



Polk County Board of County Commissioners

Meeting Agenda - Final-revised

September 17, 2024 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. (BILL BRASWELL, CHAIR)

INVOCATION

Murphy Hanley, Polk County Fire Rescue Chaplain

PLEDGE OF ALLEGIANCE (BILL BRASWELL, CHAIR)

A. PRESENTATIONS and RECOGNITIONS

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 September 3, 2024.

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 \$127,027.83 in the form of Maintenance Bond No. S-332987 for Astonia Phase 1. (No fiscal impact)

H. COUNTY MANAGER (BILL BEASLEY)

- H.1. Approve Amendment No.2 to Agreement 2022-077, with Wright-Pierce, Inc. to provide professional engineering services for the Northeast Regional Wastewater Treatment Facility Expansion from 6.0 MGD to 9.0 MGD. (\$6,798,421.00 one-time expense)
- H.2. Approve Amendment No. 1 to Agreement 2023-074, with Wharton-Smith, Inc., to provide additional Construction Manager at Risk (CMAR) preconstruction services for the Northeast Regional Wastewater Treatment Facility expansion from 6 to 9 million gallons daily. (\$926,576.00 preconstruction services one-time expense)
- H.3. Approve and ratify the Letter of Agreement and IGT Provider Questionnaire from the State of Florida, Agency for Health Care Administration (AHCA) for the Public Emergency Medical Transportation Medical Managed Care Supplement Payment Program (\$4,328,212.75 not-to-exceed, one-time expense)
- H.4. Approve the first amendment to the contract with We Care of Central Florida, Inc. (We Care) for referral and coordination of specialty care services to eligible low-income residents. (Total amount not to exceed \$694,165 annually.)
- H.5. Approve Cooperative Funding Agreement (No. 22CF0004301) with the Southwest Florida Water Management District (SWFWMD) to co-fund the Lake Hancock Watershed Management Plan (\$1,250,000 one-time revenue and \$1,250,000 County match).
- H.6. Approve the Wetland Mitigation Credit Purchase and Sale Agreement with the Missing Link Mitigation Bank to purchase 2.07 freshwater forested state credits for the wetland impacts on the North Ridge Trail Project. (\$455,400 one-time expense)
- H.7. Confirm appointment of Shawn Smith as Interim Fire Chief for Polk County Fire Rescue, effective September 13, 2024.

I. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

- I.1. Appoint Tony Kirk, Sr. as a member of the Polk County Sidewalk Advisory Committee, for the three-year term, October 1, 2024 through September 30, 2027.
- I.2. Commissioner Lindsey Comments.

J. COMMISSIONER DISTRICT 2 (RICK WILSON)

J.1. Commissioner Wilson Comments.

K. COMMISSIONER DISTRICT 4 (MARTHA SANTIAGO)

K.1. Commissioner Santiago Comments.

L. COMMISSIONER DISTRICT 5 (NEIL COMBEE)

L.1. Appoint Bryana LaTorre-Carvalho as a member of the Sidewalk Advisory Committee for the three-year term, October 1, 2024 through September 30, 2027.

L.2. Commissioner Combee Comments.

M. COMMISSIONER DISTRICT 3 (BILL BRASWELL, CHAIR)

M.1. Chair Braswell Comments.

N. LAY BOARD APPOINTMENTS

N.1. Appoint Edwin Moran to serve as a member of the Community Relations Advisory Council (CRAC) for a four-year term beginning September 17, 2024, and ending September 17, 2028

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

* County Attorney opening comments

O.1. Public Hearing (LDCPAS-2024-5 Innovation W Pipkin Road INST CPA) (Adoption Hearing) to consider a Small-Scale Comprehensive Plan Future Land Use Map change from Business Park Center (BPC) to Institutional (INST) in the Transit Supportive Development Area (TSDA). (No Fiscal Impact)

O.2. Public Hearing (LDCT-2024-16 W Pipkin Road Text Amendment) to modify Appendix E, (subsection F.) the original conditional requirements (Adoption Hearing). (No Fiscal Impact)

O.3. Public Hearing (LDCT-2024-12 SPD Changes Text Amendment) (Adoption Hearing) to conform Suburban Planned Development (SPD) standards in Section 303, Conditional Uses; Section 403.01, the Wahneta Neighborhood Plan; and Section 505, Polk City SPA in the Green Swamp ACSC with other Planned Development standards. (No Fiscal Impact).

O.4. Public Hearing (LDCT-2024-15 Access via Easement Text Amendment) (Adoption Hearing) to modify LDC Section 705.B for access via easement. (No Fiscal Impact).

- O.5. Public Hearing (LDCT-2024-14 TCX Full-Service Car Wash Text Amendment) (First Reading) to modify Table 4.8, Use Table for US 27 Selected Area Plan. (No Fiscal Impact).

P. PUBLIC HEARINGS

- P.1. Public Hearing (LDCDD-2024-3 / Cypress Creek CDD) to consider the adoption of an applicant-initiated ordinance to establish a new Community Development District (CDD) the unincorporated area of the county. (No fiscal impact)
- P.2. Public Hearing (LDCDD-2024-4/ Lake Ashton II CDD Boundary Amendment) to consider the adoption of an applicant-initiated ordinance to add non-residential property to an existing Community Development District (CDD) located in the cities of Lake Wales and Winter Haven that was originally adopted by the Board prior to annexation.
- P.3. Public Hearing (LDCPAS-2024-10 Shepherd Road CPA (Adoption Hearing) to consider the Future Land Use Change from Residential Low (RL-1) to Residential High (RH) in the Transit Supportive Development Area (TSDA). (No Fiscal Impact)
- P.4. Public Hearing to consider adoption of an ordinance amending and restating Polk County Ordinance 2019-056, the Polk County Amended and Restated Comprehensive Impact Fee Ordinance, for the purpose of imposing updated rates for Emergency Medical System (EMS), Correctional Facilities, Transportation, Educational System, Library, Park, Fire Rescue, and Law Enforcement Impact Fees.
- P.5. Public Hearing to consider adopting a resolution providing that the proposed Polk County Ag-Center serves a public purpose.
- P.6. Public Hearing to consider adoption of a resolution to vacate platted, unopened, and unmaintained right-of-way as shown on Crosby's Addition to Loughman, Florida, Davenport, Florida. (No fiscal impact)
- P.7. Public Hearing to consider adoption of a resolution to vacate portions of platted rights-of-way as shown on the plat of Holly Hill Addition to Loughman and the plat of Roy A. Miller's Subdivision at Loughman, Fla., Davenport, Florida. (No fiscal impact)
- P.8. Public Hearing to consider adoption of a resolution to vacate portions of platted, rights-of-way as shown on the plat of Waverly Manor Town Unit No. 1, and the Plat of Washington Park, Waverly, Florida. Also accept Drainage Easement and Utility Easement to Polk County in conjunction therewith. (No fiscal impact)
- P.9. Public Hearing to consider adoption of a resolution Allowing for the Installation of Five Traffic Calming Devices (Speed Humps) on Lake Thomas Drive, Near Winter Haven. (estimated \$25,000.00 one-time expense)

- P.10. Public Hearing to consider adoption of a resolution Allowing for the Installation of Five Traffic Calming Devices (Speed Humps) on Lewis Road, Near Lakeland.
(estimated \$25,000.00 one-time expense)

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. Audit Report 2024-09 Commercial Waste Franchise Fee follow-up.

R.2. Proposed Fiscal Year 2025 budgets for Crosswinds East, Hamilton Bluff, Peace Creek, Ranches at Lake McLeod, and Weiberg Road Community Development District.

R.3. Removal of equipment from inventory as listed on Blanket Removal Form 2202.

R. COUNTY MANAGER

R. ECONOMIC DEVELOPMENT

R. TOURISM/SPORTS MARKETING

R.4. Approve the second amendment to the Interlocal Agreement with the City of Winter Haven for Tourist Development Tax Funding for improvements to the Chain of Lakes Complex. (\$2,861,688.74 additional expense over 20 years)

R. OFFICE OF PLANNING & DEVELOPMENT

R.5. Bimini Bay Townhomes Plat for Conditional Approval. (No fiscal impact)

R.6. Fox Branch Ranch Phase 4 Plat for Conditional Approval. (No fiscal impact)

R.7. Approve the release of a cash surety in the amount of \$3,509.00 for Apex Posner Park Apartments. (No fiscal impact)

R.8. Approve the release of a cash surety in the amount of \$111,628.22 for Providence N25. (No fiscal impact)

- R.9. Approve the release of a 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.10. Consider the adoption of a new Interlocal Agreement between Polk County, Lake County, Orange County, and Osceola County. (No fiscal impact)
- R.11. Approve recommended changes to the functional classification of select Polk County roads: C. F. Kinney Road, Southern Avenue and W. Starr Avenue. (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.12. Approve State Housing Initiative Partnership (SHIP) Hurricane Housing Recovery Program (HHRP) rehabilitation/replacement program Homeowner Assistance Agreement and Grant Agreement for property located in Davenport, FL. for Case #DR23-S-IAN-006. (\$205,209.20 one-time expense).
- R.13. Approve Community Development Block Grant (CDBG) rehabilitation/replacement program Homeowner Assistance Agreement and Grant Agreement for the property located in Winter Haven, FL., for Case #RC24-CDBG-002. (\$197,864.70 one-time expense).
- R. EQUITY & HUMAN RESOURCES
- R. INFORMATION TECHNOLOGY
- R. CODE ENFORCEMENT
- R. COURT SERVICES
- R. RISK MANAGEMENT
- R.14. Approve Public Entity General Liability insurance effective October 1, 2024, through September 30, 2025. (\$552,800 annual expense)
- R.15. Consider approval of the proposed settlement in the matter of Teresa Free v. Polk County Board of County Commissioners; \$200,000.00 one-time expense.

- R.16. Approve Cyber Risk and Network Security Liability annual insurance policy renewal effective October 1, 2024, through September 30, 2025. (\$145,000 annual expense)

R. COMMUNITY HEALTH CARE

- R.17. Approve renewal agreement for core public health services with the Florida Department of Health in Polk County. (\$380,000 not-to-exceed one-time expense).
- R.18. Approve the third amendment to the contract with Volunteers in Service to the Elderly, Inc. for transportation to health care related services. (not to exceed \$248,000 annually)
- R.19. Authorize the County Manager to execute, on behalf of Polk County, the Low Income Pool (LIP) Program Letters of Agreement (LOAs) with the State of Florida Agency for Health Care Administration as the non-federal/state share of matching funds on or before the deadline of October 1, 2024. (Fiscal impact TBD by the LOAs)
- R.20. Approve the second amendment to the contract with Tri-County Human Services, Inc. to provide behavioral health services to eligible low-income county residents. (Total amount not to exceed \$700,000 annually.)
- R.21. Approve the first amendment to the contract with Peace River Center for Personal Development, Inc. to provide behavioral health services to eligible low-income county residents. (Total amount not to exceed \$430,000 annually.)
- R.22. Approve agreement with Vistra Communications, LLC for advertising and related marketing services for Indigent Health Care programs. (\$100,000.00 estimated annual recurring expense)

R. FACILITIES MANAGEMENT

R. FLEET MANAGEMENT

R. PARKS & NATURAL RESOURCES

- R.23. Approve Standard Grant Agreement No. 24PLN59 between Polk County and State of Florida Department of Environmental Protection (FDEP) to fund project called the Polk County Adaptation Plan. (one-time revenue \$300,000)
- R.24. Approve Seventh Amendment to Encroachment Management Agreement Between United States of America and Conservation Florida and Adding Polk County agreement (no fiscal impact).
- R.25. Approve Memorandum of Agreement for Land Acquisition and Management Services (No Fiscal Impact)

R. FIRE RESCUE

- R.26. Request the Board approve the Fire Protection and Rescue Services Interlocal Agreement between Polk County and the Seminole Tribe of Florida.

R. EMERGENCY MANAGEMENT

R. REAL ESTATE SERVICES

- R.27. Authorize the conveyance of seven County owned parcels to the City of Lakeland. (No fiscal impact)
- R.28. Accept Polk County Utilities Easement from Plumblin Investors, LLC, as requested through the Development Review Process. (No fiscal impact)
- R.29. Adopt Resolution authorizing negotiations required by §73.015, Florida Statutes to be undertaken by the County Real Estate Services Director and his designated agents, subject to final Board approval, for acquisitions necessitated by new Roads and Drainage CIP Drainage Projects; Creekwater Dr, Carefree Cove, Armstrong Rd/S. Pipkin Rd/Old Medulla Rd. (No fiscal impact)
- R.30. Approve master agreements with American Acquisition Group, LLC, Florida Acquisition & Appraisal, Inc., HDR Engineering, Inc., and Independence Acquisition & Appraisal, LLC to perform acquisition services under annual contract. (No fiscal impact)

R. ROADS & DRAINAGE

- R.31. Approve Amendment No. 2 to Consultant Services Authorization (CSA) No. 22-088-01 with HNTB Corporation, (Consultant) to provide engineering services for the Cypress Parkway at Lake Marion Creek Road Intersection Improvements Project (\$224,042.00 one-time expense).
- R.32. Approve Modification No. 1 to Consultant Services Authorization (CSA) No. 2022-094-01 with Patel, Greene & Associates, LLC (Consultant) to provide additional professional services for the Spirit Lake Road Roundabout Project. (\$93,232.94 one-time expense)

R. UTILITIES

- R.33. Approve agreement with ISI Water Company dba Water Company of America to identify any water, wastewater and reclaimed water misbillings. (\$100,000 estimated annual expense)

R. WASTE & RECYCLING

- R.34. Approve renewal for Non-Exclusive Commercial Franchise for Fiscal year 2024-25 with Florida Roll-Off Solution LLC. (No Fiscal Impact)

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. WORKFORCE DEVELOPMENT BOARD

R.35. Acknowledge the designation of CareerSource Polk as the local grant subrecipient as part of an agreement between CareerSource Polk and the Florida Department of Commerce and authorize the Chair to sign on behalf of the County. (No fiscal impact.)

R.36. Approve the Polk County Workforce Development Board's Workforce Services Plan for PY2025-2028 and authorize the Chairman to sign on behalf of the County. (No fiscal impact.)

R. COUNTY ATTORNEY

R.37. Request the Board authorize the filing of a complaint against the City of Lake Wales and the Lake Wales Community Redevelopment Agency (CRA) to challenge the expansion of the CRA boundaries.

R.38. Adopt resolution authorizing binding engineering testimony for the County Road 557 project.

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 16, 2024 – 6:00 p.m. – Public Hearing to adopt Final Millage Rates and Budget for fiscal year 2024-25 (includes millage rates and budget for the Parks, Library, Stormwater, and Rancho Bonito MSTUs) will be held in the County Commission Boardroom.
- Tuesday, September 17, 2024 – 1:30 p.m. – Librarian's Advisory Council will meet at the Winter Haven Public Library, 325 Avenue A NW, Winter Haven.
- Tuesday, September 17, 2024 – 4:00 p.m. – Constitution Day – One Nation, Many Stories: Bartow Outdoor Exhibit Opening/Dedication Ceremony will be held at Bartow Civic Plaza, 200 East Davidson Street, Bartow.
- Wednesday, September 18, 2024 – 9:00 a.m. – Appellate Special Magistrate of the Code Enforcement Unit will meet in the County Commission Boardroom.
- Wednesday, September 18, 2024 – 1:30 p.m. – Library Cooperative Governing Board will meet at the Winter Haven Public Library, 325 Avenue A NW, Winter Haven.
- Wednesday, September 18, 2024 – 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 18, 2024 – 5:01 p.m. – Citrus Connection TRIMM Budget Hearing (2 of 2) will be held at City Hall – Commission Chamber, 228 S. Massachusetts Avenue, Lakeland.
- Thursday, September 19, 2024 – 7:30 a.m. – Technical Advisory Group (TAG) for Polk County Environmental Lands Program will gather in the parking lot Parks & Natural Resources Office 4177 Ben Durrance Road Bartow, FL 33830. Please contact tabithabiehl@polk-county.net for details.
- Thursday, September 19, 2024 – 8:30 a.m. – Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, September 19, 2024 – 9:00 a.m. – Special Magistrate of the Code Enforcement Unit will meet in the County Commission Boardroom.
- Thursday, September 19, 2024 – 9:00 a.m. – Tourist Development Council's Sports and Special Events Committee will meet at the AdventHealth Fieldhouse, 210 Cypress Gardens Boulevard, Winter Haven.
- Friday, September 20, 2024 – 7:30 a.m. – Technical Advisory Group (TAG) for Polk

County Environmental Lands Program will gather in the parking lot Parks & Natural Resources Office 4177 Ben Durrance Road Bartow, FL 33830. Please contact tabithabiehl@polk-county.net for details.

- Thursday, September 26, 2024 – 8:30 a.m. – Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, September 26, 2024 – 9:00 a.m. – 14th Annual Mayors Roundtable will held at Polk State College Center for the Public Safety, 1251 Jim Keene Boulevard, Winter Haven.
- Thursday, September 26, 2024 – 9:30 a.m. – Transportation Planning Organization (TPO) Technical Advisory Committee (TAC) will meet in Room 413, Fourth Floor, County Administration Building.
- Thursday, September 26, 2024 – 1:30 p.m. – Land Use Hearing Officer Hearings will be held in the County Commission Boardroom.
- Thursday, September 26, 2024 – 5:30 p.m. – Central Florida Development Council (CFDC) Annual Meeting will be held at Aerospace Center for Excellence, Skylight Hangar, 4075 James C Ray Drive, Lakeland.
- Friday, September 27, 2024 – 8:30 a.m. – Citizens Healthcare Oversight Committee (COC) will be held in the County Commission Boardroom.
- Friday, September 27, 2024 – 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, September 30, 2024 – 1:30 p.m. – Transportation Disadvantaged Local Coordinating Board (TD-LCB) meeting will be held in the County Commission Boardroom.