

Regular Board Meeting Minutes
September 2, 2009

September 2, 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 the Board

The Board convened pursuant to adjournment taken on August 18, 2009.

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

INVOCATION

1. [Captain Stan Colbert - Salvation Army](#)

PLEDGE OF ALLEGIANCE (SAM JOHNSON, CHAIR)

A. APPROVE CONSENT AGENDA

2. [Approve Consent Agenda.](#)

B. PRESENTATIONS and RECOGNITIONS

89. [Polk County Sports Marketing Ad Campaign](#)
3. [Present Covenant for Commissioners' signatures in support of the Armed Forces.](#)

Attachment: [Armed Forces Community Covenant.pdf](#)

4. [Present information on and announce "Operation Care and Cheer."](#)

C. PROCLAMATIONS

5. [Proclaim August 29-September 4, 2009 as MAGNIFY CREDIT UNION ENERGY CONSERVATION WEEK. Arthur Hooper, Executive Vice President, Magnify Bank, will accept the proclamation.](#)

Attachment: [Magnify Credit Union.pdf](#)

6. [Proclaim September 2009 as CAMPUS FIRE SAFETY MONTH. Art Clawson, Vice President for Advancement, Warner Southern, Keith Wade, President, Webber University and Wes Hayes, Polk County Fire Marshal, will accept the proclamation.](#)

Attachment: [Campus Fire Safety.pdf](#)

7. [Proclaim September 2009 as the HAINES CITY CITRUS GROWERS ASSOCIATION'S 100TH ANNIVERSARY. Dennis Broadaway, CEO and General Manager, and Pat Bentley, President of the Board of Directors for Haines City Citrus Growers Association, will be accepting the proclamation.](#)

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

8. [Disbursements.](#)

Attachment: [090109 Warrants.pdf](#)

9. [Minutes of Regular Board meeting held on August 18, 2009.](#)

Attachment: [081809.MIN.pdf](#)

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

G. COUNTY ATTORNEY (MICHAEL CRAIG)

10. [Consider Agreement with the Honorable Joe G. Tedder, Polk County Tax Collector, for the retention of legal counsel on a contingency basis for the collection of Polk County's Tourist Development Tax.](#)

Attachment: [OTC-Agreement between TC and BOCC.pdf](#)

11. [Resolution Adopting New Fee Schedule for Landfill Tipping Fees.](#)

Attachment: [ResolutionTippingFees.pdf](#)

H. COUNTY MANAGER (MICHAEL HERR)

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

88. [James Abercrombie](#)

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

12. [Comments.](#)

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

13. [Spessard Holland.](#)

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

14. [Comments.](#)

M. COMMISSIONER DISTRICT 4 (JEAN REED)

15. [Comments.](#)

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIR)

16. [Comments.](#)

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

17. [Consider adoption of an ordinance creating the Polk County Animal Control and Animal Services Ordinance, repealing Ordinance 05-47, and designation of the Polk County Sheriff's Office \(PCSO\) as the Polk County Animal Control Authority.](#)

Attachment: [Animal Control County Ordinance 05-047 Revisions Final Draft.pdf](#)

Attachment: [Animal Control County Ordinance 05-047 Revisions Final CleanDraft \(2\).pdf](#)

Attachment: [Letter-Sheriff Grady Judd.pdf](#)

18. [Consider adoption of an ordinance amending Ordinance No. 97-36, as amended, the Polk County Alarm Control Ordinance.](#)

Attachment: [Am97-36AlarmContUndline.pdf](#)

Attachment: [Am97-36AlarmContFin9-02-09.pdf](#)

19. [Ordinance adopting CPA 09DRI-01 to change the Future Land Use on 39.2 +/- acres from Agriculture/Residential-Rural \(A/RR\) to Phosphate Mining \(PM\).](#)

Attachment: [CPA 09DRI 01 Staff Report.pdf](#)

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

20. [LDC 08T-12 \(Farmworker Housing\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 08T 12 Staff Report.pdf](#)

Attachment: [LDC 08T 12 Ordinance.pdf](#)

21. [LDC 09T-28 \(Lime Stabilization Facilities\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [county commission septage packet.pdf](#)

Attachment: [LDC 09T 28 Staff Report.pdf](#)

Attachment: [LDC 09T 28 Ordinance.pdf](#)

22. [LDC 09T-24 \(Heavy Machinery Equipment Sales & Service\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 24 Ordinance.pdf](#)

Attachment: [LDC 09T 24 Staff Report.pdf](#)

23. [LDC 09T-25 \(RHX within the US 27 SAP & Ridge SPA\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 25 Staff Report.pdf](#)

Attachment: [LDC 09T 25 Ordinance.pdf](#)

24. [LDC 09T-26 \(Definitions\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 26 Ordinance.pdf](#)

Attachment: [LDC 09T 26 Staff Report.pdf](#)

25. [LDC 09T-27 \(Shipping Containers\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 27 Ordinance.pdf](#)

Attachment: [LDC 09T 27 Staff Report.pdf](#)

26. [LDC 09T-29 \(Bars, Lounges and Taverns in the US 27 SAP\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 29 staff report.pdf](#)

Attachment: [LDC 09T 29 ordinance.pdf](#)

27. [LDC 09T-19 \(Vehicle Recovery Service/Agency\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 19 Staff Report.pdf](#)

Attachment: [LDC 09T 19 Ordinance.pdf](#)

90. [Consider resolution supporting the creation of a specialty license plate that would recognize the contributions of graduates of The United States Military Academy.](#)

Attachment: [Resolution - Military License Plates0001.pdf](#)

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

28. [Removal of equipment from inventory as listed on Blanket Removal Form 1842.](#)

Attachment: [Blanket Removal Form 1842.pdf](#)

29. [Accept minutes West Lakeland Water Control District.](#)

COUNTY ATTORNEY

30. [SET HEARING to consider Petitions to vacate rights-of-way and easements. \(Suggested hearing date: Wednesday, October 7, 2009, at 1:30 p.m.\)](#)

31. [Additional Right-of-Way for County Line Road, Parcel 103.](#)

Attachment: [09 02 09 CoAtty AddIRW County Line Rd Pcl 103 Sturks Backup.pdf](#)

Attachment: [09 02 09 CoAtty AddIRW County Line Rd Pcl 103 Sturks Fiscal Impact.pdf](#)

32. [Approve Subordination Agreement between Polk County and the City of Lakeland for parcels required for the Ewell Road at Yates Road intersection project.](#)

Attachment: [Subordination City of Lakeland Ewell at Yates Fiscal Impact.pdf](#)

Attachment: [Subordination City of Lakeland Ewell at Yates Backup.pdf](#)

33. [Right-of-Way Purchase for Berkley Road Phase IV and County Road 559-A Improvement Project, Parcel 131B.](#)

Attachment: [AddIRW 559A Pcl131B Mancini Backup.pdf](#)

Attachment: [AddIRW 559A Pcl131B Mancini FiscalImpact.pdf](#)

34. [Record Maintained Right-of-Way Map for Rock Ridge Road.](#)

Attachment: [MROW Rock Ridge Rd Backup.pdf](#)

Attachment: [08 05 09 CoAtty MROW Rock Ridge Rd Fiscal.pdf](#)

35. [Right-of-Way Purchase for Thompson Nursery Road Improvement Project.](#)

Attachment: [AddIRW Thompson Nursery Rd TNRL-WHP LLC Parcel Fiscal Impact.pdf](#)

Attachment: [AddIRW Thompson Nursery Rd TNR-WHP Parcel Backup.pdf](#)

36. [Authorize payment of statutory attorney's fees for the case of Polk v. Peace, et al, Parcels 129 and 132, pursuant to Florida Statutes Section 73.092 after trial verdict.](#)

Attachment: [PWFI Info Form - Polk vs Peace.pdf](#)

37. [Consider approval of a Temporary Road Easement Agreement between Polk County and Southeastern University, Inc. for improvements to Longfellow blvd. including a temporary by-pass road for maintenance of traffic.](#)

Attachment: [Longfellow Blvd Project Map.pdf](#)
Attachment: [Longfellow Blvd Ease Agree.pdf](#)

38. [Authorize the County Attorney's Office to file suit against Envisors, LLC and Steven C. Shealey to recover damages resulting from the defective design of certain improvements to the Northwest Regional Wastewater Treatment Facility.](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

39. [Sports Marketing "Sports Partner" Corporate Sponsorship Two Year Agreement with Harry's Seafood Bar & Grille](#)

Attachment: [Harry's Seafood Bar & Grille 2009-2011.pdf](#)
Attachment: [Harry's Seafood Bar & Grille 09-11 Sponsor Agreement.pdf](#)
Attachment: [Harry's Seafood Bar and Grille-pink purple.pdf](#)

40. [Sports Marketing "Sports Partner" Corporate Sponsorship Two Year Agreement with Lakeland Convention & Visitors Bureau](#)

Attachment: [Lakeland CVB Agreement 2009-2011_2_.pdf](#)
Attachment: [Lakeland CVB_2_.pdf](#)
Attachment: [Lakeland CVB-pink purple.pdf](#)

ELECTED OFFICIAL AND OTHER GOVERNMENTAL AGENCY

41. [Polk County Workforce Development Board - Two-Year Plan Addendum: A.R.R.A. Funds.](#)

Attachment: [2 Year Plan Addendum Final Plan \(2\).pdf](#)

ENVIRONMENTAL RESOURCES

42. [First Amendment to Agreement No. 07C00000039 between the Southwest Florida Water Management District and Polk County for Implementation of BMP's – Saddlebag Lake Watershed \(L674\).](#)

Attachment: [First Amendment Saddlebag Lake.pdf](#)

43. [Polk County Mosquito Control FY 2009-2010 Certified Budget.](#)

Attachment: [FY200910 Certified Budget.pdf](#)
Attachment: [MC Budget Request.pdf](#)

44. [Contract 08-53, Change Order No. 1, for the Walk-in-Water Water Production Facility \(WPF\) with CenState Contractors, Inc., to extend the contract duration by 205 days to November 30, 2009.](#)

Attachment: [Contract 0853 Change Order No 1.pdf](#)
Attachment: [Contract0853ChangeOrderNo1Approvals.pdf](#)

FINANCIAL AND STRATEGIC PLANNING

45. [Software License Agreement for Oracle ERP eBusiness Reporting Tool.](#)

Attachment: [EiS Software License Agreement.pdf](#)

GROWTH MANAGEMENT

46. [SET HEARING to consider DA 09-01 \(Heller Bros. Packing Corp. and Polk County Development Agreement\). \(Suggested hearing date: September 16, 2009, at 1:30 p.m.\)](#)
47. [SET HEARING to consider CU 09-11 \(Mann Road Water Production Facility\). \(Suggested hearing date: September 16, 2009, at 1:30 p.m.\)](#)
48. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-20\) amending the Land Development Code. \(Suggested hearing dates: September 16, 2009, and October 7, 2009, both at 1:30 p.m.\)](#)
49. [SET HEARING to consider cancellation of DA 06-06M \(Imperial Polk Development, LLC - Jeffery M. Granger, Court appointed Receiver and Polk County Development Agreement\). \(Suggested hearing date: September 16, 2009, at 1:30 p.m.\)](#)
50. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-16\) amending the Land Development Code. \(Suggested hearing dates: September 16, 2009, and October 7, 2009, both at 1:30 p.m.\)](#)
51. [Approve Neighborhood Sign Maintenance Agreement Between Polk County and Walden Shores of Lakeland, LLC to permit a neighborhood identification sign in the right-of-way.](#)

Attachment: [Neighborhood Signs Polk Cty and Walden Shores.pdf](#)

HUMAN SERVICES

52. [Amendment 003 2008/2009 Alzheimer's Disease Initiative ADI-08/09-POLK.](#)
- Attachment: [Amend 003 ADI 08-09.pdf](#)
53. [Amendment 001, ARRA-09/10 \(American Recovery and Reinvestment Act of 2009\) Older Americans Act Title III C1 and C2 Nutrition Services.](#)
- Attachment: [Amend 001 ARRA 09-10.pdf](#)
54. [Amendment 004 2008/2009 Community Care for the Elderly CCE-08/09-POLK.](#)
- Attachment: [Amend 004 CCE 08-09.pdf](#)
55. [Approve Amendment 002, Nutrition Services Incentive Program, Agreement No. NSIP-08/09-POLK. Approve transfer of \\$494.00 from the Special Revenue Fund Reserve for Contingency.](#)

Attachment: [Amend 002 NSIP 08-09.pdf](#)

Attachment: [Budget Revision Journal NSIP 0809.pdf](#)

56. [State Housing Initiatives Partnership \(SHIP\) Down Payment Assistance Program Satisfactions of Mortgage and Security Agreements for the families listed.](#)

Attachment: [SHIP DPA Sat 9209.pdf](#)

57. [Hurricane Housing Recovery \(HHR\) Program Subordination Agreement between Polk County and Noel M. Green and Mary L. Lucks.](#)

Attachment: [Green Lucks Subordination 9209.pdf](#)

58. [HOME Investment Partnership Program Agreement between Polk County and The Keystone Challenge Fund, Inc., \(Keystone\) for the American Dream Down Payment Initiative \(ADDI\) set aside funds.](#)

Attachment: [H ADDI 05000 01 090209.pdf](#)

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

Attachment: [TBRA Contracts.pdf](#)

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

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

61. [HOME Investment Partnership \(HOME\) Reservation/Program Agreement between Polk County and The Keystone Challenge Fund, Inc. \(Keystone\).](#)

Attachment: [CHDO Agmt.pdf](#)

62. [Adopt a Resolution to amend the FY08-09 Special Grant fund in the amount of \\$430,000.00.](#)

Attachment: [RESOLUTION 09 Fund 10522.pdf](#)

Attachment: [BRJ 10522 FY09.pdf](#)

63. [Resolution establishing unanticipated revenue for the Neighborhood Stabilization Program \(NSP\) for Fiscal Year \(FY\) 2008-09.](#)

Attachment: [NSPRESOLUTION.pdf](#)

Attachment: [NSP1Budg.pdf](#)

PUBLIC SAFETY

64. [Resolution naming the previously unnamed roadway, Hagan Way.](#)

Attachment: [Attachment 1 Map Hagan Way.pdf](#)

Attachment: [Hagan Way Resolution.pdf](#)

65. [Harris Corporation Estoppel Certificate.](#)

Attachment: [Estoppel Harris Company.pdf](#)

66. [Budget transfer from Fire Services Reserve for Salary Adjustment account.](#)

Attachment: [Matrix Phase I.pdf](#)

Attachment: [Fire Budget Revision Journal Salary Adjustment.pdf](#)

Attachment: [Reserves for Salary Adjustment.pdf](#)

PUBLIC WORKS

67. [Extension to Sublease Agreement No. 84 between the Board \(the "Tenant"\) and the Bartow Municipal Airport Development Authority \(the "Landlord"\) for Building No. 323 and 2 ½ acres of land used by Fire Services for training purposes.](#)

Attachment: [09 0902 Lease 84 Bldg 323 land FS contract map.pdf](#)

Attachment: [09 0902 Lease 84 Bldg 323 land FS PWF I](#)

[FisAppLgIOracle.pdf](#)

68. [Extension to Sublease Agreement No. 133 between the Board \(the "Tenant"\) and the Bartow Municipal Airport Development Authority \(the "Landlord"\) for Suite 11 in Building No. 250 used by Emergency Medical Services Administration for office space.](#)

Attachment: [09 0902 Lease 133 Bldg 250 11 EMS PWF I](#)

[FisAppLgIOracle.pdf](#)

Attachment: [09 0902 Lease 133 Bldg 250 11 EMS contract map.pdf](#)

69. [Renewal of Sublease Agreement No. 144 between the Board \(the "Tenant"\) and the Bartow Municipal Airport Development Authority \(the "Landlord"\) for Suites 12, 13, 14, 15 and 16 in Building No. 250 used by Emergency Medical Services Administration for office space.](#)

Attachment: [09 0902 Lease 144 Bldg 250 12 16 EMS Adm Contract map.pdf](#)

Attachment: [09 0902 Lease 144 Bldg 250 12 16 EMS Adm PWF I](#)

[FisAppLgIOracle.pdf](#)

70. [Extension to Sublease Agreement No. 154 between the Board \(the "Tenant"\) and the Bartow Municipal Airport Development Authority \(the "Landlord"\) for Suites 3 and 4 in Building No. 250 used by Fire Services for office space.](#)

Attachment: [09 0902 Lease 154 Bldg 250 3 4 FS PWF I](#)

[FisAppLgIOracle.pdf](#)

Attachment: [09 0902 Lease 154 Bldg 250 3 4 FS contract map.pdf](#)

71. [Extension to Lease Agreement No. 77 between the Board \(the "Tenant"\) and the City of Frostproof \(the "Landlord"\) for a building located at 47 North Lake Avenue in Frostproof used by Emergency Medical Services as an ambulance station.](#)

Attachment: [09 0902 Lease 77 Frostproof EMS contract map.pdf](#)

Attachment: [09 0902 Lease 77 Frostproof EMS PWF I FisAppLgIOracle.pdf](#)

72. [Change Order No. 4 to Contract No. 07-051 with Kamminga and Roodvoets, Inc. \(Contractor\) for the CR 540A \(CR 37B to US 98\) Phase II Project.](#)

- Attachment: [CR540A CO4 07051 Approvals.pdf](#)
- Attachment: [PWFI Info Form CO4.pdf](#)
- Attachment: [CR 540A Ph 2 Map.pdf](#)
- Attachment: [CO Mod Summary CO4.pdf](#)
- Attachment: [CR540A CO4 07051 Contract.pdf](#)

73. [Amendment No. 1 to the Transportation Regional Incentive Program \(TRIP\) Agreement with the Florida Department of Transportation \(FDOT\) for the CR 54 \(Ronald Reagan Parkway\) Phases II and III Project and associated Resolution.](#)

- Attachment: [CR 54 Ph.2&3 TRIP Resolution.pdf](#)
- Attachment: [CR 54 Phases II and III \(Portrait\).pdf](#)
- Attachment: [Orig TRIP Agrmt CR 54 Ph2&3.pdf](#)
- Attachment: [422607 1st Amendment to TRIP agreement.pdf](#)
- Attachment: [FDOT Notification Letter.pdf](#)

SUPPORT SERVICES

74. [Polk HealthCare Plan Provider Agreement with Lake Wales Clinic Corp.](#)

- Attachment: [LakeWalesClinicCorp_d.b.aGenVasThoracSurg_09_142_RM.pdf](#)

75. [Renewal Contract for Services between the Board and We Care of Polk County, Inc.](#)

- Attachment: [WeCareofPolkCountyInc_10_003_RM.pdf](#)

76. [Modification No. 4 for Consultant Service Authorization \(CSA\) 02-97-11 with Post Buckley, Schuh and Jernigan, Inc. \(PBS and J\)](#)

- Attachment: [02-97-11-4.pdf](#)

77. [Modification No. 2 for Consultant Service Authorization \(CSA\) 06-81-05 with Professional Engineering Consultants, Inc. \(PEC\).](#)

- Attachment: [PEC Elizabeth Place Time Extension.pdf](#)

78. [Report Bid Award by Purchasing Director for Bid No. 09-120-ELJ.](#)

- Attachment: [09-120-elj sutton rd agreement.pdf](#)

79. [Execution of Interlocal Agreement with the City of Leesburg.](#)

- Attachment: [Pcard agreement.pdf](#)

80. [Amendment No. 1 to Vehicle and Equipment Parts Management and Supply Agreement No. 08-021 with Mulberry Motor Parts, Inc., DBA \(NAPA Auto Parts\).](#)

- Attachment: [Mulberry Motor Parts Agreement 08 021 Amendment.pdf](#)

81. [Amendment No. 5 to Agreement No. 05-065 with Point and Pay, Inc.](#)

Attachment: [Point and Pay Amendment.pdf](#)

82. [New Fee Resolution between the County and State of Florida, Department of Health, Polk County Health Department.](#)

Attachment: [Polk County Health Dept Fee Resolution.pdf](#)

83. [Traviss Career Center, Dental Assisting Program \(Contract No. 10-007-RM\).](#)

Attachment: [TravissCareerCenter_10-007_RM.pdf](#)

84. [Lakeland Volunteers in Medicine, Inc., renewal contract for services \(Contract No. 10-012-RM\).](#)

Attachment: [LVIM 10-012-RM.pdf](#)

85. [Health Council of West Central Florida, Inc., Renewal Contract for Services for MedNet Program \(Contract No. 10-001-RM\).](#)

Attachment: [Health Council of West Central Florida Inc 10-001-RM.pdf](#)

86. [Healthy Start Coalition of Hardee, Highlands and Polk Counties, Inc., Renewal Contract for Services for Teen Pregnancy Prevention Program \(Contract No. 10-011-RM\).](#)

Attachment: [Healthy Start Coalition 10-011-RM .pdf](#)

POLK COUNTY SHERIFF

87. [Approve Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation in the amount of \\$680,200 and sign the Award Document.](#)

Attachment: [PCSO FY09 RECOV ACT ED BYRNE GRANT AUG 2009.pdf](#)