



## Polk County Board of County Commissioners

### Meeting Agenda - Final-revised

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#### November 07, 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. 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 October 17, 2023.

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

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

- G.1. Conservation Land Acquisition Selection Advisory Committee (CLASAC) recommendations on the following sites nominated to the Environmental Lands Program are to pursue acquisition on EL-100-23, EL-101-23, EL-102-23, EL-104-23 and EL-105-23 and to not pursue acquisition of EL-103-23. (No Fiscal Impact)

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

- H.1. Approve Standard Grant Agreement #22FRP12 with the State of Florida Department of Environmental Protection (FDEP) to provide funding for the project: "Polk County Peace Creek Canal Basin Wetland Restoration" (\$7,050,000 one-time revenue).
- H.2. Request Board approve (1) construction contract with CenState Contractors, Inc. for the Jordan's Grove ground storage reservoir & high service pump station project (one-time expense of \$3,070,000.00 from American Rescue Plan Funds and \$1,599,350.00 from Utilities Operating Funds), and (2) CIP amendment to the FY 24/25 Utilities Community Investment Program Expansion budget from reserves in the amount of \$278,908.00.
- H.3. Approve Infrastructure Agreement with Pulte Home Company, LLC, (developer) for Wastewater Improvements serving Belle Haven (\$497,471.00 not-to-exceed cost).
- H.4. Approve the Infrastructure Agreement between Blackfin Champions, LLC. and Polk County for Hwy 27 and Four Corners Blvd Intersection (\$738,189.87 One Time Expense).
- H.5. Approve an Asset Purchase Agreement between Millennial Property Investments Corp., Blue Falcon Operations Corporation and Polk County for the sale of the Rohr Home (\$5,000,000 one-time revenue)

**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. Re-appoint Robert Sheffield to the Polk County Lakes Access Advisory Committee for the three-year term, November 17, 2023, to November 16, 2026.
- K.2. Re-appoint Dr. Robert S. Hinds to serve as a member of the Housing Finance Authority for the four-year term, December 1, 2023, to November 30, 2027.

K.3. Commissioner Santiago Comments.

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

L.1. Commissioner Combee Comments.

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

M.1. Reappoint Kathryn E. Bevilacqua-Ely to the Early Learning Coalition of Polk County for the four-year term, May 6, 2022 through May 5, 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 (LDCPAL 2023-5 Northeast Regional Park) (Transmittal Hearing), a Large-Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential Low-X (RLX) to Recreation and Open Space-X (ROSX) on ±80.26 acres and Institutional-X (INSTX) on ±1.95 acres to recognize an existing regional park and fire rescue station in the North U.S. Highway 27 Selected Area Plan.

**P. PUBLIC HEARINGS**

P.1. PUBLIC HEARING to consider the adoption of an ordinance setting the yearly salary of Commissioners in accordance with Section 2.5 of the Polk County Charter.

P.2. PUBLIC HEARING to consider adoption of an ordinance prohibiting smoking and vaping in public parks within unincorporated Polk County.

**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 2182.
- R.2. Accept Unclaimed Funds check in the amount of \$30,147.09 from Joe G. Tedder, Tax Collector.
- R.3. Accept Unclaimed Funds check in the amount of \$539.62 from Stacy M. Butterfield, CPA, Clerk of the Circuit Court.
- R.4. The 2023-2024 Annual Meeting Schedule, Adopted Budget and Annual Financial Audit Report for the Westridge Community Development District.
- R. COUNTY MANAGER
- R. ECONOMIC DEVELOPMENT
- R. TOURISM/SPORTS MARKETING
- R. OFFICE OF PLANNING & DEVELOPMENT
- R.5. SET HEARING: (LDCPAS-2023-13 Pool Branch Road CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 18.52 +/- acres from Phosphate Mining (PM) to Agricultural Residential Rural (A/RR) in the Rural Development Area (RDA). The suggested adoption hearing date is November 21, 2023, at 9:30 a.m
- R.6. SET HEARING: (LDCPAS-2023-16 NE Avenue Y CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 0.22 +/- acres from Residential-Low (RL) to Residential High (RH) in the Transit Supportive Development Area (TSDA). The suggested adoption hearing date is November 21, 2023, at 9:30 a.m.
- R.7. SET HEARING: (LDCPAS-2023-17 J&T Ronald Reagan Parkway CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 1.92 +/- acres from Residential-Low-X (RL-X) to Residential Medium-X (RMX) in the Transit Supportive Development Area (TSDA) and Ronald Reagan Selected Area Plan (SAP). The suggested adoption hearing date is November 21, 2023, at 9:30 a.m.
- R.8. SET HEARING: (LDCPAS-2023-18 Shepherd Road Residential High CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 14.58 +/- acres from Community Activity Center (CAC), Residential Medium (RM), and Preservation (PRESV) to Residential High (RH) in the Urban Growth Area (UGA) and Transit. The suggested adoption hearing date is November 21, 2023, at 9:30 a.m.

- R.9. SET HEARING: (LDCPAS-2023-19 34th Street CE CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 0.52+/- acres from Residential Medium (RM) to Commercial Enclave (CE) in the Urban Growth Area (UGA), Transit Corridors and Centers Overlay (TCCO) and Inwood Redevelopment. The suggested adoption hearing date is November 21, 2023, at 9:30 a.m.
- R.10. SET HEARING: (LDWA-2023-43 Sunset Lane Road Access Waiver) to consider approval for a Waiver to Section 705B for a residential lot with access through a private road easement accessed by more than four lots on 0.93+/- acres in a Residential Low (RL-1) Future Land Use and the Urban Growth Area (UGA). The suggested adoption hearing date is November 21, 2023, at 9:30 a.m.
- R.11. SET HEARING: (LDCT-2023-17 Certified Local Government (CLG) Text) for eligibility to achieve Certified Local Government status as defined by the National Historic Preservation. The suggested hearing dates are for the first reading on November 21, 2023, at 9:30 a.m. and the Adoption reading on December 5, 2023, at 9:30 a.m.
- R.12. SET HEARING (LDCT-2023-12 PIX Car Wash and Self-Storage Text Amendment) to consider the adoption of an applicant-initiated Land Development Code text amendment. The suggested hearing dates are for the first reading on November 21, 2023, at 9:30 a.m. and the Adoption reading on December 5, 2023, at 9:30 a.m.
- R.13. Kathleen Square Plat for Conditional Approval. (No fiscal impact)
- R.14. Marion Creek Estates Phase 2 Plat for Conditional Approval. (No fiscal impact)
- R.15. Accept Pollard Pointe potable water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.16. Accept a one-year warranty and cash surety in the amount of \$7,676.00 for Pollard Pointe. (No fiscal Impact)
- R.17. Approve the release of a surety in the amount of \$3,208,991.37 in the form of Performance Bond No. LICX1216491 Redding Pointe. (No fiscal impact)
- R.18. Approve the release of a surety in the amount of \$756,368.20 in the form of Performance Bond No. US00115863SU22A Solivita Phase 5D. (No fiscal impact)
- R. BUILDING
- R. DEPUTY COUNTY MANAGER
- R. BUDGET & MANAGEMENT SERVICES
- R. PROCUREMENT

R. COMMUNICATIONS

R. COOPERATIVE EXTENSION SERVICES

R. HEALTH & HUMAN SERVICES

- R.19. Approve Community Development Block Grant (CDBG) subrecipient agreement between Polk County and the City of Winter Haven. (\$283,599.00 one-time expense).
- R.20. Approve Community Development Block Grant (CDBG) subrecipient agreement between Polk County and The City of Auburndale. (\$282,766.68 one-time expense).
- R.21. Approve Community Development Block Grant (CDBG) subrecipient agreement between Polk County and The City of Bartow. (\$216,395.95 one-time expense).
- R.22. Approve Community Development Block Grant (CDBG) subrecipient agreement between Polk County and Gospel, Inc. (\$200,000 one-time expense).
- R.23. Approve Community Development Block Grant (CDBG) subrecipient agreement between Polk County and HELP of Fort Meade, Inc. (\$200,000 one-time expense).
- R.24. Approve modification of State Housing Initiatives Partnership (SHIP) Rehabilitation program Homeowner Assistance Agreement and Grant Agreement for the property located in Haines City, FL. for Case# RC22-SHIP-003. (\$2,026.00 one-time expense).
- R.25. Removal of Uncollectible Accounts from the Rohr Home's Active Accounts Receivable (No Fiscal Impact)

R. EQUITY & HUMAN RESOURCES

- R.26. Approve the Collective Bargaining Agreement between the Polk County Board of County Commissioners (Polk County) and the Federation of Public Employees (Federation), a Division of the National Federation of Public and Private Employees (AFL-CIO)
- R.27. Approve Memorandum of Understanding with FOPE. (No fiscal Impact).

R. INFORMATION TECHNOLOGY

R. CODE ENFORCEMENT

R. COURT SERVICES

R. RISK MANAGEMENT

R. INDIGENT HEALTH CARE

R. FACILITIES MANAGEMENT

- R.28. Approve Gopher Tortoise Relocation Agreement for the Polk County Masterpiece Road Fire Rescue Station project with All Phase Environmental Solutions, LLC, (APES). (one-time estimated expense amount of \$108,000.00 as noted in the agreement dependent upon the final species count)

R. FLEET MANAGEMENT

R. PARKS & NATURAL RESOURCES

- R.29. Approve Agreement No. 23 PLN124 between Polk County and State of Florida Department of Environmental Protection (FDEP) to fund project Polk County Comprehensive Vulnerability Assessment. (one-time revenue \$500,000)
- R.30. Approve Interlocal Agreement between Polk County and Central Florida Regional Planning Council (CFRPC) to implement Polk County Comprehensive Vulnerability Assessment. (one-time expense \$500,000)
- R.31. Approve the T. Mark Schmidt grant agreement between the Florida Department of Agriculture and Consumer Services (FDACS) and Polk County for the Bone Valley ATV Park Motocross Track (\$246,302.75 one-time grant revenue).
- R.32. Approve agreement with Patel, Greene & Associates, LLC to provide professional engineering services for the master trail plan of the Lake Hancock multiuse trail. (\$249,730.00 one-time expense)
- R.33. Request Board approve selection committee's recommendation to authorize staff to enter into contract negotiations with Madrid CPWG for professional engineering services for the Crystal Lake Boardwalk. (No fiscal impact)
- R.34. Request Board approve selection committee's recommendation to authorize staff to enter into contract negotiations with Bern Kinard Auctioneer, Inc. for Gator Creek Grazing Lease. (No fiscal impact)

R. FIRE RESCUE

- R.35. Approve the transfer of reserve for FY22/23 from the Fire Impact Fee Funds (One time transfer of \$1,061,000)
- R.36. Approve the contract between Lexipol and Polk County, a political subdivision of the State of Florida through the Polk County Fire Rescue Division for Fire/EMS Policy Manual & Daily Training Bulletins. The first-year one-time fee of \$76,541.50, a second-year one-time fee of \$27,391.35, and an estimated \$34,945.75 annual expense for three years.
- R.37. Renewal of Certificate of Public Convenience and Necessity (COPCN) - AdventHealth Wesley Chapel

R. EMERGENCY MANAGEMENT

- R.38. Approve state-funded 2023-2024 Emergency Management Performance Grant (EMPG).

R. REAL ESTATE SERVICES

- R.39. SET HEARING to consider requests to vacate platted and unmaintained right-of-way shown on the map of Captain David Burn's Subdivision and vacate a portion of maintained right-of-way now known as Huckleberry Road as shown on the maintained right-of-way map for Horse Shoe Creek. (Suggested hearing date is November 21, 2023 at 9:30 a.m or immediately following the regular agenda)
- R.40. Approve Right-of-Way Agreement between David Rohrer and Georgia Rohrer, husband and wife and Polk County in conjunction with the Thompson Nursery Road Segment 1 Improvement Project, Parcel 111. (\$441,200 one-time expense)
- R.41. Approve Right-of-Way Agreement between Ferdinand Sanyet and Norma Gonzalez, husband and wife and Polk County in conjunction with the Thompson Nursery Road Phase 1 Segment 1 Project, Parcel 702. (\$18,994 one-time expense)
- R.42. Approve Right-of-Way Agreement between Tara Bridget Jones and Polk County in conjunction with the County Road 557 Project, Parcel 702. (\$4,600 one-time expense)
- R.43. Authorize a Utility Easement to the City of Auburndale over a portion of County-owned property in conjunction with a proposed utility project. (No fiscal impact)
- R.44. Accept Polk County Utilities Easement from Lakeland Burger Christina LLC, as requested through the Development Review Process. (No fiscal impact)
- R.45. Accept instruments for additional right-of-way along Horseshoe Creek Road, Finney Road, Pipkin Creek Road, and Lake Alfred-Polk City Road as requested through the Development Review Process. (No fiscal impact)

R. ROADS & DRAINAGE

- R.46. SET HEARING to Consider Adopting a Resolution Allowing for the Installation of Traffic Calming Devices (Speed Humps) on Fifth Street West, Near Winter Haven. (Suggested Hearing Date: Tuesday, November 21, 2023, at 9:30 a.m.) (No fiscal impact)
- R.47. Approve Change Order (CO) No. 4 with Hubbard Construction Company (Contractor) for temporary traffic signals needed on the West Pipkin Road Widening Project. (\$181,742.75 one-time expense)



- R.48. Approve Amendment No.1 to the Interlocal Agreement (ILA) with the Tohopekaliga Water Authority (TOHO) for the Lake Wilson Road Widening Project. (\$145,943.68 one-time expense)
- R.49. Approve Interlocal Agreement between Polk County and the City of Davenport for Road Improvements for the Davenport - Haines City Phase 3 Resurfacing Group (Estimated \$27,972.82 one-time revenue and expense)
- R.50. Adopt a Resolution Setting Parking Restrictions on Country Club Road North, near Winter Haven (\$521.72 one-time expense)
- R.51. Adopt a Resolution Setting Parking Restrictions on Tank Road, near Davenport (\$2,321.77 one-time expense)
- R.52. Adopt a Resolution Setting Speed Limit on Hutchins Road, near Fort Meade. (\$121.32 one-time expense)
- R.53. Approve agreements with Ardaman and Associates, Madrid Engineering Group, WSP USA, MC Squared and Universal Engineering Sciences for professional geotechnical services and construction materials testing and inspection.
- R.54. Approve modification to Subgrant Agreement between the Division of Emergency Management (FDEM) and Polk County for the Eloise Loop Road Drainage Improvement Project (Time extension only).

R. UTILITIES

- R.55. Approve Services Authorization 2023-021-01 with the University of Central Florida for the Central Regional Utility Service Area - Central Regional Water Treatment Facility Process Monitoring and Performance Assessment project (\$162,900 lump sum expense).
- R.56. Approve Consultant Services Authorization 18-067-03, Modification No. 1 with Wright-Pierce, Inc. to provide professional engineering services for the Upgrade Lift Station No. 253 (Providence) project. (\$30,076 increase; revised not-to-exceed, one-time expense of \$221,531 and time extension of 151 days)

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.57. Request that the Board authorize the filing of a Civil Complaint against 21 Palms Resort on Lake Juliana ("Resort") and other necessary parties to compel the Resort to remove or modify the pedestrian bridge ("Bridge") currently impeding boating traffic between Lake Mattie and Lake Juliana (collectively "Lakes").

R.58. Release of Lien related to a Workforce Housing Impact Fee Mitigation for Louise T. Wimberley (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, November 6, 2023 – 9:00 a.m. – Value Adjustment Board hearings will be held in the Administration Building third floor conference room 341.
- Tuesday, November 7, 2023 – 6:00 p.m. – Sidewalk Advisory Committee will meet in Room 413, Fourth Floor, Polk County Administration Building.
- Wednesday, November 8, 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, November 8, 2023 – 9:00 a.m. – Value Adjustment Board hearings will be held in the Administration Building third floor conference room 341.
- Wednesday, November 8, 2023 – 3:00 p.m. – Central Florida Development Council (CFDC) Board Meeting will be held at the Northeast Government Center, 200 Government Center Boulevard, Lake Alfred.
- Wednesday, November 8, 2023 – 4:00 p.m. – Central Florida Development Council (CFDC) Investor Meeting will be held at the Northeast Government Center, 200 Government Center Boulevard, Lake Alfred.
- Wednesday, November 8, 2023 – 5:30 p.m. – Contractor Licensing Board Meeting will be held in the County Commission Boardroom.
- Wednesday, November 8, 2023 – 6:00 p.m. – 6th Annual Gala Benefiting Early Learning Coalition of Polk County will be held at Venue 650, 650 6th Street SW, Winter Haven.
- Thursday, November 9, 2023 – 8:30 a.m. – Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, November 9, 2023 – 9:00 a.m. – Value Adjustment Board hearings will be held in the Administration Building third floor conference room 341.
- Thursday, November 9, 2023 – 9:00 a.m. – Tourist Development Council's Marketing Committee meeting will be held at the Hilton Garden Inn-Lakeland, 3839 Don Emerson Drive, Lakeland.
- Friday, November 10, 2023 – The offices of the Board of County Commissioners will be closed in observance of the Veteran's Day Holiday.
- Monday, November 13, 2023 – 9:00 a.m. – Value Adjustment Board hearings will

be held in the Administration Building third floor conference room 341.

- Tuesday, November 14, 2023 – 9:00 a.m. – Value Adjustment Board hearings will be held in the Administration Building third floor conference room 341.
- Tuesday, November 14, 2023 – 1:30 p.m. – Land Use Hearing Officer Hearings will be held in the County Commission Boardroom.
- Wednesday, November 15, 2023 – 9:00 a.m. – Value Adjustment Board hearings will be held in the Administration Building third floor conference room 341.
- Wednesday, November 15, 2023 – 9:00 a.m. – Appellate Special Magistrate of the Code Enforcement Unit will meet in the County Commission Boardroom.
- Wednesday, November 15, 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, November 15, 2023 – 2:00 p.m. – Joint Airport Zoning Board will meet in the Large Conference Room, Bartow Executive Airport, 5993 Airport Boulevard, Bartow.
- Wednesday, November 15, 2023 – Friday, November 17, 2023 – Florida Association of Counties Legislative Conference, Grand Hyatt Tampa Bay, 2900 Bayport Drive, Tampa.
- Thursday, November 16, 2023 – 9:00 a.m. – Value Adjustment Board hearings will be held in the Administration Building third floor conference room 341.
- Thursday, November 16, 2023 – 9:00 a.m. – Special Magistrate of the Code Enforcement Unit will meet in the County Commission Boardroom.
- Thursday, November 16, 2023 – 8:30 a.m. – Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, November 16, 2023 – 9:00 a.m. – Tourist Development Council's Sports and Special Events Committee will meet at Camp Margaritaville Auburndale, 361 Denton Avenue, Auburndale.
- Monday, November 20, 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 Commi