

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 IS AVAILABLE IN THE ATRIUM.
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.

Escambia County is committed to making our website accessible. If you use assistive technology, for example a screen reader, and have difficulty accessing information in this agenda online, please contact our ADA Coordinator at ADA@myescambia.com or 850-595-1637.

PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED AND TELEVISED

AGENDA

Board of County Commissioners

Regular Meeting - January 5, 2023 - 5:30 PM

Ernie Lee Magaha Government Building – First Floor

1. Call to Order.
Please turn your cell phone to the vibrate, silence, or off setting. The Board of County Commissioners allows any person to speak regarding an item on the Agenda. The speaker is limited to three (3) minutes, unless otherwise determined by the Chairman, to allow sufficient time for all speakers. Speakers shall refrain from abusive or profane remarks, disruptive outbursts, protests, or other conduct which interferes with the orderly conduct of the meeting. Upon completion of the Public comment period, discussion is limited to Board members and questions raised by the Board.
2. Invocation – Commissioner Barry.
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.
 - I. Adoption/Ratification of Proclamations

That the Board take the following actions:

A. Adopt the Proclamation commending and congratulating Andrew Tutton, Network Coordinator, in the Information Technology Department, on his selection as the "Employee of the Year" for 2022;

B. Adopt the Proclamation commending and congratulating Jon Lachney, Human Resources Personnel Clerk, in the Human Resources Department, on his selection as the "Employee of the Month" for January 2023; and

C. Ratify the Proclamation recognizing and congratulating the Pensacola Red Diamondz for their artistic contributions to our community.

7. Written Communication

I. Environmental Code Enforcement Lien Relief for the Property Located at 7201 North Palafox Highway

Recommendation: That the Board review and consider the lien relief request made by Dale Register for the property located at 7201 North Palafox Highway.

On August 21, 2014, the Board amended the "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" policy, Section III, H2. Staff was instructed to review all requests for forgiveness and allow the County Administrator to act on the Board's behalf if set criteria are met.

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

Property 7201 North Palafox Highway is located in District 3.

II. Environmental Code Enforcement Lien Relief for the Property Located at 1530 North "P" Street (Commissioner District 3)

Recommendation: That the Board review and consider the lien relief request made by Lucinda Martin, owner of the property, at 1530 North "P" Street.

On August 21, 2014, the Board amended the "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" policy, Section III, H2. Staff was instructed to review all requests for forgiveness and allow the County Administrator to act on the Board's behalf if set criteria are met.

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

III. Environmental Code Enforcement Lien Relief for the Properties Located at 438 West Winthrop Avenue and 2617 West Lee Street

Recommendation: That the Board review and consider the lien relief request made by Cindy Keeton for Nancy Sidner for the properties located at 438 West Winthrop Avenue and 2617 West Lee Street.

On August 21, 2014, the Board amended the "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" policy, Section III, H2. Staff was instructed to review all requests for forgiveness and allowing the County Administrator to act on the Board's behalf if set criteria are met.

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

Properties 3705 Theresa Street and 438 West Winthrop Avenue are located in District 2. Property at 2617 West Lee Street is located in District 3.

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

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

9. Public Hearing(s)

- I. 5:31 p.m. Public Hearing Concerning Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant 2022-JAG-15PBJA-02120 - Paul Polk, Grants Coordinator, Escambia County Sheriff's Office Finance Division

That the Board, at the 5:31 p.m. Public Hearing, take the following action concerning the "Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2022 Local Solicitation":

A. Ratify the electronic submission of the Application for the "Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2022 Local Solicitation" funds; total estimated amount of funds for Escambia County, Florida, is \$124,745;

B. Authorize the Escambia County Sheriff's Department, to act as the Implementing Agency and Designee for the Chairman of the Board of County Commissioners for the Grant Program, to include the following:

1. Review and approve the online Grant Application;
2. Make the necessary Assurances and Certifications as to the expenditure of funds

under the Program;

3. Sign or validate online any other program requirements, as may be required by the funding authority; and

C. Authorize the Chairman to sign or validate online any other program requirements, as may be required by the funding authority, relating to the Chief Executive of the County.

CLERK & COMPTROLLER'S REPORT

Backup Not Included With The Clerk's Report Is Available For Review In The Office Of The Clerk To
The Board Ernie Lee Magaha Government Building, Suite 110

I. CR Consent Agenda

1. Recommendation Concerning Acceptance of TDT Collection Data for the September 2022 Returns Received in October 2022

That the Board accept, for filing with the Board's Minutes, the Tourist Development Tax (TDT) Collections Data for the September 2022 returns received in the month of October 2022, as prepared by the Treasury Department of the Clerk and Comptroller's Office.

- Total collections received in October 2022 were \$1,639,220 compared to \$1,696,266 in October of 2021. A comparison of October 2022 to October 2021 is a 3% decrease.
- Year-to-date collections for FY2023 are \$1,639,220 compared to \$1,696,266 for FY2022.

2. Recommendation Concerning Acceptance of TDT Collection Data for the October 2022 Returns Received in November 2022

That the Board accept, for filing with the Board's Minutes, the Tourist Development Tax (TDT) Collections Data for the October 2022 returns received in the month of November 2022, as prepared by the Treasury Department of the Clerk and Comptroller's Office.

- Total collections received in November 2022 were \$1,523,148 compared to \$1,490,200 in November 2021. A comparison of November 2022 to November 2021 is a 2% increase.
- Year-to-date collections for FY2023 are \$3,162,368 compared to \$3,186,466 for FY2022.

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

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

A. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held December 8, 2022;

B. Accept, for filing with the Board's Minutes, the Report of the Gary Sansing Public Forum held December 8, 2022; and

C. Approve the Minutes of the Regular BCC Meeting held December 8, 2022.

Growth Management Report

I. GMR Public Hearing

1. 5:45 p.m. - A Public Hearing Concerning the Issuance of an Operational Permit for Resource Extraction for Expansion of an Existing and Active Borrow Pit Known as Devine Farms Borrow Pit

That the Board take the following action in regards to the Operational Permit for Resource Extraction for an expansion of an existing and active resource extraction facility borrow pit, located at 4478 Devine Farms Road, Parcels 34-1N-31-1102-000-000 and 34-1N-31-1203-000-000:

A. Review and approve, modify, or deny the issuance of an Operational Permit for Resource Extraction for an expansion of an existing and active borrow pit; and

B. Approve and authorize the Development Services Department of Escambia County, Florida, to issue an Operational Permit for Resource Extraction for an expansion of Devine Farms Borrow Pit, located at 4478 Devine Farms Road.

II. GMR Action Item

1. Recommendation Concerning Sutton Place Subdivision Permit FP#22114875PSD-FP

That the Board take the following action concerning recording of Sutton Place Subdivision (a 38-lot single family residential subdivision) located in District 5 of the Cantonment Community, lying north off West Roberts Road and west of U.S. Highway 29, owned and developed by Sutton Place Developers, Inc. Prior to recording, the County Surveyor and the Clerk of the Circuit Court must sign the final plat as set forth in Section 2-5.7, of the Escambia Land Development Code. Also, prior to recording, the County Surveyor must sign the final plat as set forth in Chapter 177.081 (1) Florida Statutes:

A. Approve the final plat for recording;

B. Approve the street name "Sutton Place Drive";

C. Accept all public easements, pond and drainage improvements within public

easements as depicted upon the final plat for permanent County maintenance; the cost of maintenance is to be funded through the establishment of a storm water management Municipal Services Benefit Unit (MSBU); and

D. Authorize the Chairman or Vice Chairman to execute a Two-Year Warranty Agreement for streets and drainage improvements without surety.

III. GMR Consent Agenda

1. Recommendation Concerning Scheduling of Public Hearings

That the Board authorize the scheduling of the following Public Hearings:

February 2, 2023

A. 5:45 p.m. - A Public Hearing - Small Scale Map Amendment - 511 North Palafox Parkway - SSA-2023-01

Summary: This Ordinance is changing the Future Land Use on the above-mentioned parcel from Recreation (REC), Commercial (C), and Mixed-Use Urban (MU-U) to Public (P).

B. 5:46 p.m. - A Public Hearing to amend the Official Zoning map to include the following Rezoning Case to be heard by the Planning Board on January 10, 2023.

Case No.:	Z-2023-01
Address:	511 North Palafox Parkway
Property Reference No.:	46-1S-30-2001-000-057, 46-1S-30-2001-011-005, 46-1S-30-2001-009-005, 46-1S-30-2001-001-005, and 46-1S-30-2001-014-005
From:	Rec, Recreation district (dwelling unit density limited to vested development) and HDMU, High Density Mixed-Use district (18 du/acre)
To:	Pub, Public district (dwelling unit density limited to vested residential development)
FLU Category:	Recreation (REC), Commercial (C), and Mixed-Use Urban (MU-U)
Commissioner District:	3
Requested by:	Escambia County, Owner

C. 5:47 p.m. - A Public Hearing Opting Out of the Mid-West Sector Plan and Assigning a Future Land Use Category - Parcel Number 31-1N-31-1101-000-004 - OSP-2023-01 (first of two public hearings)

Summary: The applicant is requesting to remove a parcel from the adopted Escambia County Mid-West Sector Plan, Muscogee Detailed Specific Area Plan; the applicant is also requesting that a Future Land Use category of Mixed-Use Suburban (MU-S) be assigned to the parcel.

County Administrator's Report

I. CAR Technical/Public Service Consent Agenda

1. Recommendation Concerning Community Redevelopment Agency Meeting Minutes, December 8, 2022 - Clara Long, Neighborhood and Human Services Department Director

That the Board accept for filing with the Board's Minutes, December 8, 2022 Community Redevelopment Agency's (CRA) Meeting Minutes, prepared by Tammy M. Baker, CRA Administrative Assistant.

2. Recommendation Concerning the Escambia County Title VI Nondiscrimination Program Policy and Plan, Section II, Part C.36 - J. Taylor "Chips" Kirschenfeld, Natural Resources Management Department Director

That the Board take the following action concerning the Escambia County Title VI Nondiscrimination Program Policy and Plan, Section II, Part C. 36:

A. Amend the Escambia County Title VI Nondiscrimination Program Policy and Plan, Section II, Part C.36, and file accordingly;

B. Approve and authorize the County Administrator to sign the Title VI Nondiscrimination Assurance, which stated that Escambia County, Florida, is in compliance with the Title VI Nondiscrimination Program Policy and Plan; and

C. Approve and authorize the County Administrator to sign the Civil Rights Act Title VI RESTORE Act Direct Component Narrative.

3. Recommendation Concerning an Interlocal Agreement Relating to "Esca-Rosa" Regional Artificial Reefs Providing a Mechanism to Collaborate Between Escambia County, Florida, and Santa Rosa County, Florida - J. Taylor "Chips" Kirschenfeld, Natural Resources Management Department Director

That the Board approve and authorize the Chairman to execute the Interlocal Agreement relating to the "Esca-Rosa" Regional Artificial Reefs providing a mechanism for Escambia County, Florida, and Santa Rosa County, Florida, to

collaborate on planning, funding, constructing, deploying and monitoring of "Esca-Rosa" Regional Artificial Reefs.

4. Recommendation Concerning Authorizing the Scheduling of a Public Hearing on January 19, 2023, to Consider an Ordinance Amending Volume I, Chapter 46, Article II, Sections 46-64, 46-86, and 46-93 of the Escambia County Code of Ordinances - Stephan Hall, Finance Director, Office of Management and Budget

That the Board authorize scheduling a public hearing on Thursday, January 19, 2023, at 9:01 a.m. to consider an Ordinance amending Chapter 46, Article II, Sections 46-64, 46-86, and 46-93 relating to the County Purchasing Ordinance to revise the threshold approval authority for purchases and awards, change orders, and emergency purchases.

5. Recommendation Concerning Appointment to the Escambia County Extension Council - Nick Simmons, County Extension Director

That the Board take the following action concerning an appointment to the Escambia County Extension Council:

A. Appoint the following individual, effective retroactive to December 1, 2022, through November 30, 2024, to serve a two-year term:

ZONE	NAME & ADDRESS
6	Scott Dean, 2301 Tobie Dean Road, Cantonment, FL 32533

B. Request that the County Administrator's Office provide a letter of appointment to this individual; and

C. Request that the County Administrator's Office provide letters of appreciation to the following individuals who have completed their two-year term of appointment:

ZONE	NAME & ADDRESS
4	Glenna Anderson, 4715 Crabtree Church Road, Molino, FL 32577
5	DJ Porter, 1580 Evers Haven Road, Cantonment, FL 32533
6	Jennifer Thorne, 984 Highway 297A, Cantonment, FL 32533
8	Sara Brake, 545 Petros Circle, Unit C, Pensacola, FL 32501

6. Recommendation Concerning the Scheduling of a Public Hearing for February 2, 2023, at 5:31 p.m., to Consider the Petition to Vacate a Portion of Rosalyn Way - Robert E. Hogan, Facilities Management Department Director

That the Board take the following action concerning the scheduling of a Public Hearing to consider the petition to vacate a portion of Rosalyn Way:

A. Authorize the Scheduling of a Public Hearing for February 2, 2023, at 5:31 p.m., to consider the vacation of 160' right-of-way, known as Rosalyn Way, on the Board's own motion; and

B. Require notification to all property owners within a 500 foot radius.

The real property mentioned in this Petition to Vacate is located in Commission District 3.

7. Recommendation Concerning a Resolution for a Temporary Road Closure on State Road (SR) 95 (US Highway 29) From SR 296 (Brent Lane) to North of SR 8 (I-10) for the Milling and Resurfacing Project of SR 95 (US Highway 29) - Joy D. Blackmon, P.E., Engineering Department Director

That the Board take the following action concerning the Resolution supporting a temporary road closure for the Milling and Resurfacing Project of SR 95 (US Highway 29):

A. Adopt the Resolution authorizing the temporary road closure of SR 95 (US Highway 29) and associated traffic detour; and

B. Authorize the Chairman to execute the Resolution.

This project is located in Commission District 3.

II. CAR Budget/Finance Consent Agenda

1. Recommendation Concerning Residential Rehab Grant Program Funding and Lien Agreements - Clara Long, Neighborhood and Human Services Department Director

That the Board ratify the following January 5, 2023 action of the Board of County Commissioners of Escambia County, Florida, acting in its capacity as the Escambia County Community Redevelopment Agency (CRA), concerning the Residential Rehab Grant Program Funding and Lien Agreements.

A. Approving the following five Residential Rehab Grant Program Funding and Lien Agreements between Escambia County CRA and Property Owner(s); and

Item #	Property Owner	Address	Fund	Cost Center	Improvement	Amount	Homestead
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1	Viorel Matco and Diana Banaruc	2711 W. Gadsden Street	151	370113 - Brownsville	Roof	\$5,308	Yes
2	Helen Hartung	320 East Winthrop Avenue	151	370114 - Warrington	Roof	\$4,390	Yes
3	Robert and Sonia Ragle	303 Flannan Road	151	370114 - Warrington	Sanitary Sewer	\$3,782	Yes
4	Agnes K. Tran	414 South First Street	151	370114 - Warrington	Roof	\$6,000	Yes
5	Jan Zinn	305 Flannan Road	151	370114 - Warrington	Sanitary Sewer	\$3,625	Yes

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

2. Recommendation Concerning the Contract Award for Design and Engineering Services for Carpenter Creek Headwater Water Quality Improvements Project - J. Taylor "Chips" Kirschenfeld, Natural Resources Management Department Director; and Jeffrey Lovingood, Office of Purchasing Director

That the Board take the following action concerning the Contract Award for Design and Engineering Services for Carpenter Creek Headwater Water Quality Improvements Project:

A. Approve the Agreement between Escambia County, Florida, and Moffatt & Nichol, Inc., per the terms and conditions of PD 21-22.116, for Design and Engineering Services for Carpenter Creek Headwater Water Quality Improvements Project, in the amount of \$308,815.37;

B. Approve and authorize the County Administrator to sign the Agreement;

C. Approve and authorize the County Administrator to issue and sign a Purchase Order to Moffatt & Nichol, Inc., in the amount of \$308,815.37, for Design and Engineering Services for Carpenter Creek Headwater Water Quality Improvements Project; and

D. Approve and authorize the County Administrator or their designee to sign, subject to legal review and sign-off, any subsequent Agreements and program-related documents for this project that do not alter the finite terms of the funding amounts or budgets.

Vendor/Contractor	Funding	Amount	Contract Number
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Moffatt & Nichol, Inc.	Fund 118, Gulf Coast Restoration Cost Center 222044 Object Code 56301	\$249,863.97	PD 21-22.116
Moffatt & Nichol, Inc.	Fund 118, Gulf Coast Restoration Cost Center 222045 Object Code 56301	\$58,951.40	PD 21-22.116
Total		\$308,815.37	PD 21-22.116

A Request for Letters of Interest (RLI) for PD 21-22.116, Design and Engineering Services for Carpenter Creek Headwater Water Quality Improvements Project, was publicly noticed via Government Forms Software on August 15, 2022. The RLI was sent to 419 firms' emails. The RLI due date was September 19, 2022. Three bids were received. A ranking meeting was held on October 11, 2022, and the Selection Committee ranked Moffatt & Nichol, Inc., as the preferred vendor.

This project is located in Commission District 4.

3. Recommendation Concerning Agreement #22002 with the Florida Fish and Wildlife Conservation Commission for the Escambia County Artificial Reef Construction 2022-2023 for an Amount Not to Exceed \$60,000 - J. Taylor "Chips" Kirschenfeld, Natural Resources Management Department Director

That the Board take the following action concerning Agreement #22002 with the Florida Fish and Wildlife Conservation Commission (FWC) for the Escambia County Artificial Reef Construction 2022-2023:

A. Approve and authorize the Chairman to execute FWC Agreement #22002, for an amount not to exceed \$60,000, with FWC for the Escambia County Artificial Reef Construction 2022-2023;

B. Approve and authorize the Chairman to execute the accompanying Federal Funding Accountability and Transparency Act Form (Attachment F), and any subsequent program-related documents such as reporting and no-cost time extensions and that do not alter the finite terms of funding amounts or budgets, subject to Legal review and sign-off, without further action of the Board; and

C. Adopt and authorize the Chairman to sign the Resolution approving Supplemental Budget Amendment SBA-23016, Fund 110, in the amount of \$60,000, to recognize the proceeds from FWC and to appropriate these funds for

the deployment of concrete artificial reefs within the permitted Escambia County Nearshore East Reef Site.

NOTE: The County Attorney's Office has requested that the Board be made aware of the following language:

Section 30, SEVERABILITY, CHOICE OF LAW, AND CHOICE OF VENUE, (page 23 and 24 of 27), last three sentences, "The Parties have selected the Second Judicial Circuit in Leon County, Florida, as the mandatory and exclusive forum for resolving any dispute, in law or equity, that arises out of or relates to the parties' transactions. By signing this Agreement, Recipient affirms that Recipient considers the Second Judicial Circuit to be a fair and convenient forum for any legal action or other proceeding of any kind designed to resolve such a dispute. The Recipient will not initiate in any other forum a legal action or other proceeding to which this provision applies."

Section 31, JURY TRIAL WAIVER, (page 24 of 27), "As part of the consideration of this Agreement, the Parties hereby waive trial by jury in any action or proceeding brought by any party against any other party pertaining to any matter whatsoever arising out of or in any way connected with this Agreement or with the products or services provided under this Agreement, including but not limited to any claim by the Recipient of *quantum meruit*."

Revenues			
Source of Funds	Amount	Account Codes	Contract
U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission (FWC)	\$60,000	Fund 110, Other Grants and Projects, Revenue Acct (new)	Agreement #22002
Total Revenue	\$60,000		
Expenditures			
Source of Funds	Amount	Account Codes	Contract
U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation	\$60,000	Fund 110, Other Grants and Projects, Cost Center 220330	Agreement #22002

Commission (FWC)		(new), Object Code 56301	
Total Expenditures	\$60,000		

4. Recommendation Concerning Grant Agreement #21365 with the Florida Fish and Wildlife Conservation Commission for the Escambia County NRDA Artificial Reef Construction 2021-2022 under the Florida Artificial Reef Program in an Amount Not to Exceed \$1,500,000 - J. Taylor "Chips" Kirschenfeld, Natural Resources Management Department Director

That the Board take the following action concerning Agreement #21365 with the Florida Fish and Wildlife Conservation Commission (FWC) for the Escambia County Natural Resources Damages Assessment (NRDA) Artificial Reef Construction 2021-2022:

A. Approve and authorize the Chairman to execute FWC Agreement #21365, for an amount not to exceed \$1,500,000, with FWC for the Escambia County NRDA Artificial Reef Construction 2021-2022;

B. Approve and authorize the Chairman to execute any subsequent program-related documents such as reporting and no-cost time extensions and that do not alter the finite terms of funding amounts or budgets, subject to Legal review and sign-off, without further action of the Board; and

C. Adopt and authorize the Chairman to sign the Resolution approving Supplemental Budget Amendment SBA-23015, Fund 118, in the amount of \$1,500,000 to recognize the proceeds from FWC and to appropriate these funds for the construction of multiple artificial reef complexes within approved permitted areas in Florida state waters offshore of Escambia County.

NOTE: The County Attorney's Office has requested that the Board be made aware of the following language:

Section 30, SEVERABILITY, CHOICE OF LAW, AND CHOICE OF VENUE, (page 23 of 27), the last three sentences, "The Parties have selected the Second Judicial Circuit in Leon County, Florida, as the mandatory and exclusive forum for resolving any dispute, in law or equity, that arises out of or relates to the parties' transactions. By signing this Agreement, Recipient affirms that Recipient considers the Second Judicial Circuit to be a fair and convenient forum for any legal action or other proceeding of any kind designed to resolve such a dispute. The Recipient will not initiate in any other forum a legal action or other proceeding to which this provision applies."

Section 31, JURY TRIAL WAIVER, (page 24 of 27), "As part of the consideration

of this Agreement, the Parties hereby waive trial by jury in any action or proceeding brought by any party against any other party pertaining to any matter whatsoever arising out of or in any way connected with this Agreement or with the products or services provided under this Agreement, including but not limited to any claim by the Recipient of *quantum meruit*."

Revenues			
Source of Funds	Amount	Account Codes	Contract
Florida Fish and Wildlife Conservation Commission (FWC)	\$1,500,000	Fund 118, Gulf Coast Restoration Fund, Revenue Account (new)	FWC Agreement #21365
Total Revenue	\$1,500,000		
Expenditures			
Source of Funds	Amount	Account Codes	Contract
Florida Fish and Wildlife Conservation Commission (FWC)	\$50,000	Fund 118, Gulf Coast Restoration Fund, Cost Center 222015 (new), Object Code 53401	FWC Agreement #21365
Florida Fish and Wildlife Conservation Commission (FWC)	\$1,450,000	Fund 118, Gulf Coast Restoration Fund, Cost Center 222015 (new), Object Code 56301	FWC Agreement #21365
Total Expenditures	\$1,500,000		

5. Recommendation Concerning the Fiscal Year 2022 Fourth Quarter Community Partner Reports and Fiscal Year 2021-2022 Annual Community Partner Reports for the Fiscal Year 2021-2022 - Stephan Hall, Finance Director, Office of Management and Budget

That the Board accept for the record the Fiscal Year 2022 Fourth Quarter, Quarterly Community Partners' Report which ended September 30, 2022 and the Community Partners' Annual Narrative Report for Fiscal Year 2021-2022.

6. Recommendation Concerning the Sheriff's Request to Access a Portion of the Budgeted Fiscal Year 2023 Sheriff's Reserve to Cover Increased Costs Associated with the Sheriff's Group Health Care Plans - Stephan Hall, Finance Director, Office of Management and Budget

That the Board take the following action concerning the Sheriff's request to access a portion of the budgeted Fiscal Year 2023 Sheriff's Reserve to cover increased costs associated with the Sheriff's Group Healthcare Plans:

A. Approve the Sheriff's request to access a portion of the budgeted Fiscal Year 2023 Sheriff's Reserve to cover increased costs associated with the Sheriff's Group Health Care Plans in the amount of \$875,000 (The Board adopted a Sheriff's Reserve totaling \$1,250,000 as part of the Fiscal Year 2022-2023 Budget); and

B. Approve Administrative Budget Amendment #23-022 in the amount of \$875,000, adding additional funding to the Sheriff's Fiscal Year 2022-2023 budget for increased healthcare costs.

The Board adopted a three-year funding Interlocal Agreement with the Sheriff at the July 19, 2022 Board Meeting. Section 2.1.2 of the Agreement allows the Sheriff to make an additional Sheriff's Reserve funding request to the Board in the event of any unforeseen cost increases such as but not limited to the Florida Retirement System (FRS), Group Health Insurance, and fuel costs. The Board must approve any increase to a Constitutional Officer's adopted annual budget outside the annual budgeting process.

7. Recommendation Concerning Issuance of Purchase Orders, in Excess of \$25,000 for Garage Door Maintenance and Repairs for Escambia County Fire Rescue - Eric Gilmore, Public Safety Department Director

That the Board approve and authorize the County Administrator to issue and sign a Purchase Order in the amount of \$45,000 to Specialty Products, Inc., to service and repair garage doors for Escambia County Fire Rescue for Fiscal Year 2022-2023.

Vendor/Contractor	Funding	Amount
Specialty Products, Inc. Vendor #194701	Fund 143 Cost Center 330206 Account 54601	\$45,000

8. Recommendation Concerning State Law Enforcement Trust Fund – Henrique Dias, Chief Financial Officer, Escambia County Sheriff's Office Finance Division

That the Board approve the following allocations of Law Enforcement Trust

(LET) Funds per the requirements of F.S. 932.7055(5) for Outside Agency partners in Escambia County for Fiscal Year 2022-2023:

A. Institute for Human and Machine Cognition (IHMC) in the amount of \$1,000; and

B. Pensacola High School Lacrosse Boosters in the amount of \$1,000.

Upon approval of these funding allocations, the Sheriff's Office will process all appropriate paperwork and submit for payment from LET Funds to the Escambia Clerk of the Circuit Court and Comptroller.

Funding Source: Fund 121, Law Enforcement Trust Fund-121, Cost Center 540103, Account Code 58201, Aids to Private Organizations.

9. Recommendation Concerning the Issuance of a Purchase Order to SHI International Corp. for the Proofpoint Renewal - Scott MacDonald, Interim Information Technology Department Director

That the Board approve and authorize the County Administrator to issue and sign a Purchase Order to SHI International Corp., in the amount of \$55,472.18, for the Proofpoint Renewal.

Vendor/Contractor	Funding	Amount	Contract Number
SHI International Corp. Vendor #193696 Proofpoint Renewal Term: 03.13.2023 - 03.12.2024	Fund 001 Cost Center 270102 Object Code 54601	\$55,472.18	Quote #22794934 Contract #Omnia Partners - IT Solutions 2018011.02

10. Recommendation Concerning Issuance of Change Order #1 to Purchase Order #230898 for Containers Gulf Coast, LLC dba Containers, Inc. - Michael Rhodes, Parks and Recreation Department Director

That the Board approve and authorize the County Administrator to issue and sign Change Order #1 to Purchase Order #230898, to Containers Gulf Coast, LLC dba Containers, Inc., in the amount of \$8,640:

Department:	Parks and Recreation
Type:	Addition

Amount:	\$8,640
Vendor:	Containers Gulf Coast, LLC dba Containers, Inc.
Purchase Order #:	230898
Original Purchase Order Amount:	\$17,280
Change Order #1:	\$8,640
New Purchase Order Amount:	\$25,920
Funding Source-Original Purchase Order:	Fund 353, LOST IV, Cost Center 350221, Object Code 55201, Project #19PR819, \$1,125 Fund 001, General Fund, Cost Center 350226, Object Code 55201, \$16,155.00
Funding Source-Change Order #1:	Fund 353, LOST IV, Cost Center 350221, Object Code 55201, Project #19PR819, \$562.50 Fund 001, General Fund, Cost Center 350226, Object Code 55201, \$8,077.50

11. Recommendation Concerning Leachate Transport and Disposal - Donald Seitz, Waste Services Department Director

That the Board take the following action concerning leachate transport and disposal:

A. Approve the Agreement between Escambia County, Florida and Liquid Environmental Solutions of Florida, LLC, per the terms and conditions of PD 22-23.011 Leachate Transport and Disposal, for the transport and disposal of leachate for the Perdido Landfill. This is a three-year contract with the option to renew for two additional 12-month periods, upon mutual agreement of both parties;

B. Approve and authorize the County Administrator to sign the Agreement; and

C. Approve and authorize the County Administrator to issue and sign a Purchase Order to Liquid Environmental Solutions of Florida, LLC, in the amount of \$400,000, based upon per gallon figures provided.

Vendor/Contractor	Funding	Amount	Contract Number

Liquid Environmental Solutions of Florida, LLC	Fund 401, Solid Waste Fund Cost Center 230304, Environmental Quality Object Code 53401, Other Contractual Services	\$400,000 (Based upon per gallon calculation)	PD 22-23.011
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A Request for Invitation to Bid for PD 22-23.011 Leachate Transport and Disposal was publicly noticed to 175 firm emails via Vendor Registry on July 6, 2022. Project documents were viewed by 49 firms and downloaded by 16 firms. A pre-bid meeting was not held. The Bid due date was November 17, 2022. Two submittals were received, with Liquid Environmental Solutions of Florida, LLC determined to be the low-cost responsive bidder and recommended for award.

12. Recommendation Concerning Refuse and Recycling Services for Escambia County - Donald Seitz, Waste Services Department Director and Robert Hogan, Facilities Maintenance Department Director

That the Board take the following action concerning refuse and recycling services for Escambia County, Florida:

A. Approve the Agreement Relating to Refuse and Recycling Container Services (PD 22-23.002), between Escambia County, Florida, and Allied Waste Services of North America, LLC, dba Republic Services of Pensacola, per the terms and conditions of PD 22-23.002, to perform refuse and recycling container services for Escambia County facilities;

B. Approve and authorize the County Administrator to sign the Agreement; and

C. Approve and authorize the County Administrator to issue and sign the Purchase Order, in the amount of \$500,000.

Vendor/Contractor	Funding	Amount	Contract Number
Allied Waste Services of North America, LLC, dba Republic Services of Pensacola	Fund 501, Internal Service Fund; Cost Center 150112, Employee Health Clinic; Object Code 54301, Utilities Services Fund 001, General Fund; Cost Center 310203, Facilities Management Maintenance; Object Code 54301, Utilities	\$500,000	PD 22-23.002

	Services Fund 113, Library Fund; Cost Center 110502, Maintenance; Object Code 54301, Utilities Services Fund 401, Solid Waste Fund; Cost Center 230303, Solid Waste Transfers; Object Code 59101, Transfers		
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The Solicitation was sent via Vendor Registry to 231 registrants, representing 25 vendors. It was downloaded by 110 and received 540 views. In addition to Vendor Registry to email registrants, the solicitation was sent to all haulers which hold a County Franchise Permit, notifying them of the solicitation.

13. Recommendation Concerning Issuance of a Purchase Order, in Excess of \$25,000, for the Replacement of the Fuel Tank at the Escambia County Sheriff's Office - James Higdon, Public Works Department Director

That the Board take the following actions concerning the removal and replacement of the 20,000 gallon fuel storage tank at the Escambia County Sheriff's Office:

A. Authorize the use of the Sourcewell Contract #092920-JFA; and

B. Approve and authorize the County Administrator to issue and sign a Purchase Order, in the amount of \$268,628.94, to JF Petroleum Group, for removal and replacement of the 20,000 Gallon fuel storage tank at the Escambia County Sheriff's Office.

Vendor/Contractor	Funding	Amount	Contract Number
JF Petroleum Group Vendor #429734	Fund 501, Fuel Distribution Cost Center 260206 Object Code 55201	\$268,628.94	Sourcewell Contract #092920-JFA

14. Recommendation Concerning the Issuance of a Purchase Order to HDR Engineering, Inc., on Contract PD 02-03.79, "Professional Services" for Design Services for the Renee Terrace Drainage Improvements Project - Joy D. Blackmon, P. E., Engineering Department Director

That the Board take the following action concerning issuance of a Purchase Order on Contract PD 02-03.79, "Professional Services" for design services for the Renee Terrace Drainage Improvements Project for the Engineering Department:

A. Adopt Administrative Budget Amendment ABA-23023 to transfer funds from Fund 353, LOST IV, District 1 Discretionary Funds, in the amount of \$400,000, for the design and construction of the Renee Terrace Drainage Improvements Project, as indicated below:

Expenditures		
Source of Funds	Amount	Account Codes
Fund 353 LOST IV LOST Admin Reserve	\$400,000	Fund 353, Cost Center 110280, Object Code 56301
Total Expenditures	\$400,000	
Expenditures		
Source of Funds	Amount	Account Codes
Fund 353, LOST IV, District 1 Discretionary Funds	\$400,000	Cost Center 110102, Object Code 56301, PN 23DS2081
Total Expenditures	\$400,000	

B. Approve and authorize the County Administrator to issue and sign a Purchase Order to HDR Engineering, Inc., in the amount of \$49,978.46, for design services for the Renee Terrace Drainage Improvements Project for the Engineering Department; and

Vendor/Contractor	Funding	Amount	Contract Number
HDR Engineering, Inc.	Fund 353, LOST IV, Cost Center 110102,	\$49,978.46	PD 02-03.79 "Professional Services"

	Object Code 56301, PN 23DS2081		
	Total Cost	\$49,978.46	

C. Approve and authorize the Chairman or County Administrator or his designee, subject to legal review and sign-off, to execute program-related documents required for services and any subsequent documents that do not exceed Board approval thresholds or established policy.

This project is located in Commission District 1.

15. Recommendation Concerning Issuance of Change Order #1 to Purchase Order #221606 for Gulf Marine Construction, Inc. - Joy D. Blackmon, P.E., Engineering Department Director

That the Board approve and authorize the County Administrator to issue and sign Change Order #1 to Purchase Order #221606, to Gulf Marine Construction, Inc., in the amount of \$5,250, to replace Channel Marker #4 that was damaged at the Quietwater Ferry Landing Boat Landing:

Department:	Engineering
Division:	Transportation and Traffic
Type:	Addition
Amount:	\$5,250
Vendor:	Gulf Marine Construction, Inc.
Purchase Order #:	221606
Change Order #:	1
Change Order #1:	\$5,250
Original Purchase Order Amount:	\$23,490
Cumulative Amount of Change Orders Through This Change Order:	\$5,250
New Purchase Order Amount:	\$28,740
Funding Source:	Fund 167, Bob Sikes Toll Facility, Cost Center 140301, Bob Sikes Toll-Admin, Object Code 54601, Repair and Maintenance

16. Recommendation Concerning the Construction, Engineering and Inspection (CEI) Services for the Perdido Key Multi-Use Path East, PD 21-22.114 - Joy D. Blackmon, P.E., Engineering Department Director

That the Board take the following action concerning the Construction, Engineering and Inspection (CEI) Services for the Perdido Key Multi-Use Path East, PD 21-22.114:

A. Approve the Agreement between Escambia County, Florida, and DRMP, Inc., per the terms and conditions of the Construction, Engineering and Inspection (CEI) Services for the Perdido Key Multi-Use Path East, PD 21-22.114, in the amount of \$449,824.53.

B. Approve and authorize the County Administrator to sign the Agreement;

C. Approve and authorize the County Administrator to issue and sign a Purchase Order in the amount of \$449,824.53, to DRMP, Inc.; and

Vendor Contractor	Funding	Amount	Contract Number
DRMP, Inc.	Fund 118, "Gulf Coast Restoration", Cost Center 222024, Object Code 56301, Project No. RDC80164	\$449,824.53	PD 21-22.114
	Total	\$449,824.53	

D. Approve and authorize the Chairman or County Administrator or his designee to sign, subject to legal review and sign-off, any subsequent agreements and program-related documents for this project that do not alter the finite terms of funding amounts or budgets.

The Perdido Key Multi-Use Path East is located in Commission District 1.

17. Recommendation Concerning the Issuance of Fiscal Year 2022-2023 Purchase Orders in Excess of \$25,000 for the Engineering Department - Joy D. Blackmon, Engineering Department Director

That the Board amend it's action of September 22, 2022, Item 44-B, concerning the issuance of Purchase Orders, in excess of \$25,000, for the Engineering Department as follows:

From:		
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CSX Transportation, Inc. Fund 175, Transportation Trust Fund Cost Center 211201, Object Code 54601	\$166,900	Annual Signal Maintenance for Railroad Crossings (\$66,900); Additional work associated with Contract Agreements/upgrade costs (\$100K)
To:		
CSX Transportation, Inc. Fund 175, Transportation Trust Fund Cost Center 211201, Object Code 54601	\$169,896	Annual Signal Maintenance for Railroad Crossings (\$69,896); Additional work associated with Contract Agreements/upgrade costs (\$100K)

18. Recommendation Concerning the Contract Award for Design Services for the Oakfield Acres Palafox Street Drainage Project, PD 21-22.075 - Joy D. Blackmon, P.E., Engineering Department Director

That the Board take the following action concerning the Contract Award for Design Services for the Oakfield Acres Palafox Street Drainage Project, PD 21-22.075:

A. Approve and award the Agreement between Escambia County, Florida, and Sigma Consulting Group, Inc., per the terms and conditions of the Oakfield Acres Palafox Street Drainage Project, PD 21-22.075, in the amount of \$845,525;

B. Approve and authorize the County Administrator to sign the Agreement;

C. Approve and authorize the County Administrator to issue and sign a Purchase Order, in the amount of \$845,525, to Sigma Consulting Group, Inc.; and

Vendor/Contractor	Funding	Amount	Contract Number
Sigma Consulting Group, Inc.	Fund 353, LOST IV Cost Center 210106 Object Code 56301 Project #21EN1613	\$845,525	PD 21-22.075

D. Authorize the County Administrator or his designee to sign, subject to legal review and sign-off, any subsequent agreements and program-related

documents for this project that do not alter the finite terms of funding amounts or budgets.

The Oakfield Acres Palafox Street Drainage Project is located in Commission District 3.

19. Recommendation Concerning the Agreement for Reimbursement of Licensing Expenses - James Higdon, Public Works Department Director

That the Board take the following action concerning the Memorandum of Agreement between Escambia County, Florida, and the District Board of Trustees of Pensacola State College for the Commercial Vehicle Driving program to prepare current employees of, or candidates for future employment with, the County, and the corresponding Agreement for Reimbursement of Licensing Expenses:

A. Approve and authorize the County Administrator to sign the Memorandum of Agreement between Escambia County, Florida, and the District Board of Trustees of Pensacola State College for the Commercial Vehicle Driving program to prepare current employees of, or candidates for future employment with, the County;

B. Approve the verbiage in the Agreement for Reimbursement of Licensing Expenses between Escambia County, Florida, and the employee; and

C. Approve and authorize the County Administrator to sign the Agreements for Reimbursement of License Expenses on behalf of Escambia County, Florida, which clearly outline the terms, conditions, and responsibilities for the program.

20. Recommendation Concerning the Funding for Perdido Key Area Chamber of Commerce for the Publishing and Distribution of the Annual Perdido Key Visitor's Guide - Commissioner Jeff Bergosh, District 1

That the Board approve the funding of \$5,000 to the Perdido Key Area Chamber of Commerce for the publishing and distribution of the annual Perdido Key Visitor's Guide, from Commissioner Jeff Bergosh's discretionary money.

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

21. Recommendation Concerning Emergency Domestic Hot Water Repairs at the Escambia County Correctional Facility - Robert E. Hogan, Facilities Management Department Director

That the Board approve and authorize the County Administrator to issue and sign Purchase Orders as needed for the Emergency Domestic Hot Water Repairs at the Escambia County Correctional Facility, for a total amount not to

exceed \$30,000.

Vendor	Funding	Amount	Contract
W. W. Grainger, Inc.	Fund 001, General Fund	\$9,203.16	State of Florida 0879658821
Various	Cost Center 310204 Facilities Priority One	\$20,796.84	Best Price Local Vendors

22. Recommendation Concerning the Construction Contract Award for the Perdido Bay Boat Ramp Project, PD 21-22.133 - Joy D. Blackmon, P.E., Engineering Department Director

That the Board take the following action concerning the Construction Contract Award for the Perdido Bay Boat Ramp Project, PD 21-22.133:

A. Approve the Agreement between Escambia County, Florida, and Hewes and Company, LLC, per the terms and conditions of the Perdido Bay Boat Ramp Project, PD 21-22.133, in the amount of \$4,210,116.39;

B. Approve and authorize the County Administrator to sign the Agreement;

C. Approve and authorize the County Administrator to issue and sign a Purchase Order in the amount of \$4,210,116.39 to Hewes and Company, LLC; and

Vendor Contractor	Funding	Amount	Contract Number
Hewes and Company, LLC	Fund 118 (RESTORE) "Gulf Coast Restoration" Cost Center 222023 Object Code 56301 Project No. RDC80161 (RESTORE)	\$2,462,625	PD 21-22.133
Hewes and Company, LLC	Fund 118 (NRDA) "Gulf Coast Restoration" Cost Center 222014 Object Code 56301	\$500,000	PD 21-22.133
Hewes and Company, LLC	Fund 119 "American Rescue Plan" Cost Center 110192 Object Code 56301	\$1,247,491.39	PD 21-22.133

	Total	\$4,210,116.39	
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D. Approve and authorize the Chairman or County Administrator or his designee to sign, subject to legal review and sign-off, any subsequent agreements and program-related documents for this project that do not alter the finite terms of funding amounts or budgets.

The Perdido Bay Boat Ramp Project is located in Commission District 1.

23. Recommendation Concerning the Issuance of a Purchase Order for Repairs of the Little Sabine Bay Saltwater Transmission Main to Dalton Brothers, Inc. - J. Taylor "Chips" Kirschenfeld, Natural Resources Management Department Director

That the Board take the following action concerning repairs of the Little Sabine Bay Saltwater Transmission Main:

A. Approve the Proposal submitted by Dalton Brothers, Inc., for the repairs of the Little Sabine Bay Saltwater Transmission Main; and

B. Approve and authorize the County Administrator to issue and sign a Purchase Order in the amount of \$211,680.22 to Dalton Brothers, Inc.

Vendor/Contractor	Funding	Amount
Dalton Brothers, Inc.	Fund 001, General Fund Cost Center 220100 Object Code 54601	\$211,680.22

24. Recommendation Concerning a Discretionary Allocation for the Sisters of Hope Corporation - Commissioner Lumon, District 3

That the Board amend its action of November 3, 2022, CAR II-50, approving a funding amount of \$500 from Commissioner Lumon May's discretionary funds to the Belmont DeVilliers Neighborhood Association, to change the recipient of the funds to the Sisters of Hope Corporation to support the Belmont DeVilliers "Heritage Festival".

Funding: Fund 001, General Fund, Commissioners' Discretionary Money, Cost Center 110113, Object Code 58201.

III. CAR For Discussion

1. Recommendation Concerning Escambia Children's Trust Applicants - Wesley J. Moreno, County Administrator

That the Board consider the following applicants to present at least three to the

Governor for consideration of appointment to the Escambia Children's Trust:

- Polly Bennett
- Rex Northup
- Suzanne Ryals
- Carol Sekhon
- James "Walker" Wilson

2. Recommendation Concerning Amending the Residential Rehab Grant Program - Clara Long, Neighborhood and Human Services Department Director

That the Board review and approve the following action concerning a reduction of the Matching Reimbursement from 50 percent to a recommended percentage amount for the Non-Homestead Exempt properties in the CRA areas. Staff is seeking Board guidance on a recommended percentage amount.

County Attorney's Report

I. CAT For Information

1. Recommendation Concerning *Karen Scheye Dorman, as Trustee of the Scheye Living Trust v. Willie Johnson, Jr., et al.*; Case No.: 2022 CC 000651.

That the Board accept the following information:

Escambia County was joined as a party in the matter of *Karen Scheye Dorman, as Trustee of the Scheye Living Trust v. Willie Johnson, Jr., et al.*; Case No.: 2022 CC 000651. The Plaintiff sought to foreclose a mortgage interest on real property located at 39 Pen Haven Drive. The County retained an interest in the property by virtue of a code enforcement lien (CE# 18084151L) in the principal amount of \$8,195.00. The County's interest was subordinate to the Plaintiff's mortgage interest. Following the entry of final judgment and the sale of the subject property, a surplus was retained by the Clerk of the Circuit Court and Comptroller. The County timely filed a Motion for Disbursement of Surplus Funds. By order dated December 7, 2022, the Court granted the County's motion and ordered disbursement of a portion of the surplus funds held in the court's registry totaling \$8,337.00 in satisfaction of the County's lien.

14. Items added to the agenda.

15. Announcements.

16. Adjournment.