



Polk County Board of County Commissioners

Meeting Agenda - Final-revised

September 19, 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

A.1. Employee Recognition

B. CEREMONIAL PROCLAMATIONS

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

C.1. Joan Pezzani to discuss Imperial Lakes.

C.2. Jennifer Wilkes to discuss speeding on Old Kissimmee/Old Tampa Road.

C.3. 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 September 5, 2023

F. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

G. COUNTY ATTORNEY (RANDY MINK)

G.1. Approve the release of a warranty and surety in the amount of \$135,084.19 in the form of Maintenance Bond No. 1156579 for Solterra Phase 2C-1. (No fiscal impact)

H. COUNTY MANAGER (BILL BEASLEY)

H.1. Approve agreement with The Zimmerman Agency, LLC for advertising and related marketing services. (\$3,490,500.00 estimated annual recurring expense)

H.2. Approve the Contract with Cove Behavioral Health, Inc. for behavioral health services. (Total amount not to exceed \$877,000: Year 1 - \$277,000, Year 2 - \$300,000, Year 3 - \$300,000).

H.3. Approve and ratify Letter of Agreement and IGT Provider Questionnaire from the State of Florida, Agency for Health Care Administration (AHCA) for the Public Emergency Medical Transportation Medicaid Managed Care Supplement Payment Program. (\$3,978,427.05 not-to-exceed, one-time expense)

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

N.1. Appoint Claire Twomey to the Affordable Housing Advisory Committee (AHAC) for a three-year term reappointment. (No fiscal impact).

N.2. Appoint Nicole Redmond to the Affordable Housing Advisory Committee (AHAC) who will fulfill the remaining term of a member who resigned. (No fiscal impact).

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

* County Attorney opening comments

- O.1. Public Hearing (LDCPAS-2023-5 Nichols PM to A/RR) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use designation on 19.32 +/- acres from Phosphate Mining (PM), to Agricultural/Residential Rural (A/RR) in the Rural Development Area (RDA). (No Fiscal Impact)
- O.2. Public Hearing (LDCPAS-2023-6 RR RLX and CCX to OCX) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use designation on 1.06 +/- acres from Convenience Center-X (CCX) and Residential Low-4X (RL-4X) to Office Center-X (OCX) in the Transit Supportive Development Area (TSDA) in the Ronald Reagan Selected Area Plan (SAP). (No Fiscal Impact)
- O.3. Public Hearing (LDCPAS-2023-7 Caspian Road CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use designation on 1.05 +/- acres from Development of Regional Impact (DRI), to Residential-Low (RL) in the Utility Enclave Area (UEA). (No Fiscal Impact)
- O.4. Public Hearing (LDCPAL 2023-7 CIE Annual Update) (Adoption Hearing) to review the Capital Improvements Element and reference the adopted five-year schedule of Capital Improvements, to reflect the timing and funding of capital projects to meet or maintain adopted Level-Of-Service (LOS) standards for certain public facilities; reference the adopted Transportation Improvement Program (TIP) Five-Year Study and the adopted Polk County School Board Five-Year Work Plan. (No Fiscal Impact)
- O.5. Public Hearing (LDCT-2023-13 Accessory Dwelling Units) (First Reading) to consider the adoption of a County-initiated request to consider the adoption of an LDC Text amendment to Chapter 2, Section 206.A, Accessory Dwelling Units, Garage Apartments, Guest Houses and Mother-in-law Suites.

P. PUBLIC HEARINGS

- P.1. Public Hearing to consider adoption of a resolution setting the rate of collection and approval of the non-ad valorem assessment roll for the 2023 Local Provider Participation Fund special assessment and authorizing the County Manager to execute a Letter of Agreement with the State of Florida Agency for Health Care Administration. (no fiscal impact)
- P.2. Public Hearing to consider adoption of a resolution to vacate a portion of a platted public drainage easement as shown on the Plat of Rainbow Ridge Unit Number Five, Auburndale, Florida. (No fiscal impact)

- P.3. Public Hearing to consider adoption of a Resolution to vacate platted and unmaintained right-of-way as shown on the plat of Wahneta Farms, Winter Haven, Florida. (No fiscal impact)
- P.4. Public Hearing (LDCPAS-2023-9 Jamison North CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use designation on 49.08 +/- acre from Phosphate Mining (PM) to 39.08 acres of Industrial (IND) and 10 acres of Business Park Center (BPC) in the Rural Development Area (RDA). (No Fiscal Impact)
- P.5. Public Hearing (LDCPAS-2023-10 Jamison South CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use designation on 22.26 +/- acre from Phosphate Mining (PM) to Industrial (IND) in the Rural Development Area (RDA). (No Fiscal Impact)
- P.6. Public Hearing (LDPD-2023-12 Creek Ranch RMD) (DeNovo Hearing) to consider an appeal to the Planning Commission's 4:3 decision to approve LDPD-2023-12, a Rural Mixed-Use Development.

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 2179.
- R. COUNTY MANAGER
- R. ECONOMIC DEVELOPMENT
- R. TOURISM/SPORTS MARKETING
- R. OFFICE OF PLANNING & DEVELOPMENT

- R.2. SET HEARING (LDCDD-2023-1 Amendment / West Haines City CDD Contraction) to consider the adoption of an applicant-initiated ordinance to amend an existing Community Development District (CDD) ordinance. Suggested hearing date is October 3, 2023, at 9:30 a.m. following the regular agenda (No fiscal impact).
- R.3. Westview Pod A Phase 1B & 2 Plat for Conditional Approval. (No fiscal impact)
- R.4. Accept Belle Haven Phase 2 potable water, wastewater and reclaim water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.5. Accept a one-year warranty and surety in the amount of \$264,764.45 in the form of Maintenance Bond No. CMS354676 for Belle Haven Phase 2. (No fiscal Impact)
- R.6. Accept Davenport Carwash potable water and wastewater utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.7. Accept a one-year warranty and cash surety in the amount of \$2,665.30 for Davenport Carwash. (No fiscal Impact)
- R.8. Accept Harper Grove 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 cash surety in the amount of \$9,085.00 for Harper Grove. (No fiscal Impact)
- R.10. Accept The Retreat Orlando potable water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.11. Accept a one-year warranty and cash surety in the amount of \$2,136.20 for The Retreat Orlando. (No fiscal Impact)
- R.12. Accept a Performance Surety in the form of cash for Fort Meade Borrow Pit in the amount of \$1,859.00 for the lifetime of the mine. (No fiscal impact)
- R.13. Approve the release of a surety in the amount of \$103,266.52 in the form of Performance Bond No. SU1189279 for Ironwood Subdivision. (No fiscal impact)
- R. BUILDING
- R. DEPUTY COUNTY MANAGER
- R. BUDGET & MANAGEMENT SERVICES

- R.14. Approve an Amended American Rescue Plan Fund Agreement with Warner University.
- R. PROCUREMENT
- R. COMMUNICATIONS
- R. COOPERATIVE EXTENSION SERVICES
- R. HEALTH & HUMAN SERVICES
- R.15. Approve HOME program Homeowner Assistance Agreement and Grant Agreement for the property located in Lake Wales, FL for Case# RC22-HOME-006. (\$192,133.20 one-time expense).
- R.16. Approve HOME program Homeowner Assistance Agreement and Grant Agreement for the property located in Winter Haven, FL for Case # RC22-HOME-010. (\$182,212.20 one-time expense).
- R.17. Approve State Housing Initiative Partnership (SHIP) Program rehabilitation/replacement program Homeowner Assistance Agreement and Grant Agreement for property located in Highland City, FL for Case# RC22-SHIP-024. (\$192,007.20 one-time expense).
- R.18. Approve State Housing Initiative Partnership (SHIP) Program rehabilitation/replacement program Homeowner Assistance Agreement and Grant Agreement for property located in Haines City, FL for Case# RC22-SHIP-020. (\$185,069.20 one-time expense).
- R. EQUITY & HUMAN RESOURCES
- R. INFORMATION TECHNOLOGY
- R. CODE ENFORCEMENT
- R. COURT SERVICES
- R.19. Approve letter of support for allocation of FY22 Byrne Justice Assistance Grant funds.
- R. RISK MANAGEMENT
- R.20. Approve Public Entity General Liability insurance effective October 1, 2023, through September 30, 2024. (\$499,600.00)
- R.21. Approve the annual Aviation insurance policy renewal effective October 31, 2023 through October 31, 2024. (Annual expense \$157,587.76 with FIGA tax)
- R.22. Approve Cyber Risk and Network Security Liability annual insurance policy renewal effective October 1, 2023, through September 30, 2024. (\$115,000.00)

R.23. Consider approval of the proposed settlement in the matter of Maria Villanueva-Ventura v. Polk County Board of County Commissioners (\$50,000.00 one-time expense).

R. INDIGENT HEALTH CARE

R.24. Board to authorize the County Manager to execute, on behalf of Polk County, the Low Income Pool Letter of Agreement with the State of Florida Agency for Health Care Administration for matching funds on behalf of Central Florida Health Care on or before the deadline of October 1, 2023. (\$590,304.10 not-to-exceed one-time expense).

R.25. Board to authorize the County Manager to execute, on behalf of Polk County, the Low Income Pool Letter of Agreement with the State of Florida Agency for Health Care Administration, for Tri-County Human Services behavioral health matching funds on or before the deadline of October 1, 2023. (\$421,539 not-to-exceed one-time expense).

R.26. Board to authorize the County Manager to execute, on behalf of Polk County, the Low Income Pool Letter of Agreement with the State of Florida Agency for Health Care Administration, for Peace River Center for Personal Development behavioral health matching funds on or before the deadline of October 1, 2023. (\$571,003 not-to-exceed one-time expense).

R.27. Approve the Polk HealthCare Plan Medical Services Agreement with Cove Behavioral Health, Inc. for behavioral health services. (Transfer of existing appropriations to medical provider).

R.28. Approve the Polk HealthCare Plan Medical Services Agreement with La Fortaleza Physical Therapy Center, Inc. for specialty care services. (Transfer of existing appropriations to medical provider).

R.29. Approve the First Amendment to Clinical Laboratory Services Agreement with Laboratory Corporation of America (LabCorp). (Transfer of existing appropriations to medical provider).

R. FACILITIES MANAGEMENT

R. FLEET MANAGEMENT

R.30. Extension of MOU for Fleet Management with the City of Auburndale FY23/24 (one-time revenue and expense of \$689,117.04)

R.31. Extension of MOU for Fleet Management with the City of Lake Wales FY23/24 (one-time revenue and expense of \$356,565.12)

R.32. Approve transfer of reserve for FY22/23 within the Fleet Maintenance Fund - \$739,300 and in the Fleet Generator Maintenance Program - \$400,000. (One-time transfers from reserves totaling \$1,139,300)

- R.33. Approve transfer of reserve for FY22/23 from the Fleet Replacement Fund (One time transfer of \$600,000)
- R. PARKS & NATURAL RESOURCES
- R. FIRE RESCUE
- R.34. Initial application of Certificate of Public Convenience and Necessity (COPCN) - The Serviam Group LLC.
- R. EMERGENCY MANAGEMENT
- R. REAL ESTATE SERVICES
- R.35. SET HEARING to consider requests to vacate portions of platted and unmaintained rights-of-way as shown on the plat of Pomona Heights and on the Replat of Pomona Heights. (Suggested hearing date is October 3, 2023 at 9:30 a.m or immediately following the regular agenda)
- R.36. Adopt resolution in accordance with Section 125.379, Fla. Stat. stating that there are no county-owned properties deemed appropriate for affordable housing.
- R.37. Authorize the conveyance of County's interest in Parcel ID Number 283133-977800-007041 to the City of Frostproof. (No fiscal impact)
- R.38. Approve Right-of-Way Agreement between PTC SPE, LLC and Polk County in conjunction with the County Road 557 Improvement Project, Parcel 122. (No fiscal impact)
- R.39. Approve Right-of-Way Agreement by and between the State of Florida, Department of Transportation and Polk County in conjunction with improvements to State Road 35 and authorized a County Deed to FDOT for the access rights associated therewith. (No fiscal impact)
- R. ROADS & DRAINAGE
- R.40. Approve a Consultant Services Authorization (CSA) No. 22-084-02 with CONSOR Engineers, LLC (Consultant) to provide professional engineering services for the inspection of 40 Non-Qualifying Bridges. (\$200,947.50 one-time expense)
- R.41. Approve Modification No. 1 to CSA No. 17-050-07 with AIM Engineering & Surveying, Inc. (Consultant) for the SR 60 @ Old Bartow/Lake Wales Rd Intersection Improvement Project. (\$51,465.22 one-time expense)
- R.42. Approve Interlocal Agreement between Polk County and the City of Lake Wales (City) for the Minor Streetscape Improvement Project for East Orange Avenue and East Crystal Avenue. (No Fiscal Impact)
- R. UTILITIES

- R.43. Request Board approve construction contract with Miller Pipeline, LLC for the Crooked Lake Park Inflow & Infiltration Reduction Improvements project (\$5,090,716.89 one-time expense from American Rescue Plan Funds).
- R.44. Request Board approve construction contract with Killebrew, Inc. for the Crooked Lake Park Receivership Lift Station and Force Main Improvements project (\$4,639,477.00 one-time expense from American Rescue Plan Funds).
- R.45. Approve agreements with Dewberry Engineers, Inc. and Wright-Pierce, Inc. to provide professional engineering services for ERUSA and CRUSA AWS receiving facilities projects (\$234,273.56 one-time expense with Dewberry and \$404,012.50 one-time expense with Wright-Pierce)
- R.46. Approve selection committee's recommendation to authorize staff to enter into contract negotiations with Black & Veatch Corporation, Tetra Tech, Inc., Wright-Pierce, Inc., Dewberry Engineers, Inc., Hazen and Sawyer, P.C., Carollo Engineers, Inc., CHA Consulting, Inc., Jones Edmunds & Associates, Inc., Atkins North America, Inc., Kennedy Jenks Consultants, Inc., CivilSurv Design Group, Inc., and Halff Associates, Inc. for RFP 23-448, Utilities Design Services & Regulatory Support Services (No fiscal impact)
- 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.47. Set Public Hearing to consider adoption of an ordinance prohibiting smoking and vaping in public parks within unincorporated Polk County. (Suggested hearing date is October 3, 2023, at 9:00 am)
- R.48. Approve Outside Counsel Agreement with Lasseigne & Ladner, P.A.

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.

- Monday, September 18, 2023 – 3:00 p.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, September 18, 2023 – 6:00 p.m. – PUBLIC HEARING to adopt Final Millage Rates and Budget for fiscal year 2023-24 (includes millage rates and budget for the Parks, Library, Stormwater, and Rancho Bonito MSTUs) will be held in the County Commission Boardroom.
- Wednesday, September 20, 2023 – 7:30 a.m. – Technical Advisory Group (TAG) for Polk County Environmental Lands Program will gather in the parking lot at Parks and Natural Resources Office, 4177 Ben Durrance Road, Bartow. Please contact tabithabiehl@polk-county.net for details.
- Wednesday, September 20, 2023 – 9:00 a.m. – Appellate Special Magistrate of the Code Enforcement Unit will meet in the County Commission Boardroom.
- Wednesday, September 20, 2023 – 2:00 p.m. – Polk Regional Water Cooperative (PRWC) Board of Directors meeting will be held at the Lake Myrtle Sports Complex, 2701 Lake Myrtle Park Road, Auburndale.
- Wednesday, September 20, 2023 – 5:01 p.m. – Lakeland Area Mass Transit District (LAMTD) TRIMM Budget Hearing (2 of 2) will be held in City Hall's Commission Conference Room, 228 S. Massachusetts Avenue, Lakeland.
- Thursday, September 21, 2023 – 8:30 a.m. – Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, September 21, 2023 – 9:00 a.m. – Special Magistrate of the Code Enforcement Unit will meet in the County Commission Boardroom.
- Thursday, September 21, 2023 – 9:00 a.m. – 13th Annual Mayor's Roundtable will be held at Polk State College - Center for Public Safety, 1251 Jim Keene Boulevard, Winter Haven.
- Thursday, September 21, 2023 – 9:00 a.m. – Tourist Development Council's Sports and Special Events Committee will meet at the Polk County Tourism and Sports Marketing headquarters, 2701 Lake Myrtle Park Road, Auburndale.
- Thursday, September 21, 2023 – 6:00 p.m. – Winter Haven Chamber's Celebrate Winter Haven will be held at Nora Mayo Hall, 500 3rd Street NW, Winter Haven.

- Friday, September 22, 2023 – 7:30 a.m. – Technical Advisory Group (TAG) for Polk County Environmental Lands Program will gather in the parking lot at Parks and Natural Resources Office, 4177 Ben Durrance Road, Bartow. Please contact tabithabiehl@polk-county.net for details.
- Friday, September 22, 2023 – 8:30 a.m. – Citizens Healthcare Oversight Committee (COC) will be held in the County Commission Boardroom.
- Monday, September 25, 2023 – 1:30 p.m. – Transportation Disadvantaged Local Coordinating Board (TD-LCB) meeting will be held in the County Commission Boardroom.
- Monday, September 25, 2023 – 5:30 p.m. – Community Relations Advisory Council (CRAC) will meet in the Multi-Purpose Room, Room 413.
- Tuesday, September 26, 2023 – 8:00 a.m. – Shaping the Future of Opioid Abatement in Polk County will be held at Polk State College – Center for Public Safety, 1251 Jim Keene Boulevard, Winter Haven.
- Wednesday, September 27, 2023 – 9:00 a.m. – Alternate Appellate Special Magistrate meeting of the Code Enforcement Unit will be held in the County Commission Boardroom.
- Thursday, September 28, 2023 – 8:30 a.m. – Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, September 28, 2023 – 9:30 a.m. - Technical Advisory Committee (TAC) will meet in the Multi-Purpose Room, Room 413, Fourth Floor.
- Thursday, September 28, 2023 – 1:30 p.m. – Land Use Hearing Officer Hearings will be held in the County Commission Boardroom.
- Thursday, September 28, 2023 – 5:30 p.m. – Central Florida Development Council (CFDC) Annual Meeting will be held at Haus 820, 820 N. Massachusetts Avenue, Lakeland.
- Friday, September 29, 2023 – 7:30 a.m. – Technical Advisory Group (TAG) for Polk County Environmental Lands Program will gather in the parking lot at Parks and Natural Resources Office, 4177 Ben Durrance Road, Bartow. Please contact tabithabiehl@polk-county.net for details.
- Friday, September 29, 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, October 2, 2023 – 1:00 p.m. – Polk County Legislative Delegation meeting will be held at Polk State College - Center for Public Safety, 1251 Jim Keene Boulevard, Winter Haven.