

THROUGH THESE DOORS WALK ONLY THE FINEST PEOPLE – THE CITIZENS OF ESCAMBIA COUNTY. DECISIONS ARE MADE IN THIS ROOM AFFECTING THE DAILY LIVES OF OUR PEOPLE. DIGNIFIED CONDUCT IS APPRECIATED.

CHAMBER RULES

1. IF YOU WISH TO SPEAK, YOU WILL BE HEARD.
2. YOU MUST SIGN UP TO SPEAK. SIGN-UP SHEETS ARE AVAILABLE AT THE BACK OF THE ROOM.
3. YOU ARE REQUESTED TO KEEP YOUR REMARKS BRIEF AND FACTUAL.
4. BOTH SIDES ON AN ISSUE WILL BE GRANTED UNIFORM/MAXIMUM TIME TO SPEAK.
5. DURING QUASI-JUDICIAL HEARINGS (I.E., REZONINGS), CONDUCT IS VERY FORMAL AND REGULATED BY SUPREME COURT DECISIONS. VERBAL REACTION OR APPLAUSE IS NOT APPROPRIATE.

PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED

AGENDA

Board of County Commissioners
Regular Meeting – May 15, 2008 – 5:30 p.m.
Governmental Complex – First Floor

1. Call to Order.

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

2. Invocation – Commissioner White.
3. Pledge of Allegiance to the Flag.
4. Are there any items to be added to the agenda?

Recommendation: That the Board adopt the agenda as prepared **(or duly amended)**.

5. Commissioners' Forum.

6. Proclamations.

Recommendation: That the Board adopt the following three Proclamations:

- A. The Proclamation proclaiming May 2008 as “Water Safety Month” in Escambia County;
- B. The Proclamation proclaiming June 2008, as "National Safety Month" in Escambia County; and
- C. The Proclamation commending and congratulating John Ellis for his creation of the “Believe in the Cure Cycling Tour” to benefit the Hepatitis B Foundation and to make a difference in the lives of 12 million Americans who have been infected with the Hepatitis B Virus.

7. Employee of the Month Proclamations/Special Recognition.

Recommendation: That the Board recognize Officer Mark Butler, Escambia County Road Prison, and his drug-interdiction dog, Harley, for finishing in fifth place in “Room Searches” and for finishing in the top ten Overall Competition at the State-wide K-9 recertification testing, held in Pensacola and Gulf Breeze, Florida, March 31, 2008, through April 4, 2008; there were 26 Narcotics Teams competing for this very prestigious certification from throughout the State of Florida; Officer Butler and Harley were presented a Certificate of Certification from the United States Police Canine Association, Inc., for achieving the desired rating of excellence for Detector Certified – Narcotics; they also received Certificates of Attendance and Appreciation.

- 8. Written Communication – February 15, 2008, Communication from Earnest Stanberry, Jr., requesting to be placed on the Agenda to address the Board.
- 9. Did the Clerk’s Office receive the proofs of publication for the Public Hearing(s) on the agenda and the Board’s Weekly Meeting Schedule?

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

10. **5:31 p.m. Public Hearing for consideration of the proposed use of "Edward Byrne Memorial Justice Assistance Grant" (JAG) Program 2008 funds.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, approve the proposed use of "Edward Byrne Memorial Justice Assistance Grant" (JAG) Program 2008 funds for the Escambia County Sheriff's Office, to include overtime salaries and Law Enforcement support purchases, and the Adult Drug Court Program Support administered under the direction of the Court Administrator; the total estimated amount of funds for the JAG Program, made in the name of Escambia County, Florida, is \$166,000.

(BACKUP IS AVAILABLE FOR REVIEW IN THE COUNTY ADMINISTRATOR'S OFFICE)

11. Committee of the Whole Recommendation.

Recommendation: The Committee of the Whole (C/W), at the May 8, 2008, C/W Workshop, recommends that the Board take the following action:

- A. Give conceptual approval (*of the Scenic Highway Land Swap*), direct staff to move forward with the Agreement, and allow Jeff Taggart (*General Manager, Macky Bay Development Company*) to obtain the appraisals (Item 8);
- B. Take the following action concerning the Escambia River Muzzle Loaders (ERML) (Item 11):
 - (1) Direct staff to move forward with the Memorandum of Understanding (*License and Management Agreement*) and assist ERML in the (*Development Review Committee*) DRC process; and
 - (2) Waive the fees associated with the DRC process; and
- C. Approve out-of-County travel for all parties involved (*to meet with Lobbyist Richard Gentry, in Tallahassee, concerning Perdido Key Cap Removal*) (Item 16).

12. Reports:

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

13. Items added to the agenda.

14. Announcements.

15. Adjournment.

**BACKUP NOT INCLUDED WITH THE CLERK'S REPORT IS AVAILABLE FOR REVIEW IN
THE OFFICE OF THE CLERK TO THE BOARD
ESCAMBIA COUNTY GOVERNMENTAL COMPLEX, SUITE 130**

REPORT OF CLERK OF THE CIRCUIT COURT & COMPTROLLER
May 15, 2008

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

- A. Payroll Expenditures for Pay Date May 2, 2008, in the amount of \$2,219,614.71; and
- B. The following two Disbursement of Funds:
 - (1) April 24, 2008, to April 30, 2008, in the amount of \$1,849,303.30; and
 - (2) May 1, 2008, to May 7, 2008, in the amount of \$19,160,843.63.
- C. The Tourist Development Tax Collections Data for Fiscal Year 2007-2008, which includes March 2008 returns received in the month of April 2008; the revenues collected to date represent seven months of collections and reflect 43% of the Budget to date; and
- D. The Investment Report for the month ended April 30, 2008.

2. Recommendation Concerning Disposition of Records

Recommendation: That the Board approve *Records Disposition Document No. 396*, for disposition of Board of County Commissioners' records, Item 32a, Minutes: Official Meetings (Transcripts: Microfilmed on Rolls 433-437), for the period October 4, 2007, through December 13, 2007, in accordance with State Retention Schedule GS1, since the permanent records have been scanned and/or microfilmed.

I. CONSENT AGENDA – Continued

3. 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 *Community Center License and Management Agreement* with Beulah Senior Citizens Center, Inc., based on the Board's February 5, 2004, action approving the Form of Agreement;
- B. *Amendment No. 2 to Agreement between The Northwest Florida Water Management District and Escambia County for Blue Pit Ecosystem Enhancement and Water Quality Improvement Project, Northwest Florida Water Management District Contract Number 06-059*, as executed by the Chairman on April 23, 2008, based on the Board's action of May 4, 2006, authorizing the Chairman to sign the Florida Forever Funding Agreement and subsequent Grant-related documents;
- C. *Amendment No. 1 to Agreement between The Northwest Florida Water Management District and Escambia County for East Ten Mile Creek Stream Restoration Project, Northwest Florida Water Management District Contract Number 06-060*, as executed by the Chairman on April 23, 2008, based on the Board's action of May 4, 2006, authorizing the Chairman to sign the Florida Forever Funding Agreement and subsequent Grant-related documents;
- D. *Amendment to Interlocal Agreement Between Escambia County, Florida and the School Board of Escambia County, Florida*, pursuant to the Board's action of December 6, 2007, approving to provide for additional assessment of Certified Costs to fund Traffic Education Programs, in place of the Amendment approved August 16, 2007;
- E. A copy of the fully-executed *General Release and Hold Harmless Agreement*, relative to the Board's action of December 6, 2007, approving the settlement of the lawsuit, Case No.: 2006 CA 1256, filed by Mr. Jeremy and Mrs. Wendy Patrick, as parents and natural guardians of the minor Antonio J. Wimbush, as provided to the Clerk to the Board's Office on May 5, 2008;

(Continued on Page 3)

I. CONSENT AGENDA – Continued

3. Continued...

- F. Certified copies of the recorded *Mortgage and Security Agreement (Silurian Pond)* and the *Subordination Agreement (Third Mortgage)*, between Silurian Pond, LTD, and Escambia County, and among Florida Housing Finance Corporation, Escambia County, and Silurian Pond, LTD, respectively, based on the Board's action of June 21, 2007, committing \$1,147,870 in Hurricane Housing Recovery (HHRP) funds to Silurian Pond, LTD, as received in the Clerk to the Board's Office on May 6, 2008; and
- G. A copy of the *Escambia County Health Facilities Authority, Pensacola, Florida, Financial Statements – September 30, 2007 and 2006*, as prepared by Saltmarsh, Cleaveland & Gund, Certified Public Accountants and Consultants, and received in the Clerk to the Board's Office on May 9, 2008.

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 Joint Meeting of the Escambia County and Santa Rosa County Board of County Commissioners held April 29, 2008;
- B. Approve the Minutes of the Public Forum Work Session and Regular Board Meeting held May 1, 2008; and
- C. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held May 1, 2008.

GROWTH MANAGEMENT REPORT

May 15, 2008

I. PUBLIC HEARINGS

1. Review of Rezoning Cases

Recommendation: That the Board take the following actions:

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

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

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

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

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

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

2. 5:45 p.m. – Thursday, May 15, 2008, Public Hearing – Amendment to the Official Zoning Map

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

II. ACTION ITEM

1. Short Term License Agreement between Bayou Chico, LLC and Escambia County

Recommendation: That the Board take the following action regarding a Short Term License agreement between Bayou Chico Properties, LLC, and Escambia County:

- A. Approve the agreement providing Escambia County access to certain land owned by Bayou Chico Properties, LLC, for a temporary staging area for miscellaneous debris removed from the navigational channel of Bayou Chico; and
- B. Authorize the Chairman to sign the agreement.

**COUNTY ADMINISTRATOR'S REPORT
MAY 15, 2008**

I. Technical/Public Service Consent Agenda

1. **Recommendation Concerning Scheduling a Public Hearing for Establishing an Economic Development Ad Valorem Tax Exemption (EDATE) for West Fraser, Inc. – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board authorize the scheduling of a public hearing on Thursday, June 5, 2008, at 5:32 p.m., to consider the adoption of an Ordinance establishing an Economic Development Ad Valorem Tax Exemption for West Fraser, Inc., for 100% to 2010, for the McDavid Lumber Mill.

2. **Recommendation Concerning Scheduling a Public Hearing for Lost Creek Street Lighting MSBU – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board authorize the scheduling of a public hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 5, 2008, at 5:33 p.m., to consider the adoption of an Ordinance creating the Lost Creek Street Lighting MSBU.

3. **Recommendation Concerning Scheduling a Public Hearing for Osprey Place Street Lighting MSBU – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board authorize the scheduling of a public hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 5, 2008, at 5:34 p.m., to consider the adoption of an Ordinance creating the Osprey Place Street Lighting MSBU.

4. **Recommendation Concerning Scheduling a Public Hearing for Clear Creek Farms & First Addition Street Lighting MSBU – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board authorize the scheduling of a public hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 5, 2008, at 5:35 p.m., to consider the adoption of an Ordinance creating the Clear Creek Farms and First Addition Street Lighting MSBU.

COUNTY ADMINISTRATOR'S REPORT

MAY 15, 2008

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5. Recommendation Concerning Scheduling a Public Hearing for Madison Place Street Lighting MSBU – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize the scheduling of a public hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 5, 2008, at 5:36 p.m., to consider the adoption of an Ordinance creating the Madison Place Street Lighting MSBU.

6. Recommendation Concerning the First Amendment to the Agreement with Charles Lee Neal, D.O., for Support/Training of EMT's and MCO's at the Road Prison – Gordon Pike, Corrections Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the First Amendment to the Agreement between Escambia County and Charles Lee Neal, D.O.:

- A. Approve the First Amendment to the Agreement between Charles Lee Neal, D.O., and Escambia County that provides for support and training for Emergency Medical Technicians (EMT) and Medical Corrections Officers (MCO) employed at the Road Prison; and
- B. Authorize the Chairman to execute the First Amendment.

7. Recommendation Concerning License Agreement – Doug Ford Drive – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the License Agreement for sign encroachment in the right-of-way on Doug Ford Drive:

- A. Approve the License Agreement for sign encroachment in the right-of-way on Doug Ford Drive, as requested by Perdido Bay Golf, LLC; and
- B. Authorize the Chairman or Vice Chairman to execute the License Agreement.

8. Recommendation Concerning Scheduling a Public Hearing to Vacate a Portion of Hornsby Drive – Joy D. Blackmon, P.E., Public Works Bureau Chief

RECOMMENDATION: That the Board authorize the scheduling of a Public Hearing for June 19, 2008, at 5:32 p.m., to consider the Petition to Vacate a portion of Hornsby Drive, approximately 5,000 square feet or 0.11 acres, as petitioned by Kelly B. Anderson, Jr. and Denise J. Anderson.

COUNTY ADMINISTRATOR'S REPORT

MAY 15, 2008

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9. **Recommendation Concerning Temporary Right of Entry Agreement for East Johnson Avenue, a Part of the Ensley Phase II Drainage Project – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Temporary Right of Entry Agreement with CSX Transportation, Inc., (CSXT, Inc.):

- A. Approve the CSX Transportation, Inc., Temporary Right of Entry Agreement, No. CSX-059159, which grants the Licensee (Escambia County Commission) permission to enter CSXT, Inc.'s property on East Johnson Avenue, as shown on drawing No. DMD 059159, for the purpose of obtaining elevations of utilities and data for a pipeline application, which is required for the Ensley Phase II Drainage Project; and
- B. Authorize the Chairman or Vice Chairman to sign the CSXT, Inc., Temporary Right of Entry Agreement.

[Funding Source: The application fee has been waived.]

10. **Recommendation Concerning Community Redevelopment Agency Meeting Minutes – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board approve for filing with the Board's Minutes, the April 17, 2008, Community Redevelopment Agency (CRA) Meeting Minutes, prepared by Vera Cardia-Lively, Senior Office Support Assistant, CRA.

11. **Recommendation Concerning Resolution – Ensley (Shady Oak) County Crime Prevention Program – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning support of Ensley (Shady Oak) Subdivision as a part of the County Crime Prevention Program:

- A. Adopt the Resolution in support of Ensley (Shady Oak) Subdivision as a part of the County Crime Prevention Program; and
- B. Authorize the Chairman to sign the Resolution and any other Agreements necessary to accomplish goals of the County Crime Prevention Program.

12. Recommendation Concerning Resolution – Lincoln Park Subdivision Crime Prevention Program – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning support of Lincoln Park Subdivision as a part of the County Crime Prevention Program:

- A. Adopt the Resolution in support of Lincoln Park Subdivision as a part of the County Crime Prevention Program; and
 - B. Authorize the Chairman to sign the Resolution and any other Agreements necessary to accomplish goals of the County Crime Prevention Program.
13. Recommendation Concerning Scheduling a Public Hearing Designating 201 South Navy Boulevard as a Brownfields Area – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board approve the scheduling and advertising of the first of two public hearings on June 5, 2008, at 5:31 p.m., to receive public input on the designation of 201 South Navy Boulevard, Pensacola, Florida, 32507, as a Brownfields Area within the Warrington Redevelopment Area, for the purpose of environmental rehabilitation and economic development.

14. Recommendation Concerning Scheduling a Public Hearing Relating to an Ordinance for the “Protection of Little Sabine Bay” – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board authorize the scheduling a public hearing for 5:32 p.m., June 5, 2008, to consider adopting an Ordinance of Escambia County, Florida, amending Chapter 74, Article I, Section 74-7(a)(1) of the Escambia County Code of Ordinances, relating to Protection of Little Sabine Bay, Santa Rosa Island, Escambia County, Florida.

15. Recommendation Concerning Requests for Disposition of Surplus Equipment – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board approve the Requests for Disposition of surplus equipment to be sold as surplus or appropriately disposed of, all of which are described on 12 requests, as provided by various County Departments, for the reasons stated on each, the value of which is estimated at under \$5,000.

16. Recommendation Concerning District Three's Appointment to the Board of Adjustment – Robert R. McLaughlin, County Administrator

RECOMMENDATION: That the Board confirm Commissioner Marie Young's appointment of LuTimothy May to the Board of Adjustment, replacing Minnie Clark Byrd. This term is effective immediately and will run concurrent with Commissioner Young's current term of office or at her discretion.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Miscellaneous Appropriations Agreements for Sertoma's Fourth of July – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Miscellaneous Appropriations Agreements for Sertoma's Fourth of July:

- A. Rescind its action of October 18, 2007, approving the Fiscal Year 2007/2008 Miscellaneous Appropriations Agreement for Sertoma's Fourth of July, in the amount of \$12,500, to be paid from the General Fund (001), Cost Center 110201;**
- B. Approve the Fiscal Year 2007/2008 Miscellaneous Appropriations Agreement for Sertoma's Fourth of July in the amount of \$75,500, to be paid from the 4th Cent Tourist Development Tax Fund (108), Cost Center 360105;**
- C. Authorize the Chairman to sign the Agreement and all other necessary documents; and**
- D. Authorize the execution of the necessary Purchase Order.**

2. Recommendation Concerning Surplus and Sale of Real Property Located at 2753 Mission Road – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the surplus and sale of real property located at 2753 Mission Road:

- A. Declare surplus its real property, Account Number 06013200, Reference Number 16-2S-30-1300-001-015, acquired by foreclosure. A legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting bids by sealed bid;**
- B. Authorize the sale of this property to the highest offer received from sealed bid above the minimum bid of \$4,060, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and**
- C. Authorize the Chairman to sign all documents related to the sale.**

3. **Recommendation Concerning Surplus and Sale of Real Property Located on Wilder Road – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the surplus and sale of real property located on Wilder Road:

- A. Declare surplus its real property Account Number 120375000, Reference Number 21-2N-31-2301-000-000, acquired by tax deed, and ratify the offer of this property to the adjacent property owners and authorize the sale of this property to the highest offer received, above the minimum bid of \$190, without further action of the Board; and
- B. In accordance with Section 46-131, Escambia County Code of Ordinances, make a factual determination that:
 - 1. The real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property; and
 - 2. The size, shape, location, and value of the property would make it of use to only one or more of the adjacent property owners; and
- C. Authorize the Chairman to sign all documents related to the sale.

4. **Recommendation Concerning Supplemental Budget Amendment #216 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #216, MSBU Assessment Fund (177) and Local Option Sales Tax II (LOST II) Fund (351), in the amount of \$11,700, to recognize funds and to appropriate them back into the LOST II for fronting costs for the Shoal Creek Holding Pond Construction MSBU (Municipal Services Benefit Unit project completion.

5. **Recommendation Concerning Supplemental Budget Amendment #222 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #222, E911 Operations Fund (145), in the amount of \$1,374,852, to recognize proceeds from an E911 State Grant Program, Project E911 System Replacement, and to appropriate the funds for replacing the County's obsolete E911 System.

6. **Recommendation Concerning Supplemental Budget Amendment #220 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt with at least a super majority (4/5) vote, the Resolution approving Supplemental Budget Amendment #220, Mass Transit Fund (104) and General Fund (001), in the amount of \$225,000, to recognize funds from the General Fund (Reserves for Contingency) and to appropriate them to cover increased fuel expense incurred by the Escambia County Area Transit System, and make the following findings of fact:

- A. The expenditure is necessary and cannot be delayed;
- B. There is no other source of funds; and
- C. The expenditure was unanticipated

7. **Recommendation Concerning a Conservation Easement for the River Road Shared Path Project – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the granting and recording of a Conservation Easement to the Florida Department of Environmental Protection (FDEP), in order to acquire an FDEP permit, and authorization for staff to advertise for competitive bid for the construction of the remaining portion of the River Road Shared Path Project:

- A. Authorize staff to resolve any matters related to, or associated with the granting of a Conservation Easement to FDEP, as pertaining to the River Road Shared Path Project;
- B. Authorize the payment of incidental expenditures associated with the granting of the Conservation Easement that includes, but is not limited to, the recording of documents;
- C. Authorize the Chairman or Vice Chairman to accept and sign the Conservation Easement document, as of the day of delivery of the document to the Chairman or Vice Chairman; and
- D. Authorize Staff to advertise for competitive bid for the construction of the remaining portion of the River Road Shared Path Project.

[Funding Source: Fund 333, "New Road Construction", Account 210204/56301 and 56101, Project No. 05EN0811]

8. **Recommendation Concerning Façade Grant Funding and Lien Agreements – 229 Beverly Parkway – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board ratify the following action of the Escambia County Community Redevelopment Agency (CRA) concerning Façade Grant Funding and Lien Agreements at 229 Beverly Parkway:

- A. **Approving Commercial Façade, Landscape, and Infrastructure Grant Program Funding Agreement between Escambia County CRA and Eddie Zarahn, owner of commercial property located at 229 Beverly Parkway, Pensacola, Florida, in the Palafox Redevelopment Area, in the amount of \$9,302.50, representing an in-kind match through the Palafox Tax Increment Financing (TIF), Fund 151 – Cost Center 220517, Object Code 58301, for the following improvements: Parking lot improvements;**
- B. **Approving Commercial Façade, Landscape and Infrastructure Grant Program Lien Agreement for the property located at 229 Beverly Parkway, in the amount of \$9,302.50; and**
- C. **Authorizing the Chairman to sign the Funding and Lien Agreements between Escambia County CRA and Eddie Zarahn, and any other related documents necessary to implement this Grant award.**

9. **Recommendation Concerning Residential Rehab Grant Funding and Lien Agreements – 1303 Green Street – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board ratify the following action of the Escambia County Community Redevelopment Agency (CRA) concerning Residential Rehab Grant Funding and Lien Agreements at 1303 North Green Street:

- A. Approving Residential Rehab Grant Program Funding Agreement between Escambia County CRA and Leigh Fellner, owner of residential property located at 1303 North Green Street, Pensacola, Florida, in the Brownsville Redevelopment Area, in the amount of \$1,450.50, representing an in-kind match through Brownsville Tax Increment Financing (TIF), Fund 151- Cost Center 220515, Object Code 58301, for the following improvements:
Replacement of windows;
- B. Approving Residential Rehab Grant Program Lien Agreement for the residential property located at 1303 North Green Street, in the amount of \$1,450.50; and
- C. Authorizing the Chairman to sign the Funding and Lien Agreements between Escambia County CRA and Leigh Fellner, and any other related documents necessary to implement this Grant award.

10. **Recommendation Concerning Residential Rehab Grant Funding and Lien Agreements – 1208 Wisteria Avenue – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board ratify the following action of the Escambia County Community Redevelopment Agency (CRA) concerning Residential Rehab Grant Funding and Lien Agreements at 1208 Wisteria Avenue:

- A. Approving Residential Rehab Grant Program Funding Agreement between Escambia County CRA and Michael A. Liebeno and Audrey Faragher-Liebeno, owners of residential property located at 1208 Wisteria Avenue, Pensacola, Florida, in the Barrancas Redevelopment Area, in the amount of \$3,121.50, representing an in-kind match through Barrancas Tax Increment Financing (TIF), Fund 151 - Cost Center 220519, Object Code 58301, for the following improvements: Replacement of windows;
- B. Approving Residential Rehab Grant Program Lien Agreement for the residential property located at 1208 Wisteria Avenue, in the amount of \$3,121.50; and
- C. Authorizing the Chairman to sign the Funding and Lien Agreements between Escambia County CRA and Michael A. Liebeno and Audrey Faragher-Liebeno, and any other related documents necessary to implement this Grant award.

11. **Recommendation Concerning Residential Rehab Grant Funding and Lien Agreements – 2930 West Jackson Street – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board ratify the following action of the Escambia County Community Redevelopment Agency (CRA) concerning Residential Rehab Grant Funding and Lien Agreements at 2930 West Jackson Street:

- A. Approving Residential Rehab Grant Program Funding Agreement between Escambia County CRA and Lois G. Hemmer, owner of residential property located at 2930 West Jackson Street, Pensacola, Florida, in the Brownsville Redevelopment Area, in the amount of \$4,962, representing an in-kind match through Brownsville Tax Increment Financing (TIF), Fund 151 - Cost Center 220515, Object Code 58301, for the following improvements: Install new central heating and air conditioning system;
- B. Approving Residential Rehab Grant Program Lien Agreement for the residential property located at 2930 West Jackson Street, in the amount of \$4,962; and
- C. Authorizing the Chairman to sign the Funding and Lien Agreements between Escambia County CRA and Lois G. Hemmer, and any other related documents necessary to implement this Grant award.

12. **Recommendation Concerning Sign Grant Program Funding Agreement – 3920 Navy Boulevard – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board ratify the following action of the Escambia County Community Redevelopment Agency (CRA) concerning Sign Grant Program Funding Agreement at 3920 Navy Boulevard:

- A. Approving Sign Grant Program Funding Agreement between Escambia County CRA and Drake Enterprise, LLC, owner of commercial property located at 3920 Navy Boulevard, Pensacola, Florida, in the Warrington Redevelopment Area, in the amount of \$2,000, representing an in-kind match through the Warrington Tax Increment Financing (TIF), Fund 151 – Cost Center 220516, Object Code 58301 for the following improvements: Install new signage; and
- B. Authorizing the Chairman to sign the Funding Agreement between Escambia County CRA and Drake Enterprises, LLC, and any other related documents necessary to implement this Grant award.

13. **Recommendation Concerning Sign Grant Program Funding Agreement – 229 Beverly Parkway – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board ratify the following action of the Escambia County Community Redevelopment Agency (CRA) concerning the Sign Grant Program Funding Agreement at 229 Beverly Parkway:

- A. Approving Sign Grant Program Funding Agreement between Escambia County CRA and Eddie Zarahn, owner of commercial property located at 229 Beverly Parkway, Pensacola, Florida, in the Palafox Redevelopment Area, in the amount of \$2,000, representing an in-kind match through the Palafox Tax Increment Financing (TIF), Fund 151 – Cost Center 220517, Object Code 58301, for the following improvement: Install new signage; and
- B. Authorizing the CRA Chairman to sign the Funding Agreement between Escambia County CRA and Eddie Zarahn, and any other related documents necessary to implement this Grant award.

14. **Recommendation Concerning General Paving and Drainage Price Agreement 220 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning PD 04-05.010, General Paving & Drainage Pricing Agreement:

- A. Approve the following changes to PD 04-05.010, General Paving & Drainage Pricing Agreement:
 - 1. Set the maximum dollar value of an individual project awarded by the Unit Pricing Agreement to \$350,000. The project total determined to be the cumulative total for the project. (No phasing); and
 - 2. Restrict the use of the “Balance of Line” line item in a project to 10% or less of the cumulative project total dollar amount; and
- B. Require that the Office of Purchasing manage any awards of Road Projects over \$50,000, including those awarded from the Unit Pricing Agreements, PD 04-05.010 and PD 04-05.011.

15. Recommendation Concerning Lubrication Products, Anti-Freeze & Brake Fluid for Various County Departments – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board approve a price increase, effective May 26, 2008, to Southern Energy Company, for “Lubrication Products, Anti-Freeze & Brake Fluid for Various County Departments”, PD 06-07.084, in accordance with the terms and conditions of the Contract. [Funding is available from various Funds and Cost Centers]

16. Recommendation Concerning Waste Tire Removal and Disposal – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board approve a price increase, in the form of a fuel surcharge, to Southern Tires, Inc., for “Waste Tire Removal and Disposal”, PD 05-06.024, in accordance with the terms and conditions of the Contract. [Funding is available from Fund 401 (Solid Waste Fund), Cost Center 230306]

17. Recommendation Concerning Purchase of Laptop Computers Departments – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board authorize the County to piggyback off of the Florida State Contract #250-000-03-1, 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 Insight, for twenty-one Panasonic Toughbook 74 laptop computers with Navigator GPS, with WIFI and with three-year warranties, to be used with the Accela software, for a total of \$72,562.14, for Environmental Code Enforcement, with funding available from Fund 103 (Code Enforcement Fund), Cost Center 280101.

18. Recommendation Concerning Chalker Road Dirt Road Paving – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board award a Unit Price, Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.070, “Chalker Road Dirt Road Paving” to Roads, Inc., of NWF, in the amount of \$67,286.20. [Funding to be provided in Fund 351, Local Option Sales Tax Extension, Cost Center 210105, Object Code 56301, Project Number 07EN0265]

19. **Recommendation Concerning Solid Waste Container Services – Amy Lovoy,
Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning Solid Waste Container Services:

- A. Award a three-year Contract, with a two-year option to renew, for “Solid Waste Container Service”, PD 07-08.040, to Titan Waste Service, in accordance with the terms and conditions of the solicitation and appropriation of funds, for an estimated yearly total amount of \$114,401.16, with funding available from various Funds and Cost Centers. Expenditures that will exceed \$50,000 will be brought to the Board for approval; and
- B. Authorize the expenditure to Titan Waste Service in the estimated amount of \$96,000, for Facilities Management, with funding available from Fund 001 (General Fund), Cost Center 310201.

III. For Discussion

1. Recommendation Concerning Appointment to Housing Finance Authority – Robert R. McLaughlin, County Administrator

RECOMMENDATION: That the Board take the following action concerning an appointment to the Housing Finance Authority:

- A. Review the resumes of Steve Jernigan, AIA, and Dave Pavlock; and**
- B. Appoint one member to serve the remainder of the position vacated March 31, 2008, by Elbert Jones, Jr., who was recently hired by the Housing Finance Authority as Executive Director.**

COUNTY ATTORNEY'S REPORT
May 15, 2008

I. FOR CONSENT:

1. Amendment to Settlement Agreement Between Escambia County and Heron's Forest

Recommendation:

That the Board authorize the Chairman to execute the attached Amendment to the Settlement Agreement between Escambia County and Heron's Forest Development Company, dated December 8, 2005.

2. Retaining Attorney Barry S. Shanoff

Recommendation:

That the Board authorize retaining Barry Shanoff as assistant counsel for limited purposes on the cases of ECUA v. Escambia County, Case No. 2008 CA 1141 and Escambia County v. Allied Waste Services of North American, L.L.C., Case No. 3:08cv 88/LAC/EMT.

3. FTA Charter Service Complaint Docket No. 2007-13

Recommendation:

That the Board not appeal the decision of the FTA in Docket Number 2007-13.