

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 – January 7, 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 Valentino.
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. Adopt the Proclamation proclaiming the third Friday of January 2010 as "Arbor Day" in Escambia County; and
- B. Recognize, with a pin and certificate, Chester "Eddie" Cooper, Division Manager, Natural Resource Conservation Division, Neighborhood Redevelopment Branch, Neighborhoods and Community Services Bureau, for his 25 years of dedicated service to Escambia County.

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7. Written Communication:

- A. October 14, 2009 – Communication from Thomas J. Gilliam, Jr., Shell, Fleming, Davis & Menge, representing Barbara Jane Rhodes, who is requesting that the County cancel an Environmental Code Enforcement judgment against her, individually, for violations which occurred at property located at 104 Kentucky Drive;
- B. November 5, 2009 – Communication from Betty H. Salter, President/CEO, Pensacola Habitat for Humanity, requesting that the Board waive Code Enforcement Lien, in the amount of \$6,887.50, against property located at 10 Runyan Street; and
- C. December 1, 2009, verbal request (*through the County Administrator's Office*) from Joe Maddox to be placed on the agenda to discuss forgiveness of a lien, in the amount of \$1,200.50, against property located at 3100 Lake Suzanne Drive.

8. Did the Clerk's Office receive the proof of publication for the Board's Weekly Meeting Schedule?

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

9. Committee of the Whole Recommendation(s).

Recommendation: The Committee of the Whole (C/W) , at the December 17, 2009, C/W Workshop, recommends that the Board take the following action:

- A. Approve to not renew (*on February 7, 2010*) the Employment Agreement between Escambia County and Robert R. McLaughlin, relative to discussion concerning the County Administrator's Annual Contract Renewal (*Item 4*);
- B. Approve to strike the Tobacco Tax (*Request Number 6*) from *Escambia County Board of County Commissioners 2010 Legislative Requests (Item 5)*;

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9. Continued...

- C. Approve allowing the Sheriff's Office to occupy, indefinitely, the One Stop Building on Leonard Street, after the County vacates the building in May or June 2010 (*Item 6*);
- D. Authorize staff to negotiate a purchase and sale agreement (*with Gregory and Linda English, for two parcels of property, totaling 4.31 acres, located on Perdido River at Mobile Highway, to be used as a boat ramp*), commensurate with the values of the adjacent properties, subject to completion of the property acquisition checklist and normal staff due diligence, and provide a report to the Board (*Item 7*);
- E. Approve terminating the Lease with The Arts Council of Northwest Florida, Inc., and, possibly, establishing a new lease at a future date, and approve honoring The Arts Council's agreement with Winterfest for its activities (*on September 3, 2009, the Board adopted a Resolution approving the lease of the first floor of the Old Escambia County Courthouse to The Arts Council of Northwest Florida, Inc. [Item 12]*);
- F. Approve the *Escambia County Community Survey Winter/2009-2010* questions (*Item 15*);
- G. Authorize staff to request FDOT (*Florida Department of Transportation*) to continue its surplus process (*for three parcels of property, located on Rawson Lane between Airport Boulevard and Brent Lane*), which includes having the properties appraised and offered for sale, with the understanding that Pensacola Christian College will pay or reimburse the County for all costs associated with the acquisition of these properties, even if the vacation of Rawson Lane is not approved (*Item 17*); and
- H. Approve the request of Beneficial Pines at Warrington LLC, the sole general partner of Pines at Warrington Limited Partnership, and Beneficial Englewood, LLC, the sole general partner of Englewood Senior Limited Partnership, for the Board's consent to admit Affordable Housing Solutions, Inc. (*a Georgia non-profit corporation, d/b/a Affordable Housing Solutions, Inc. [Southeast]*), as a general partner of each Partnership, and approve conversion of Beneficial's current interest in each Partnership to that of a Class B Limited Partner (*Item 18*).

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
JANUARY 7, 2010

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

A. The following two Payroll Expenditures:

- (1) Pay Date December 11, 2009, in the amount of \$2,228,673.43; and
- (2) Pay Date December 23, 2009, in the amount of \$2,285,527.56;

B. The following three Disbursement of Funds:

- (1) December 3, 2009, to December 9, 2009, in the amount of \$2,223,337.92;
- (2) December 10, 2009, to December 16, 2009, in the amount of \$2,075,304.83;
and
- (3) December 17, 2009, to December 23, 2009, in the amount of \$4,285,983.87;
and

C. The Investment Report for the month ended November 30, 2009.

(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)

2. Recommendation Concerning Accounts Receivable Write-Off

Recommendation: That the Board adopt the Resolution authorizing the write-off of \$1,204,113.03 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.

I. CONSENT AGENDA – Continued

3. Recommendation Concerning Disposition of Records

Recommendation: That the Board approve *Records Disposition Document No. 422*, for disposition of Board of County Commissioners' records, Item 70a, Bid Records: Capital Improvement Successful Bids, for the period January 1, 1993, through December 31, 1994, in accordance with State Retention Schedule GS1.

4. Recommendation Concerning Disposition of Property and/or Reinstatement of Fixed Assets

(RECOMMENDATION TO BE DISTRIBUTED UNDER SEPARATE COVER)

5. Recommendation Concerning Internal Audit Report

(RECOMMENDATION TO BE DISTRIBUTED UNDER SEPARATE COVER)

6. 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 following Financial Statements received in the Clerk to the Board's Office on December 16, 2009:

- (1) *Pensacola-Escambia County Promotion and Development Commission, Pensacola, Florida, Financial Statements September 30, 2009*, as prepared and audited by Saltmarsh, Cleaveland & Gund, Certified Public Accountants and Consultants;
- (2) *Escambia County Housing Finance Authority (A Component Unit of Escambia County, Florida) General Purpose External Financial Statements and Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards, and Management Letter September 30, 2009 and 2008*, as prepared and audited by Calvin Charles Johnson, Certified Public Accountant; and

(Continued on Page 3)

I. CONSENT AGENDA – Continued

6. Continued...

A. Continued...

(3) *Santa Rosa Island Authority A Component Unit of Escambia County, Florida Financial Statements and Supplementary Information September 30, 2009 and 2008*, as prepared and audited by Carr Riggs & Ingram, LLC;

B. The following four Agreements for Professional Services as Governed by Florida Statute 287.055 (PD 02-03.79), as received in the Clerk to the Board's Office on December 7, 2009:

(1) *Agreement Between Escambia County and Sam Marshall Architects, P.A.*, as approved by the Board on November 4, 2004;

(2) *Agreement Between Escambia County and Professional Service Industries*, as approved by the Board on September 7, 2006;

(3) *Agreement Between Escambia County and MEP Engineering Solutions*, as approved by the Board on December 11, 2008; and

(4) *Agreement Between Escambia County and Joe DeReuil Associates, LLC*, as approved by the Board on December 11, 2008; and

C. *Amendment No. 3 to Agreement Between The Northwest Florida Water Management District and Escambia County for East Ten Mile Creek Stream Restoration Project*, based on the Board's action of May 4, 2006, authorizing the Chairman to sign the Florida Forever Funding Agreement and any subsequent Grant-related documents.

I. CONSENT AGENDA – Continued

7. Recommendation Concerning Minutes and Reports

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

- A. Approve the Minutes of the Regular Board Meeting held December 10, 2009;
- B. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held December 10, 2009; and
- C. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held December 17, 2009.

GROWTH MANAGEMENT REPORT

January 7, 2010

I. ACTION ITEM:

1. **Action Item** – Hold Harmless Agreement for Freestanding Sign adjacent to the Right-Of-Way at 110 E. Nine Mile Road.

RECOMMENDATION:

That the Board review and approve the Hold Harmless Agreement for Sign adjacent to Right-Of-Way for Sunshine Self Storage, LLC at 110 E. Nine Mile Road.

II. CONSENT AGENDA:

RECOMMENDATION:

That the Board authorize the scheduling of the following Public Hearing(s):

1. **5:45 p.m. – Thursday, February 4, 2010** – A Public Hearing to amend the Official Zoning Map to include the following rezoning case (s) heard by the Planning Board on January 11, 2010.

Case No.:	Z-2010-01
Location:	9200 Beatrice Drive
Property Reference No.:	14-1S-30-2102-022-001
Property Size:	1.99 (+/-) acres
From:	R-3, One-family and Two-family District, cumulative) Medium Density (10 du/acre)
To:	C-1, Retail Commercial District, (cumulative) High Density (25 du/acre)
FLU Category:	MU-1, Mixed Use 1
Commissioner District:	4
Requested by:	Wiley C. "Buddy" Page, Agent for Pensacola Pediatrics, LLC

Case No.:	Z-2010-02
Location:	18 West Scott Street & 100 West Scott Street
Property Reference No.:	00-0S-00-9010-026-147 & 00-0S-00-9010-029-147

Property Size: 0.48 (+/-) acres total
From: R-3, One-family and Two-family District,
(cumulative) Medium Density (10 du/acre)
To: C-2, General Commercial and Light
Manufacturing District (cumulative) High
Density (25 du/acre)
FLU Category: C, Commercial
Commissioner District: 3
Requested by: Wiley C. "Buddy" Page, Agent for
Vision Construction Ent., Inc.

- 2. 5:46 p.m. – Thursday, February 4, 2010** – A Public Hearing to amend the Land Development Code (LDC), amending Articles 2, 3 & 7 "Administrative Waivers"

**COUNTY ADMINISTRATOR'S REPORT
JANUARY 7, 2010**

I. Technical/Public Service Consent Agenda

1. **Recommendation Concerning Street Name Approval – Saint Mark Street – T. Lloyd Kerr, AICP, Development Services Bureau Chief**

RECOMMENDATION: That the Board approve the street name “Saint Mark Street” for an un-named road that runs north off of the 3400 Block of Luke Street and 700 feet east of Hollywood Avenue.

2. **Recommendation Concerning Scheduling a Public Hearing for Fund Balance Carry Forwards – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing on January 21, 2010, at 5:31 p.m., to amend the Fiscal Year 2009/2010 Budget to include fund balance carry forwards.

3. **Recommendation Concerning Information Report – Environmental Code Enforcement Liens – Gordon Pike, Corrections Bureau Chief**

RECOMMENDATION: That the Board accept, for filing with the Board’s Minutes, the Information Report concerning the following two requests for forgiveness of Code Enforcement Liens:

Ms. Dorothy Kehoe – Bertha Street and Nelle Avenue
Ms. Patricia Goodman – 7905 Griffith Street

4. **Recommendation Concerning Environmental Enforcement Lien Against Property Located at 18 Feldor Drive – Environmental Code Enforcement Liens – Gordon Pike, Corrections Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning an Environmental Code Enforcement Lien against property located at 18 Feldor Drive:

- A. Accept the offer from Wells Fargo Home Mortgage of \$1,100, for release of the Code Enforcement Lien against 18 Feldor Drive, recorded in Official Records Book 6396, at pages 144 and 148, of the Public Records; and
- B. Authorize the Chairman to execute the Release.

COUNTY ADMINISTRATOR'S REPORT

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5. Recommendation Concerning Environmental Enforcement Lien Against Property Located at 8235 Sedgefield Drive – Gordon Pike, Corrections Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Environmental Enforcement Lien against property located at 8235 Sedgefield Drive:

- A. Accept the offer from Citimortgage, Inc., of \$1,100, for release of the Code Enforcement Lien against 8235 Sedgefield Drive, recorded in Official Records Book 6345, at pages 506 through 510, of the Public Records; and**
- B. Authorize the Chairman to execute the Release.**

6. Recommendation Concerning Appointment from the Town of Century to the Escambia County Mass Transit Advisory Board – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board confirm the appointment of Ms. Ann C. Brooks as the Mayoral Appointment from the Town of Century to the Escambia County Mass Transit Advisory Committee. The term of the appointment shall be effective January 7, 2010, and will run concurrent with the term of Mayor Freddie McCall.

7. Recommendation Concerning Appointment from the City of Pensacola to the Escambia County Mass Transit Advisory Board – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board confirm the appointment of Ms. Donna Fassett as the Mayoral Appointment from the City of Pensacola to the Escambia County Mass Transit Advisory Committee. The term of the appointment shall be effective January 7, 2010, and will run concurrent with the term of Mayor Michael C. Wiggins.

8. Recommendation Concerning Appointment to the Board of Directors of Workforce Escarosa, Inc. – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board appoint Brenda Trimble, Executive Director, Community Action Program Committee, Inc., to serve on the Board of Directors of Workforce Escarosa, Inc., as a representative of the local Workforce Investment Board, in a community-based organization representative position, for a three-year term, beginning January 8, 2010, through January 7, 2013.

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9. **Recommendation Concerning Department of Health and Human Services, Centers for Medicare and Medicaid Services, Medicare Enrollment Application – Frank H. Edwards, Public Safety Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Department of Health and Human Services, Centers for Medicare and Medicaid Services, Medicare Enrollment Application (CMS-855B), to make changes to current enrollment data for the Escambia County Board of County Commissioners, DBA Escambia County EMS:

- A. Assign authority of delegated official to Patricia L. Sheldon, Administrator for Financial Services, Escambia County Clerk's Finance Department; and
 - B. Authorize the Chairman to sign the Application as the authorized official.
10. **Recommendation Concerning Conservation Easement for the Cantonment Athletic Park Improvement Project – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the granting of a Conservation Easement to the Florida Department of Environmental Protection for the Cantonment Athletic Park Improvement Project:

- A. Approve the Conservation Easement between Escambia County and the Florida Department of Environmental Protection, to permit wetland impacts associated with the Cantonment Athletic Park Improvement Project;
- B. Authorize the payment of incidental expenditures associated with the recording of the documents; and
- C. Authorize the Chairman to sign the Conservation Easement and any other documents associated with the granting of the Conservation Easement.

11. **Recommendation Concerning Bauer Road Bridge Maintenance Agreement – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Bauer Road Bridge Maintenance Agreement, in order for the State of Florida to receive funding for the bridge replacement:

- A. Approve the Maintenance Agreement between the State of Florida Department of Transportation and Escambia County, for continued maintenance on the replaced bridge #484224, located at Bauer Road over (an) Unnamed Branch (of water); and
- B. Authorize the Chairman to sign the Maintenance Agreement.

12. **Recommendation Concerning Acquisition of Property by Donation for Drainage Improvements on Choctaw Avenue – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning acquisition of property, by donation, for drainage improvements on Choctaw Avenue:

- A. Authorize staff to negotiate and resolve any matters related to, or associated with the acquisition of property, by donation, for Easements located on or adjacent to Choctaw Avenue, gather information, and conduct inspections as needed, to allow the Board's acceptance of the real property;
- B. Authorize the payment of documentary stamps because the property is being acquired for governmental use, for improvements to the stormwater drainage system in this area, and the County benefits from these acquisitions because the improvements to the drainage system will enhance the quality of life for the citizens of Escambia County;
- C. Authorize the payment of incidental expenditures associated with the recording of documents; and
- D. Authorize staff to prepare and the Chairman or Vice Chairman to accept the Easements as of the day of delivery of the Easements to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time.

13. **Recommendation Concerning the Conveyance of Utility Easement to ECUA – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the conveyance of a Utility Easement to Emerald Coast Utilities Authority in Woodrun Subdivision:

- A. Approve granting a 30-foot-wide Utility Easement through the County Public Park area in Woodrun Subdivision; and
- B. Authorize the Chairman to sign the Utility Easement and any other documents associated with the granting of the Utility Easement.

14. **Recommendation Concerning Bellview Avenue Bridge Maintenance Agreement – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Bellview Avenue Bridge Maintenance Agreement, in order for the State of Florida to receive funding for the bridge replacement:

- A. Approve the Maintenance Agreement between the State of Florida Department of Transportation and Escambia County, for continued maintenance on the replaced bridge #484223, located at Bellview Avenue over Turner's Creek; and
- B. Authorize the Chairman to sign the Maintenance Agreement.

II. Budget/Finance Consent Agenda

1. **Recommendation Concerning Supplemental Budget Amendment #74 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #74, Other Grants and Projects Fund (110), in the amount of \$50,000, to recognize funding from the Florida Department of Law Enforcement and to appropriate these funds for the Pathways for Change Program, to implement substance abuse treatment for state prisoners.

2. **Recommendation Concerning Supplemental Budget Amendment #78 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #78, Local Option Sales Tax III Fund (352), in the amount of \$30,000, to recognize a funding reimbursement from the Gulf Power Company and to appropriate these funds for the relocation and upgrades to power lines in the right-of-way on park property at Diego Circle.

3. **Recommendation Concerning Supplemental Budget Amendment #80 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #80, Other Grants and Projects Fund (110), in the amount of \$1,909,226, to recognize proceeds from a Federally Funded Sub-Grant Agreement and to appropriate these funds for the Maplewoods Drainage Project.

4. **Recommendation Concerning Supplemental Budget Amendment #81 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #81, Other Grants and Projects Fund (110), in the amount of \$630,000, to recognize proceeds from the State of Florida Department of Environmental Protection and to appropriate the funds for the Jones Creek East Stream Restoration and Wetland Stormwater Treatment Project.

COUNTY ADMINISTRATOR'S REPORT

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5. Recommendation Concerning the 2nd Street Paved Shoulders Project – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning PD 09-10.004, 2nd Street Paved Shoulders Project:

A. Approve the Selection/Negotiation Committee Ranking:

1. Merrill Parker Shaw, Inc.;
2. Rebol-Battle & Associates, LLC; and
3. Kenneth Horne & Associates, Inc.; and

B. Award Task Order Contract, PD 09-10.004, 2nd Street Paved Shoulders Project, from Interbay Avenue to Barrancas Avenue, including a portion of Interbay Avenue to Navy Boulevard, Escambia County, Florida, per the terms and conditions of PD 02-03.079, Professional Services, as Governed by Florida Statute 287.055, to Merrill Parker Shaw, Inc., for a lump sum amount of \$150,000.

[Funding: Fund 110, Other Grants and Projects, Account 210512 Interbay-Barrancas Avenue, Object Code 56301]

6. Recommendation Concerning a Revolving Interfund Loan for the Mass Transit Fund – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a revolving interfund loan from the General Fund (001) to the Mass Transit Fund (104):

- A. Approve a revolving interfund loan from the General Fund (001) to the Mass Transit Fund (104), in an amount not to exceed \$1,000,000, to cover temporary cash shortfalls until Grant reimbursements are received; and
- B. Waive all interest payments on any outstanding balance on this Revolving Interfund Loan.

7. Recommendation Concerning Award of Contract for Maplewoods Phase I Drainage Improvements – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board award Contract PD 09-10.002, Maplewoods Phase 1 Drainage Improvements, to Gulf Equipment Corp., for a total amount of \$1,768,621.70. [Funding: Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project Number 09EN0093]

8. **Recommendation Concerning Purchase of Real Property Located on Airway Drive – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the purchase of real property located on Airway Drive:

- A. Authorize staff to purchase a portion of real property (1,980 square feet or 0.05 acres) located on Airway Drive from the owners, Johnnie and Delores Moultry, for the negotiated price of \$3,960;
- B. Authorize the payment of documentary stamps because this property is being acquired for governmental use to improve the roadway and infrastructure along Airway Drive. This project will benefit the County and its citizens by reducing traffic delays, resolving drainage problems and providing greater safety;
- C. Approve that these terms are offered under threat of condemnation. In the event the seller rejects this offer, authorize the County Attorney's Office to file condemnation proceedings to acquire this property; and
- D. Authorize the Chairman to sign all documents needed to complete the purchase.

[Funding Source: Fund 352, Lost III, Account 210107/56101, Project 09EN0033]

9. **Recommendation Concerning Award Letter for Homeland Security Grant Program – John Dosh, Emergency Operations Division Manager**

RECOMMENDATION: That the Board take the following action concerning the Florida Division of Emergency Management (FDEM) Domestic Security Grant award letter dated October 30, 2009, identifying Grant funding being awarded to Escambia County, in the amount of \$72,000, with a Grant period of October 1, 2009, through April 30, 2012:

- A. Approve the FDEM award letter identifying funding from the Homeland Security Grant Program that will be identified in Fund 110, Other Grants and Projects, Cost Center 330459;
- B. Authorize the Chairman to execute the Grant award letter; and
- C. Authorize the County Administrator to execute the subsequent Grant Contract as referenced in the award letter.

10. Recommendation Concerning Community Development Block Grant Disaster Recovery Grant (2008 Storms) – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the State of Florida Department of Community Affairs (DCA) Community Development Block Grant (CDBG) Disaster Recovery Grant (2008 Storms):

- A. Adopt the Resolution authorizing submission of the Community Development Block Grant (CDBG) Disaster Recovery Grant (2008 Storms) Application to the Florida Department of Community Affairs (DCA), in the maximum amount of \$7,067,397, for the benefit of the citizens of Escambia County, the City of Pensacola, and the Town of Century;
- B. Approve the Interlocal Agreement with the City of Pensacola for joint implementation of affordable housing activities, estimated at \$3,000,000, in CDBG Disaster Recovery Grant (2008 Storms) funds;
- C. Approve the Interlocal Agreement with the Town of Century, subject to legal signoff, for implementation of an estimated \$600,000, in CDBG Disaster Recovery Grant (2008 Storms) funds; and
- D. Authorize the County Administrator and/or Chairman, as appropriate, to execute all Application and Grant award documents, Agreements, related forms and any other documents as may be required to submit, receive and fully implement the Disaster Recovery Grant.

[Funding: Fund 110, Other Grants and Projects, if awarded]

11. Recommendation Concerning United Way Human Services Committee Funding Recommendations for Fiscal Year 2009-2010 – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board accept the funding recommendations from the United Way Human Services Appropriations Committee for Fiscal Year 2009/2010, in the amount of \$95,500, in the adopted Fiscal Year 2009/2010 Budget, Public Social Services, General Fund 001, Cost Center 220202.

12. Recommendation Concerning Purchase Order for SMG Management Fees – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board approve a Purchase Order, in the amount of \$167,991.19, to SMG for management fees for the Pensacola Civic Center for Fiscal Year 2009-2010, to be paid from Fund 409 (Civic Center Fund), Cost Center 221301 (Civic Center Admin.), Object Code 53401.

13. Recommendation Concerning Escambia Consortium 2009 Annual Action Plan for Housing and Community Development by the U.S. Department of Housing and Urban Development and Funding Award – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning approval of the Escambia Consortium 2009 Annual Action Plan for Housing and Community Development by the U.S. Department of Housing and Urban Development (HUD) and the award of \$3,987,838 in 2009 HUD funds:

- A. Acknowledge, for the Official Record, approval of the Escambia Consortium 2009 Annual Action Plan by the U.S. Department of Housing and Urban Development, and accept the award of the 2009 Annual Action Plan detailing use of 2009 Community Development Block Grant (CDBG) funds, in the amount of \$2,101,113; 2009 HOME Investment Partnerships Act (HOME) funds, in the amount of \$1,795,021; and 2009 Emergency Shelter Grant Program (ESG) funds, in the amount of \$91,704; and
- B. Ratify the County Administrator's execution of CDBG, HOME and ESG Grant Agreements, as required by HUD, and authorize the Chairman or County Administrator, as appropriate, to execute all Grant-related documents as required to receive and implement the 2009 CDBG, 2009 HOME and 2009 ESG Programs.
14. Recommendation Concerning the Jones Creek East Stream Restoration and Wetland Stormwater Treatment Project – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the State of Florida Grant Agreement between the State of Florida Department of Environmental Protection and the Escambia County Board of County Commissioners, from the Department of Environmental Protection (DEP):

- A. Approve the State of Florida Grant Agreement, DEP Agreement Number G0281, from the Florida Department of Environmental Protection, in the amount of \$630,000, for the Jones Creek East Stream Restoration and Wetland Stormwater Treatment Project; and
- B. Authorize the Chairman to sign the Agreement and any subsequent Grant-related documents including no-cost extensions.

[Funding: Fund 110, Other Grants Projects; new Cost Center; \$450,000 in-kind match]

15. Recommendation Concerning Perdido Key Habitat Conservation Plan, Environmental Assessment, and Application to the U.S. Fish and Wildlife Service for an Incidental Take Permit – T. Lloyd Kerr, AICP, Development Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Perdido Key Habitat Conservation Plan (HCP), Environmental Assessment (EA), and Application to the U.S. Fish and Wildlife Service for an Incidental Take Permit (ITP):

- A. Approve the Perdido Key multi-species HCP, associated Environmental Assessment, and Incidental Take Permit Application; and
- B. Authorize the County Administrator to sign the ITP Application and any subsequent Permit-related documents.

[Funding: No funding is requested. The implementation of the HCP is intended to be funded through future development.]

(A COPY OF THE PERDIDO KEY HABITAT CONSERVATION PLAN WILL BE ON FILE IN THE CLERK TO THE BOARD'S OFFICE FOR REVIEW. A FULL COPY OF THE PLAN WILL BE POSTED IN LIVELINK AND ON THE WEB IN THE DETAILED AGENDA PACKAGE.)

16. Recommendation Concerning Purchase Order for Proprietary Annual Software Maintenance – T. Lloyd Kerr, AICP, Development Services Bureau Chief

RECOMMENDATION: That the Board approve and authorize a Purchase Order, in the amount of \$114,289, to Accela, Inc., for proprietary annual software maintenance for Escambia County. [Funding: Fund 001, General Fund, Cost Center 140101, Information Systems - \$57,144.50 and Fund 406, Building Inspections Fund, Cost Center 250101, Permitting - \$57,144.50]

III. For Discussion

1. Recommendation Concerning Appointment to the Pensacola-Escambia Development Commission – Robert R. McLaughlin, County Administrator

RECOMMENDATION: That the Board approve appointing one of the following nominees to the Pensacola-Escambia Development Commission, effective January 7, 2010, through August 15, 2010, to fill the unexpired term of M. Blaise Adams, who as President of the Pensacola Area Chamber of Commerce will automatically have a seat on the Commission:

A. Steven Barry; or

B. Blair Simmons.

2. Discussion Concerning the Human Resources Division Bringing Forward, Options and Direction for Determining an Acting County Administrator Upon the Expiration of the Current County Administrator's Contract

COUNTY ATTORNEY'S REPORT
January 7, 2010

I. **FOR ACTION:**

1. *Escambia County v. McCall & Associates, Inc.*
Case No. 2008 CA 000007

That the Board authorize Robert R. McLaughlin, County Administrator, to execute the attached Settlement Agreement and Mutual Waiver and Release to effectuate the settlement payment of \$80,000 to the County by McCall & Associates, Inc. and Schmidt Consulting Group, Inc.

2. Secretarial Position

That the Board allow a waiver of the frozen position list and authorize the County Attorney to advertise and hire a secretarial position within the County Attorney's Office.