

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 – May 6, 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.

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. Adopt the following two Proclamations:

- (1) The Proclamation proclaiming May 16-22, 2010, as "Public Works Week" in Escambia County; and
- (2) The Proclamation proclaiming May 16-22, 2010, as "Emergency Medical Services Week" in Escambia County;

B. Adopt the Proclamation commending and congratulating Ruth E. Boone, Records Management Liaison Officer, Management and Budget Services Bureau, on her retirement after eight years of service; and

C. Recognize, with Certificates of Appreciation, the following students for their volunteerism for the past year, during Board of County Commissioners' Meetings, through the Chain Reaction Program:

- (1) Terrell Bradley, Board Room Page;
- (2) Amy Meyers (Senior), Television/Production Room; and
- (3) Jacquell Bradley, Television/Production Room.

7. Written Communication:

A. February 23, 2010 – Communication from Freddie W. McCall, Sr., Mayor, Town of Century, on behalf of Elsie R. Moore Reaves, requesting that the Board forgive a Code Enforcement Lien against property located at 7820 Jefferson Avenue; and

B. April 12, 2010 – Communication from Anne and Charlie Bennett concerning the proposed future property and trust bequest to the County.

AGENDA – BOARD OF COUNTY COMMISSIONERS

May 6, 2010

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

Recommendation: That the Board waive the reading of the legal advertisement(s) and accept, for filing with the Board's Minutes, the certified affidavit(s) establishing proof of publication for the Public Hearing(s) on the agenda, and the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule*.

9. **5:32 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, take the following action concerning 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:

- A. Approve, and authorize the Chairman to sign, the Permit; and
- B. Authorize the Neighborhoods and Community Services Bureau, Solid Waste Management Division, to issue the Permit renewal.

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
MAY 6, 2010

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 of the Circuit Court & Comptroller's Finance Department:

A. Payroll Expenditures for Pay Date April 30, 2010, in the amount of \$1,886,815.54;

B. The following two Disbursement of Funds:

(1) April 15, 2010, to April 21, 2010, in the amount of \$18,004,900.91; and

(2) April 22, 2010, to April 28, 2010, in the amount of \$3,594,970.48.

2. Recommendation Concerning Disposition of Records

Recommendation: That the Board approve *Records Disposition Document No. 432*, for disposition of Board of County Commissioners' Records, Item 32a, Minutes: Official Meetings (Transcripts: Microfilmed on Rolls 458 through 460), for the period October 1, 2009, through December 10, 2009, in accordance with State Retention Schedule GS1, since the permanent records have been scanned and/or microfilmed.

3. Recommendation Concerning Acceptance of Annual Audit Report

Recommendation: That the Board accept, for filing with the Board's Minutes, the Neighborhood Enterprise Foundation, Inc., Pensacola, Florida, Financial Statements and Supplementary Information, October 31, 2009, and Neighborhood Enterprise Foundation, Inc., Management Letter, October 31, 2009, as received in the Clerk to the Board's Office on April 23, 2010.

I. CONSENT AGENDA – Continued

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 Special Board Meeting held April 22, 2010, and of the Special Emergency Board Meeting held April 28, 2010;
- B. Approve the Minutes of the Regular Board Meeting held April 22, 2010;
- C. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held April 22, 2010; and
- D. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held April 15, 2010.

GROWTH MANAGEMENT REPORT

May 6, 2010

I. PUBLIC HEARINGS

1. Review of the rezoning cases heard by the Planning Board on April 12, 2010.

RECOMMENDATION:

That the Board take the following action:

- A. Review and either adopt, modify, or overturn the Planning Board's recommendations for Rezoning Cases Z-2010-06, Z-2010-07 and Z-2010-08 or remand the case(s) back to the Planning Board; and
- B. Authorize the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the rezoning cases that were reviewed.

1) Case No.: **Z-2010-06**
Location: 8800 Block of Thunderbird Drive
Property Reference No.: 06-1S-30-1000-012-009
Property Size: 0.80 (+/-) acres
From: R-1, Single-family District, Low Density (4 du/acre) & S-1, Outdoor Recreational District
To: R-1, Single-family District, Low Density (4 du/acre)
FLU Category: MU-2, Mixed Use
Commissioner District: 5
Requested by: C. Joe & Barbara Joan Robinson, Owners
Planning Board Recommendation: Approval
Speakers: C. Joe Robinson

2) Case No.: **Z-2010-07**
Location: 4000 Block of North W Street
Property Reference No.: 09-2S-30-0900-020-006
Property Size: 0.60 (+/-) acres
From: R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25 du/acre)
To: C-1, Retail Commercial District (cumulative) (25 du/acre)

FLU Category: C, Commercial
Commissioner District: 3
Requested by: Thomas G. Hammond Jr., P.E., Agent for Marco Stolfi, Owner
Planning Board Recommendation: Approval
Speakers: Thomas G. Hammond Jr.

3) Case No.: Z-2010-08
Location: 4735 Mobile Highway
Property Reference No.: 14-2S-30-8001-015-001
Property Size: 2.52 (+/-) acres
From: R-2, Single-family District (cumulative), Low-Medium Density (7 du/acre) & C-1, Retail Commercial District (cumulative) (25 du/acre)
To: C-2, General Commercial and Light Manufacturing District (cumulative) (25 du/acre)
FLU Category: C, Commercial
Commissioner District: 1
Requested by: Wiley C. "Buddy" Page, Agent for Chunilal R. & Saryubala C. Patel, Owners
Planning Board Recommendation: Approval
Speakers: Wiley C. "Buddy" Page

- 2. 5:45 p.m. – Thursday, May 6, 2010 – Public Hearing – Amendment to the Official Zoning Map.**

RECOMMENDATION:

That the Board adopt an Ordinance to amend the Official Zoning Map to include the rezoning cases heard by the Planning Board on April 12, 2010 and approved during the previous agenda item; providing for severability, inclusion in the code, and an effective date.

- 3. 5:46 p.m. – Thursday, May 6, 2010 – Public Hearing – LDC Ordinance – Article 6 "Nursing Homes and similar uses as Conditional Use in R-3".**

RECOMMENDATION:

That the Board review and approve an Ordinance to the Land Development Code (LDC) amending Article 6 “Zoning Districts,” to add nursing homes, retirement homes, convalescent homes, adult congregate living facilities, and similar uses, except in the Coastal High Hazard Area (CHHA) future land use categories as a conditional use in the R-3 zoning district; and to replace any reference to “major thoroughfares” with “collector” or “arterial roadways” within LDC Section 6.08.02.

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, June 3, 2010 – Adoption Hearing** – Comprehensive Plan Amendment, Evaluation & Appraisal Report (EAR) Based Amendments.
- B. 5:46 p.m. – Thursday, June 3, 2010 – Public Hearing** – LDC Ordinance – Articles 3 & 6 “Arcade Amusement Centers & Bingo Facilities.

**COUNTY ADMINISTRATOR'S REPORT
MAY 6, 2010**

I. Technical/Public Service Consent Agenda

1. **Recommendation Concerning Request for Disposition of Property – Joy D. Blackmon, P.E., Interim Assistant County Administrator**

RECOMMENDATION: That the Board approve the Request for Disposition of Property, which is described and listed on the Request, with reason for disposition stated. The item is to be auctioned as surplus or properly disposed of.

2. **Recommendation Concerning Request for Disposition of Property from Information Technology – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board approve the four forms, Requests for Disposition of Property including 21 items of equipment, all of which are described and listed on the Requests with reasons for disposition stated on each. The items are to be auctioned as surplus or properly disposed of.

3. **Recommendation Concerning Memorandum of Agreement for Donation of Sediment Materials to be Used to Enhance the County's Shoreline and Prevention of Natural Erosion – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Memorandum of Agreement (MOA) between the County and Coastal Reef Builders, Inc., regarding their contribution of sediment material:

- A. Approve the MOA allowing Coastal Reef Builders, Inc., to contribute suitable sediment materials to the County for the purposes of enhancing the County's shoreline and prevention of natural erosion; and
- B. Authorize the Chairman to execute the MOA without further action of the Board.

COUNTY ADMINISTRATOR'S REPORT

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4. Recommendation Concerning Economic Development Incentives for the Lewis Bear Company, an Economic Development Prospect – Larry M. Newsom, Interim County Administrator

RECOMMENDATION: That the Board take the following action concerning economic development incentives for the Lewis Bear Company, an Economic Development Prospect:

- A. Adopt a Resolution establishing the Board's intent to adopt an Ordinance for an Economic Development Ad Valorem Tax Exemption for the Lewis Bear Company for up to 10 years; and
- B. Authorize the Chairman to execute the Resolution.

5. Recommendation Concerning Request for Disposition of Property from Fire Rescue – Frank Edwards, Public Safety Bureau Chief

RECOMMENDATION: That the Board approve the Request for Disposition of Property indicating that three vehicles no longer of use to the Board of County Commissioners for fire-rescue purposes be disposed of through sealed bid or auction, with proceeds of such sale to be recognized in Fund 143 (Fire Protection Fund).

6. Recommendation Concerning Request for Disposition of Property from State Attorney's Office – Charles Bourne, MIS Director

RECOMMENDATION: That the Board approve three Requests for Disposition of Property Forms listing 14 Dell computers, to be auctioned as surplus or properly disposed of, which are all described with the Agency and reason stated.

7. Recommendation Concerning Requests for Disposition of Property from the Tax Collector and the Clerk of the Circuit Court and Comptroller – Larry M. Newsom, Interim County Administrator

RECOMMENDATION: That the Board approve two Requests for Disposition of Property Forms listing five items, to be auctioned as surplus or properly disposed of, which are all described with the Agency and reason stated, as submitted by the Tax Collector's Office and the Clerk of the Circuit Court and Comptroller's Office.

COUNTY ADMINISTRATOR'S REPORT

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8. Recommendation Concerning Appointments to the County Administrator Application Review Committee – Larry M. Newsom, Interim County Administrator

RECOMMENDATION: That the Board confirm, subject to the receipt of their Resumes, the appointments of the following individuals, to the County Administrator Application Review Committee, effective May 6, 2010, through the date of hire of a County Administrator:

NAME

**Commander Darlene Dickey
Patty Sheldon
Ted A. Kirchharr
(TBA)
William E. "Bill" Byrd
Amie McDaniel Remington, Esq.
Susan Hendrix**

APPOINTED BY

**Sheriff David Morgan
The Honorable Ernie Lee Magaha
Commissioner Wilson B. Robertson
Commissioner Gene M. Valentino
Commissioner Marie Young
Commissioner Grover C. Robinson, IV
Commissioner Kevin W. White**

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Supplemental Budget Amendment #188 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #188, Transportation Trust Fund (175), in the amount of \$2,115, to recognize insurance proceeds received for damage to a street light, and to appropriate these funds back to the Transportation and Traffic Division.

2. Recommendation Concerning Supplemental Budget Amendment #189 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #189, Other Grants and Projects Fund (110), in the amount of \$18,000, to recognize proceeds from two State of Florida Division of Emergency Management Subgrant Agreements and to appropriate these funds for the Community Emergency Response Team activities and the Citizen Corp Project.

3. Recommendation Concerning Supplemental Budget Amendment #190 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #190, Mass Transit Fund (104) and FTA Capital Projects Fund (320), in the amount of \$262,125, to recognize an insurance reimbursement due to an Escambia County Area Transit (ECAT) bus accident, and to appropriate these funds to reimburse the Federal Transit Administration (FTA), as well as place the remaining funds into the Escambia County Area Transit's operating budget.

4. Recommendation Concerning Budget Amendment #191 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board approve Budget Amendment #191, Corrections Bureau, Transportation Trust Fund (175), in the amount of \$18,655, to cover additional personnel costs incurred, as a result of a new educational benefit equal to longevity pay at 2% for Police Benevolent Association (PBA) Union Members, for accomplishing 100 hours of demonstrable education over a five-year period and each subsequent five-year period. The additional personnel funding will come from reserves and are one-time monies in the current Fiscal Year's Budget.

COUNTY ADMINISTRATOR'S REPORT

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5. Recommendation Concerning Muscogee Road Drainage Zone 3, Phase II – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board award an Indefinite Quantity, Indefinite Delivery Contract, PD 09-10.032, Muscogee Road Drainage Zone 3, Phase II, to Roads, Inc., of NWF, for a total amount of \$890,190.05. [Funding: Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project No. 9EN0115]

6. Recommendation Concerning the Purchase of Six Bullard Thermal Imager Packages – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize the County to piggyback off the City of Tallahassee, Contract #1274, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, and award a Purchase Order to Hall-Mark Fire Apparatus, Inc., in the amount of \$60,804, for the purchase of six Bullard Model T3MAX2 Thermal Imager Packages. [Funding: Fund 352, LOST III, Cost Center 330228, Object Code 56401, Project Code 10FS0488]

7. Recommendation Concerning Design Services for County Road 297-A Widening and Drainage Improvements from Sandicrest Drive to Kingsfield Road – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning an Architectural and Engineering (A&E) Contract for PD 09-10.033, Design Services for County Road (CR) 297-A Widening and Drainage Improvements from Sandicrest Drive to Kingsfield Road:

A. Approve the Selection/Negotiation Committee Ranking:

1. American Consulting Engineers of Florida, LLC
2. Rebol-Battle & Associates, LLC
3. Fabre Engineering & Surveying, and;

B. Award an A&E Contract for PD 09-10.033, Design Services for CR 297-A Widening and Drainage Improvements from Sandicrest Drive to Kingsfield Road, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to American Consulting Engineers of Florida, LLC, for a lump sum amount of \$251,506.18 and allowances of \$237,715, for a total of \$489,221.18.

[Funding: Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project #08EN0105]

COUNTY ADMINISTRATOR'S REPORT

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8. Recommendation Concerning Design Services for County Road 297-A Widening and Drainage Improvements from Pine Forest Road to Sandicrest Drive – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning an Architectural and Engineering (A&E) Contract for PD 09-10.034, Design Services for County Road (CR) 297-A Widening and Drainage Improvements from Pine Forest Road to Sandicrest Drive:

A. Approve the Selection/Negotiation Committee Ranking:

- 1. Rebol-Battle & Associates, LLC**
- 2. HDR Engineering, Inc.**
- 3. Hatch Mott MacDonald of Florida; and**

B. Award an A&E Contract for PD 09-10.034, Design Services for CR 297-A Widening and Drainage Improvements from Pine Forest Road to Sandicrest Drive, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to Rebol-Battle & Associates, LLC, for a lump sum amount of \$160,000 and allowances of \$220,000, for a total of \$380,000.

[Funding: Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project #08EN0105]

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9. Recommendation Concerning Terminating Without Cause Various Contracts Under the Terms and Conditions of Professional Services as Governed by Florida Statute 287.055 – Amy Lovoy, Management And Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning terminating without cause the following Contracts, under the terms and conditions of PD 02-03.79, Professional Services as Governed by Florida Statute 287.055:

DeGraaf Systems, Inc.	BCC Approved 10/02/2003
Emerald Coast Engineering & Surveying, LLC	BCC Approved 03/06/2008
Gortemoller Engineering, Inc.	BCC Approved 12/11/2008
Hamlin Consulting, Inc.	BCC Approved 10/02/2003
Hogan & Associates, Inc.	BCC Approved 04/21/2005
John R. Oglesby Consulting Engineer	BCC Approved 12/10/2009
Larry M. Jacobs and Associates, Inc.	BCC Approved 11/06/2008
LFG Technologies, Inc.	BCC Approved 10/01/2009
Northwest Florida Land Surveying, Inc.	BCC Approved 10/01/2009
Spencer Maxwell Bullock Architects, PA	BCC Approved 11/06/2008
Universal Engineering Sciences, Inc.	BCC Approved 11/06/2008

10. **Recommendation Concerning Professional Services as Governed by Florida Statute 287.055, (A&E Services) – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning Professional Services as Governed by Florida Statute 287.055, PD 02-03.79 (A&E Services):

- A. Award Task-Order-based Continuing Contracts to Clemons, Rutherford & Associates, Inc., and Thomas Bryan Watson, III, P.E., per PD 02-03.79, Professional Services as Governed by Florida Statute 287.055 (A&E 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 Division(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.

11. **Recommendation Concerning Task Order Award for Construction Engineering Inspections and Project Management for Ensley Phase IIA Project – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning Task Order Award for PD 09-10.014, C.E.I. (Construction Engineering Inspections) and Project Management for Ensley Phase IIA Project:

A. Approve the Selection/Negotiation Committee Ranking:

1. Mehta and Associates, Inc.
2. PBS&J (Post, Buckley, Schuh and Jernigan)
3. Hatch-Mott MacDonald Florida, LLC
4. Volkert Construction Services, Inc.; and

B. Award a Task Order for PD 09-10.014, C.E.I. (Construction Engineering Inspections) and Project Management for Ensley Phase IIA Project, per the terms and conditions of PD 02-03.079, Professional Services, as Governed by Florida Statute 287.055, to Metha and Associates, Inc., in the amount of \$214,999.07.

[Funding: Fund 352, LOST III, Account 210107, Object Code 56301, Project No. 08EN0313]

12. **Recommendation Concerning Miscellaneous Bridge Repairs – Joy D. Blackmon, P.E., Interim Assistant County Administrator**

RECOMMENDATION: That the Board amend its action of September 17, 2009, regarding Contract PD 06-07.080, "Miscellaneous Bridge Repairs", revising the authorized annual amount approved for DKE Marine Services, from \$300,000 to \$600,000. [Funding Source: Fund 351, "LOST II", Account 210105/56301, Project No. 05EN0788 and Fund 352 "LOST III", Account 210107/56301, Project No. 09EN0235]

13. Recommendation Concerning Acquisition of Real Property Located at 3300 Mobile Highway – Joy D. Blackmon, P.E., Interim Assistant County Administrator

RECOMMENDATION: That the Board take the following action regarding the acquisition of real property located at 3300 Mobile Highway, from Joseph B. Trinh:

- A. Authorize staff to make an offer to Joseph B. Trinh to purchase a parcel (approximately 0.98 acres) for the appraised amount of \$225,000; and
- B. Authorize the County Attorney to prepare and the Chairman or Vice Chairman to execute any documents necessary to complete the acquisition of this property.

[Funding Source: Fund 352, Lost III, Account 220102/56101, Project 08NE0058]

14. Recommendation Concerning Ratification of the Issuance of a Purchase Order for Miscellaneous Bridge Repairs – Joy D. Blackmon, P.E., Interim Assistant County Administrator

RECOMMENDATION: That the Board ratify the issuance of a Purchase Order to DKE Marine Services, Inc., on Contract PD 06-07.080 - "Miscellaneous Bridge Repairs" - for emergency bridge repairs on Bridge #484051 on Sandy Hollow Road, in the amount of \$88,830. [Funding: Fund 351, "LOST II", Account 210105/56301, Project No. 05EN0788 – \$47,505, and Fund 352, "LOST III", Account 210107/56301, Project No. 09EN0235 – \$41,325]

15. Recommendation Concerning Reallocation of Funds in the 2009/2010 Capital Improvement Program – Joy D. Blackmon, P.E., Interim Assistant County Administrator

RECOMMENDATION: That the Board approve the reallocation of funds, totaling \$700,000, from the Fiscal Year 2009/2010 Capital Improvement Program, from Olive Road Widening Project (District 4) to the 9th Avenue and Langley Avenue Intersection Improvement Project (District 4). [Funding Source: Fund 352, "Local Option Sales Tax III", Account 210107]

16. **Recommendation Concerning Acquisition of Property, by Donation, for Rights-of-Way and Easements in the Sidney Road and Pleasant Grove Area – Joy D. Blackmon, P.E., Interim Assistant County Administrator**

RECOMMENDATION: That the Board take the following action concerning the authorization for staff to acquire property, by donation, for rights-of-way and Easements in the Sidney Road and Pleasant Grove Area:

- A. Authorize Staff to negotiate and resolve any matters related to, or associated with the acquisition of property, by donation, for rights-of-way and Easements, concerning drainage improvements for the Sidney Road and Pleasant Grove Drainage area, to gather information and conduct inspections as needed and 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 drainage improvements, and the County benefits from the acquisition of these properties because the resulting projects will improve the quality of life for the citizens of Escambia County by providing a safer and more 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, subject to legal review and sign off.

[Funding Source: Fund 351, LOST II, Account 210105/56101/56301, Project No. 10EN0242]

COUNTY ADMINISTRATOR'S REPORT

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17. **Recommendation Concerning Purchase Order for Three Replacement Mini-Buses for Escambia County Area Transit Paratransit Service – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board authorize the County to piggyback off Florida Department of Transportation Contract Number FVPP-05-CA-1, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, and award a Purchase Order to Transit Plus, Inc., in the amount of \$198,210, for the purchase of three, lift-equipped, 23-foot, Champion standard cutaway on Chevrolet/GMC chassis model, replacement mini-buses for Escambia County Area Transit paratransit service, through the Community Transportation Coordinator . [Funding: Fund 320, FTA Capital Project Fund, Cost Center 220218, FTA-ARRA FL96-X007 Grant - \$198,210]

COUNTY ATTORNEY'S REPORT
May 6, 2010

I. FOR ACTION:

1. Saufley C&DD Landfill Liens; TFR Unlimited, Inc. and TAT Enterprises, Inc.

A. That the Board deny any payment to TFR Unlimited, Inc. for work claimed at the Saufley Landfill site prior to the County accepting the deed to the property. TRF Unlimited, Inc. did not record a lien or judgment prior to the County's ownership of the property and thus the County assumed no legal obligation to satisfy LIG's debt to TFR Unlimited, Inc.;

AND EITHER

B. That the Board authorize settlement of a stipulated final judgment recorded by TAT Enterprises, Inc. in the amount of \$300,000, inclusive of any and all fees, costs and interest as payment in full for the judgment recorded against the Saufley Landfill property prior to the County's ownership of the site for work done by TAT Enterprises, Inc. on the property for LIG. Payment of the settlement is conditioned upon the execution, acceptance and recording of all releases, satisfactions and other documents from TAT and West Florida Auto Exchange, Inc. as assignee of a portion of the judgment, as required by the County Attorney's Office. Further, that the Board authorize the acceptance, execution and recording of all releases, satisfactions, and other documents as required by the County Attorney's Office;

OR

C. That the Board authorize an offer of settlement of a stipulated final judgment recorded by TAT Enterprises, Inc. in an amount as determined by the Board, conditioned on execution, acceptance and recording of all releases and satisfactions as required by the County Attorney's Office and conditioned upon acceptance by TAT Enterprises, Inc. and West Florida Auto Exchange, Inc., as assignee of a portion of the judgment.

2. Authorization to Opt Out of the Monroe County Class Action Lawsuit Concerning TDT On-line Travel Services

That the Board take the following action:

- A. Authorize the County to opt out of the Monroe County class action lawsuit; and,
- B. Authorize the law firm of Nabors, Giblin & Nickerson, P.A. to continue the lawsuit concerning the collection of TDT against online travel service.

3. Resolution Adopting Breach Notification Policy to Escambia County's Privacy and Security Policies as Section 61.

That the Board adopt the attached resolution creating Section 61 of Escambia County's Privacy and Security Policies.

4. Amendment #1 to Agreement between Escambia County and G. Thomas Smith Serving as Code Enforcement Special Magistrate

That the Board approve Amendment #1 to the Agreement between Escambia County and G. Thomas Smith Serving as Code Enforcement Special Magistrate.

5. Resolution Establishing the Escambia County Land Development Code Advisory Committee

That the Board:

- A. Adopt a resolution establishing the Escambia County Land Development Code Advisory Committee; and
- B. Appoint the membership of the Escambia County Land Development Code Advisory Committee according to the recommended appointments listed in exhibit "A" to the resolution; and
- C. Authorize the Chairman to sign the resolution.

6. Lien Priority Ordinance

That the Board authorize the scheduling of a Public Hearing on May 20, 2010, at 5:33 p.m., for consideration of adopting a Lien Priority Ordinance.