

**MINUTES OF THE REGULAR MEETING OF
THE ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS**

JULY 19, 2022

Present: Commissioner Jeffrey W. Bergosh, Chairman, District 1
Commissioner Douglas B. Underhill, Vice Chairman, District 2
Commissioner Steven L. Barry, District 5
Commissioner Robert D. Bender, District 4
Commissioner Lumon J. May, District 3
Honorable Pam Childers, Clerk of the Circuit Court and Comptroller
Debbie Bowers, Assistant County Administrator
Alison Rogers, County Attorney
DeLana Allen-Busbee, Administrative Specialist, Clerk and Comptroller's Office
Elizabeth Kissel, Grants and Special Projects Manager,
County Administrator's Office

Location: Ernie Lee Magaha Government Building, Board Chambers, First Floor
221 Palafox Place, Pensacola, Florida

Minutes prepared by: DeLana Allen-Busbee

REGULAR BCC AGENDA

1. Call to Order

Chairman Bergosh called the Regular Meeting of the Board of County Commissioners to order at 10:01 a.m.

2. Invocation

The Board observed a moment of silence.

3. Pledge of Allegiance to the Flag

Commissioner May led the Pledge of Allegiance to the Flag.

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REGULAR BCC AGENDA – Continued

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

Motion: So moved
For Information: The agenda was amended to add an Item (CAT I-2) to the County Attorney's Report, which was distributed at the meeting.
Made by: Commissioner May
Seconded by: Commissioner Bender
Disposition: Carried unanimously

5. Commissioners' Forum:

A. District 4 – Commissioner Bender provided comments.

B. District 5 – Commissioner Barry provided comments;

C. District 3 – Commissioner May provided comments;

D. District 2 – Commissioner Underhill provided comments; and

E. District 1 – Commissioner Bergosh provided comments.

FOR INFORMATION: The Board discussed concerns with overdoses in Escambia County, whether there is federal funding available to combat the problem, as well as drug addiction treatment as a holistic issue and the need for a comprehensive prevention plan.

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REGULAR BCC AGENDA – Continued

6. Proclamations.

I. Recommendation: That the Board take the following action:

- A. Ratify the Proclamation commending and congratulating Ms. Gloria Robinson on her retirement, and expressing appreciation for her 24 years of faithful and dedicated service to the citizens of Escambia County;
- B. Adopt the Proclamation acknowledging July 30, 2022, as "National Whistleblower Appreciation Day"; and
- C. Adopt the Proclamation commending and congratulating both the 42nd Anniversary of the Center for Independent Living and the 32nd Anniversary of the Americans with Disabilities Act.

Motion: So moved
Made by: Commissioner May
Seconded by: Commissioner Bender
Disposition: Carried unanimously
Speaker(s): Jacqueline Garrick and Carolyn Grawi

7. 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:

- A. The 10:01 a.m. Public Hearing, advertised in the *Escambia Sun Press* on July 7, 2022, concerning adoption of the Dogwood Terrace/Pensacola Tar & Turpentine Subdivision Street Lighting MSBU; and
- B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule July 18, 2022, through July 22, 2022*, as published in the *Escambia Sun Press* on July 14, 2022.

Motion: Move that we waive the reading
Made by: Commissioner Underhill
Seconded by: Commissioner Barry
Disposition: Carried unanimously

MINUTES – JULY 19, 2022

REGULAR BCC AGENDA – Continued

8. Public Hearings.

- I. Recommendation: That the Board, at the 10:01 a.m. Public Hearing, adopt and authorize the Chairman to sign the Ordinance [Number 2022-29] creating the Dogwood Terrace/Pensacola Tar & Turpentine Subdivision Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and make the following findings of fact:
 - A. Lots in the District are specially benefited since street lighting not only increases the market value of an individual lot, but also increases safety in the District surrounding individual lots and the ability of lot owners to use their individual lots after dark;
 - B. The benefit from improved street lighting can vary according to the relative size of affected lots, but residential lots benefit uniformly because of the small variation in size throughout the District;
 - C. The Non-Ad Valorem Special Assessments levied represent a fair and reasonable apportionment of the cost of the special benefit received by each lot, and do not represent a fair share of the cost of General Governmental Service provided to residents in the unincorporated areas of Escambia County; and
 - D. Lots which do not receive a special benefit have been and shall be excluded from the Non-Ad Valorem Special Assessment for street lighting.

Motion: Move the 10:01
Made by: Commissioner Barry
Seconded by: Commissioner Bender
Disposition: Carried 4-0, with Commissioner May temporarily out of Board Chambers
Speaker(s): None

MINUTES – JULY 19, 2022

CLERK & COMPTROLLER'S REPORT – Honorable Pam Childers, Clerk of the Circuit Court and Comptroller

I. CONSENT AGENDA

1. **Recommendation:** That the Board accept, for filing with the Board's Minutes, the Tourist Development Tax (TDT) Collections Data for the May 2022 returns received in the month of June 2022, as prepared by the Treasury Department of the Clerk and Comptroller's Office.
 - Total collections received in June 2022 were \$2,386,620 compared to \$2,108,109 in June 2021. A four percent comparison of June 2022 to June 2021 is a 13% increase.
 - Year-to-date collections for Fiscal Year 2022 are \$12,906,686 compared to \$9,036,144 for Fiscal Year 2021.

Motion: Move the Clerk's Report as presented

Made by: Commissioner Underhill
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Seconded by: Commissioner Barry
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Disposition: Carried 4-0, with Commissioner May temporarily out of Board Chambers
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COUNTY ADMINISTRATOR'S REPORT – Wesley J. Moreno, Interim County Administrator

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1. **Recommendation:** That the Board approve the Request for Disposition of Property Form by the Escambia County Tax Collector, for property described and listed on the Request Form, with reason for disposition stated. The item has been found to be of no further usefulness to the County and will be disposed of properly.

Motion: Move the Technical/Public Service Consent [Items 1 through 3]
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Made by: Commissioner Barry

Seconded by: Commissioner Underhill
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Disposition: Carried 4-0, with Commissioner May temporarily out of Board Chambers
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MINUTES – JULY 19, 2022

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

2. Recommendation: That the Board take the following action Concerning the Approval of State Submerged Lands Lease Renewal Between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Escambia County for County-owned Property at Innerarity Point Park, 5835 Cruzat Way:

- A. Approve the lease renewal between Escambia County (Lessee) and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Lessor) for submerged lands at Innerarity Point Park, 5835 Cruzat Way, consisting of the following terms:

- Lease Renewal commences July 27, 2022;
- Lease Renewal expires July 27, 2027. The Lessor will commence renewal procedures on the last day of the lease term;
- Annual Lease Fee of \$3,465.33;

The County is authorized to construct and operate a boardwalk and variable slip recreational dock/pier and swimming area to be used exclusively for passive recreational activities and launch and recovery of non-motorized vessels in conjunction with an upland public park; and

- B. Authorize the Chairman to sign future lease renewals subject to Legal review and sign-off, using funds appropriated within the current Cost Center.

Fund Number	Fund Name	Cost Center	Cost Center Name	Amount
118	Gulf Coast Restoration Fund	350239	NRDA Innerarity Park OGC114	\$3,465.33

Motion: Move the Technical/Public Service Consent [Items 1 through 3]
Made by: Commissioner Barry
Seconded by: Commissioner Underhill
Disposition: Carried 4-0, with Commissioner May temporarily out of Board Chambers

MINUTES – JULY 19, 2022

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

3. Recommendation: That the Board authorize the scheduling of two Public Hearings on August 4, 2022:
- A. 5:32 p.m., to consider the adoption of an Ordinance creating the Sweetbarb Subdivision Street Lighting Municipal Services Benefit Unit (MSBU); and
- B. 5:33 p.m., to consider the adoption of an Ordinance creating the Iron Rock Subdivision Street Lighting Municipal Services Benefit Unit (MSBU).

Motion: Move the Technical/Public Service Consent [Items 1 through 3]
Made by: Commissioner Barry
Seconded by: Commissioner Underhill
Disposition: Carried 4-0, with Commissioner May temporarily out of Board Chambers

II. BUDGET/FINANCE CONSENT AGENDA

1. Recommendation: That the Board approve and authorize the Interim County Administrator to execute the following Change Order #10 to Mott MacDonald Florida, LLC, in the amount of \$49,055 on Contract PD 15-16.043, for Design Services for the Perdido Bay Boat Ramp Project:

Department:	Natural Resources Management
Division:	Marine Resources
Type:	Additive
Amount:	\$49,055
Vendor:	Mott MacDonald Florida, LLC.PD
Project Name:	Design Services for the Perdido Bay Boat Ramp Project
Contract:	PD 15-16.043
Purchase Order#:	161395
Change Order #1:	No cost - reallocated tasks and added time

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COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1. Continued...

Change Order #2:	\$3,023 and Time
Change Order #3:	Unprocessed, superseded by CO#4
Change Order #4:	Time Only
Change Order #5:	No cost - reallocated tasks and added time
Change Order #6:	No cost - reallocated tasks and added time
Change Order #7:	Time Only
Change Order #8:	\$11,540
Change Order #9:	Time Only
Change Order #10:	\$49,055
Original Contract Amount:	\$228,051
Cumulative Amount of Change Orders Through this CO:	\$63,618
New Contract Amount:	\$291,669
Funding Source:	Fund 110, Other Grants and Projects, Cost Center 220807, Vessel Registration Fees, Object Code 56301

Motion: Move the balance

For Information: The “balance” refers to Budget/Finance Consent Agenda Items 1 through 9, with the exception of Items 5, 6, and 8, which were held for separate votes, as amended to drop Item 4.

Made by: Commissioner Barry

Seconded by: Commissioner Underhill

Disposition: Carried unanimously

MINUTES – JULY 19, 2022

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

2. Recommendation: That the Board take the following action concerning the Agreement between ECAT, the Florida-Alabama Transportation Planning Organization, and the General Planning Consultant, HDR Engineering, Inc., for the completion of a Comprehensive Operations Analysis for ECAT:
- A. Authorize the Mass Transit Director to sign the Notice to Proceed to obtain consulting services, based on the Florida-Alabama Transportation Planning Organization's (TPO) Planning Services Notice to Proceed (NTP) to HDR Engineering, Inc., (Consultant) to complete a comprehensive operations analysis for Escambia County Area Transit (ECAT) and the coordination identified in the Florida-Alabama TPO's Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement (ICAR);
- B. Approve and authorize the Interim County Administrator to issue and sign a Purchase Order over \$25,000 to HDR Engineering, Inc., in the amount not to exceed \$159,000, for consulting services based on the Florida-Alabama Transportation Planning Organization's (TPO) Notice to Proceed to engage the services of the Consultant to complete a Comprehensive Operations Analysis (COA) including data collection and market assessment; line-by-line (route-by-route) analysis and route profiles, and service plan development to improve system-wide operating and route efficiencies and increase ridership; and
- C. Adopt the Resolution [R2022-84] authorizing the Chairman to approve the Supplemental Budget Amendment SBA-058 to move expense budgets and revenue budgets from Fund 104 Mass Transit Operations to Fund 320 FTA Capital.

Vendor	Account Codes	Amount	Contract
HDR Engineering, Inc. Vendor #080064	Fund 320 Cost Center (FTA Grant)	\$159,000	FTA FL-2020-056-00 Cares Act

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COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

2. Continued...

(Escambia County Area Transit has operating funding budgets available in Fund 104 for the FL-2020-056 Cares Act Grant. If the Purchase Order is approved, SBA-058 will be required to move the funding from Fund 104 operating to Fund 320 Capital Planning. No additional funding will be required.)

Motion: Move the balance

For Information: The “balance” refers to Budget/Finance Consent Agenda Items 1 through 9, with the exception of Items 5, 6, and 8, which were held for separate votes, as amended to drop Item 4.

Made by: Commissioner Barry

Seconded by: Commissioner Underhill

Disposition: Carried unanimously

3. Recommendation: That the Board take the following action Concerning the Agreement with Trane US, Inc., on Central Energy Plant Maintenance Contracts:

- A. Approve and award a contract between Escambia County, Florida, and Trane US, Inc., for the Central Energy Plant Maintenance (CEP) Contract (Proposal #3193535) in the amount of \$188,105 for the CEP's located at the Central Office Complex, M.C. Blanchard Judicial Building, Leonard Street Complex, and the Road Prison;
- B. Approve and award a contract between Escambia County, Florida and Trane US, Inc., for the Central Energy Plant Maintenance (CEP) Contract (Proposal #3217467) in the amount of \$25,300 for the first year, \$26,200 for the second year, and \$27,100 for the third year for the CEP located at the New Correctional Facility;
- C. Authorize and approve the Interim County Administrator to execute the Contracts;
and

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COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

3. Continued...

- D. Authorize and approve the Interim County Administrator to sign a Purchase Order to Trane US, Inc., for these Contracts.

Vendor	Funding	Amount	Contract
Trane US, Inc.	Fund: 001 General Cost Center: 310203 Facilities Management/Maintenance	\$213,405	OMNIA Contract 15-JLP-023

Motion: Move the balance

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Made by: Commissioner Barry

Seconded by: Commissioner Underhill

Disposition: Carried unanimously

4. Recommendation: That the Board take the following action Concerning a Caterpillar Certified Rebuild of PN:59091, CAT 966H Wheel Loader:
- A. Authorize the purchase of a dealer certified machine repair/rebuild of a County-owned Caterpillar 966H Wheel Loader, PN 59091 (S/N: A6D02816) for the Operations Division of the Waste Services Department; and
- B. Approve and authorize the Interim County Administrator to sign a Purchase Order to Thompson Tractor Co., Inc., in the amount of \$375,500, for a dealer certified rebuild of the County-owned CAT 966H Wheel Loader, PN 59091.

Vendor/Contractor	Funding	Amount	Contract Number
Thompson Tractor Co., Inc.	Fund 401, Solid Waste Fund; Cost Center 230314, Operations; Object Code: 56401, Machinery & Equipment	\$375,500	N/A

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MINUTES – JULY 19, 2022

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

4. Continued...

Motion: Move the balance For Information: The “balance” refers to Budget/Finance Consent Agenda Items 1 through 9, with the exception of Items 5, 6, and 8, which were held for separate votes, as amended to drop Item 4.
Made by: Commissioner Barry Seconded by: Commissioner Underhill
Disposition: Carried unanimously

5. **Recommendation:** That the Board approve and authorize the Interim County Administrator to sign the Agreement between Escambia County, Florida, and Geosyntec Consultants, Inc., per the Terms and Conditions of PD 21-22.068, Construction Quality Assurance (CQA) for Perdido Landfill Construction of Section 5 Cell 1B.

Vendor/Contractor	Funding	Amount	Contract Number
Geosyntec Consultants, Inc.	Fund 401, Solid Waste Fund Cost Center: 230315, SW Projects Object Code: 56301, Improvements other than buildings	\$449,959	PD 21-22.068

The Request for Letters of Interest (RLI) for PD 20-21.068 Construction Quality Assurance (CQA) for Perdido Landfill Section 5 Cell 1B Expansion was publicly noticed via Government Forms Software on May 8, 2022. The RLI was sent to 553 firms via email, with a due date of 05/27/22. Four responses were received from the following firms: Stearns, Conrad and Schmidt Consulting Engineers, Inc.; Jones Edmunds & Associates, Inc.; IngenAE, LLC; and Geosyntec Consultants, Inc. Geosyntec Consultants, Inc., was determined to be the most responsive and capable firm as scored via shortlist questions as well as final rankings questions.

Motion: I'll move it
Made by: Commissioner Bender Seconded by: Commissioner Underhill
Disposition: Carried unanimously
Speaker(s): Dan Danforth

MINUTES – JULY 19, 2022

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

6. Recommendation: That the Board take the following action concerning the certification of millage rates and the scheduling of Public Hearings for the Fiscal Year 2022/2023 Budget:

- A. Certify the millage rates for Fiscal Year 2022/2023 as follows:

County-wide Operating - 6.6165

Law Enforcement/Sheriff's MSTU (Municipal Services Taxing Unit) - .685

Library MSTU - .359

Once the millage rates listed above have been certified, the millage rate cannot be increased without re-first class noticing the public. The millage rates must be certified by August 4, 2022.

The millage rates for the County-wide Operating, Sheriff's MSTU, and the Library MSTU are unchanged from the previous Fiscal Year;

- B. Certify the proposed millage rates at 13.2% above the aggregate rolled back rate;
- C. Affirm the Board's intent to maintain the current revenue allocation rate at the 75% increment within the Community Redevelopment Agency Tax Increment Financing (CRA TIF) Districts for Fiscal Year 2022/2023;
- D. Schedule a Public Hearing on the Fiscal Year 2022/2023 Budget for September 6, 2022, at 5:31 p.m., to be held in the Chambers of the Board of County Commissioners of Escambia County, Florida, located on the first floor of the Ernie Lee Magaha Government Building, 221 Palafox Place, Pensacola, Florida;
- E. Schedule a Public Hearing to adopt the Fiscal Year 2022/2023 Non-Ad Valorem Special Assessment roll at 5:32 p.m., on September 6, 2022, to be held in the Chambers of the Board of County Commissioners of Escambia County, Florida, located on the first floor of the Ernie Lee Magaha Government Building, 221 Palafox Place, Pensacola Florida; and

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COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

6. Continued...

- F. Schedule a Public Hearing to adopt the Fiscal Year 2022/2023 County-wide Budget at 5:31 p.m., on September 20, 2022, to be held in the Chambers of the Board of County Commissioners of Escambia County, Florida, located on the first floor of the Ernie Lee Magaha Government Building, 221 Palafox Place, Pensacola, Florida.

Motion: Move the Item in the affirmative, A, B, C, D, E, and F

Made by: Commissioner Underhill
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Seconded by: Commissioner Barry
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Disposition: Carried unanimously

Speaker(s): Chris Curb

7. Recommendation: That the Board approve and authorize the Chairman to sign an Interlocal Agreement between Escambia County and the Escambia County Sheriff's Office, relating to a multi-year funding agreement for Fiscal Year's 2023, 2024, and 2025. The Sheriff's annual budget is funded from the County's General Fund.

Motion: Move the balance

For Information: The "balance" refers to Budget/Finance Consent Agenda Items 1 through 9, with the exception of Items 5, 6, and 8, which were held for separate votes, as amended to drop Item 4.
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Made by: Commissioner Barry

Seconded by: Commissioner Underhill
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Disposition: Carried unanimously

8. Recommendation: That the Board consider and approve the recommendation from the Tourist Development Council amending the County's Financial Policies to include a TDT Restricted and Marketing Reserve Fund Plan that would apply to current and future TDT Reserve allocations.

Motion: Commissioner Barry stated that Commissioner Bergosh's comments were his motion with the two edits, as shown in the "For Information" below.
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For Information: Chairman Bergosh asked if someone would be willing to make a motion separating the 5 th cent from the policy and also removing the requirement for a super-majority when we make a request from the reserves. Commissioner Bender clarified that the changes would be made and the Item would not be sent back to the TDC.

Made by: Commissioner Barry

Seconded by: Commissioner Bender

Disposition: Carried 4-1, with Commissioner Underhill voting "no"
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MINUTES – JULY 19, 2022

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

9. Recommendation: That the Board approve the funding of \$1,000 for ARC Gateway, Crab Cake Cook-off, from Commissioner Jeff Bergosh's discretionary money.

(Funding: Fund 001, General Fund, Board of County Commissioners' Discretionary Money, Cost Center 110111, Object Code 58201)

Motion: Move the balance

For Information: The “balance” refers to Budget/Finance Consent Agenda Items 1 through 9, with the exception of Items 5, 6, and 8, which were held for separate votes, as amended to drop Item 4.

Made by: Commissioner Barry

Seconded by: Commissioner Underhill

Disposition: Carried unanimously

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR DISCUSSION

1. Recommendation: At the request of Commissioner Bender, that the Board discuss whether to direct the County Attorney's Office to request an Attorney General Opinion regarding whether the PPBEP can include Alabama parties in an Independent Special District Interlocal Agreement.

Motion: Move the Item in the affirmative

Made by: Commissioner Underhill

Seconded by: Commissioner Bender

Disposition: Carried unanimously

2. Recommendation: At the request of Commissioner Bergosh, that the Board discuss whether to authorize the Chairman to send a letter to Governor DeSantis' office requesting an investigation into whether Commissioner Doug Underhill has abandoned a lawful residence in the district he represents.

Motion: Move that we send the Attorney's letter along with the supporting documentation from Facebook, the chronology of issues, and let the Governor's Office look into whether or not Commissioner Underhill has vacated his district, and by a function of that, his position

For Information: Chairman Bergosh passed the gavel to Commissioner May so that he could make a motion on this Item.

Made by: Commissioner Bergosh

Seconded by: Commissioner Barry

Disposition: Carried 4-0, with Commissioner Underhill having left the meeting

MINUTES – JULY 19, 2022

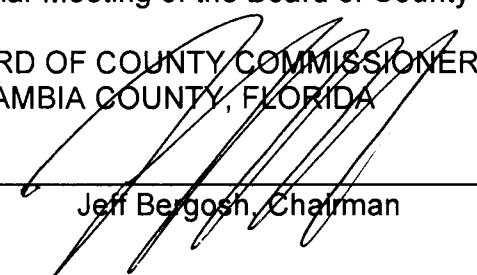
ITEMS ADDED TO THE AGENDA – None.

ANNOUNCEMENTS – None.

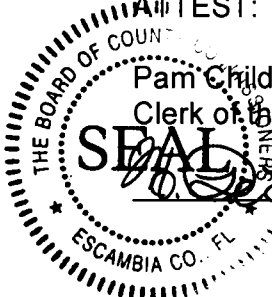
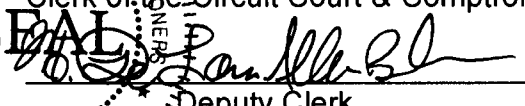
ADJOURNMENT

There being no further business to come before the Board, Chairman Bergosh declared the Regular Meeting of the Board of County Commissioners adjourned at 11:08 a.m.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: 
Jeff Bergosh, Chairman

ATTEST:

 Pam Childers
Clerk of the Circuit Court & Comptroller

Deputy Clerk

Approved: August 4, 2022