

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.
6. SEE ORDERLY CONDUCT OF MEETINGS POLICY.

**PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED AND TELEVISED**

AGENDA

Board of County Commissioners  
Regular Meeting – February 16, 2012 – 5:30 p.m.  
Governmental Complex – First Floor

1. Call to Order.

**(PLEASE TURN YOUR CELL PHONE TO THE VIBRATE, SILENCE, OR OFF SETTING)**

2. Invocation – Commissioner Robertson.
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 adopt the following two Proclamations:

A. The Proclamation proclaiming January 30 - February 3, 2012, as "Youth Success Week" in Escambia County; and

B. The Proclamation extending congratulations to Elder Doctor Bernard C. Yates for being selected as President of the National Primitive Baptist Convention, USA, for his ministry at Zion Hope Primitive Baptist Church and for his community leadership.

7. Retirement Proclamations.

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

A. Ratify the Proclamation, dated November 29, 2011, commending and congratulating Louie E. Findley, Maintenance Technician, Facilities Management Branch, on his retirement after 11 years of service;

B. Adopt the Proclamation commending and congratulating Aaron A. Austin, Corrections Officer, Corrections Department, on his retirement after 9 years of service; and

C. Adopt the Proclamation commending and congratulating Louise D. McKendrick, Emergency Communications Dispatcher, Public Safety Department, on her retirement after 33 years of service.

8. Written Communication:

- A. January 20, 2012 - Communication from Mattie Brown requesting that the Board forgive a Code Enforcement Lien against property located at 12 Pleasant Avenue.

Recommendation: That the Board review and consider second lien relief request made by Ms. Mattie Brown against property located at 12 Pleasant Avenue.

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

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

Ms. Mattie Brown has no other recourse but to appeal before the Board under Written Communication.

- B. January 24, 2012- Email communication from Mr. Richard Pope requesting the Board forgive a Code Enforcement Lien against property located at 1107 North 69th Avenue.

Recommendation: That the Board review and consider lien relief request made by Mr. Richard Pope against property located at 1107 North 69th Avenue.

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

After reviewing the request for forgiveness of Liens, staff made the determination that the request does fall within any of the criteria that would allow the County Administrator to deny relief, in accordance with the Board's Policy, "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" Policy, Section III, H2.

- C. February 3, 2012 - E-mail communication from Bob Cole, Santa Rosa County Commissioner, requesting to discuss affordable housing.
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. Committee of the Whole Recommendation.

Recommendation: The Committee of the Whole (C/W), at the C/W Workshop held February 9, 2012, recommends the Board take the following action:

A. Authorize County Administrator Oliver to proceed with preparation of a Contract for Sale of County-owned property, located on Rockey Branch Road, to Escambia River Muzzle Loaders, Inc. (ERML), subject to the following conditions and contingent upon rezoning of the property, and any changes in use to be subject to the Development Review Committee (DRC) process and applicable DRC fees (*C/W Item 3*):

- (1) A safety officer will be present when the range is open;
- (2) From April 1 through September 30, the hours of operation will be 8:00 a.m. to 8:00 p.m.;
- (3) The range will be closed on Mondays, Thanksgiving, Christmas, and Easter Sunday, except that it will be open on Mondays that are federally recognized holidays; and
- (4) ERML will be permitted to install platform area lighting;

B. Authorize County Administrator Oliver to bring forward for adoption a three-year Contract, commencing October 1, 2012, with SMG, for management of the Pensacola Civic Center, per the terms presented in the PowerPoint Presentation (*C/W Item 5*); and

C. Authorize reimbursement of out-of-County travel expenses for Commissioner Robertson and Larry M. Newsom, Assistant County Administrator, to travel to Tallahassee, Florida, on February 13, 2012, for a meeting with Secretary Ananth Presad and District Secretary Tommy Barfield, Florida Department of Transportation, to discuss the issue of tolling of the Pensacola Bay Bridge (Funding Source: Cost Center 110101, Object Code 54001 (*C/W Item added by Commissioner Robertson*)).

11. Reports:

**CLERK & COMPTROLLER'S REPORT**

Backup Not Included With The Clerk's Report Is Available For Review In  
The Office Of The Clerk To The Board  
Escambia County Governmental Complex, Suite 130

I. Consent Agenda

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

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

A. Payroll Expenditures for Pay Date February 3, 2012, in the amount of \$2,085,259.68;

B. The following two Disbursement of Funds:

(1) January 26, 2012, to February 1, 2012, in the amount of \$10,251,309.69; and

(2) February 2, 2012, to February 8, 2012, in the amount of \$2,387,518.54;

C. Tourist Development Tax Collections Data for the December 2011 returns received in the month of January 2012; this is the fourth month of collection in Fiscal Year 2012, and the total collected for the month of December 2011 was \$282,885, which is an 8.67% increase over collections during December 2010; budgeted revenues for the first four months, or 33.33%, of the Fiscal Year, are \$1,811,250, while actual Fiscal Year-to-Date collections are \$1,473,633;

D. Investment Report for month ended January 31, 2012; and  
**(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)**

E. Two Budget Comparison Reports as of January 31, 2012.  
**(TO BE DISTRIBUTED UNDER SEPARATE COVER)**

2. Recommendation Concerning Acceptance of Documents Provided to the Clerk to the Board's Office

That the Board accept, for filing with the Board's Minutes, the original *State Financial Assistance Agreement, DEP Agreement No. LP8914, Escambia County, Amendment No. 2*, based on the Board's November 6, 2008, action regarding a \$200,000 Grant from the Florida Department of Environmental Protection (DEP) for Escambia Bay PCB (Polychlorinated Biphenyl) Remediation Project, as executed by the Chairman on January 17, 2012, and received in the Clerk to the Board's Office on February 6, 2012.

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

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

A. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held February 2, 2012; and

B. Approve the Minutes of the Regular Board Meeting held February 2, 2012.

## **COUNTY ADMINISTRATOR'S REPORT**

### **I. Technical/Public Service Consent Agenda**

1. **Recommendation Concerning CRA Meeting Minutes January 19, 2012 - Keith Wilkins, REP, Community & Environment Department Director**

That the Board accept for filing with the Board's Minutes, the January 19, 2012, Community Redevelopment Agency's (CRA) Meeting Minutes, prepared by Clara Long, Urban Planner II, CRA.

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

That the Board acknowledge that the License Agreement between the City of Pensacola and Escambia County for access to a vacant lot owned by the City of Pensacola, approved by the Board on January 19, 2012, has been corrected to reflect that the contractor is Cameron-Cole, LLC, and not Cardno TBE.

3. **Recommendation Concerning the License Agreement to Access a Vacant Lot at 300 East Highway 4, Century, Florida - Keith Wilkins, REP, Community & Environment Department Director**

That the Board acknowledge that the License Agreement between Kenneth A. Jernigan and Escambia County for access to property located at 300 East Highway 4, Century, Florida, approved by the Board on January 19, 2012, has been corrected to reflect that the contractor is Cameron-Cole, LLC, and not Cardno TBE.

4. **Recommendation Concerning the Request for Disposition of Property for the Office of Purchasing - Amy Lovoy, Management and Budget Services Department Director**

That the Board approve the Request for Disposition of Property Form for the Office of Purchasing for one computer (SX280), one typewriter (IBM Electric) and one Infocus Projector, which are described and listed on the Request for Disposition of Property Form with the reasons for disposition stated. The items are to be properly disposed.

5. Recommendation Concerning the Request for Disposition of Property for the Management & Budget Services Department - Amy Lovoy, Management & Budget Services Department Director

That the Board approve the Request for Disposition of Property Form for the Management and Budget Services Department, for property which is described and listed on the Request Form, with reason for disposition stated. This property is to be auctioned as surplus or properly disposed of.

6. Recommendation Concerning a 5:33 p.m., Public Hearing Request for the Heritage Woods Subdivision Street Lighting MSBU - Amy Lovoy, Management and Budget Services Department Director

That the Board authorize the scheduling of a Public Hearing on March 1, 2012, at 5:33 p.m., to consider adoption of an Ordinance creating the Heritage Woods Subdivision Street Lighting Municipal Services Benefit Unit (MSBU).

7. Recommendation Concerning the Request for Disposition of Property for the Public Safety Department - Michael D. Weaver, Public Safety Department Director

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

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

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

9. Recommendation Concerning the Request for Disposition of Property for the Corrections Department - Gordon C. Pike, Corrections Department Director

That the Board approve the Request for Disposition of Property Form for the Corrections Department, Road Prison Division for property which is described and listed on the Disposition Form, with reason for disposition stated. The listed item has been found to be of no further usefulness to the County; thus, it is requested that it be auctioned as surplus or properly disposed.

10. Recommendation Concerning Proposal to Update Existing Governmental Center District, Including Expansion of District Boundaries and Creation of Maritime Redevelopment District - T. Lloyd Kerr, AICP, Development Services Department Director

That the Board authorize the County Administrator to sign the letter expressing Escambia County's consideration, review and finding of no objection to a proposal to update the existing Governmental Center District located in downtown Pensacola, to include expansion of District Boundaries and creation of a Maritime Redevelopment District.

## II. Budget/Finance Consent Agenda

1. Recommendation Concerning Supplemental Budget Amendment #071 - Amy Lovoy, Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #071, General Fund (001) in the amount of \$96,615, to recognize reimbursements from off-duty officers and automobile repair and insurance proceeds, and to appropriate these funds back into the Escambia County Sheriff's Budget for operational activities.

2. Recommendation Concerning Supplemental Budget Amendment #080 - Amy Lovoy, Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #080, Mass Transit Fund (104) in the amount of \$1,498,333 to recognize funds from a Joint Participation Agreement between the State of Florida, Department of Transportation and Escambia County Area Transit, and to appropriate these funds for the enhancement of key bus routes.

3. Recommendation Concerning Security Services for Various County Buildings PD 10-11.043 - Amy Lovoy Management and Budget Services, Department Director

That the Board approve Amendment #1 to the Agreement for Security Services, to increase the hourly billing rates for Securitas Security Services USA, Inc., Contract for Security Services for Various County Buildings, PD 10-11.043, with an effective date of February 20, 2012, and authorize the Chairman to execute the Amendment as follows:

Security Officer, Straight Time (Per Hour)	Security Officer, Overtime (Per Hour)
From: \$10.31 To: \$10.68	From: \$15.47 To: \$16.02

4. Recommendation Concerning the Surplus and Sale of Real Property Located at 130 Booker Lane that Has Escheated to the County - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning the surplus and sale of real property located at 130 Booker Lane that has escheated to the County:

A. Declare surplus the Board's real property, Account Number 11-3994-000, Reference Number 16-1N-31-2114-000-001;

B. Authorize the sale of the property to the bidder with the highest offer received at or above the minimum bid of \$8,436, in accordance with Section 46.134 of the Escambia County Code of Ordinances; and

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

5. Recommendation Concerning PD 11-12.007, Southwest Greenway Connector Trail - Amy Lovoy, Management and Budget Services Department Director

That the Board award an Indefinite Quantity, Indefinite Delivery, Unit Prices Contract, PD 11-12.007, Southwest Greenway Connector Trail, to Hewes and Company, LLC, for the Base Bid, plus Alternate Bid Items #3 and #5, for a total amount of \$340,676.70.

[Funding: Fund 110, Grants and Projects, "Bayou Chico/Jones Creek Stormwater Retrofit", Cost Center 221013, Object Code 56301, \$316,559.05 and Fund 352, LOST III, NESD Capital Projects, Cost Center 220102, Object Code 56301, Project Number 11NE0878 SW Greenway, \$24,117.65]

6. Recommendation Concerning the Surplus and Sale of Real Property Located at 1209 West Bobe Street that Has Escheated to the County - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning the surplus and sale of real property located at 1209 West Bobe Street that has escheated to the County:

A. Declare surplus the Board's real property, Account Number 06-2179-000, Reference Number 17-2S-30-1600-381-038;

B. Authorize the sale of the property to the bidder with the highest offer received at or above the minimum bid of \$46,781, in accordance with Section 46.134 of the Escambia County Code of Ordinances;

C. Authorize the County Attorney to take such necessary actions to evict the occupants of this County-owned property if they are still occupying the premises; and

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

7. Recommendation Concerning the Surplus and Sale of Real Property Located at 2006 Woodbury Drive that Has Escheated to the County - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning the surplus and sale of real property located at 2006 Woodbury Drive that has escheated to the County:

A. Declare surplus the Board's real property, Account Number 11-3326-597, Reference Number 14-1N-31-1002-028-005;

B. Authorize the sale of the property to the bidder with the highest offer received at or above the minimum bid of \$54,175, in accordance with Section 46.134 of the Escambia County Code of Ordinances;

C. Authorize the County Attorney to take such necessary actions to evict the occupants of this County-owned property; and

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

8. Recommendation Concerning Residential Rehab Grant Funding and Lien Agreements for 1230 West Bobe Street - Keith Wilkins, REP, Community & Environment Department Director

That the Board ratify the following February 16, 2012, action of the Board of County Commissioners of Escambia County, acting in its capacity as Escambia County Community Redevelopment Agency (CRA), concerning the Residential Rehab Grant Funding and Lien Agreements for the property located at 1230 West Bobe Street:

A. Approving the Residential Rehab Grant Program Funding and Lien Agreements between Escambia County CRA and Hurey J. Smith, owner of the residential property located at 1230 West Bobe Street, Pensacola, Florida, in the Englewood Redevelopment District, each in the amount of \$3,700, representing an in-kind match through Englewood Tax Increment Financing (TIF), Fund 151, Cost Center 220520, Object Code 58301, for the installation of a new roof; 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 Commercial Facade Grant Funding and Lien Agreements for 3912 Barrancas Avenue - Keith Wilkins, REP, Community & Environment Department Director

That the Board ratify the following February 16, 2012, action of the Board of County Commissioners of Escambia County, acting in its capacity as the Escambia County Community Redevelopment Agency (CRA), concerning the Commercial Facade Grant Funding and Lien Agreements for the property located at 3912 Barrancas Avenue:

A. Approving the Commercial Facade, Landscape, and Infrastructure Grant Program Funding and Lien Agreements between Escambia County CRA and Kerr Treehouse Day Care and Learning Center, Inc., owner of the commercial property located at 3912 Barrancas Avenue, Pensacola, Florida, in the Barrancas Redevelopment District, each in the amount of \$9,437, representing an in-kind match through the Barrancas Tax Increment Financing (TIF), Fund 151, Cost Center 220519, Object Code 58301, and/or Neighborhood Enterprise Foundation, Inc. (NEFI), 2008 Community Development Block Grant (CDBG), Fund 129, Cost Center 220563, Object Code 58301, for painting the exterior building and improving the parking lot with parking pavers and striping; and

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

10. Recommendation Concerning 2011 Community Development Block Grant Program Fire Protection Improvements Project - Keith Wilkins, REP, Community & Environment Department Director

That the Board take the following action concerning the 2011 Community Development Block Grant (CDBG) Fire Protection Improvements Project:

A. Approve the Interlocal Agreement with Emerald Coast Utilities Authority (ECUA), in the amount of \$151,500, providing for the completion of the Fire Protection Improvements Project (2011), including installation of fire hydrants and associated water main upgrades, primarily within Census Tracts 19, 21, 28.03 and 29; and

B. Authorize the Chairman or Vice Chairman to execute the Agreement and all related documents as required to implement the project.

[Funding: Fund 129/2011 CDBG, Cost Center: 220439]

11. Recommendation Concerning Change Orders #02 and #003 to the Communications System Agreement between Motorola Solutions, Inc., (fka Motorola, Inc.) and Escambia County, Florida (P25 Project) - Michael D. Weaver, Public Safety Department Director

That the Board take the following action concerning Change Orders #02 and #003 to the Communications System Agreement between Motorola Solutions, Inc., (fka Motorola, Inc.) and Escambia County, Florida (P25 Project):

A. Approve Change Order #02 and Change Order #003 to the Agreement for the P25 Project, which provides for mutually agreed upon modifications to the system design with no change to the Contract price or other terms and conditions of the Agreement; and

B. Authorize the Chairman to sign the Change Orders.

[Funding Source: Fund 352, LOST III]

12. Recommendation Concerning Purchase Order to NexGen Public Safety Solutions, LLC, for Getac Rugged Laptops for EMS Vehicles - Michael D. Weaver, Public Safety Department Director

That the Board authorize the County to piggyback off GSA Contract GS-35F-0143R, 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 NexGen Public Safety Solutions, LLC, in the amount of \$131,724, (prepay and add), for purchase of 36 Getac B300 fully rugged laptops for EMS (Emergency Medical Services) vehicles, as part of the ambulance mapping and routing project.

[Funding Source: Fund 408, Emergency Medical Services, Cost Center 330302, EMS Operations, Object Code 56401]

13. Recommendation Concerning Amendment #1 to the Lake Stone Campground Facility Management Agreement - Michael Rhodes, Parks & Recreation Department Director

That the Board approve Amendment #1 to the Agreement between Escambia County Board of County Commissioners and Mervyn Leroy Simmons for the Management of Lake Stone Campground Facility and authorize the County Administrator to sign Amendment #1, extending the existing Contract an additional year, effective February 12, 2012.

[Funding Source: General Fund 001, Lake Stone Cost Center 350204]

14. Recommendation Concerning Agreement for Escambia County Adult Drug Court Treatment Program between Escambia County, Florida, and Lakeview Center, Inc. - Catherine A. White, Drug Court Manager

That the Board take the following action concerning the Agreement for Escambia County Adult Drug Court Treatment Program between Escambia County, Florida and Lakeview Center, Inc.:

A. Approve the Agreement for Escambia County Adult Drug Court Treatment Program between Escambia County, Florida, and Lakeview Center, Inc., for out-patient services based on piggybacking on the Agreement with the State of Florida for the Non-Competitive Bid Process for continuation of Senate Bill 1258 Initiative (Contract Number AH 338);

B. Approve funding for the program not to exceed \$56,000, effective January 1, 2012, through September 30, 2012. The Agreement may be extended up to a maximum of 90 days upon mutual consent of the parties. The source of funding is the Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, in the amount of \$56,000; and

C. Authorize the Chairman, as the County's representative, to sign Amendments, requests for payment or other related documents as may be required.

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

That the Board approve the Miscellaneous Appropriations Agreement between Escambia County and Pensacola Sports Association, Inc., in the amount of \$39,240, to be paid from the Tourist Promotion Fund (108), Cost Center 360101, Account 58201.

16. Recommendation Concerning Approval of Miscellaneous Appropriations Agreement between Escambia County and Pensacola Bay Area Chamber of Commerce, Inc. - Amy Lovoy, Management and Budget Services Department Director

That the Board approve the Miscellaneous Appropriations Agreement between Escambia County and Pensacola Bay Area Chamber of Commerce, Inc., in the amount of \$288,143, to be paid from the Tourist Promotion Fund (108), Cost Center 360101, Account 58201. \$252,143, of the allocation will apply to marketing and advertising for tourism, and \$36,000, of the allocation will be applied to marketing and promotions expenses for events.

17. Recommendation Concerning an Agreement Extension with SMG for Management Services at the Pensacola Civic Center - Amy Lovoy, Management and Budget Services Department Director

That the Board approve and authorize the Chairman to sign the Pensacola Civic Center Management Services Agreement with SMG, a three-year Agreement for management services at the Pensacola Civic Center, commencing October 1, 2012. This Recommendation will extend this Agreement with different terms and conditions for a three-year period with an optional two-year extension following this time period. The basic terms of the Agreement are as follows:

- A. Base fee of \$175,500 with a CPI escalator each year. The increase in the base fee cannot exceed 3% annually;
- B. 5% commission on all food and beverage revenues; C. An incentive fee of 35% of any reduction in the net loss up to \$250,000 over a pre-established benchmark or 40% of any reduction over \$250,000;
- D. Requirement that SMG pass an annual facilities inspection to qualify for any incentive;
- E. Provisions that the three incentive fees that have been incurred by SMG totaling about \$403,500 will instead be used to establish a marketing and promotions fund; and
- F. If the County waives any fees or costs at the Civic Center, the County will pay the associated fees or costs from the 4th Cent Tourist Development Tax.

If the Agreement is not extended, the County will owe SMG three years of incentive fees (\$403,500) plus the unamortized portion of the cost of the marquees originally purchased by SMG (\$207,760). The County will subtract from these payments about \$138,000 that was incurred as a result of a union dispute with the management of the Civic Center.

III. For Discussion

1. Recommendation Concerning Expanding Low Cost Spay/Neuter Program to Include Rabies Vaccination - Marilyn D. Wesley, Community Affairs Department Director

That the Board take the following action concerning the Low Cost Spay/Neuter Program:

- A. Authorize the Animal Services Division to expand the Low Cost Spay/Neuter Program to include administering of the rabies vaccine as part of the approval process, prior to the surgical procedure; and
- B. Support the existing Animal Services Fee Schedule Resolution adopted by the Board on September 16, 2010, providing the charge of \$15, for the rabies vaccination.

## **COUNTY ATTORNEY'S REPORT**

### I. For Action

1. **Recommendation Concerning Pitney Bowes Postage Meter Lease - State of Florida Contract #600-760-11-1**

That the Board approve and authorize the Chairman to sign the attached Lease Contract on the Pitney Bowes DM100 meter.

2. **Recommendation Concerning a Workers' Compensation Settlement Involving Ray Boutwell**

That the Board approve an indemnity-only settlement of former employee Ray Boutwell's workers compensation case in the amount of \$200,000.00. An excess insurance carrier will reimburse Escambia County for 100.0% of the settlement amount.

3. **Recommendation Concerning Proposed Settlement of *Teresa Lynn Urbaniak v. Escambia County Emergency Medical Services* (Case No. 2011 CA 000196)**

That the Board authorize a settlement in the case of *Teresa Urbaniak v. Escambia County Emergency Medical Services* (Case No. 2011 CA 000196) in which the County will pay to Ms. Urbaniak the sum of \$38,500 in exchange for a General Release and Hold Harmless Agreement in favor of Escambia County and dismissal with prejudice of the pending lawsuit.

4. **Recommendation Concerning Natural Gas Franchise to Pensacola Beach**

That the Board of County Commissioners:

A. Schedule a public hearing for 5:31 p.m. on March 1, 2012, to consider adopting an ordinance granting a non-exclusive franchise to the City of Gulf Breeze for the provision of gas services to the portion of Santa Rosa Island located in the unincorporated area of Escambia County;

AND

B. Schedule a public hearing for 5:32 p.m. on March 1, 2012, to consider approving an agreement between the City of Pensacola and the City of Gulf Breeze for the provision of gas services to the portion of Santa Rosa Island located in the unincorporated area of Escambia County.

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