



Board of County Commissioners Meeting Agenda

02-18-09 Regular BoCC Meeting

February 18, 2009 Regular BoCC meeting

PRESENT: **Sam Johnson** **District No. 5, Chairman**
 Bob English **District No. 1, Vice Chairman**
 Randy Wilkinson **District No. 2**
 Edwin V. Smith **District No. 3**
 Jean Reed **District No. 4**

ALSO PRESENT: **Mike Herr** **County Manager**
 Michael Craig **County Attorney**
 Stacy Butterfield **Director of Finance and Accounting to BoCC**

The Board convened pursuant to adjournment taken on February 4, 2009.

CALL TO ORDER - 9:00 a.m. (SAM JOHNSON, CHAIRPERSON)

INVOCATION

1. [Lea Ann Thomas, Assistant County Manager](#)

PLEDGE OF ALLEGIANCE (SAM JOHNSON, CHAIRPERSON)

A. APPROVE CONSENT AGENDA

2. [Consent Agenda.](#)

B. PRESENTATIONS and RECOGNITIONS

3. [Scott Shimberg, District Chair of the Urban Land Institute's Tampa Bay District Council, on behalf of ONE BAY to discuss land use, transportation, the environment and how to best meet the needs of the 3.2 million new residents expected in the seven-county Tampa Bay Region by the year 2050.](#)

Attachment: [OB - VOICE IT Findings EXECUTIVESUMMARY- 12-02-08.pdf](#)

Attachment: [One Bay Overview PP Presentation.pdf](#)

4. [Timothy G. Townsend, Ph.D., P.E. University of Florida Environmental Engineering Sciences Professor, to discuss the mutual benefits of our research partnership.](#)
5. [Presentation of check from Bank of America for the 2008 purchasing card rebate.](#)

C. PROCLAMATIONS

6. [Proclaim March 10, 2009 as ELECTION WORKER APPRECIATION DAY. Lori Edwards, Supervisor of Elections, will accept the proclamation.](#)

Attachment: [Election Worker Appreciation.pdf](#)

7. [Proclaim March 2009 as PURCHASING MONTH. Buddy Storey, Polk County Purchasing Director, will accept the proclamation.](#)

Attachment: [Purchasing Month.pdf](#)

D. ACCOUNTANT, AUDITOR and CLERK TO THE BOARD (RICHARD WEISS)

8. [Disbursements.](#)

Attachment: [Disbursements02-18-09.pdf](#)

9. [Minutes of Regular Board Meeting held on February 4, 2009.](#)

Attachment: [020409.MIN.pdf](#)

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

NORTH RIDGE COMMUNITY REDEVELOPMENT AGENCY

10. [Minutes from North Ridge CRA meeting held on February 4, 2009.](#)

Attachment: [North Ridge CRA minutes.pdf](#)

11. [CSA No. 06-233-04 with URS Corporation Southern \(Consultant\) for the Ernie Caldwell Boulevard Section 2A and Pine Tree Trail Projects.](#)

Attachment: [ECB Sec 2A Pine Tree Trail Contract 18Feb09.pdf](#)

Attachment: [ECB Sec 2A Pine Tree Trail Approvals 18Feb09.pdf](#)

Attachment: [02-18-09 Public Works Fiscal Impact Info Form.pdf](#)

Attachment: [Ernie Caldwell Map3.pdf](#)

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

12. [Public Hearing to consider approval of a mediated settlement with the landowner in the case of Polk County v. Peace, et al., Parcel No: 123](#)

Attachment: [02-18-09 Parcel 123 Backup.pdf](#)

13. [Public Hearing to consider approval of a mediated settlement with the landowner in the case of Polk County v. Latter, et al., Parcel No: 142](#)

Attachment: [02-18-09 Parcel 142 Backup.pdf](#)

14. [Public Hearing to consider approval of a mediated settlement with the landowner in the case of Polk County v. Latter, et al., Parcel Nos: 145 and 807](#)

Attachment: [02-18-09 Parcel 145 Backup.pdf](#)

G. COUNTY ATTORNEY (MICHAEL CRAIG)

15. [Resolution of Necessity authorizing condemnation for Transportation Improvements to Lakeland Highlands Road from CR 540A to south of the Polk Parkway.](#)

Attachment: [RN165.pdf](#)

Attachment: [RN706.pdf](#)

Attachment: [RN806.pdf](#)

Attachment: [RN126.pdf](#)

Attachment: [RN127.pdf](#)

Attachment: [RN143.pdf](#)

Attachment: [RN721.pdf](#)

Attachment: [RN122.pdf](#)

Attachment: [RN142.pdf](#)

Attachment: [RN164.pdf](#)

Attachment: [RN715.pdf](#)

Attachment: [RN145.pdf](#)

Attachment: [RN719.pdf](#)

Attachment: [RN118.pdf](#)

Attachment: [RN168.pdf](#)

Attachment: [RN805.pdf](#)

Attachment: [RN702A.pdf](#)

16. [Resolution of Necessity authorizing condemnation for transportation improvements to Harden Blvd., West Pipkin Road and Old Highway 37 \(Project No. 0300003\).](#)

Attachment: [RNHB103.pdf](#)

Attachment: [RNHB105.pdf](#)

Attachment: [RNHB700.pdf](#)

Attachment: [RN100001.pdf](#)

Attachment: [RNHB102.pdf](#)

Attachment: [RNHB111.pdf](#)

Attachment: [RNHB804.pdf](#)

Attachment: [RNHB101.pdf](#)

Attachment: [RNHB104.pdf](#)

Attachment: [RNHB139.pdf](#)

H. COUNTY MANAGER (MICHAEL HERR)

17. [Resolution approving Polk County's amended Local Housing Assistance Plan \(LHAP\) for Fiscal Years 2008-09, 2009-10, and 2010-11.](#)

- Attachment: [LHAP Exhibits.pdf](#)
- Attachment: [LHAPRsltn.pdf](#)
- Attachment: [LHAPCrtfctn.pdf](#)
- Attachment: [Amended LHAP.pdf](#)

18. [Board Resolution to approve the Best Value Procurement process.](#)

Attachment: [best value resolution.pdf](#)

19. [Appointments to the Citizen's Transit Advisory Committee for Polk Transit Authority](#)

Attachment: [Transit Advisory Committee Nominees.pdf](#)

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

20. [Comments.](#)

21. [Comments:](#)

22. [Comments:](#)

23. [Comments:](#)

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

24. [Comments.](#)

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

25. [Discuss fire sprinkler system requirements.](#)

Attachment: [Fire Sprinkler System.pdf](#)

26. [Discuss Ethics Policy.](#)

27. [Bartow disconnecter and bike path bridge.](#)

28. [Comment:](#)

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

29. [Comments.](#)

M. COMMISSIONER DISTRICT 4 (JEAN REED)

30. [Comments.](#)

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIRPERSON)

31. [Discuss Board Appointments to Results Teams](#)

32. [Polk County Builders Association's request for a \\$5,000.00 contribution toward a public outreach and education initiative for water conservation and Florida Friendly Plants.](#)
33. [Report on Washington DC Trip](#)
34. [Comments.](#)
35. [Comment:](#)

O. LAY BOARD APPOINTMENTS

***** RECESS - The Board of County Commissioners will recess from 12:30 p.m. until 1:30 p.m. or soon thereafter. *****

P. PUBLIC HEARINGS

36. [LDC 09T-06 to consider the Adoption of an ordinance amending Section 223.B, Overgrown Lots Creating a Nuisance, of the Land Development Code.](#)

Attachment: [LDC 09T 06 Draft Ordinance.pdf](#)

Attachment: [LDC 09T 06 Staff Report.pdf](#)

37. [Transmittal of an Ordinance adopting CPA 09A-01 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A01 Staff Report.pdf](#)

Attachment: [CPA 09A 01 Ordinance.pdf](#)

38. [Transmittal of an Ordinance adopting CPA 09A-02 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A 02 Staff Report.pdf](#)

Attachment: [CPA 09A 02 Ordinance.pdf](#)

39. [Transmittal of an Ordinance adopting CPA 09A-03 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A 03 Staff Report.pdf](#)

Attachment: [CPA 09A 03 Ordinance.pdf](#)

40. [Transmittal of an Ordinance adopting CPA 09A-04 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A 04 Staff Report.pdf](#)

Attachment: [CPA 09A 04 Ordinance.pdf](#)

41. [Transmittal of an Ordinance adopting CPA 09A-05 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A 05 Staff Report.pdf](#)

Attachment: [CPA 09A 05 Ordinance.pdf](#)

42. [Transmittal of an Ordinance adopting CPA 09A-06 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A 06 Staff Report.pdf](#)

Attachment: [CPA 09A 06 Ordinance.pdf](#)

43. [Transmittal of an Ordinance adopting CPA 09A-07 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A 07 staff report.pdf](#)

Attachment: [CPA 09A 07 ordinance.pdf](#)

44. [Transmittal of an Ordinance adopting CPA 09A-08 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A 08 staff report.pdf](#)

Attachment: [CPA 09A 08 ordinance.pdf](#)

45. [Transmittal of an Ordinance adopting CPA 09A-09 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A 09 Staff Report.pdf](#)

Attachment: [CPA 09A 09 Ordinance.pdf](#)

46. [Transmittal of an Ordinance adopting CPA 09A-10 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A 10 Staff Report.pdf](#)

Attachment: [CPA 09A 10 Draft Ordinance.pdf](#)

47. [Transmittal of an Ordinance adopting CPA 09A-11 to the Florida Department of Community Affairs](#)

Attachment: [CPA09A-11.BAD_Updated_with Memo.pdf](#)

Attachment: [Draft Ordinance Part 1.pdf](#)

Attachment: [Draft Ordinance Part 2.pdf](#)

48. [Transmittal of an Ordinance adopting CPA 09A-12 to the Florida Department of Community Affairs](#)

Attachment: [CPA 09A 12 TransmittalStaffReport.pdf](#)

Attachment: [CPA 09A 12 Draft Ordinance.pdf](#)

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

49. [Removal of equipment from inventory as listed on Blanket Removal Form 1829.](#)

Attachment: [Blanket Removal Form 1829.pdf](#)

COUNTY ATTORNEY

50. [Sidewalk Easements along Saddle Creek Road](#)

Attachment: [02_18_09 CoAtty TENEROC Sidewalk Easements_Backup.pdf](#)

Attachment: [02_18_09 CoAtty TENEROC Sidewalk Easements_Fiscal Impact_DS.pdf](#)

51. [SET HEARING DATE to consider Petition to Vacate Right-of-Way. \(Suggested hearing date: March 18, 2009 at 1:30 p.m.\)](#)

52. [Authorize the Conveyance of the County's Interest in Parcel ID Number 262607-000000-034110 by County Deed to Kevin A. Dorsett and Kimberly S. Dorsett](#)

Attachment: [02 18 09 CoAtty CountyDeedDorsett FiscalImpact CP.pdf](#)

Attachment: [02 18 09 CoAtty CountyDeedDorsett_Backup.pdf](#)

53. [Drainage Easement for the Buoy Street drainage project](#)

Attachment: [Buoy Street drainage esmt backup 021809.pdf](#)

Attachment: [Buoy Street Drainage Esmt Fiscal Impact 021809.pdf](#)

54. [Record maintained right-of-way map for Capps Road](#)

Attachment: [02 18 09 CoAtty_MROW_Capps Road_Fiscal.pdf](#)

Attachment: [02 18 09 CoAtty_MROW_Capps Road_Backup.pdf](#)

55. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 144](#)

Attachment: [02_18_09 CoAtty_AddIRW_CR37B_Pcl 144_Hallam Estates_Fiscal Impact_SRL.pdf](#)

Attachment: [02_18_09 CoAtty_AddIRW_CR37B_Pcl 144_Hallam Estates_Backup_SRL.pdf](#)

56. [Reimbursement Agreement with Florida Gas Transmission Company, LLC, for Level "B" facility cost estimate for the removal and Relocation of the Lakeland North Meter Station, Lakeland North Take-Off Value, and a portion of the Lakeland North Lateral Pipeline, CR 35 A \(Kathleen Road\)](#)

Attachment: [02 18 09 CO ATTY Kathleen Rd Ph 2 Fla Gas Fiscal Impact.pdf](#)

Attachment: [02_18_09 COATTY Backup_Fla Gas Trans_Kathleen Rd Ph II_cmp.pdf](#)

57. [Record maintained right-of-way map for Crews Lake Drive](#)

Attachment: [02 18 09 CoAtty_MROW_CrewsLakeDr_Backup.pdf](#)

Attachment: [02 04 09 CoAtty_MROW_Crews Lake Dr_Fiscal.pdf](#)

58. [Right-of-Way Purchase for Kathleen Road Phase II Improvement Project](#)

Attachment: [02 18 09 CoAtty_KathleenRdPh2_Steinmentz_Fiscal.pdf](#)

Attachment: [02 18 09 CoAtty_KethleenRdPh2_Steinmetz_Backup.pdf](#)

59. [SET HEARING DATE to consider adoption of an ordinance amending Ordinance No. 08-015, Polk County Fire Department Burn Ban. \(Suggested hearing date: March 4, 2009, at 1:30 p.m.\)](#)

Attachment: [Ordinance AM08_015_Sec5.pdf](#)

Attachment: [AM08_015FIREDEPTBURNBAN_SEC5_NOTOFINTENT.pdf](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

60. [Polk County Tourism and Sports Marketing Agreement with The Lakeland Center for Marketing Assistance](#)

Attachment: [Marketing Assistance The Lakeland Center.v2.pdf](#)

Attachment: [The Lakeland Center Marketing Assistance_MA01 A-AA.pdf](#)

Attachment: [The Lakeland Center Marketing Assistance_pink-purple.pdf](#)

61. [Polk County Tourism and Sports Marketing Sponsorship Agreement for five \(5\) Special Events taking place from March 2009 through July 2010](#)

Attachment: [09-CITRUS SPORTS LLC, Cycling Classic.pdf](#)

Attachment: [09-DOG AGILITY COMPETITION OF FL, DACOF 2009 Competition.pdf](#)

Attachment: [09-ICBDA, Intl Annual Int'l Conv..pdf](#)

Attachment: [2-18-09 Exhibit A.pdf](#)

Attachment: [09-FLORIDA HOBY, Hoby Mid-floridai.pdf](#)

Attachment: [09-RACE FOR THE KIDS FOUNDATION, Race for the Kids.pdf](#)

62. [Sports Marketing "Sports Partner" Corporate Sponsorship One Year Agreement with The Club at Eaglebrooke](#)

Attachment: [Eaglebrooke Agreement 2009.pdf](#)

Attachment: [The Club at Eaglebrooke MVP 2009 Addendum.pdf](#)

Attachment: [Eaglebrooke Agreement 2009_pink-purple.pdf](#)

63. [Polk County Tourism and Sports Marketing Partnership Agreement with the Detroit Tigers](#)

Attachment: [Detroit Tigers Promotional 2009.pdf](#)

Attachment: [Detroit Tigers Promotional 2009_pink-purple.pdf](#)

ENVIRONMENTAL RESOURCES

64. [Caretaker Agreement for the Itchepackesassa Creek Property on Walker Road in Lakeland](#)

Attachment: [Revocable License.pdf](#)

65. [First Amendment to Cooperative Funding Agreement No. 08CS0000033 between Southwest Florida Water Management District and Polk County for the Lake Gwyn](#)

Surface Water Restoration and Flood Protection Project

Attachment: [FirstAmendmentLakeGwynProject.pdf](#)

66. [CSA No. 02-97-11, Modification No. 2, with Post, Buckley, Schuh & Jernigan, Inc. \(PBS&J\), for additional engineering design services for a new paved driveway related to the Sun Ray Wastewater Treatment Facility Expansion](#)

Attachment: [PBSAndJ_CSA_02_97_11_Mod_2_Contract.pdf](#)

Attachment: [PBSAndJ_CSA_02_97_11_Mod_2_Approvals.pdf](#)

67. [Approval of an Amended and Restated Exchange and Assignment of Water and Wastewater Capacity Credits Agreement with Polo Groves](#)

Attachment: [PoloGrovesAgreementApprovals.pdf](#)

Attachment: [PoloGrovesAgreementContract.pdf](#)

68. [Acceptance of donated easement from Anne Eszterhas, Bruce Craigie and Judith Eszterhas](#)

Attachment: [EszterhasEasementBackup.pdf](#)

69. [Hazen and Sawyer, P.C., CSA No. 07-83-03, Biosolids Management Plan – Dewatering Facilities Engineering and Construction Administration Services](#)

Attachment: [HazenAndSawyerCSA_07_83_03_Approvals.pdf](#)

Attachment: [HazenAndSawyerCSA_07_83_03_Contract.pdf](#)

70. [Construction Manager-At-Risk Authorization No. 06-036-06 with Vogel Brothers Building Company for modifications and improvements to the South County Jail Water Treatment Plant](#)

Attachment: [VogelBrothersCMARApprovals.pdf](#)

Attachment: [VogelBrothersCMARContract.pdf](#)

71. [Interlocal Agreement with the City of Polk City for Solid Waste Disposal](#)

Attachment: [Interlocal Agreement with the City of Polk City.pdf](#)

72. [Interlocal Agreement with the City of Mulberry for Solid Waste Disposal](#)

Attachment: [Interlocal Agreement The City of Mulberry.pdf](#)

GROWTH MANAGEMENT

73. [SET HEARING DATE to consider LDC 09T-04 amending Section 932 of the Land Development Code \(Suggested hearing dates: March 4, 2009, and March 18, 2009\)](#)

74. [SET HEARING DATE to consider LDC 08T-13 amending Sections 920 and 921 of the Land Development Code \(Suggested hearing dates: March 4, 2009, and March 18, 2009\)](#)

75. [Aldea Release of Surety](#)

Attachment: [Aldea Reserve.pdf](#)

76. [Bretton Ridge Release of Surety](#)

Attachment: [Bretton Ridge.pdf](#)

77. [Grand Pines East Phase Two Release of Surety](#)

Attachment: [Grand Pines East Phase Two.pdf](#)

78. [Timbers North Release of Surety](#)

Attachment: [Timbers North.pdf](#)

79. [Charles Lane Estates Release of Surety](#)

Attachment: [Charles Lane Estates.pdf](#)

80. [SET HEARING DATE to consider LDC 08T-10 amending Chapter 7, Section 760, Signs, to eliminate the prohibition of Electronic Message Boards. Suggested hearing dates, April 8, 2009, first hearing, April 22, 2009, second hearing, at 1:30 p.m.](#)

HUMAN SERVICES

81. [Approve Amendment 003, OAA-2008-POLK between the Board and the West Central Florida Area Agency on Aging, Inc. for the period January 1, 2008, through December 31, 2008.](#)

Attachment: [OAA Amend 003 2008.pdf](#)

82. [Satisfaction of Liens between Polk County and the following listed clients.](#)

Attachment: [Satisfaction of Lien CE004799 and 055822.pdf](#)

83. [Imposition of Lien for demolition of dilapidated structure\(s\) within the Municipality of the City of Winter Haven to recover costs associated through the County's Demolition and Clearance Program.](#)

Attachment: [02-18-08 Municipality Lien CE 2008-005.pdf](#)

84. [Section 8 Housing Assistance Payments \(HAP\) contracts for the families listed.](#)

Attachment: [Section 8 Contracts.pdf](#)

85. [Tenant-Based Rental Assistance \(TBRA\) Payments Contracts for the families listed.](#)

Attachment: [TBRA Contracts.pdf](#)

PUBLIC WORKS

86. [Final payment and Close Out for County Road 54 \(Ronald Reagan Parkway\) Phase I and associated CIP Amendment and Budget Transfer](#)

Attachment: [Budget Revision Journal CR54 PH1.pdf](#)

Attachment: [PWFI Info Form.pdf](#)

Attachment: [CR 54 Map.pdf](#)

SUPPORT SERVICES

87. [Current Procedural Terminology \(CPT\) Distribution License Agreement renewal \(Contract No. 09-053-CHSS\) between the Board and the American Medical Association.](#)

Attachment: [CPT_DistributionLicenseAgreement_09_053_CHSS.pdf](#)

88. [Health Council of West Central Florida, Inc., Contract for Services for MedNet Program \(Contract No. 09-132-RM\)](#)

Attachment: [HealthCouncilOfWestCentralFloridaInc_09_132_RM.pdf](#)

89. [Selection Committee's recommendation on RFP No. 09-010-MAR, Medical Director for The Rohr Home](#)

90. [Master Consulting Agreements, Civil Engineering for Facilities Management.](#)

Attachment: [kimley.pdf](#)

Attachment: [pbsj.pdf](#)

91. [Report Bid Award by Purchasing Director](#)

Attachment: [overlook drive and carl floyd rd bid analysis 09030.pdf](#)

92. [Report Bid Award by Purchasing Director](#)

Attachment: [saddlebag lake phase 2 outfall bid analysis 09036.pdf](#)

The Chairman adjourned the meeting at 6:15 p.m.