



Polk County Board of County Commissioners

Meeting Agenda - Final-revised

September 05, 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

William Dehart, Polk County Fire Rescue Chaplain

PLEDGE OF ALLEGIANCE (GEORGE LINDSEY, CHAIR)

A. PRESENTATIONS and RECOGNITIONS

A.1. Katie Hayes, Executive Director, Keep Polk County Beautiful, Inc., to present the 2022-2023 Clean It Up to Green It Up Program and 2023-2024 proposed work plan.

B. CEREMONIAL PROCLAMATIONS

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

C.1. 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 August 22, 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 \$150,796.26 in the form of Maintenance Bond No. 70NGP185125 for Willow Ridge. (No fiscal impact)
- G.2. Adopt resolution designating Polk County's website as the publicly accessible website for publication of legal notices and advertisements.

H. COUNTY MANAGER (BILL BEASLEY)

- H.1. Approve Agreements associated with the Lake Marion Scrub project. Land Purchase agreement with Lake Marion Preserve, LLC, Memorandum of Agreement (MOA) with Conservation Florida, for funding assistance in the amount of \$1,654,397.52 and a Grant Agreement - Real Estate Assist with The Nature Conservancy to reimburse the County up to \$1,500,000.00. (Fiscal Impact \$5,925,602.48 onetime costs and \$3,154,397.52 onetime revenue)
- H.2. Approve construction contract with Carr & Collier, Inc. for the Ernie Caldwell Blvd Water Main Improvements Phase 1 project (\$2,915,538.15 one-time expense from American Rescue Plan Funds)
- H.3. Approve an Interlocal Agreement with the City of Bartow for Tourist Development Tax Funding for design, engineering, and construction of the Bartow Softball Complex. (\$2,895,650 one-time expense)
- H.4. Approve the Second Amendment to the Contract with The Haley Center, Inc. to provide primary and specialty care services to eligible low-income county residents. (total amount not to exceed \$476,410 annually)
- H.5. Approve the Contract with Winter Haven Hospital, Inc. for uncompensated inpatient psychiatric services. (Not to exceed \$200,000 annually).

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. Appoint Diana Welsh as a Member (Seat 5) of the Polk County Historical Commission, for the three-year term, October 1, 2023 through September 30, 2026.
- K.2. Commissioner Santiago Comments.

L. COMMISSIONER DISTRICT 5 (NEIL COMBEE)

L.1. Reappoint Darla Bridges Short to serve as a Member (Seat 6) of the Polk County Historical Commission, for the three-year term, October 1, 2023 through September 30, 2026.

L.2. Commissioner Combee Comments.

M. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY, CHAIR)

M.1. Appoint James M. Denham as a member (Seat 7) of the Polk County Historical Commission, for the three-year term, October 1, 2023 through September 30, 2026.

M.2. 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-2023-10 NACX Car Wash) (Adoption Hearing) to consider the adoption of an applicant-initiated Land Development Code text amendment.

P. PUBLIC HEARINGS

P.1. Public Hearing (LDCDD-2023-2 Amendment / North Power Line Road CDD Scrivener's Error) to consider the adoption of an applicant-initiated ordinance to amend an existing Community Development District (CDD) ordinance in the unincorporated area of the County and city of Davenport.

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 2178.

R.2. Appoint property custodian for the office of Equity and Human Resources.

- R. COUNTY MANAGER
- R.3. Approve federal lobbying contract for Holland & Knight LLP. (\$114,000 one-time expense)
- R. ECONOMIC DEVELOPMENT
- R. TOURISM/SPORTS MARKETING
- R. OFFICE OF PLANNING & DEVELOPMENT
- R.4. SET HEARING (LDCPAL-2023-7 CIE Update 2023) 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. The suggested adoption hearing date is September 19, 2023, at 9:30 a.m.
- R.5. SET HEARING (LDCPAS-2023-5 Nichols PM to A/RR CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment 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). The suggested adoption hearing date is September 19, 2023, at 9:30 a.m.
- R.6. SET HEARING (LDCPAS-2023-6 Ronald Reagan RLX and CCX to OCX CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment 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 in the Transit Supportive Development Area (TSDA); floodplains, wetlands, Corridor of the Transit Centers and Corridor Overlay. The suggested adoption hearing date is September 19, 2023, at 9:30 a.m.
- R.7. SET HEARING (LDCPAS-2023-7 Caspian Road CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment 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 Development Area (UEA). The suggested adoption hearing date is September 19, 2023, at 9:30 a.m.
- R.8. SET HEARING (LDCPAS-2023-9 Old Hwy 37 CPA/Jamison North) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 49.9 +/- acres from Phosphate Mining (PM) to Industrial (IND) and Business Park Center (BPC) in the Rural Development Area (RDA). The suggested adoption hearing date is September 19, 2023, at 9:30 a.m.

- R.9. SET HEARING (LDCPAS-2023-10 Old Hwy 37 CPA/Jamison South) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 49.9 +/- acres from Phosphate Mining (PM) to Industrial (IND) and Business Park Center (BPC) in the Rural Development Area (RDA). The suggested adoption hearing date is September 19, 2023, at 9:30 a.m.
- R.10. SET HEARING (LDCT-2023-13 Accessory Dwelling Units (ADU)) to consider the adoption of an LDC Text amendment to Chapter 2, Section 206.A, Accessory Apartments, Garage Apartments, and Guest Houses. The suggested hearing dates are for the first reading on September 19, 2023, at 9:30 a.m. and the Adoption reading on October 3, 2023, at 9:30 a.m.
- R.11. Garden Hill at Providence Phase 2 Plat for Conditional Approval. (No fiscal impact)
- R.12. Legacy Callawalk Commercial Plat for Conditional Approval. (No fiscal impact)
- R.13. Vienna Square Phase 3A Plat for Conditional Approval. (No fiscal impact)
- R.14. Accept Apex Posner Park Apartments potable water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.15. Accept a one-year warranty and cash surety in the amount of \$3,509.00 for Apex Posner Park Apartments. (No fiscal Impact)
- R.16. Accept Blackwater Crossings Hotel potable water and reclaimed water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.17. Accept a one-year warranty and cash surety in the amount of \$3,905.00 for Blackwater Crossings Hotel. (No fiscal Impact)
- R.18. Accept Brentwood Phase 1 potable water, wastewater, and reclaimed water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.19. Accept a one-year warranty and surety in the amount of \$390,473.69 in the form of Maintenance Bond No. LICX1977213 for Brentwood Phase 1. (No fiscal Impact)
- R.20. Accept Cascades Subdivision Phase 1 potable water and wastewater utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.21. Accept a one-year warranty and surety in the amount of \$298,743.29 in the form of Maintenance Bond No. LICX1977221 for Cascades Subdivision Phase 1. (No fiscal Impact)

- R.22. Accept Cascades Phase 2 potable water and wastewater utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.23. Accept a one-year warranty and surety in the amount of \$62,972.90 in the form of Maintenance Bond No. LICX1977214 for Cascades Phase 2. (No fiscal Impact)
- R.24. Accept Ironwood Subdivision potable water, wastewater, and reclaimed water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.25. Accept a one-year warranty and surety in the amount of \$153,880.95 in the form of Maintenance Bond No. SU1196176 Ironwood Subdivision. (No fiscal Impact)
- R.26. Approve the release of a cash surety in the amount of \$55,000.00 Providence N25. (No fiscal impact)
- R.27. Accept Providence N25 potable water, reclaimed and wastewater utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.28. Accept a one-year warranty and cash surety in the amount of \$111,628.22 for Providence N25. (No fiscal Impact)
- R.29. First Amendment to Impact Fee Credit Agreement FDC Grove Road Extension
- R. BUILDING
- R. DEPUTY COUNTY MANAGER
- R. BUDGET & MANAGEMENT SERVICES
- R. PROCUREMENT
- R.30. Approve selection committee's recommendation to authorize staff to enter into contract negotiations with Benesch for a comprehensive impact fee study and update. (No fiscal impact)
- R. COMMUNICATIONS
- R. COOPERATIVE EXTENSION SERVICES
- R. HEALTH & HUMAN SERVICES
- R.31. Approve Interlocal Agreement for Countywide Transit System with the Lakeland Area Mass Transit District (3,708,934 not-to-exceed, one-time expense)

- R.32. Approve State Housing Initiative Partnership (SHIP) Program rehabilitation/replacement program Homeowner Assistance Agreement and Grant Agreement for property located in Frostproof, FL for Case# RC22-SHIP-015. (\$213,983.20 one-time expense).
- R.33. 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-023. (\$194,817.20 one-time expense).
- R.34. Approve the Amendment No. 2 to the Mortgage Assistance Subaward Agreement with HANDS of Central Florida, Incorporated. (\$25,000.00 one-time expense).
- R. EQUITY & HUMAN RESOURCES
- R. INFORMATION TECHNOLOGY
- R. CODE ENFORCEMENT
- R. COURT SERVICES
- R. RISK MANAGEMENT
- R. INDIGENT HEALTH CARE
- R. FACILITIES MANAGEMENT
- R.35. Request Board approve and execute a Grant Agreement between the Florida Department of Law Enforcement and the Polk County Board of County Commissioners for the project named Polk Sheriff's District Command Centers Emergency Generator Replacement in the amount of \$210,000.
- R. FLEET MANAGEMENT
- R. PARKS & NATURAL RESOURCES
- R. FIRE RESCUE
- R.36. Requesting the approval of Initial application of Certificate of Public Convenience and Necessity (COPCN) for National Health Transport, Inc.
- R.37. Renewal of Certificate of Public Convenience and Necessity (COPCN) - Florida Health Sciences Center, Inc., d/b/a Aeromed and Rocky Mountain Holdings, LLC- Air Methods Corporation
- R. EMERGENCY MANAGEMENT
- R. REAL ESTATE SERVICES

- R.38. SET HEARING to consider requests to vacate platted and unmaintained right-of-way as shown on the plat of Wahneta Farms and a portion of a platted drainage easement as shown on the plat of Rainbow Ridge Unit Number Five. (Suggested hearing date is September 19, 2023 at 9:30 a.m or immediately following the regular agenda)
- R.39. Approve Agreement between Coldwater Properties, LLC and Polk County for the purchase of a utility easement in conjunction with a water force main and associated valve assembly in the Northeast Water Service Area. (\$91,100 one-time expense)
- R.40. Adopt resolutions requesting the transfer of property owned by the State of Florida, Department of Transportation (hereinafter "FDOT") to the County and accept the subsequent public purpose Quit Claim Deeds from FDOT, all in conjunction with County Line Road (Hardee-Highlands County) and the State Road 542 Improvement Project. (no fiscal impact)

R. ROADS & DRAINAGE

- R.41. SET HEARING to Consider Adopting a Resolution Allowing for the Installation of Traffic Calming Devices (Speed Humps) on Ellerbe Way and Griffin Avenue, Near Lakeland. (Suggested Hearing Date: Tuesday, October 17, 2023, at 9:30 a.m.) (No fiscal impact)
- R.42. Approve the Second Amendment to the Infrastructure Agreement between Polk County and Champions Ridge, LLC (Developer) (\$265,326.45 one-time expense).
- R.43. Approve Modification No. 4 to CSA No. 17-058-03 with Rummel, Klepper & Kahl, LLC (Consultant) for the Fort Fraser Trail Extension Project. (\$71,330.40 one-time expense)
- R.44. Adopt a Resolution Setting Parking Restrictions on Halibut Road, near Poinciana (\$976.80 one-time expense)
- R.45. Adopt Resolution Setting Truck Restrictions on Crews Lake Road and Palmetto Avenue Southeast (near Lakeland). (\$272.21 one-time expense)
- R.46. Adopt Resolution Setting Truck Restrictions on Twenty-Eighth Street Northwest (near Winter Haven). (\$272.21 one-time expense)

R. UTILITIES

- R.47. Approve Consultant Services Authorization 18-068-06 with CivilSurv Design Group, Inc. for the Odor Control Master Plan Project (\$169,290 not to exceed one-time expense)

- R.48. Approve Modification No. 1 to Agreement No. H0165 with the Florida Division of Emergency Management (FDEM) for increased grant funding associated with Polk County, Northwest Region - Lift Station Generators, also known as Polk County's Standby Power Improvements Phase 2 Project (\$129,500.25 additional grant funds via the Federal Emergency Management Agency Hazard Mitigation Grant Program and time extension through October 31, 2023).
- R.49. Approve Modification No. 1 to Consultant Services Authorization 18-064-03 with Carollo Engineers, Inc., to provide professional services for the Advanced Metering Infrastructure (AMI) Support Services project. (\$69,618.76 not-to-exceed, one-time expense for a revised total of \$207,204.92)
- R. WASTE & RECYCLING
- R.50. Approve agreement with Jones Edmunds and Associates, Inc. for construction management and construction quality assurance services for the North Central Landfill wetlands construction project. (\$691,803.93 onetime expense)
- 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.51. Approve Supervisor of Elections (SOE) capital purchases and transfer from reserves for special revenue grant budget adjustments. (One Time grant revenue \$212,832, one time capital expense \$511,609)
- R. POLK COUNTY TAX COLLECTOR
- R. SUPERINTENDENT OF POLK COUNTY SCHOOLS
- R. WORKFORCE DEVELOPMENT BOARD
- R.52. Approve Memorandum of Understanding between AARP Foundation and Polk County Workforce Development Board, Inc. d/b/a Career Source Polk for coordination of resources and ensure effective and efficient delivery of the One-Stop Customer Service Delivery System.
- R. COUNTY ATTORNEY
- R.53. SET PUBLIC HEARING to consider adoption of an Assessment Resolution and Non-Ad Valorem Assessment Roll pursuant to Ord. 2022-029, the Polk County Local Provider Participation Fund Ordinance. (Suggested hearing date is September 19, 2023 at 9:00 a.m.)

- R.54. Request the Board authorize the filing of a complaint for damages against Miguel Quintero for damages to a Polk County Fire Rescue vehicle.
- R.55. Consider resolution approving Declaration of State of Local Emergency 23-01
- R.56. Consider adoption of a written order denying LDSPD-2023-1 with prejudice. (No fiscal impact)
- R.57. Consider adoption of a written order denying LDCU-2023-7 without prejudice. (No fiscal impact)

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 4, 2023 – The offices of the Board of County Commissioners will be closed in observance of the Labor Day Holiday.
- Wednesday, September 6, 2023 – 8:50 a.m. – Planning Commission will conduct a work session, prior to its regularly scheduled meeting, in the County Commission Boardroom.
- Wednesday, September 6, 2023 – 9:00 a.m. – Planning Commission Meeting will be held in the County Commission Boardroom.
- Wednesday, September 6, 2023 – 5:01 p.m. – Lakeland Area Mass Transit District (LAMTD) TRIMM Budget Hearing (1 of 2) will be held in City Hall's Commission Conference Room, 228 S. Massachusetts Avenue, Lakeland.
- Thursday, September 7, 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 7, 2023 – 8:30 a.m. – Central Florida Development Council (CFDC) Board Retreat will be held at Camp Margaritaville RV Resorts, 361 Denton Avenue, Auburndale.
- Thursday, September 7, 2023 – 9:00 a.m. – Tourist Development Council's Art, Culture and Heritage Committee will meet at the Lake Myrtle Sports Complex, 2701 Lake Myrtle Park Road, Auburndale.
- Monday, September 11, 2023 – 6:00 p.m. – PUBLIC HEARING to adopt Tentative 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 Commissioner Boardroom.
- Tuesday, September 12, 2023 – 8:30 a.m. – Polk Transportation Planning Organization (TPO) Federal Certification with FHWA will be held in Room 413, Fourth Floor, Polk County Administration Building.
- Tuesday, September 12, 2023 – 3:00 p.m. – Lakes Access Advisory meeting will be held at the Parks and Natural Resources Office, 4177 Ben Durrance Road, Bartow.
- Wednesday, September 13, 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, September 13, 2023 – 5:30 p.m. – Contractor Licensing Board

Meeting will be held in the County Commission Boardroom.

- Thursday, September 14, 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 14, 2023 – 9:00 a.m. – Tourist Development Council’s Marketing Committee will meet at the Tom Fellows Event Center, 207 North Boulevard W., Davenport.
- 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.