

03-03-10 Regular BoCC Meeting Minutes

March 3, 2010 Regular BoCC meeting

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

ALSO PRESENT: Mike Herr County Manager
 Michael Craig County Attorney
 Richard M. Weiss Clerk and Ex Officio Auditor

The Board convened pursuant to adjournment taken on February 18, 2010.

CALL TO ORDER - 9:00 a.m. (BOB ENGLISH, CHAIR)

INVOCATION

1. [Cantor Geigner - Temple Emanuel of Lakeland](#)

PLEDGE OF ALLEGIANCE (BOB ENGLISH, CHAIR)

A. APPROVE CONSENT AGENDA

2. [Approve Consent Agenda.](#)

B. PRESENTATIONS and RECOGNITIONS

3. [Recognize Lillian Lima for her years of service on the Community Relations Advisory Council.](#)

Attachment: [LILLIAN LIMA Service Presentation.pdf](#)

4. [Recognize Polk County Communications and Information Technology for receiving 3 awards for the Inaugural e-Town Hall from the Florida Government Communicators Association.](#)

Attachment: [Communications and IT recognition.pdf](#)

5. [Acknowledgement of Polk County Youth Fair Volunteers and Youth Participants.](#)

Attachment: [2010 Polk County Youth Fair Recognition 3-3-10.pdf](#)

Attachment: [2010 Youth Fair Volunteer and Youth Acknowledgement.pdf](#)

6. [Dave Carter, David C. Carter Consulting Engineers, LLC, Lucas Martin, Adams Homes, and Augie Fragala, Powell, Fragala &](#)

[Associates, Inc., to present the "State of Housing Report."](#)

Attachment: [State of Housing.pdf](#)
Attachment: [AMF RVSNS Drft Comp Plan Policies.pdf](#)

7. [Presentation of check from Bank of America for the 2009 purchasing card rebate. \(\\$205,487.84 one-time revenue\)](#)

C. PROCLAMATIONS

8. [Proclaim March 2010 as AMERICAN RED CROSS MONTH. Phil Attinger, representing the Mid -Florida Region of the American Red Cross, will accept the proclamation.](#)

Attachment: [American Red Cross Month.pdf](#)

9. [Proclaim March 2010 as PURCHASING MONTH. Polk County Purchasing Director, Audry Reeves, will accept the proclamation.](#)

Attachment: [Purchasing Month.pdf](#)

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

10. [Disbursements.](#)

Attachment: [030310 Disbursements.pdf](#)

11. [Minutes of Regular Board meeing held on February 17, 2010 and Special Board meeting held on February 17, 2010.](#)

Attachment: [021710S MIN.pdf](#)
Attachment: [021710 MIN.pdf](#)

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

12. [Public Hearing to consider approval of a settlement in the case of Danny L. Brungs vs. Board of County Commissioners, Claim number 06-14177. \(Fiscal Impact\)](#)

G. COUNTY ATTORNEY (MICHAEL CRAIG)

13. [Adopt a Resolution approving the exchange of property between Polk County and Merlin Entertainment Group Florida, LLC. \(\\$90.00 one-time expense\)](#)

Attachment: [Helena Rd Rev.pdf](#)
Attachment: [Property Exchange Resolution.pdf](#)

14. [Resolution of Necessity authorizing condemnation for transportation improvements to Berkley Road and CR559A from Pace Road on the south to SR559 on the east. \(No fiscal impact\)](#)

Attachment: [RN 713.pdf](#)
Attachment: [RN 136.pdf](#)
Attachment: [RN 126 A and B.pdf](#)
Attachment: [RN 118 A and B.pdf](#)

15. [A Resolution Recognizing the Historical Museum and Genealogical Library as a Permanent Fixture in the Educational and Cultural Life of Polk County, Florida; Making Findings; Providing for an Effective Date. \(No fiscal impact\)](#)

Attachment: [ResolutionHistoricalMuseum.pdf](#)

16. [Right-of-Way Purchase for Kathleen Road Phase II Improvement Project, Parcel 164. \(\\$127,000.00 one-time expense\)](#)

Attachment: [Kathleen Rd Ph II Pcl 164 Backup.pdf](#)
Attachment: [Kathleen Rd Ph II Pcl 164 Fiscal.pdf](#)

H. COUNTY MANAGER (MICHAEL HERR)

17. [Agreement between Polk County and 5R Ranch Limited Partnership for the discharge of flood waters onto their property from the Lake Belle Stormwater Pumping Station in Lake Wales. \(Estimated \\$282,000.00 one-time expense\)](#)

Attachment: [Lake Belle Maps.pdf](#)

Attachment: [Lake Belle Agreement.pdf](#)

18. [Amendment to the Parks and Recreation Community Investment Program \(CIP\) and Budget Transfer. \(\\$232,173.00 one-time transfer of existing appropriations\)](#)

Attachment: [Parks Proposed CIP Budget Amendment.pdf](#)

Attachment: [Parks Schedule Budget TransferJournal.pdf](#)

19. [Purchase Agreement with Educational Opportunities, Inc., for the purchase of a parcel of land, and to accept the donation of a parcel of land, for expansion and upgrading of the Imperial Lakes Water Treatment Plant. \(\\$250,000.00 not-to-exceed cost plus recording fees\)](#)

Attachment: [Aerial Photo of Site.pdf](#)

Attachment: [Purchase Agreement Contract.pdf](#)

Attachment: [Purchase Agreement Approvals.pdf](#)

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

20. [Mildred S. McMillon, Executive Director, Faith in Action North Lakeland Inc., to request the Board for funding.](#)

Attachment: [The OrganizationCounty.pdf](#)

76. [James Abercrombie.](#)

77. [Carol Castagnero.](#)

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH, CHAIR)

21. [Appoint Dr. Larry Parsons to serve a three year term on the Water Policy Advisory Committee, beginning March 4th, 2010 and ending March 3rd, 2013.](#)

Attachment: [Larry Parsons Bio.pdf](#)

22. [Appointments to the Minority Business Input Team \(MBIT\).](#)

Attachment: [Memo to the Board.pdf](#)

Attachment: [MBIT Ordinance.pdf](#)

75. [Comments.](#)

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

23. [What happened to our review of County Code Regulations?](#)

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

24. [Comments.](#)

M. COMMISSIONER DISTRICT 4 (JEAN REED)

25. [Reappoint J. Theron Stangry as a member of the Polk County Industrial Development Authority for the three-year term.](#)

Attachment: [IDA Stangry bio 4.pdf](#)

74. [Comments.](#)

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON)

26. [Resolution of support of University of South Florida Polytechnic's grant application from federal stimulus dollars to expand broadband access in previously under served areas.](#)

Attachment: [GrantFedFds.pdf](#)

O. LAY BOARD APPOINTMENTS

27. [Reappoint Doug Thomas, City Manager, Lakeland, as a member of the Harden/Parkway Community Redevelopment Agency Board for a four-year term.](#)

Attachment: [100119cc.pdf](#)
Attachment: [Thomas Doug Bio 2009.pdf](#)

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

P. PUBLIC HEARINGS

28. [Adopt a Resolution to vacate a portion of platted right-of-way known as Arbor Vitae Lane, shown on the Amended Map of Polk City, Polk County, Florida. \(No fiscal impact\)](#)

Attachment: [PH Arbor Vitae Ln Backup.pdf](#)

29. [Adopt a Resolution to vacate portions of platted and unmaintained rights-of-way as shown on the Map showing W.F. Hallam & Co's Club Colony Tract of Lakeland Highlands. \(No fiscal impact\)](#)

Attachment: [PH WF Hallam Waller Backup.pdf](#)

30. [Consider adoption of an ordinance Amending Ordinance 08-065, Regulating Maximum Prices Tow Trucks Can Charge. \(No fiscal impact\) \(To be continued to April 21, 2010 at 1:30 p.m.\)](#)

Attachment: [Proposed Towing Ord 2010.pdf](#)

31. [Consider adoption of an ordinance amending Ordinance No. 04-35 to increase surcharge on certain moving violations. \(Fiscal impact\)](#)

Attachment: [Ord 04 35 Fine Increase.pdf](#)

32. [Consider adoption of an ordinance which shall be known as "Polk County, Florida Recovery Zone Designation Ordinance." \(No fiscal impact\)](#)

Attachment: [Recovery Zone Bond Ord.pdf](#)

33. [LDC 09T-30 \(Minor Revisions & Land Disturbances\) to consider the Adoption of an ordinance amending the Land Development Code. \(No fiscal impact\)](#)

Attachment: [LDC 09T 30 Staff Report.pdf](#)
Attachment: [LDC 09T 30 Ordinance.pdf](#)

34. [LDC 10T-03 \(Heavy Machinery Equipment Sales and Services within the RACX land use district\) to consider the Adoption of an ordinance amending the Land Development Code. \(No fiscal impact\)](#)

Attachment: [LDC 10T 03 Ordinance.pdf](#)
Attachment: [LDC 10T 03 Staff Report.pdf](#)

35. [LDC 10T-04 \(Minor Subdivisions\) to consider the Adoption of an ordinance amending the Land Development Code. \(No fiscal impact\)](#)

Attachment: [LDC 10T 04 Staff Report.pdf](#)
Attachment: [LDC 10T 04 Ordinance.pdf](#)

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

36. [Removal of equipment from inventory as listed on Blanket Removal Form 1854.](#)

Attachment: [Blanket Removal Form 1854.pdf](#)

37. [Minutes of the Lake Ashton Community Development District dated September 11, 2009 and October 9, 2009.](#)

38. [Minutes of the Polk County Industry Community Advisory Panel dated January 26, 2010.](#)

39. [Ordinance No. 1266-10 and Resolution No. 2010-01 adopted by the City of Lake Alfred on October 8, 2009.](#)

COUNTY ATTORNEY

40. [Adopt Resolution Authorizing Negotiations required by Florida Statute §73.015 to be undertaken by the County Chief Right-of-Way Agent and his designated agents, subject to final Board Approval, for acquisitions necessitated by new Transportation CIP Projects. \(No fiscal impact\)](#)

Attachment: [NRidge Res Auth Neg.pdf](#)

41. [Record Maintained Right-of-Way Maps for Holly Hill Road, Orchid Drive and Patterson Road. \(\\$330.00 one-time expense\)](#)

Attachment: [MROW Orchid.pdf](#)
Attachment: [MROW Patterson.pdf](#)
Attachment: [MROW Holly Hill.pdf](#)
Attachment: [Fiscal Impact.pdf](#)

42. [Right-of-Way Purchase for Berkley Road Phase IV and County Road 559-A Improvement Project, Parcels 117 and 708. \(\\$11,655.00 one-time expense\)](#)

Attachment: [Berkley Ph 4 Pcls 117 708 Backup.pdf](#)
Attachment: [Berkley Ph 4 Pcls 117 708 Fiscal.pdf](#)

43. [Right-of-Way Purchase for Berkley Road Phase IV and County Road 559-A Improvement Project, Parcels 113, 721 and 800. \(\\$98,806.00 one-time expense\)](#)

Attachment: [Berkley Ph 4 Pcls 113 721 800 Backup.pdf](#)
Attachment: [Berkley Ph 4 Pcls 113 721 800 Fiscal.pdf](#)

44. [Right-of-Way Agreement for Carter Road Easement Parcel 800 \(\\$12,500.00 one time expense\).](#)

Attachment: [Carter Rd Reuse Pcl 800.pdf](#)
Attachment: [Fiscal Impact Carter Rd Reuse Pcl 800.pdf](#)

45. [Quit-Claim Deed from Sandra C. Weber, Executrix, for property being donated for conservation. \(\\$55.50 one-time expense\)](#)

Attachment: [Conservation Donation Weber Fiscal.pdf](#)
Attachment: [Conservation Donation Weber.pdf](#)

ASSISTANT COUNTY MANAGER

46. [Polk HealthCare Plan Provider Agreements. \(Transfer of existing appropriations to medical providers\)](#)

Attachment: [Lake Wale Clin Cor dba Neurodiag Sleep Cen 10 083 RM.pdf](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

47. [Polk County Tourism and Sports Marketing Partnership Agreement with the Detroit Tigers. \(\\$19,000.00 one-time expense\)](#)

Attachment: [2010 Detroit Tigers Partnership AGREEMENT.pdf](#)
Attachment: [2010 Detroit Tigers Partnership LEGAL.pdf](#)

48. [Promotional Agreement with Polk County Tourism and Sports Marketing and Florida Southern College. \(\\$7,500.00 one-time expense\)](#)

Attachment: [2010 Florida Southern College Promo LEGAL.pdf](#)
Attachment: [2010 Florida Southern College Promo AGREEMENT.pdf](#)

INFRASTRUCTURE MANAGEMENT

49. [Adopt Resolution Setting Speed Limits on Ninth Street in Lake Wales. \(\\$219.28 one-time expense\)](#)

Attachment: [Speed Limits Ninth Street Speed Study.pdf](#)
Attachment: [Speed Limits Resolution Ninth Street.pdf](#)
Attachment: [Speed Limits Ninth Street Maps.pdf](#)
Attachment: [Speed Limits Approved Legal Review.pdf](#)
Attachment: [Speed Limits Fiscal Impact.pdf](#)

50. [Approval of a corrected Exhibit B to the Temporary License Agreement between the City of Orlando and the City of St. Cloud, Tohopekaliga Water Authority, Orange County, Polk County and Reedy Creek Improvement District \(collectively STOPR\) for access to Lake Emerald Site No. 38. \(No fiscal impact\)](#)

Attachment: [Temporary License Agreement Approvals.pdf](#)
Attachment: [Temporary License Agreement \(Original Exhibit B\).pdf](#)
Attachment: [Temporary License Agreement \(Revised Exhibit B\).pdf](#)

51. [Acceptance of a Quit Claim Deed from Mercedes Homes, Inc., associated with the lift station tract in the Sunset Ridge Phase 2 development. \(No fiscal impact\)](#)

Attachment: [Mercedes Homes Backup.pdf](#)

52. [Acceptance of easement from Robert L. Lambert and Renee C. Anderson for pending improvements in the Skyview Utilities service area. \(One-time recording fees expense\)](#)

Attachment: [Skyview Easement Approvals.pdf](#)

Attachment: [Skyview Easement.pdf](#)

53. [Adopt Resolutions Setting Speed Limits on Lake Eloise Pointe Boulevard and Lake Eloise Pointe Drive. \(No fiscal impact\)](#)

Attachment: [Speed Limits Lake Eloise Pointe Blvd Maps.pdf](#)

Attachment: [Speed Limits Resolution Lake Eloise Pointe Drive.pdf](#)

Attachment: [Speed Limits Lake Eloise Point Drive Maps.pdf](#)

Attachment: [Speed Limits Resolution Lake Eloise Pointe Boulevard.pdf](#)

Attachment: [Speed Limits Approved Legal Review.pdf](#)

Attachment: [Speed Limits Lake Eloise Pointe Blvd Speed Study.pdf](#)

Attachment: [Speed Limits Lake Eloise Point Drive Speed Study.pdf](#)

54. [Change Order No. 1 with Wharton-Smith, Inc., Construction Manager-at-Risk \(CMAR\) Contract No. 06-037-02, for expansion of the Northeast Regional Wastewater Treatment Facility. \(\\$10,794,222.21 reduction in contract; \\$609,898.25 net savings to County in taxes\)](#)

Attachment: [Wharton Smith Approvals.pdf](#)

Attachment: [Wharton Smith Change Order.pdf](#)

GROWTH MANAGEMENT

55. [SET HEARING to consider CU 10-02 - Lake Burbank Mobile Home Park. \(Suggested hearing date: March 17, 2010\) \(No fiscal impact\)](#)

56. [SET HEARING to consider a Notice of Proposed Change to the Ridgewood Lakes Development of Regional Impact. \(Suggested hearing date: March 17, 2010\) \(No fiscal impact\)](#)

HUMAN SERVICES

57. [Interlocal Agreement with Hillsborough County for Ornamental Plant Production Extension Agent. \(\\$5,160.00 recurring expense\)](#)

Attachment: [Extension Service Interlocal Agreement.pdf](#)

Attachment: [Interlocal Agreement Request for Legal Services.pdf](#)

58. [HOME Investment Partnership Program Down Payment Assistance Program Satisfactions of Mortgage and Security Agreements for the families listed. \(No fiscal impact\)](#)

Attachment: [HOME DPA Sat 030310 Checklist.pdf](#)

Attachment: [HOME DPA Sat 030310.pdf](#)

59. [HOME Investment Partnership Program Satisfaction of Rehabilitation/Replacement Lien Agreement for Barbara Harden. \(No fiscal impact\)](#)

Attachment: [HOME Rehab Sat Harden 030310.pdf](#)

Attachment: [HOME Rehab Sat Harden Checklist 030310.pdf](#)

60. [HOME Investment Partnership \(HOME\) Program Satisfaction of Rehabilitation/Replacement Mortgage for Felix C. Rodriguez and Esther Mae Rodriguez. \(\\$24.23 revenue\)](#)

Attachment: [HOME Rehab Sat Rodriguez Checklist 030310.pdf](#)

Attachment: [HOME Rehab Sat Rodriguez 030310.pdf](#)

61. [HOME Investment Partnership \(HOME\) Program Satisfaction of Rehabilitation/Replacement Lien Agreement for Willie Scales and Dorothy Scales. \(No fiscal impact\)](#)

Attachment: [HOME Rehab Sat Scales 030310 Checklist.pdf](#)

Attachment: [HOME Rehab Sat Scales 030310.pdf](#)

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

Attachment: [TBRA Checklist.pdf](#)
Attachment: [TBRA Contracts.pdf](#)

63. [Housing Choice Voucher \(formerly Section 8\) Housing Assistance Payments \(HAP\) Contracts for the families and the amounts listed.](#)

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

64. [State Housing Initiatives Partnership \(SHIP\) Program Agreement between Polk County and the Lakeland Habitat for Humanity, Inc. for Land Acquisition with Down Payment Assistance for Single-Family Housing Units. \(No fiscal impact\)](#)

Attachment: [LkldHabitatCkfst.pdf](#)
Attachment: [Lkld Habitat.pdf](#)

65. [Interlocal Agreement between the Board and the City of Haines City for the provision of public transit services within the city from the Winter Haven Area Transit system through September 30, 2010. \(\\$12,335.00 one-time revenue\)](#)

Attachment: [Request for Legal Services Form.pdf](#)
Attachment: [Haines City WHAT Interlocal Agreement.pdf](#)

PUBLIC SAFETY

66. [First Amendment to the Verizon Wireless Tower Lease Agreement. \(No fiscal impact\)](#)

Attachment: [First Ammend Verizon Lease.pdf](#)

SUPPORT SERVICES

67. [Amendment to Master Consulting Agreement No. 06-06 with Wade Trim, Inc. \(Time extension only\)](#)

Attachment: [Wade Trim Master Agreement Extension.pdf](#)

68. [Amendment to Master Consulting Agreements No. 02-96 with Envisors, LLC; No. 02-97 with PBS&J, Inc.; No. 02-98 with Keith and Schnars, P.A.; No. 02-99 with Woolpert, Inc.; No. 02-101 with Chastain-Skillman, Inc.; No. 02-104 with Jones Edmunds & Associates, Inc.; and No. 02-105 with Professional Engineering Consultants, Inc. \(No fiscal impact\)](#)

Attachment: [Water and Wastewater Master Agreement Extensinos.pdf](#)

69. [Professional Engineering Consultants, Inc. \(PEC\) assignment of existing master agreement and continuing contracts to Pegasus Engineering, LLC. \(\\$92,182.78 one-time expense\)](#)

Attachment: [PEC assignment to Pegasus.pdf](#)

70. [Amendment No. 3 for Software and Hardware Maintenance Service Agreement No. 07-28 with Image One. \(\\$30,233.93 annual expense\)](#)

Attachment: [Image One Maintenance Agreement Extension.pdf](#)

71. [Amendment to Master Consulting Agreements No. 06-131 with Infrastructure Engineers, Inc. of St. Cloud, Florida; No 06-132 with Johnson Engineering, Inc. of Land O' Lakes, Florida; No 06-133 with URS Corporation Southern of San Francisco, California; No 06-134 with Pitman Hartenstein & Associates, Inc. of Jacksonville, Florida; No 06-135 with The LPA Group, Inc. of Lake Mary, Florida; No 06-138 with Keith & Schnars, P.A. of Ft Lauderdale, Florida; No 06-139 with HNTB Corporation of Tampa, Florida; No 06-140 with PB Americas of Tampa, Florida; No 06-141 with Kisinger Campo & Associates Corp of Tampa, Florida; No 06-143 with Reynolds, Smith and Hills, Inc. of Tampa, Florida; No 06-148 with No HDR Engineering, Inc. of Tampa, Florida; and No 06-149 with PBS&J of Tampa, Florida. \(No fiscal impact\)](#)

72. [Amendment to Master Consulting Agreements No. No 06-233 with URS Corporation Southern of San Francisco, California; No 06-234 with HDR Engineering, Inc of Omaha, Nebraska; No 06-235 with PBS&J of Tampa, Florida; No 06-260 with TBE Group, Inc. of Clearwater, Florida; No 06-262 with Jacobs Engineering Group, Inc. of Pasadena, California; and No 06-268 with PB Americas, Inc. of Tampa, Florida. \(No fiscal impact\)](#)

73. [Professional Engineering Consultants, Inc. \(PEC\) assignment of existing master agreement and continuing contracts to Pegasus Engineering, LLC. \(\\$106,038.67 one-time expense\)](#)

Attachment: [Parks and Natural Resources PEC Assignment to Pegasus.pdf](#)

The Chairman adjourned the meeting at 2:45 p.m.