable Write-Off

Recommendation: That the Board adopt the Resolution authorizing the write-off of \$963,924.03 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.

3. Recommendation Concerning Agreement for Child Support Enforcement

Recommendation: That the Board approve renewal of the *State of Florida, Department of Revenue, Standard Contract, Contract Number: CSP17*, covering service of process by the Sheriff in Child Support Enforcement (CSE) Cases, for the period July 1, 2008, through June 30, 2011, to pay the contracted services.

I. CONSENT AGENDA – Continued

4. Recommendation Concerning Budget Analyses

Recommendation: That the Board accept, for filing with the Board's Minutes, Budget Analyses for the second quarter of Fiscal Year 2007-2008:

A. Expenditure Budget Analysis (Budget to Actual) as of March 31, 2008;

B. Revenue Budget Analysis (Budget to Actual) as of March 31, 2008; and

C. Profit and Loss Statements for the following four Enterprise Funds:

- (1) *Solid Waste Fund*
- (2) *Inspections Fund*
- (3) *Emergency Medical Service Fund*
- (4) *Civic Center Fund*

5. Recommendation Concerning Acceptance of Documents

Recommendation: That the Board accept, for filing with the Board's Minutes, the following documents provided to the Clerk to the Board's Office:

A. *The Agreement between Escambia County and Cameron-Cole, LLC, for Brownsfields Services*, pursuant to the Board's July 19, 2007, action awarding Task Order-based continuing Contracts, per PD 06-07.038, Brownsfields Services; and

B. *Amendment #1 to the Design Agreement between HDR Engineering, Inc. and Escambia County, Florida for Project Development and Environmental (PD&E) Studies State Road 173 (Blue Angel Parkway) from State Road 292 (Sorrento Road) to U. S. Highway 98 (Lillian Highway), PD 05-06.077*, pursuant to the Board's June 21, 2007, action amending the Contract with HDR to include the design of the needed roadway improvements, at a cost not to exceed \$1,700,000.

I. CONSENT AGENDA – Continued

6. 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 Special Board Meeting held April 17, 2008;
- B. Approve the Minutes of the Attorney-Client Session held April 17, 2008;
- C. Approve the Minutes of the Public Forum Work Session and Regular Board Meeting held April 17, 2008;
- D. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held April 17, 2008;
- E. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held April 10, 2008; and
- F. Accept, for filing with the Board's Minutes, the Report of the Special Committee of the Whole Budget Workshop held April 22, 2008.

GROWTH MANAGEMENT REPORT

May 1, 2008

I. PUBLIC HEARINGS

1. Review of Rezoning Cases

Recommendation: That the Board take the following actions:

- A. Review and either adopt, modify, or overturn the Rezoning Hearing Examiner's recommendation for rezoning cases Z-2007-65, Z-2007-66 and Z-2008-03 which were heard on March 24, 2008; and

| | |
|-------------------------|---|
| Case No.: | Z-2007-65 (Remanded by BCC on 1-10-08) |
| Location: | 1012 North 72 nd Ave |
| Property Reference No.: | 11-2S-31-2117-000-000 |
| Property Size: | 2.67(+/-) acres |
| From: | R-2, Single Family District, (cumulative) Low-Medium Density (7du/acre) |
| To: | R-4, Multiple-Family District, (cumulative) Medium High Density (18du/acre) |
| FLU Category: | R, Residential |
| Commissioner District: | 1 |
| Requested by: | Danny McCray, Agent for SEC Investment Properties, LLC., Owner |
| RHE Recommendation: | Approval |
| Speakers: | Stacey Ward Horace Jones Danny McCray Scott Segers Johnny Rawson Carl Jackson Sr. James E. Benton John L. Hedden |

| | |
|-------------------------|---|
| Case No.: | Z-2007-66 |
| Location: | 831 & 1000 Block of Trammel Blvd |
| Property Reference No.: | 26-1S-30-2101-003-034 & 26-1S-30- 2101-001-034 |
| Property Size: | .39(+/-) acres |
| From: | R-5, Urban Residential/Limited Office District, (cumulative) High Density (20du/acre) |

To: R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25du/acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 3
Requested by: Willie Gaines, Owner
RHE Recommendation: Denial
Speakers: Stacey Ward
Horace Jones
Willie Gaines
Reverend Jerry Gordon
Frances King
Bernie Shoemo
Florence Anderson
Jessie R. James
William Booker
Charles Horne Sr.

Case No.: **Z-2008-03**
Location: 9250 Chemstrand Road
Property Reference No.: 12-1S-30-4103-004-005
Property Size: .31(+/-) acres
From: R-2, Single Family District, (cumulative)
Low-Medium Density (7du/acre)
To: R-5, Urban Residential/Limited Office District, (cumulative) High Density (20du/acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 5
Requested by: Thomas E. & Sharron E. Gallant
RHE Recommendation: Approval
Speakers: Stacey Ward
Horace Jones
Sharron E. Gallant
Cary Shell
Stephen Green

B. Authorize the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the rezoning cases reviewed and SRIA Z-2008-01, which was approved by the BCC on 4-03-2008.

2. **5:45 p.m. – Thursday, May 1, 2008, Public Hearing** – Amendment to the Official Zoning Map

Recommendation: That the Board adopt an ordinance to amend the Official Zoning Map to include Rezoning Cases Z-2007-65, Z-2007-66, Z-2008-03 and SRIA Z-2008-01.

3. 5:46 p.m. – Thursday, May 1, 2008, Public Hearing – Comprehensive Plan Amendment (CPA) 2008-01 Parts A and B.

Recommendation: That the Board take the following actions:

A. Review the Comprehensive Plan Amendment (CPA 2008-01 Parts A and B), composed of two (2) draft ordinances and attachments herein to amend Part II of The Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending portions thereof as follows:

1. CPA 2008-01A: Large-scale comprehensive plan map amendment, amending Chapter 7, “The Future Land Use Element” providing for an amendment to the Year 2020 Future Land Use Map, as amended, changing the future land use category of two parcels located at 8594 West Highway 98 from Low Density Residential, (LDR) to Mixed Use 1, (MU-1) totaling 29.97 (+/-) acres

2. CPA 2008-01B: Text amendment, amending Chapter 7, “The Future Land Use Element” to define the maximum residential density allowed in the Commercial Future Land Use category; and

B. Vote individually on each of the CPA 2008-01 components (A and B above) and recommend transmittal to the Department of Community Affairs (DCA) as the first of two Comprehensive Plan Amendments allowed by Florida Statute for the Year 2008.

4. 5:47 p.m. – Thursday, May 1, 2008, Public Hearing – Development Agreement between Escambia County and Gulfwind Management, LLC

RECOMMENDATION: That the Board conduct the second of two public hearings and review and approve a proposed Development Agreement between Escambia County and Gulfwind Management, LLC for Pensacola Beach Resort.

II. ACTION ITEM

1. Weatherstone Final Plat

Recommendation: That the Board take the following actions concerning recording of the Final Plat of Weatherstone (a 72 lot single family residential subdivision), located in the Pleasant Grove community lying north of Gulf Beach Highway (State Road 292) and east of Dog Track Road (County Road 297), owned and developed by NRT of Pensacola, LLC. Prior to recording, the County Engineer, County Surveyor, Planning and Engineering Director 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 name "Weatherstone Circle"; and
- C. Accept the public road paving, all public easements, drainage improvements and Parcel "A" (0.60 acre Retention Pond), Parcel "B" (0.66 acre Retention Pond) and Parcel "C" (0.60 acre Retention Pond) as depicted upon the final plat for permanent County maintenance, the cost of maintenance for drainage improvements and pond fencing are to be funded through the establishment of a stormwater management MSBU (Municipal Services Benefit Unit); and
- D. Authorize the Chairman or Vice-Chairman to execute a Two-Year Warranty Agreement for Streets and Drainage improvements, Release of Claims for Damages, Hold Harmless, and Indemnification Agreement and Avigation Easement.

III. CONSENT AGENDA

1. Scheduling of Public Hearings

Recommendation: That the Board schedule the following public hearing(s):

- A. **5:45 p.m. – Thursday, June 5, 2008** – A public hearing to amend the Official Zoning Map to include the following Rezoning Cases heard by the Rezoning Hearing Examiner (RHE) on April 28, 2008.

| | |
|-------------------------|--|
| Case No.: | Z-2008-05 |
| Location: | 1816 Augusta Ave |
| Property Reference No.: | 35-2S-31-1000-009-032 |
| Property Size: | .75(+/-) acres |
| From: | R-5, Urban Residential/Limited Office District, High Density (20du/acre) C-2, General Commercial and Light Manufacturing District (25du/acre) AIPD-1, (Airfield Influence Planning District) APZ-1 (NASP), Accidental Potential Zone (0du/Acre) AIPD-2, (Airfield Influence Planning District) |
| To: | C-2, General Commercial and Light Manufacturing District (25du/acre) AIPD-1, (Airfield Influence Planning District) APZ-1 (NASP), Accidental |

FLU Category: Potential Zone (0du/Acre) AIPD-2,
(Airfield Influence Planning District)
Commissioner District: MU-1, Mixed Use 1
Requested by: 2
Richard A. & Andrea N. Dunn, Owners

Case No.: **Z-2008-06**
Location: 17080 Perdido Key Drive
Property Reference No.: 01-4S-33-1500-000-000
Property Size: 3.86 (+/-) acres
From: R-2PK, Residential District Perdido Key
Medium Density (4.5du/acre)
To: R-3PK, Residential District Perdido Key
High Density (12du/acre)
FLU Category: MU-4, Mixed Use 4
Commissioner District: 2
Requested by: Michael Wolf, AICP, Agent for Perdido
Ventures, LLC, Owner

Case No.: **Z-2008-07**
Location: 11191 Beulah Road
Property Reference No.: 33-1N-31-1101-002-001
Property Size: 273.46 (+/-) acres
From: VAG-1, Villages Agricultural Districts,
Gross Density (5du/100 acres) on 1-
acre parcel
To: V-2A, Villages Single-Family
Residential, District Gross Density
(3du/acre)
FLU Category: R, Residential
Commissioner District: 1
Requested by: Todd Harris Agent for Beulah
Properties, LLC, Owner

- B. 5:46 p.m. – Thursday, June 5, 2008 Public Hearing** – A public hearing to review Lakewood Cottages, a Planned Unit Development (PUD); consisting of a proposed residential subdivision of 92 single-family lots within an 11.71-acre parcel on the west side of Lakewood Road.
- C. 5:47 p.m. – Thursday, June 5, 2008, Public Hearing** – A public hearing to review Village Homes, a Planned Unit Development (PUD); consisting of a proposed 8-unit residential “senior community” within a 1.49-acre parcel in the 2400 block of North “P” Street.
- D. 5:48 p.m. – Thursday, June 5, 2008, Public Hearing** – A public hearing to review an ordinance to the Land Development Code (LDC) amending

Article 3 "Definitions" to clarify, delete, and/or add certain definitions, in order for the Code to function more effectively.

- E. 5:49 p.m. – Thursday, June 5, 2008, Public Hearing** - A public hearing to review an ordinance to the Land Development Code (LDC); amending Article 3 "Definitions" Section 3.00.01, to clarify the definitions of "area of special flood hazard" and "height" and add definitions for "average finished grade" and "mean roof height"; and amending Article 6 "Zoning Districts" Sections 6.02.03 to 6.05.05, 6.05.07, 6.05.09, 6.05.24 to 6.05.29, and 6.05.31, to add explanatory text to restrict the building height for residential dwellings located in special flood hazard areas.
- F. 5:50 p.m. – Thursday, June 5, 2008, Public Hearing** – A public hearing to review an ordinance to the Land Development Code; amending Article 10 - Definition of Coastal High Hazard Area (CHHA).
- G. 5:51 p.m. – Thursday, June 5, 2008, Public Hearing** – A public hearing to review an ordinance to the Land Development Code; amending Article 4 -"Subdivisions and Site Plans", to add specifics for basin slopes, stormwater retention, and ramp construction materials, and to remove the pond maintenance fee.

**COUNTY ADMINISTRATOR'S REPORT
MAY 1, 2008**

I. Technical/Public Service Consent Agenda

1. Recommendation Concerning the Requests for Disposition of Surplus Equipment – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board approve the Requests for Disposition of surplus equipment to be sold as surplus or appropriately disposed of, all of which are described on three Requests, as provided by various County Departments for the reasons stated on each, the value of which is estimated at under \$5,000.

2. Recommendation Concerning Resolution Conveying Real Property to PEDC for the Technology Park – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board take the following action concerning a Resolution authorizing the conveyance of real property to the Pensacola-Escambia Promotion and Development Commission (PEDC):

- A. Adopt a Resolution authorizing the conveyance of real property to the PEDC for the Technology Park located at the corner of Chase and Ninth Avenue; and
- B. Authorize the Chairman to sign the Resolution, the Deed and all necessary documents.

3. Recommendation Concerning Extension Council Appointment – Pamela H. Allen, Extension Service Interim Director

RECOMMENDATION: That the Board take the following action concerning the appointment of Russell Hendrix, replacing William Jacobi on the Escambia County Extension Council for Mr. Jacobi's remaining term of service, effective May 1, 2008, through November 30, 2008:

- A. Appoint the following individual:

| ZONE | NAME AND ADDRESS |
|-------------|--|
| 4 | Russell Hendrix, 1299 Bet Raines Road, Molino, Florida 32577 |

- B. Request that the County Administrator's Office provide a letter of appointment to Russell Hendrix and a letter of appreciation to William Jacobi.

COUNTY ADMINISTRATOR'S REPORT

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4. Recommendation Concerning a Memorandum of Understanding – Escambia County 4-H Foundation for Langley Bell 4-H Center Maintenance Worker Position – Pamela H. Allen, Extension Service Interim Director

RECOMMENDATION: That the Board take the following action concerning a Memorandum of Understanding (MOU) between Escambia County Board of County Commissioners and the Escambia County 4-H Foundation, Inc.:

- A. Approve an MOU that will provide for the Escambia County 4-H Foundation, Inc., to fund an additional nine hours per week for the maintenance worker (caretaker) position at the Langley Bell 4-H Center, effective May 5, 2008, through September 30, 2008; and
- B. Authorize the Chairman to sign the MOU.
5. Recommendation Concerning Street Name Approval – Saunders Lane – T. Lloyd Kerr, AICP, Planning and Engineering Director

RECOMMENDATION: That the Board approve the street name “Saunders Lane” for an un-named private road that runs north off the 600 Block of Highway 196 and 650 feet east of Molino Meadows Road.

6. Recommendation Concerning Employee Benefits – Housing Finance Authority Employees – Ron Sorrells, Human Resources Manager

RECOMMENDATION: That the Board authorize participation in Employment Benefits (Dental, Life, Long Term Disability, Section 125 [Cafeteria Plan] and Vision) for Escambia County Health Facilities employees effective May 1, 2008.

7. Recommendation Concerning Appointment to Marine Advisory Committee – Robert R. McLaughlin, County Administrator

RECOMMENDATION: That the Board confirm the County Administrator’s appointment of Captain Ed Fish, to the Marine Advisory Committee, replacing Captain Paul Redman. This will be a term of four years effective May 1, 2008, through April 30, 2012, or at the discretion of the County Administrator.

COUNTY ADMINISTRATOR'S REPORT

MAY 1, 2008

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8. Recommendation Concerning Reappointment to Citizens' Environmental Committee – Robert R. McLaughlin, County Administrator

RECOMMENDATION: That the Board confirm the reappointment of Charles "Clay" Miller, as the County Administrator's appointee for the Citizens' Environmental Committee. This will be a term of one year, effective May 1, 2008, through April 30, 2009, or at the discretion of the County Administrator.

9. Recommendation Concerning Resolution – Florida Forever Funds – Keith Wilkins, NESD Director

RECOMMENDATION: That the Board ratify the Chairman's signature on Resolution R2008-69 in support of urging the 2008 Florida Legislature to enact legislation to create and fund a successor program to the Florida Forever Program and to immediately double the funding for Florida Forever.

10. Recommendation Concerning Certificate of Need – Baldwin Container Company, LLC – Sandra P. Jennings, E.I., DSWM Director

RECOMMENDATION: That the Board take the following action concerning a Certificate of Need for Baldwin Container Company, LLC:

- A. Approve a Certificate of Need Application permitting the above named company to operate in Escambia County; and
- B. Authorize the Chairman to sign the Certificate.

11. Recommendation Concerning Michigan Avenue/Saufley Field Road Pedestrian Sidewalks – Larry Newsom, Transportation and Traffic Operations Manager

RECOMMENDATION: That the Board take the following action regarding Michigan Avenue/Saufley Field Road pedestrian sidewalks:

- A. Approve re-submittal of an Application for a Transportation Enhancement Program for pedestrian sidewalks on Michigan Avenue/Saufley Field Road (State Road 296/County Road 296), from Denver Avenue to N.A.S. Saufley Field, on Saufley Field Road, for a total of 1.87 miles; and
- B. Adopt and authorize the Chairman to sign a Resolution in support of an Application for transportation enhancement funding for pedestrian sidewalks on Michigan Avenue/Saufley Field Road.

COUNTY ADMINISTRATOR'S REPORT

MAY 1, 2008

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12. Recommendation Concerning Gulf Beach Highway (CR 292A) Paved Shoulders – Larry Newsom, Transportation and Traffic Operations Manager

RECOMMENDATION: That the Board take the following action concerning Gulf Beach Highway (CR 292A) Paved Shoulders:

- A. Approve re-submittal of an Application for Transportation Enhancement Projects for paved shoulders along Gulf Beach Highway (CR 292A), between Bauer Road and Innerarity Point Road; and**
- B. Adopt a Resolution in support of an Application for transportation enhancement funding for paved shoulders along Gulf Beach Highway (CR 292A).**

13. Recommendation Concerning the Indigent Burial Policy – Marilyn Wesley, Community Services Director

RECOMMENDATION: That the Board take the following action concerning the Indigent Burial Policy:

- A. Approve the revised Indigent Burial Program Policy, Section I – E.4, amending the type of services provided, with cremation being the primary service;**
- B. Approve the revised fee schedule for payments; and**
- C. Adopt the Resolution for the disposition of dead bodies under Chapter 406, Florida Statutes, designating responsibility, and establishing policy and procedures to fulfill the responsibility.**

II. Budget/Finance Consent Agenda

1. Recommendation Concerning the Edward Byrne Memorial Justice Assistance Grant (JAG) Program 2008 – Derek Whidden, Grants Coordinator, ECSO

RECOMMENDATION: That the Board take the following action concerning the Edward Byrne Memorial Justice Assistance Grant (JAG) Program 2008:

- A. Approve the electronic submission of a Grant Application entitled, "Edward Byrne Memorial Justice Assistance Grant (JAG) Program 2008", made in the name of Escambia County, Florida;**
- B. Schedule a public hearing for May 15, 2008, at 5:31 p.m., for the purpose of receiving public input on the proposed use of Grant funds; and**
- C. Authorize the Sheriff of Escambia County, Florida, to act as the Implementing Agency and Designee for the Chairman of the Board of County Commissioners for the Grant Program to include the following:**
 - 1. Review and approve the online Grant Application;**
 - 2. Make the necessary Assurances and Certifications as to the expenditure of funds under the Program; and**
 - 3. Sign or validate online any other program requirements as may be required by the funding authority; and**
- D. Authorize the Chairman to sign or validate online any other program requirements as may be required by the funding authority, relating to the Chief Executive of the County.**

2. Recommendation Concerning Supplemental Budget Amendment #208 – Jean A. Kassab, CGFM, Administrative Services Director

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #208, Internal Service Fund (501), in the amount of \$1,000,000, to recognize funds from fuel distribution charges and appropriate these funds to cover fuel costs for the remainder of the Fiscal Year.

3. **Recommendation Concerning Acquisition of Property Rights-of-Way and Easements on Kingsfield Road and County Road 97 – Joy D. Blackmon, P.E., Assistant Director, County Engineer**

RECOMMENDATION: That the Board take the following action concerning the acquisition of property for rights-of-way and easements on Kingsfield Road and County Road 97:

- A. Authorize Staff to negotiate and resolve any matters related to, or associated with the acquisition of rights-of-way and easements concerning drainage and roadway improvements for Kingsfield Road and County Road 97, gather information and conduct inspections as needed, to allow the Board's acceptance of the real property;
- B. Authorize payment of documentary stamps because the property is being acquired for governmental use, which is for improvement and maintenance of the County drainage and road system, and the County benefits from the acquisition of these properties because these improvements will improve the quality of life for the citizens of Escambia County by providing a safe and efficient roadway and drainage system;
- C. Authorize the payment of incidental expenditures associated with the acquisition of these properties, which includes, but is not limited to, title searches, legal document preparation fees and recording of documents; and
- D. Authorize the Chairman or Vice Chairman to accept the Deeds or Easements as of the day of delivery of the Deeds or Easements to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time.

[Funding Source: Fund 351, Lost II, Account 210105/56301/56101, Project 05EN1515]

4. **Recommendation Concerning Network Switch Purchase – Robert Jacobson, Information Resources Director**

RECOMMENDATION: That the Board approve a purchase of eight network switches from CDW Government, Inc., in the amount of \$41,428, Florida State Contract Number 250-000-03-1, to upgrade the network infrastructure at the Public Safety Facility. [The funds are available in the current Budget, General Fund (001), Cost Center 270102, Object Code 56401]

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5. Recommendation Concerning Pest and Rodent Control Services – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board award a three-year, fixed-price Contract for “Pest and Rodent Control Services”, PD 07-08.056, to Knox Pest Control, in accordance with the terms and conditions of the solicitation, in an estimated yearly amount of \$23,842, with funding available from various Funds and Cost Centers.

6. Recommendation Concerning Purchase of a Wheel Loader for the Solid Waste Department – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board authorize the County to piggyback off of the National Joint Powers Alliance (NJPA) Contract IFB #100907, 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 Thompson Tractor Company, Inc., for one Caterpillar 950H wheel loader, in the total amount of \$229,853, for Solid Waste Management. The wheel loader will be a replacement unit for property #47819. [Funding is available from Fund 401 (Solid Waste Fund), Cost Center 230314]

7. Recommendation Concerning Tree Trimming and Removal Contract – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board cancel the Contract for “Tree Trimming and Removal”, PD 06-07.046, awarded by the Board on May 24, 2007, for the convenience of the government.

8. Recommendation Concerning Task Order for Brownfields Services – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board rescind its action of July 19, 2007, awarding a Task-Order-based continuing Contract to Gallet & Associates Gulf Coast, Inc., per PD 06-07.038, Brownfields Services, on a “Maximum Ceiling” basis fee schedule as follows:

Maximum Overhead – 168%

Maximum Profit – 12%

Maximum FCCM – 1.50%

Maximum Multiplier – 301.66% (providing no single item above is exceeded)

Existing Hourly Rates for each firm (based on an audited or auditable financial package)

9. **Recommendation Concerning Brownfields Services – Claudia Simmons, Purchasing Department Chief**

RECOMMENDATION: That the Board take the following action concerning Brownfields Services:

- A. Award a Task-Order-based continuing Contract to Enercon Services, Inc., per PD 06-07.038, Brownfields Services, on a “Maximum Ceiling” basis fee schedule as follows:

Maximum Overhead – 168%

Maximum Profit – 12%

Maximum FCCM – 1.50%

Maximum Multiplier – 301.66% (providing no single item above is exceeded)

Existing Hourly Rates for each firm (based on an audited or auditable financial package); and

- B. Authorize the department(s), in conjunction with the Office of Purchasing, to negotiate Task Orders according to Florida Statute 287.055 “Consultants’ Competitive Negotiation Act” (A&E Services), on a project-by-project basis.

10. **Recommendation Concerning Matt Langley Bell Building AHU-6 Modifications – Claudia Simmons, Purchasing Department Chief**

RECOMMENDATION: That the Board award a Construction Contract, PD 07-08.053, Matt Langley Bell Building AHU-6 Modifications, to The McNorton Mechanical Contractors, Inc., for the base bid amount of, \$54,400. [Funding: Fund 001, General Fund/Capital Improvements/Buildings, Cost Center 110264, Object Code 56201, \$54,400]

11. **Recommendation Concerning Innerarity Point Road – Claudia Simmons, Purchasing Department Chief**

RECOMMENDATION: That the Board take the following action concerning the Innerarity Point Road Municipal Services Benefit Unit (MSBU):

- A. Approve the Selection/Negotiation Committee Ranking for the Innerarity Point Road MSBU, PD 07-08.016:
 - 1. PBS&J (Post, Buckley, Schuh, & Jernigan, Inc.);
 - 2. Fabre Engineering, Inc., dba Fabre Engineering & Surveying; and
 - 3. Geci & Associates, Inc.; and
- B. Award a Task Order, Innerarity Point Road MSBU, PD 07-08.016, to PBS&J (Post, Buckley, Schuh, & Jernigan, Inc.), in the amount of \$85,057.85. [Funding: Fund 177, "Innerarity Island Road Paving MSBU", Account 140963/53101]

12. **Recommendation Concerning Local Agency Program Agreement for Sidewalk Design Along Airway Drive – Larry Newsom, Transportation and Traffic Operations Manager**

RECOMMENDATION: That the Board take the following action concerning a Local Agency Program Agreement with the State of Florida Department of Transportation, for funding (not-to-exceed \$60,388) for a design for sidewalks along Airway Drive between Nine Mile Road and Johnson Avenue:

- A. Approve the State of Florida Department of Transportation, Local Agency Program (LAP) Agreement, between the State of Florida Department of Transportation and Escambia County, for a design for sidewalks along Airway Drive between Nine Mile Road and Johnson Avenue, as part of the Safe Routes to School Program in Escambia County;
- B. Adopt a Resolution authorizing the execution of the LAP Agreement; and
- C. Authorize the Chairman to sign the LAP Agreement and Resolution for this Project.

13. Recommendation Concerning Design-Build Services for Restoration to the Old County Courthouse – Claudia Simmons, Purchasing Department Chief

RECOMMENDATION: That the Board approve and authorize the County Administrator to sign Amendment #2 to the Contract PD 06-07.045, Design-Build Services for Restoration to the Old County Courthouse, with Greenhut Construction Company, Inc., and Quina Grundhoefer Architects to provide for:

A. Section 3, Contract Amount is amended to read as follows:

In consideration of the faithful performance by Design-Build Firm of the covenants in this Agreement to the full satisfaction and acceptance of County, County agrees to pay, or cause to be paid, to Design-Build Firm in accordance with the terms of this Agreement the following Guaranteed Maximum Price (GMP) amount for the Project (herein "Contract Amount"): ~~\$700,000.00~~ 1,120,431.00;

B. Section 4, Design-Build Firm Fees, B, Construction Phase Fee is amended to read as follows:

1. The Design-Build Firm's compensation for services performed during the Construction Phase shall be a total fee of ~~\$To Be Negotiated~~ \$161,002; and
2. The Construction Phase Fee shall be paid in six monthly payments of ~~\$To Be Negotiated~~ \$23,000.29 each and one final monthly payment of ~~\$To Be Negotiated~~ \$23,000.26 at the conclusion of the Project;

C. Section 4, Design-Build Firm Fees, C, Overhead And Profit For the Construction Phase is amended to read as follows:

For overhead, profit, and general expenses of any kind for services provided during and related to the Construction Phase of the Project, the fee shall be ~~\$To Be Negotiated~~ \$86,102.00 Overhead and \$23,678.00 Profit, and shall be paid proportionally to the ratio of the cost of the Work in place, and less retainage as it bears on the latest estimate of the total construction cost or to the GMP or to the County's Construction Budget, whichever is less; and

D. Section 6, Contract Time And Liquidated Damages is amended to read as follows:

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1. The Work shall be substantially completed within ~~To Be Negotiated~~ One Hundred Eighty (180) calendar days from the Commencement Date. The Work shall be fully completed and deemed ready by the County for final completion within ~~To Be Negotiated~~ Thirty (30) calendar days from the Substantial Completion Date. The Contract Time shall be the time period from the Commencement Date to the date of final completion totaling ~~To Be Negotiated~~ Two Hundred Ten (210) calendar days; and

2. Should Design-Build Firm fail to substantially complete the Work within the time period noted above, County shall be entitled to assess, as liquidated damages, but not as a penalty, ~~\$To Be Negotiated~~ \$500, for each calendar day thereafter until Substantial Completion is achieved.

[Funding Sources: CDBG HUD Entitlement Fund, Fund 129, 2005 CDBG, Cost Center 220422/56201- \$84,949; CDBG HUD Entitlement Fund, Fund 129, 2006 CDBG, Cost Center 221403/56201- \$125,000; CDBG HUD Entitlement Fund, Fund 129, 2007 CDBG, Cost Center 220555/56201 - \$100,000; Old Courthouse Renovation, Fund 110, Other Grants & Projects, Cost Center 310103/56201- \$368,865.50; LOST II, Fund 351, Cost Center 110224/56201- \$369,682.46]

COUNTY ATTORNEY'S REPORT
May 1, 2008

I. **FOR ACTION:**

1. **ESCAMBIA COUNTY V. KEITH A. HETHINGTON**
CASE NO. 2006-CA-1097

That the Board approve a final judgment being entered against Keith Hethington for money damages in the amount of \$20,026.75, as well as a permanent injunction allowing Escambia County to enter the real property, known as the Bankhead Road land clearing debris disposal facility, to respond to active fires or other nuisances should the need arise.