



Board of County Commissioners Meeting Agenda

05-19-10 Regular BoCC Meeting Minutes

May 19, 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 May 5, 2010.

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

INVOCATION

1. [Father Wade Fahnestock - Blue Kirk Mission - Lakeland](#)

PLEDGE OF ALLEGIANCE (BOB ENGLISH, CHAIR)

A. APPROVE CONSENT AGENDA

2. [Approve Consent Agenda.](#)

B. PRESENTATIONS and RECOGNITIONS

3. [Presentation of service certificates to Carl Burgess, Jr.; Raymond N. Cather; Alisa Cotton; Steven Foskey; Kathryn LaFond; Michele Medani; Ronald Sullivan; John Vinzant; Rita West; Charles White and Edward Wolfe.](#)

Attachment: [2010 AgendaPresentation May2010.pdf](#)

4. [Senator JD Alexander to present the GFOA Certificate of Achievement for Excellence in Financial Reporting and the Award for Outstanding Achievement in Popular Financial Reporting for FY 08 to Richard Weiss, Clerk, Accountant and Auditor to the Polk County Board of County Commissioners.](#)

5. [Recognize Polk County's Communications Center for receiving Accreditation as an Accredited Center of Excellence.](#)

C. PROCLAMATIONS

6. [Proclaim May 16-22, 2010 as WATER REUSE WEEK. Ashley McNutt, representing the Polk County Utilities Division, will accept the proclamation.](#)

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Attachment: [Water Reuse Week.pdf](#)

7. [Proclaim May 19, 2010 as DELTA DAY IN POLK COUNTY. Louversa Herbert, representing Delta Sigma Theta Sorority, Inc., will accept the proclamation.](#)

Attachment: [Delta Sigma Theta Sorority.pdf](#)

8. [Proclaim May 22-28, 2010 as SAFE BOATING WEEK. Gilbert Thomas, representing the U.S. Coast Guard, will accept the proclamation.](#)

Attachment: [Safe Boating week.pdf](#)

9. [Proclaim May 28-30, 2010 as PUGHSVILLE COMMUNITY WEEKEND. Patricia Smith-Fields will accept the proclamation.](#)

Attachment: [Pughsville.pdf](#)

10. [Proclaim June 1-7, 2010 as NATIONAL CPR and AED WEEK. Citizen CPR Board members Patti Rubin and Harvey Craven will accept the proclamation.](#)

Attachment: [CPR and AED.pdf](#)

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

11. [Disbursements.](#)

Attachment: [051910 Disbursements.pdf](#)

12. [Minutes of Regular Board meeting held on May 5, 2010.](#)

Attachment: [050510 MIN.pdf](#)

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

13. [Consider proposed mediated settlement in Alma Cantrell and Fred Cantrell vs. Polk County, Florida, Case No. 2007CA-000783-0000LK. \(\\$35,000.00 one-time expense\)](#)

14. [Consider settlement of Beech Outdoor Advertising vs. Polk County., et al., 2nd DCA Case No. 2D10-2074. \(fiscal impact of building fees being collected\)](#)

Attachment: [Beech Outdoor vs Polk County settlement agreement.pdf](#)

G. COUNTY ATTORNEY (MICHAEL CRAIG)

15. [Right-of-Way purchase for the North Ridge Trail Project, Parcels 116, 117, 118, 118A/702, 119, 120 and 122.\(\\$409,025.00 one-time expense\)](#)

Attachment: [NRT Backup 116 etc.pdf](#)

Attachment: [NRT Pcl 116 etc Fiscal Impact.pdf](#)

16. [Consider continuance of LDC 09D-04 and CU 09-17 from June 2, 2010, at 1:30 p.m. to Board Meeting date of June 3, 2010, 9:00 a.m., to hear a Solid Waste Landfill request, CPA 10A-03, LDC 09D-04 and CU 09-17. \(No fiscal impact\)](#)

17. [Right-of-Way purchase for Phase 4 of the Eloise Infrastructure Improvement Project, Parcels 131 and 817. \(\\$107,405.75 one-time expense\)](#)

Attachment: [Parcels 131 and 817.pdf](#)

H. COUNTY MANAGER (MICHAEL HERR)

18. [Update concerning the transfer of 9-1-1/Dispatch to the Sheriff's office.](#)

19. [County Manager requests approval of an amendment to the NCT Group CPA's, L.L.P., extending the duration for three \(3\) years beginning October 1, and ending September 30, 2010, 2011 and 2012. \(\\$235,000.00 annual expense with up to a 3% increase in FY 11-12 and FY 12-13\)](#)

Attachment: [Eng ltr addendum 051910.pdf](#)

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20. [Amendment No. 4 to Lease Agreement No. 219 with Winter Haven Hospital, Inc. for approximately 39,906 square feet in their Gil Jones Campus Building located at 3425 Old Lake Alfred Road in Winter Haven. \(\\$481,768.32 annual expense\)](#)

Attachment: [10 0407 NE Govt Ctr ReqForLgl.pdf](#)

Attachment: [10 0407 NE Govt Ctr PWFI Oracle.pdf](#)

Attachment: [10 0407 NE Govt Ctr Contract Map.pdf](#)

21. [Selection Committee's recommendation of award to Ring Power Corporation, for RFP 09-094-CJC, Equipment and Vehicle Maintenance and Asset Management. \(\\$728,500.00 first year maintenance expense\)](#)

Attachment: [RFP 09 094 final ranking.pdf](#)

Attachment: [Breakdown of cost.pdf](#)

22. [Selection Committee's recommendation on RFP No. 10-053-AAR , Construction Manager at Risk, North East Regional Park \(f.k.a. Hayman Property\) Phase I. \(No fiscal impact\)](#)

Attachment: [10 53.pdf](#)

79. [Work Session on Impact Fees](#)

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

23. [James Chapman to discuss Kathleen Road.](#)

24. [Tommy Addison, Special Projects Manager for Standard Sand & Silica, to discuss the Public Service Tax and how it affects them with natural gas.](#)

76. [Comment](#)

77. [Comment](#)

78. [Comment](#)

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH, CHAIR)

25. [Authorize the additional waiver of impact fees under Workforce Housing Mitigation Program in the amount of \\$250,000 for the remainder of the current fiscal year. \(\\$250,000.00 one-time expense\)](#)

Attachment: [Workforce housing totals 09 10.pdf](#)

Attachment: [Ordinance 07 040 Mitigation Programs.pdf](#)

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

26. [Discuss Polk Works.](#)

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

27. [Appoint L. Marshall "Skip" Stellfox as a member of the Polk County Housing Finance Authority for the four-year term of December 1, 2008, through November 30, 2012.](#)

Attachment: [HFA Stellfox bio 3.pdf](#)

M. COMMISSIONER DISTRICT 4 (JEAN REED)

28. [Discuss expenses for Legoland trip.](#)

80. [Comments.](#)

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON)

29. [Cigar Factory Building in Bartow.](#)

81. [Reimbursement of funds to Chairman English for Legoland trip.](#)

O. LAY BOARD APPOINTMENTS

30. [Reappoint Ed Chambers to the Workforce Development Board for a three-year term effective July 1, 2010.](#)

Attachment: [Ed Chambers Data Form and Bio.pdf](#)

31. [Reappoint Hector Gonzalez to the Workforce Development Board for a three-year term effective July 1, 2010.](#)

Attachment: [Hector Gonzalez Data Form and Bio.pdf](#)

32. [Reappoint Marie Horton to the Workforce Development Board for a three-year term effective July 1, 2010.](#)

Attachment: [Marie Horton Data Form and Bio.pdf](#)

33. [Reappoint Elka Lopez to the Workforce Development Board for a three-year term effective July 1, 2010.](#)

Attachment: [Elka Lopez Data Form and Bio.pdf](#)

34. [Reappoint Katrina Lunsford to the Workforce Development Board for a three-year term effective July 1, 2010.](#)

Attachment: [Katrina Lunsford Data Form and Bio.pdf](#)

35. [Reappoint Lori Walsh to the Workforce Development Board for a three-year term effective July 1, 2010.](#)

Attachment: [Lori Walsh Data Form and Bio.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

36. [Right-of-Way Setback Variance along Old Brewster Road \(East\) for mining activities at Hookers Prairie Phosphate Mine. \(No fiscal impact\)](#)

Attachment: [Hookers Prairie Mine Variance Staff Report.pdf](#)

37. [Amendment to Joint Planning and Interlocal Service Boundary Agreement between Haines City and Polk County. \(No fiscal impact\)](#)

Attachment: [DRAFT JPA AMENDMENT V2.pdf](#)

Attachment: [Haines City Adopted JPA.pdf](#)

Attachment: [HAINES CITY LETTER 3 1 10.pdf](#)

38. [LDC 10T-06 \(Directional Signs\) to consider the Adoption of an ordinance amending the Land Development Code. \(No fiscal impact\)](#)

Attachment: [LDC 10T 06 Ordinance.pdf](#)

Attachment: [LDC 10T 06 Staff Report.pdf](#)

39. [DRI SUB 10-01 \(Substantial Deviation to the Green Bay Gypsum Stack Expansion Development of Regional Impact\). \(No fiscal impact\)](#)

Attachment: [DRI SUB 10 01 Green Bay Resolution.pdf](#)

Attachment: [DRI SUB 10 01 Green Bay staff report.pdf](#)

40. [Ordinance adopting CPA 09DRI-02 to change the Future Land Use and policies under Objective 2.131-A within the I-4 NE/Parkway Selected Area Plan \(SAP\) to implement the changes to the Polk Commerce Centre Development of Regional Impact \(DRI\). This hearing was continued from the May 5, 2010 Board meeting and we requesting to continue to June 16, 2010, at 1:30 p.m. \(No fiscal impact\)](#)

Attachment: [CPA 09DRI 02 Ordinance Part 2 of 2 Map revised.pdf](#)

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

Attachment: [CPA 09DRI 02 Ordinance Part 1 of 2 Text revised.pdf](#)

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

41. [Removal of equipment from inventory as listed on Blanket Removal Form 1859.](#)

Attachment: [Blanket Removal Form 1859.pdf](#)

42. [Accept Annual Financial Audit Reports for Bridgewater Community and City Center Community Development Districts.](#)

43. [Minutes of the Poinciana Community Development District dated November 18, 2009.](#)

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44. [Southwest Florida Water Management District's Comprehensive Annual Financial Report \(CAFR\) for fiscal year ended September 30, 2009.](#)

45. [Adopt Resolution providing for the division of proceeds of the six \(6\) cent Local Option Gas Tax for 2010.](#)

Attachment: [Gas Tax Resolution.pdf](#)

46. [Approve Satisfaction of Road Improvement Assessment Lien for Cindy Stevens.](#)

Attachment: [Satisfaction Stevens.pdf](#)

COUNTY ATTORNEY

47. [Accept Drainage Easement and Warranty Deed from Trustees James N. Duke and Danna G. Duke for right-of-way being donated for the Crump Road at U.S. Highway 27 Intersection Improvement Project. Also approve the conveyance, by County Deed, of previously donated right-of-way not needed for the project \(\\$89.50 one-time expense\).](#)

Attachment: [Fisca lImpact.pdf](#)

Attachment: [Crump Rd Backup.pdf](#)

48. [Declare surplus and authorize the private conveyance to Jose Antonio Rodriguez of the County's interestin Parcel ID Number 272703-721500-015081. \(No fiscal impact\)](#)

Attachment: [Rodriguez Surplus Backup.pdf](#)

49. [Dish Network Satellite TV Service Agreement for Emergency Management. \(\\$563.88 annual expense\)](#)

Attachment: [Dish Network contract May2010.pdf](#)

50. [TELVENT Subscription Agreement For Weather Services for Emergency Management. \(\\$870.00 annual expense\)](#)

Attachment: [Televent agreement.pdf](#)

51. [Accept instruments for additional right-of-way as requested through the Development Review Process. \(\\$145.50 one-time expense\)](#)

Attachment: [Maronda Homes Back up.pdf](#)

Attachment: [FiscallImpact DRC Deeds Recording.pdf](#)

Attachment: [Backup W Bella Vista.pdf](#)

Attachment: [CR547 School Board Backup.pdf](#)

Attachment: [Backup Old Combee RD.pdf](#)

Attachment: [Swindell Road backup.pdf](#)

52. [Record maintained right-of-way map for Oak Avenue South \(\\$60.00 one time expense\).](#)

Attachment: [Fiscal Impact.pdf](#)

Attachment: [Oak Avenue South Backup.pdf](#)

53. [Approval of a modified settlement with Raven Industries, Inc. with regards to the failure of geomembrane stormwater liner at the North Central Landfill.](#)

COUNTY MANAGER

54. [Approve payment to the Florida Association of Counties \(FAC\) for membership dues, November 1, 2010 thru October 31, 2011. \(\\$62,157.00 annual expense\)](#)

Attachment: [FACMbrshpltr.pdf](#)

ASSISTANT COUNTY MANAGER

55. [Polk HealthCare Plan Provider Medical Services Agreement.\(Transfer of existing appropriations to medical providers\)](#)

Attachment: [M Haque MD 10 141 RM.pdf](#)

INFRASTRUCTURE MANAGEMENT

56. [Approval of Florida Department of Environmental Protection Agreement No. SP540, Amendment No. 10, to extend the time for Polk County Utilities' completion of easement acquirement for the Skyview Utilities wastewater system. \(Time extension only\)](#)

Attachment: [County Attorneys Office Approval.pdf](#)
Attachment: [DEP Agreement SP540.pdf](#)
Attachment: [DEP Agreement SP540 Approvals.pdf](#)

57. [Fiscal Year 2010/2011 Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation. \(\\$146,940.00 one-time revenue/no match required\)](#)

Attachment: [FDOT Agreement Fiscal Impact.pdf](#)
Attachment: [FDOT Agreement Deputy Clerk Certification.pdf](#)
Attachment: [FDOT Agreement Approved Legal Review.pdf](#)
Attachment: [FDOT Agreement Approved Review by William Beasley.pdf](#)
Attachment: [FDOT Agreement Exhibit A.pdf](#)

58. [Adopt Resolution Setting Parking Restrictions on Bomber Road, near Wahneta. \(\\$119.19 one-time expense\)](#)

Attachment: [Bomber Road Parking Study.pdf](#)
Attachment: [Parking Restrictions Resolution Bomber Road.pdf](#)
Attachment: [Parking Restrictions Approved Review by William Beasley.pdf](#)
Attachment: [Parking Restrictions Fiscal Impact Bomber Road.pdf](#)
Attachment: [Parking Restrictions Approved Legal Review.pdf](#)
Attachment: [Bomber Road Maps.pdf](#)

59. [Roadway Lighting System Maintenance Agreement with the Florida Department of Transportation \(FDOT\) for SR 35 \(US 98\) from Manor Drive to north of CR 540A and adopt the associated Resolution. \(\\$14,752.00 one-time revenue/no match required\)](#)

Attachment: [FDOT Agreement Deputy Clerk Certification.pdf](#)
Attachment: [FDOT Agreement Approved Review by William Beasley.pdf](#)
Attachment: [Resolution for FDOT Roadway Lighting System Maintenance Agreement.pdf](#)
Attachment: [FDOT Agreement Fiscal Impact.pdf](#)
Attachment: [FDOT Agreement Approved Legal Review.pdf](#)
Attachment: [FDOT Roadway Lighting System Maintenance Agreement.pdf](#)

60. [Change Order No. 2 to Contract No. 09-076 with Martin Construction, Inc. \(Contractor\) for the Cypress Gardens Road at Cypress Gardens Boulevard \(SR 540\) Intersection Improvement Project. \(Time extension only\)](#)

Attachment: [CGRdCGBldv CO2 Contr 09076 Backup.pdf](#)

GROWTH MANAGEMENT

61. [Accept property from Ritchie Bros. Properties, Inc. on Dunson Road in Northeast Polk County. \(No fiscal impact\)](#)

Attachment: [Ritchie Bros Property Sketch.pdf](#)
Attachment: [Ritchie Bros Property Deed.pdf](#)

62. [SET HEARING to consider LDC 10D-01 \(Custom Welding\). \(Suggested hearing date: June 2, 2010, at 1:30 p.m.\) \(No fiscal impact\)](#)

63. [SET HEARING to consider Plat Vacation \(Broadmoor Manor\). \(Suggested hearing date: June 16, 2010, at 1:30 p.m.\) \(No fiscal impact\)](#)

64. [SET HEARING to consider adoption of 2010A Large Scale Comprehensive Plan Amendments \(CPA 10A-01.04, 05, 07, 08, 10, 11, and 12\) and associated ordinances. \(Suggested hearing date: June 2, 2010, at 1:30 p.m.\) \(No fiscal impact\)](#)

65. [SET HEARING to consider adoption of 2010A Large Scale Comprehensive Plan Amendment \(CPA 10A-03\) and associated ordinance. \(Suggested hearing date: June 3, 2010, at 9:00 a.m.\) \(No fiscal impact\)](#)

HUMAN SERVICES

66. [Community Development Block Grant \(CDBG\) Program Imposition of Liens to recover costs associated with demolishing dilapidated structures through the County's Demolition and Clearance Program. \(\\$45,790.55 one-time revenue\)](#)

Attachment: [ImpDemoLiensCklsts.pdf](#)
Attachment: [051910 Corrected Order Imposing Liens.pdf](#)

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

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

68. [State Housing Initiatives Partnership \(SHIP\) Housing Rehabilitation/Reconstruction Agreements for Tracy Gardner and Robert Gardner, Jr. \(\\$88,798.00 one-time expense\)](#)

Attachment: [Gardner Tracy and Robert 051910.pdf](#)
Attachment: [Gardner Tracy Checklist 051910.pdf](#)

69. [Hurricane Housing Recovery \(HHR\) Program Subordination Agreement for Sergio Ponce Gonzalez and Aurora Ponce de Ponce. \(No fiscal impact\)](#)

Attachment: [Ponce Sergio Checklist 051910.pdf](#)
Attachment: [Sergio Ponce Gonzalez Subordination Agreement 051910.pdf](#)

PUBLIC SAFETY

70. [Modification Number One to Subgrant Agreement between the Florida Division of Emergency Management and Polk County. \(No fiscal impact\)](#)

Attachment: [Medulla Mod 1.pdf](#)

SUPPORT SERVICES

71. [Amendment No. 1 to Land Lease Agreement No. 287 with Four Oaks Farms. \(\\$342.33 annual revenue\)](#)

Attachment: [Daughtery Lease Extension.pdf](#)

72. [Amendment to Professional Services Agreement No. 06-17 with Moduss, Inc. \(Time extension only\)](#)

Attachment: [Moduss Agreement Amendment.pdf](#)

73. [Amendment 1 to Master Services Agreement No. 08-34, Disaster Debris Management with Beck Disaster Recovery, Inc. \(Time extension only\)](#)

Attachment: [08 34.pdf](#)

74. [Approve, in accordance with Ordinance 02-65, the distribution of \\$419,840.25 from the Driver Education Trust Fund to the Polk County School Board for use in its Driver Education Safety Program. \(\\$419,840.25 recurring expense\)](#)

Attachment: [Driver Education Trial Balance.pdf](#)
Attachment: [Driver Education Request Letter.pdf](#)
Attachment: [Driver Education Revenue.pdf](#)

POLK COUNTY SHERIFF

75. [Approve appropriation and expense of funds from the Law Enforcement Trust Fund for law enforcement managers to obtain specialized training on a variety of topics, and to hear notable speakers. \(\\$5,000.00 recurring expense\)](#)

Attachment: [Law Enforcement.pdf](#)

The Chairman adjourned the meeting at 4:15 p.m.