



# Polk County Board of County Commissioners

## Meeting Agenda - Final-revised

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### May 02, 2023 Regular BoCC meeting

In accordance with the American with Disabilities Act, persons with disabilities needing special accommodations to participate in this proceeding should contact the Communications Office not later than 48 hours prior to the proceeding. Their office is located in the County Administration Building, 330 West Church Street in Bartow. Telephone (863) 534-6090 or TTY (863) 534-7777. If hearing impaired dial 7-1-1 for Florida Relay services or call (800) 955-8771 (TTY); dial (800) 955-1339 if you are using a computer.

Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

If a person decides to appeal any decision made by the board with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

### **CALL TO ORDER - 9:00 a.m. (GEORGE LINDSEY, CHAIR)**

#### **INVOCATION**

Murphy Hanley, Polk County Fire Rescue Chaplain

#### **PLEDGE OF ALLEGIANCE (GEORGE LINDSEY, CHAIR)**

#### **A. PRESENTATIONS and RECOGNITIONS**

#### **B. CEREMONIAL PROCLAMATIONS**

#### **C. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE AND OPPORTUNITY TO BE HEARD**

C.1. Fred Daniell - Flooding at 830 Diamond Acres, Davenport

C.2. Comments.

#### **D. APPROVE CONSENT AGENDA**

D.1. Approve Consent Agenda.

#### **E. COUNTY COMPTROLLER (STACY M. BUTTERFIELD, CPA)**

E.1. Disbursements.

E.2. Minutes of Regular Board meeting held on April 18, 2023.

#### **F. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY**

**G. COUNTY ATTORNEY (RANDY MINK)**

- G.1. Approve the release of a surety in the amount of \$1,240,268.15 in the form of Performance Bond No. GM204414 for Astonia Phases 2 & 3. (No fiscal impact)
- G.2. Accept Astonia Phases 2 & 3 potable water, wastewater and reclaim water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- G.3. Accept a one-year warranty and surety in the amount of \$310,960.38 in the form of Maintenance Bond No. GM204422 for Astonia Phases 2 & 3. (No fiscal Impact)

**H. COUNTY MANAGER (BILL BEASLEY)**

- H.1. Approve the FY2023 Community Project Funding (CPF) Grant Agreement, establish a CIP Project, and adopt Resolution accepting CPF Funds in the amount of \$4,000,000.00 and amend the budget for unanticipated revenue for the FDC Grove Road/North Ridge Trail Flyover Project (\$4,000,000.00 one-time revenue).
- H.2. Approve the First Amendment to Cooperative Funding Agreement No. 21CF0003413 with the Southwest Florida Water Management District for the Polk County Direct Potable Reuse Feasibility and Pilot project (Q209). (one-time expense of \$1,001,582)
- H.3. Request Board approve construction contract with Thalle Construction Co., Inc., for the North Central Landfill wetlands treatment construction project (approved in the CIP as the Leachate Disposal Facility) (\$11,311,000 one-time expense), CIP amendment, and transfer from reserves (\$4,109,649 one-time transfer)
- H.4. Request Board approve 1) construction contract with EAU Gallie Electric for the installation of the Central County Jail (CCJ) auxiliary generator. (\$973,350.00 one-time expense). 2) CIP amendment and budget transfer in the amount of \$231,426.00.
- H.5. Impact Fee Credit Agreement for W. Daughtery Road Lighted Intersection for Lake Gibson Apartments
- H.6. Proportionate Share Agreement for CR35A/Kathleen Road Improvements for Fox Branch Development

**I. COMMISSIONER DISTRICT 2 (RICK WILSON)**

- I.1. Commissioner Wilson Comments.

**J. COMMISSIONER DISTRICT 3 (BILL BRASWELL)**

- J.1. Commissioner Braswell Comments.

**K. COMMISSIONER DISTRICT 4 (MARTHA SANTIAGO)**

K.1. Commissioner Santiago Comments.

**L. COMMISSIONER DISTRICT 5 (NEIL COMBEE)**

L.1. Commissioner Combee Comments.

**M. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY, CHAIR)**

M.1. Chair Lindsey Comments.

**N. LAY BOARD APPOINTMENTS**

**O. EXPEDITED HEARINGS PURSUANT TO RESOLUTION NO. 2022-089**

\* County Attorney opening comments

- O.1. Public Hearing (LDCT-2022-20 ECX Car Washes and Vehicle Service) (Adoption Hearing) to consider the adoption of an applicant-initiated Land Development Code text amendment.
- O.2. Public Hearing (LDCT-2022-21 Additional Land Uses in Solar Farms) (Adoption Hearing), an applicant-initiated request to add additional primary uses associated with solar power generation facilities in Section 303 Criteria for Conditional Uses of the Land Development Code.
- O.3. Public Hearing (LDCPAS 2022-46 Magnolia Solar Hub) (Adoption Hearing) to consider the adoption of a Large-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 40.84+/- acres from Agricultural/ Residential Rural (A/RR) Residential Suburban (RS) to Institutional (INST).
- O.4. Public Hearing (LDCPAS-2022-32 Anchuca CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use designation on 25 +/- acres from Residential Low (RL-1) and Industrial (IND) to Business Park Center (BPC) in the Transit Supportive Development Area (TSDA). (No Fiscal Impact)
- O.5. Public Hearing (LDCD-2023-2 Anchuca Sub-district Change) (Adoption Hearing) to consider the adoption of a Sub-District Map Change on 9.83 +/- acres from Industrial (IND) to Business Park Center (BPC-2) in the Transit Supportive Development Area (TSDA). This case is related to a Small-Scale Comprehensive Plan Amendment (LDCPAS-2022-32) and Text Amendment (LDCT-2023-3). (No Fiscal Impact)

- O.6. Public Hearing (LDCT-2023-3 Anchuca LDC Text Amendment) (Adoption Hearing) to consider an ordinance adopting a Land Development Text Amendment to add development conditions in Appendix E related to LDCPAS-2022-32 which is a Future Land Use Designation to change Industrial (IND) and Residential Low (RL-1) to Business Park Center (BPC). This adds policies Section 2.135 in the Comprehensive Plan to reference this property has development conditions in the LDC. (No Fiscal Impact)
- O.7. Public Hearing (LDCPAL 2022-24 Park Place Apartments CPA) (Transmittal Hearing) to consider the adoption of a Large-Scale Comprehensive Plan Map Amendment on 19.6 +/- acres to change the Future Land Use from Residential Low (RL-X) and Professional/Institutional (PIX) to Residential High (RHX). (No Fiscal Impact)
- O.8. Public Hearing (LDCPAL 2023-1 Holly Hill 3 RHX CPA) (Transmittal Hearing) to consider the adoption of a Large-Scale Comprehensive Plan map to change Future Land Use designation on 14.48 +/- acres from Residential Medium-X (RMX), and Employment Center-X (ECX) to Residential High-X (RHX) in the Transit Supportive Development Area (TSDA)/North Ridge Selected Area Plan (SAP)/Ridge Special Protection Area (SPA)/Green Swamp Area of Critical State Concern (ACSC)/Transit Corridors and Centers Overlay (TCCO). (No Fiscal Impact)
- O.9. Public Hearing (LDCPAL 2023-2 SR 37 to ARR) (Transmittal Hearing) to consider the adoption of a Large-Scale Comprehensive Plan map to change Future Land Use designation on 57.06 +/- acres from Comprehensive Plan Map amendment to change the Future Land Use designation from Phosphate Mining (PM) to Agricultural Residential Rural (A/RR) in the Rural Development Area (RDA). (No Fiscal Impact)
- O.10. Public Hearing (LDCT-2023-2 Infill Lots Text Amendment) (First Reading) to consider the adoption of a County-initiated request to amend setback standards for infill lots; modify requirements for the infill of individual lots; and increase the locations for administrative approval of individual mobile homes. (No Fiscal Impact).

**P. PUBLIC HEARINGS**

- P.1. Public Hearing to consider adoption of a resolution to vacate a portion of a platted easement shown as Fla. Power Esmt. on the Plat of Spring Pines Unit Number Three.
- P.2. Public Hearing to consider adoption of a resolution to vacate portions of platted public utility and drainage easements as described on the Plat of Poinciana Office and Industrial Park VII.

**Q. WORK SESSION ITEMS**

**R. CONSENT AGENDA ITEMS**

- R. COMMISSIONER DISTRICT 1
- R. COMMISSIONER DISTRICT 2
- R. COMMISSIONER DISTRICT 3
- R. COMMISSIONER DISTRICT 4
- R. COMMISSIONER DISTRICT 5
- R. COUNTY COMPTROLLER
- R.1. Removal of equipment from inventory as listed on Blanket Removal Form 2170.
- R. COUNTY MANAGER
- R. ECONOMIC DEVELOPMENT
- R. TOURISM/SPORTS MARKETING
- R.2. Approve an Agreement with Polk State College Foundation, Inc. to provide funding for the renovation of the Winter Haven Fine Arts Complex. (\$172,870 one-time expense)
- R. OFFICE OF PLANNING & DEVELOPMENT
- R.3. SET HEARING (LDCD 2023-1 County Line Road BPC-2 Sub-district Change) to consider the adoption of a Sub-district Map Change on 35.18 +/- acres from Business Park Center-1 (BPC-1) to Business Park Center-2 (BPC-2) in the Rural Development Area (RDA). Suggested hearing date is May 16, 2023, at 9:30 a.m. (No Fiscal Impact)
- R.4. SET HEARING (LDCPAS-2023-1 Aleph at Old Medulla CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 1 +/- acres from Business Park Center (BPC) to Residential High (RH) in the Transit Supportive Development Area (TSDA). Related to LDCPAS-2021-24 and LDCT-2021-22 that was approved May 2022. The suggested adoption hearing date is May 16, 2023, at 9:30 a.m.
- R.5. Posner Valley Phase 1D Plat for Conditional Approval. (No fiscal impact)
- R.6. WMG Sandmine Plat for Conditional Approval. (No fiscal impact)
- R.7. Approve the release of a surety in the amount of \$2,550,028.67 in the form of Performance Bond No. 59BSBIU1809 for Belle Haven Phase 1. (No fiscal impact)
- R.8. Accept Belle Haven Phase 1 potable water, wastewater and reclaim water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)

- R.9. Accept a one-year warranty and surety in the amount of \$640,893.74 in the form of Maintenance Bond No. LICX1973707 Belle Haven Phase 1. (No fiscal Impact)
- R.10. Approve the release of a surety in the amount of \$246,829.55 in the form of Performance Bond No. 41K236150 and rider for Caloosa Ridge. (No fiscal impact)
- R.11. Accept Caloosa Ridge potable water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.12. Accept a one-year warranty and surety in the amount of \$21,379.14 in the form of Maintenance Bond No. 41K236150 Caloosa Ridge. (No fiscal Impact)
- R.13. Approve the release of a warranty and surety in the amount of \$118,059.25 in the form of Maintenance Bond No. S-335771 for Estates at Lake Florence. (No fiscal impact)
- R.14. Approve the release of a warranty and surety in the amount of \$95,732.67 in the form of Maintenance Bond No. SUR0070199 for Meadow Walk Phase 2. (No fiscal impact)
- R. BUILDING
- R. DEPUTY COUNTY MANAGER
- R. BUDGET & MANAGEMENT SERVICES
- R.15. Approve distribution of funds from the Driver Education Trust Fund to the Polk County School Board for use in its driver education safety program. (\$277,239.62 recurring revenue and expense)
- R. PROCUREMENT
- R.16. Approve Piggyback Agreement for the selling of landfill gas to Polk County RNG, LLC. (\$500,000 estimated annual revenue)
- R.17. Request Board approve 1) construction contract with Zabatt Engine Services, Inc. for the construction and installation of six fueling stations generators. (\$274,176.04 one-time expense). 2) CIP amendment and budget transfer in the amount of \$269,186.00.
- R.18. Request Board Approve Amendment No.1 with Kisinger Campo & Associates, for Agreement 2022-033, Urband Lane drainage improvement project. (\$192,689.91 one-time expense from the American Rescue Plan Fund)
- R.19. Approve Piggyback Agreement for financial advisory services with PFM Financial Advisors LLC. (\$58,000 estimated recurring annual expense depending on debt issue activity)
- R. COMMUNICATIONS

- R.20. Florida Water Reuse Week May 14-20,2023
- R. COOPERATIVE EXTENSION SERVICES
- R. HEALTH & HUMAN SERVICES
- R.21. Approve the Amendment No.3 to the Emergency Rental Assistance Subaward Agreement with The Agricultural and Labor Program, Incorporated. (\$690,000 one-time expense).
- R.22. Approve State Housing Initiative Partnership (SHIP) Program rehabilitation/replacement program Homeowner Assistance Agreement and Grant Agreement for property located in Bartow, FL for Case# RC22-SHIP-012. (\$173,632.20 one-time expense).
- R.23. Approve ESG Subrecipient Agreement Amendment No. 1 between Polk County and Catholic Charities of Central Florida, Inc. (\$82,271.63 one-time expense).
- R.24. Approve ESG Subrecipient Agreement Amendment No. 1 between Polk County and Talbot House Ministries of Lakeland, Inc. (\$82,271.63 one-time expense).
- R.25. Approve ESG Subrecipient Agreement Amendment No. 1 between Polk County and The Salvation Army, A Georgia Corporation. (\$82,271.63 one-time expense).
- R.26. Approve ESG Subrecipient Agreement Amendment No. 1 between Polk County and Homeless Coalition of Polk County, Inc. (\$50,000.00 one-time expense).
- R.27. Approve ESG Subrecipient Agreement Amendment No. 1 between Polk County and Mulberry Community Service Center, Inc. (\$50,000.00 one-time expense).
- R.28. Approve Amendment No.2 to the Emergency Rental Assistance Processor Agreement with Florida Rural Legal Services, Incorporated (\$46,584.50 one-time expense).
- R.29. Approve Community Development Block Grant (CDBG) subrecipient agreement Amendment 2 between Polk County and The City of Winter Haven. (No fiscal impact).
- R. EQUITY & HUMAN RESOURCES
- R. INFORMATION TECHNOLOGY
- R. CODE ENFORCEMENT
- R. COURT SERVICES
- R. RISK MANAGEMENT
- R. INDIGENT HEALTH CARE

R. FACILITIES MANAGEMENT

R. FLEET MANAGEMENT

R. PARKS & NATURAL RESOURCES

R.30. Approve CSA with Inwood Consulting Engineers, INC for the Ridge to Rivers Feasibility Study (\$319,876.00 one-time expense).

R.31. Approve CSA with Kisinger Campo & Associates (KCA) Upper Peace River Feasibility project (one-time expense \$144,785.00).

R.32. Approve CSA modification #2 with Inwood Consulting Engineers, Inc. (Inwood) for professional engineering services to complete a variety of water quality assessments from Crooked Lake to Peace River. (\$25,645.50 one-time expense)

R. FIRE RESCUE

R. EMERGENCY MANAGEMENT

R. REAL ESTATE SERVICES

R.33. Approve Right-of-Way Agreements between Tampa Acquisitions, Inc. and Central Florida Petroleum Distributors, L.C. and Polk County in conjunction with the CR 542 (E. Main Street) at Combee Road Intersection Improvement Project, Parcels 101 and 102. (264,100 one-time expense)

R.34. Approve Agreement between Edward H. Bolick, Trustee and Polk County in conjunction with Spirit Lake Road drainage improvements. (\$102,000 one-time expense)

R.35. Authorize the conveyance of eight County owned parcels to the City of Lakeland. (No fiscal impact)

R.36. Accept Quit Claim Deed for property being donated for conservation preservation from the Estate of Anthony F. Aquilino, deceased. (No Fiscal impact)

R.37. Accept Quit Claim Deed from Hammock Reserve Partners, LLC for additional right-of-way along Old Haines City/Lake Alfred Road, Fletcher Trailer Park Road, and Richardson Road. (No fiscal impact)

R.38. Approve Release of Easement for a drainage easement associated with the Haines City Ditch in conjunction with development. (No fiscal impact)

R.39. Approve Partial Release of Conservation Easement in conjunction with the Central Polk Parkway (No fiscal impact)

R. ROADS & DRAINAGE



- R.40. Approve Amendment to the State Highway Lighting, Maintenance, and Compensation Agreement with the Florida Department of Transportation (FDOT) to Include Updated Exhibit "A" for FY 2023/2024 and Adopt a Resolution Authorizing the Chairman to Execute the Amendment on Behalf of the Polk County Board of County Commissioners (\$119,690.80 one-time revenue/no match required)
- R.41. Adopt Resolution Setting Truck Restrictions on Old Dade City Road (near Lakeland). (\$232.66 one-time expense)
- R.42. Adopt Resolution Setting Truck Restrictions on Tomkow Road (near Lakeland). (\$232.63 one-time expense)
- R.43. Adopt a Resolution Setting Speed Limit on Power Line Road, near Haines City. (\$230.12 one-time expense)
- R. UTILITIES
- R. WASTE & RECYCLING
- R. ELECTED OFFICIAL AND OTHER GOVERNMENTAL AGENCY
- R. COURT RELATED
- R. POLK COUNTY PROPERTY APPRAISER
- R. POLK COUNTY SHERIFF
- R. POLK COUNTY SUPERVISOR OF ELECTIONS
- R. POLK COUNTY TAX COLLECTOR
- R. SUPERINTENDENT OF POLK COUNTY SCHOOLS
- R. WORKFORCE DEVELOPMENT BOARD
- R. COUNTY ATTORNEY
- R.44. SET HEARING to consider adoption of an ordinance revising the process to release a Polk County claim of lien for demolition costs. SUGGESTED HEARING DATE: May 16, 2023, at 9:30 a.m.
- R.45. Release of Lien related to an Affordable Housing Impact Fee Waiver for David W. Hand (No fiscal impact).
- R.46. Ratify Letter of Agreement signed by the Chairman on April 21, 2023 for Heartland Crime Stoppers
- R.47. Consider adoption of resolution authorizing the County Attorney to issue opinion letters in connection with commercial transactions.

## ANNOUNCEMENTS

Below are scheduled events and public meetings at which two or more County Commissioners or Planning Commissioners may appear to discuss issues that may come before the Board of County Commissioners.

- Tuesday, May 2, 2023 – 6:00 p.m. – Sidewalk Advisory Committee will meet in Room 413, Fourth Floor, Polk County Administration Building.
- Wednesday, May 3, 2023 – 9:00 a.m. – Planning Commission Meeting will be held in the County Commission Boardroom.
- Thursday, May 4, 2023 – 8:30 a.m. – Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, May 4, 2023 – 9:00 a.m. – Tourist Development Council’s Arts, Culture and Heritage Committee meeting will meet at the Lake Myrtle Sports Complex, 2701 Lake Myrtle Park Road, Auburndale.
- Thursday, May 4, 2023 – 2:30 p.m. – Historical Commission and Marker Committee will meet in the County Commission Boardroom.
- Saturday, May 6, 2023 – 9:00 a.m. – New Northeast Government Center Grand Opening and Ribbon Cutting, 200 Government Center Boulevard, Lake Alfred.
- Tuesday, May 9, 2023 – 3:00 p.m. – Lake Access Advisory meeting will be held at the Parks and Natural Resources Office, 4177 Ben Durrance Road, Bartow.
- Tuesday, May 9, 2023 – 6:00 p.m. – Stormwater Technical Advisory Committee (STAC) Virtual Information Session will be held via Zoom. Contact Tabitha Biehl at (863) 534-7377 or email at [tabithabiehl@polk-county.net](mailto:tabithabiehl@polk-county.net) for Zoom log-in information.
- Wednesday, May 10, 2023 – 8:30 a.m. – Lakeland Area Mass Transit District (LAMTD) Board of Directors meeting will be held at 1212 George Jenkins Boulevard, Lakeland.
- Wednesday, May 10, 2023 – 1:00 p.m. – Conservation Land Acquisition Selection Advisory Committee (CLASAC) will meet in the County Commission Boardroom.
- Wednesday, May 10, 2023 – 3:00 p.m. – Central Florida Development Council (CFDC) Board Meeting will be held at Wauchula State Bank, 221 East Main Street, Lakeland.
- Wednesday, May 10, 2023 – 4:00 p.m. – Center Florida Development Council (CFDC) Investor Meeting will be held at Wauchula State Bank, 221 East Main Street, Lakeland.
- Wednesday, May 10, 2023 – 5:30 p.m. – Contractor Licensing Board Meeting will

be held in the County Commission Boardroom.

- Thursday, May 11, 2023 – 8:30 a.m. – Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, May 11, 2023 – 9:00 a.m. – Tourist Development Council’s Marketing Committee meeting will meet at the LEGOLAND Florida Resort, Beach Retreat Hotel, 100 Legoland Way SE, Winter Haven.
- Friday, May 12, 2023 – 9:00 a.m. – Board/Staff Agenda Review meeting to discuss the Agenda and any other matters that may come before the Board will be held in the Commissioners’ Conference Room, Room 407.
- Monday, May 15, 2023 – 1:30 p.m. – Land Use Hearing Officer Hearings will be held in the County Commission Boardroom.