

OSCEOLA COUNTY

Commission Chambers
1 Courthouse Square, Suite 4100
Kissimmee, Florida, 34741
www.osceola.org

Board of Commissioners

John Quiñones, Chairman
Ken Smith, Vice Chairman
Michael Harford, Commissioner
Brandon Arrington, Commissioner
Fred Hawkins, Jr., Commissioner



Michael J. Freilinger, County Manager
Jo O. Thacker, County Attorney
Kathy Wall, Commission Auditor

REGULAR MEETING – 11/02/2009 - 1:30 PM

Agenda

Pledge of Allegiance

Invocation given by Pastor Mike Delong from The Vine Church in Kissimmee.

Approval of Agenda

The Commission will approve an agenda which sets the order of the meeting. This approval could include an addendum representing new items, additions, corrections, and/or deletions of existing items as submitted by the Clerk of the Board.

Presentations

Presentations

1. Recognition of County employees who, during the month of October 2009, have attained an anniversary date or 10, 15, 20, 25 years of more with Osceola County.
2. Recognition of County employees who, during the month of November 2009, have attained an anniversary date of 10, 15, 20, 25 years or more with Osceola County.
3. Presentation to the Employee of the Month for November 2009.

3.1 Mr. Larry Strickler, Workforce Central Florida, to present an Award of Excellence to the County for the Summer Job Connection program.

Hear the Audience

Citizens wishing to address any item on the agenda during this portion of the meeting should complete a Request to Speak form and submit it to the Clerk of the Board prior to the commencement of the meeting. These forms are available from the Commission Ambassadors. Comments will be limited to three minutes. The Commissioners will not vote on any item during this portion of the meeting, but at their discretion issues can be placed on the agenda for a vote at a later time.

Consent Agenda

The Consent Agenda is a technique designed to expedite the handling of routine and miscellaneous business of the County Commission. The County Commission in one motion may adopt the entire Consent Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any Board Member, an item may be removed from the Consent Agenda for discussion.

Commissioners

4. Adoption of Resolution #09-057R, providing rules of procedure and order to govern official meetings of the Osceola County Board of County Commissioners, which are not currently in place.

Sheriff's Office

5. Approval to expend Law Enforcement Trust funds, in the amount of \$68,000, for the use of outside legal counsel related to the legal proceedings involving forfeited property.
6. Approval to expend Law Enforcement Trust funds, in the amount of \$55,000, for confidential funds and investigative supplies for the Osceola County Investigative Bureau.
7. Approval and authorization for the Chairman/Vice Chairman to sign the Sheriff's Office annual Equitable Sharing Agreement and Certification for Federal forfeitures.

County Attorney's Office

8. Adoption of Resolution #09-100R, for bond refunding.
9. Approval to settle Claim #001407-000717-WC-01, pursuant to the mutually agreed upon confidential mediation terms.

County Administration

10. Approval and authorization for the Chairman/Vice Chairman to sign the Warrant Report (checks, drafts and wire transfers), issued from the General Disbursement, Pooled Cash, Jail Inmate Account 3, Section 8 Housing and Payroll Accounts, for the month of September 2009.

11. Approval and authorization for the Chairman/Vice Chairman to sign the 2009/2010 Emergency Management Preparedness Assistance (EMPA) State and Federally Funded Subgrant Agreement #10-BG-25-06-59-01 with the State of Florida Division of Emergency Management; \$102,099.
12. Adoption of Resolution 09-092R authorizing the Chairman/Vice Chairman of the Board of County Commissioners to execute the Highway Maintenance Memorandum of Agreement Contract #APN-37 with the Florida Department of Transportation (FDOT) for the reimbursement of maintenance costs in conjunction with the W192 BeautiVacation District. The contract term will begin December 01, 2009, and continue through November 30, 2012.
13. Approval and authorization for the Chairman/Vice Chairman to sign the Request for Release of Funds and Certification for the Neighborhood Stabilization Program (NSP).
14. Approval and authorization for the Chairman/Vice Chairman to sign the Request for Release of Funds and Certification for the 2008 Community Development Block Grant (CDBG).
15. Approval and authorization for Chairman/Vice Chairman to sign Amendment #1 with Folsom Services Incorporated, Hill York Service Corporation, and Mechanical Services of Central Florida Incorporated, for the renewal of Countywide HVAC maintenance and repair services on an as needed basis, not to exceed a collective amount of \$500,000, from the period beginning October 01, 2009 through September 30, 2010 (RFP #07-244-DD).
16. Approval to expend an additional \$10,005.50 with Accela Incorporated, for the Accela Velocity Hall Contractor's Usage Fee, representing the annual usage fee of \$21,000, less a \$10,994.50 credit for the Accela Route Optimizer module that was never implemented, for the period beginning October 01, 2008, through September 30, 2009. This approval brings the total compensation amount to \$139,296.50 for Fiscal Year 2008/2009 (SG #09-724-CV).
17. Approval and authorization for the County Manager to sign a termination letter of the Transit Shelter Agreement between Osceola County and 20/20 Media (RFP #00-133-RP) for non-performance.
18. Approval and authorization for the Chairman/Vice Chairman to sign the Certificate of Acceptance for the DNA Evidence Collections and Analysis project contract #2010-ARRC-OSCE-5-W7-040, in the amount of \$99,960, which is a sub-grant award of the Florida Department of Law Enforcement, Edward Byrne Memorial Justice Assistance Grant, under the American Recovery and Reinvestment Act of 2009.
19. Approval and authorization for the Chairman/Vice Chairman to sign the Memorandum of Agreement with the Osceola County Sheriff's Office, in the amount of \$93,952, for the Osceola County Less Lethal Program. This program is funded through the Florida Department of Law Enforcement, Edward Byrne Memorial Justice Assistance Grant, under the American Recovery and Reinvestment Act of 2009.
20. Approval and authorization for the Chairman/Vice Chairman to sign the Memorandum of Agreement with the Osceola County Sheriff's Office, in the amount of \$57,991, for the

Sheriff's Adventure Camp Development. This program is funded through the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant, under the American Recovery and Reinvestment Act of 2009.

21. Approval and authorization for the Chairman/Vice Chairman to sign the Memorandum of Agreement with the Park Place Behavioral Health Care, in the amount of \$129,965, for the RES I-Adult Substance Abuse program. This program is funded through the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant, under the American Recovery and Reinvestment Act of 2009.
22. Approval and authorization for the Chairman/Vice Chairman to sign the Memorandum of Agreement with the Osceola County Sheriff's Office, in the amount of \$8,498, for the Tourism Policing Unit – Night Vision System project. This program is funded through the Florida Department of Law Enforcement, Edward Byrne Memorial Justice Assistance Grant, under the American Recovery and Reinvestment Act of 2009.
23. Approval of the following minutes: June 08, 2009, regular session, 1:30 p.m.; July 13, 2009, regular session, 1:30 p.m.; July 27, 2009, regular session, 1:30 p.m.; and July 29, 2009, workshop session, 1:00 p.m.
24. Approval of the 2010 Schedule for County Office Closings.
25. Confirmation and approval of the appointment of Christine Gregg, Gaylord Palms, to the Board of Directors of Workforce Central Florida.

Department of Fire/Rescue and EMS

26. Approval and authorization for the Chairman/Vice Chairman to sign Amendment #1 with Fisher Safety, a Division of Thermo Fisher Scientific Incorporated, for the renewal of Morning Pride protective clothing provision for the Fire/Rescue and Emergency Service personnel on an as-needed basis. Estimated expenditures are \$160,000 for the period beginning November 12, 2009, through November 11, 2010. This is a request for approval of Single Source. All appropriate forms, procedures, and processes have been completed in accordance with the Florida Statutes and the Procurement Services Office has validated this request (SG #08-539-CV).

Growth Management Administration

27. Approval and authorization for the Chairman/Vice Chairman to sign the Service Funding Agreement for Fiscal Year 2009/2010 with Central Florida Regional Transportation Authority d/b/a Lynx, in the amount of \$4,601,284.
28. Approval and authorization for the Chairman/Vice Chairman to sign the following plat: FS09-00008, Pointe Replat 3: Final Subdivision Plan.
29. Approval and authorization for the Chairman/Vice Chairman to sign the following lot split: LS09-00003, K and B Westside Investors, LLC, 06-25-27-2975-0001-0010.

Public Works Administration

30. Approval and authorization for the Chairman/Vice Chairman to sign Amendment #2 to renew the mowing and trimming services for Southport Landfill on an as needed basis with Greenscape Mowing Incorporated. Estimated expenditures shall not exceed \$50,000, for the period beginning October 03, 2009, through October 02, 2010 (AR #06-483-TM-LM).
31. Authorization and approval to establish a speed zone for a maximum posted speed of 25 miles per hour on Starfish Street and Dolphin Avenue.
32. Approval to waive the competition requirements pursuant to Section 3.04 of the Administrative Code, for the provision of temporary vehicle parts, maintenance and repair services of light duty cars and trucks, in the best interest of the County, while other alternatives for consolidated vehicle repair services can be pursued; authorize the Chairman/Vice Chairman to sign the service agreements with Mullinax Ford of Osceola County, LLC; Poffenbaugh Ford Incorporated; and Holiday Chevrolet, LLC, d/b/a Starling Chevrolet, for the provision of vehicle parts, maintenance and repair services of light duty cars and trucks utilized by the County. The term of this Agreement shall extend for the period beginning September 28, 2009, and continuing through September 27, 2010. Estimated expenditures shall not exceed \$150,000, annually for each vendor for a cumulative total of \$450,000 (BW #09-887-DA).
33. Approval and authorization for Chairman/Vice Chairman to sign a service agreement with Consolidated Resource Recovery Incorporated for the award of mulching and disposal services for yard trash and vegetative waste. Expenditures shall not exceed \$343,000, from the period beginning October 05, 2009, through October 04, 2010 (AR #09-596-LM).
34. Approval and authorization for the Chairman/Vice Chairman to sign the Traffic Signal Funding Agreement with St. Cloud Plaza Redevelopment, LLC, for construction of a traffic signal at the intersection of Narcoossee Road at 10th Street for a cost of \$132,500.
35. Permission to advertise a public hearing to be held on Monday, December 07, 2009, at 1:30 p.m., to consider a solid waste franchise application by Advanced Disposal Services Incorporated for the collection and transfer of commercial solid waste.
- 35.1 Adoption of Resolution #09-104R, regarding the Florida Association of Supervisors of Elections Position Paper to delay the requirement to purchase the Automark Voting System until 2016.

Growth Management Consent - NO ITEMS

Public Hearings

County Administration

36. Adoption of Resolution #09-099R amending the Fiscal Year 2009/2010 budget, as outlined in Schedule A.

Growth Management Administration

37. CPA08-0004 CHAD HITCHCOCK (APPLICANT) AND RICARDO ORTIS AND BRISEIDA FUENTES (OWNERS) Commission District: 3 Request: Amend the Comprehensive Plan by changing the Future Land Use Map (FLUM) designation on approximately 0.42 acre of land from Low Density Residential to Commercial. The subject property is located on the north side of Orange Blossom Trail and east of Westgate Drive. Staff Recommendation: Approval PC Action: At its October 01, 2009, regular meeting, the Planning Commission/Local Planning unanimously recommended approval of the request.
38. ORDINANCE 09-25: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, RELATING TO AMENDMENT OF THE OSCEOLA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENT CPA 08-0004; PROVIDING FOR A CHANGE IN THE FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL FUTURE LAND USE DESIGNATION ON .42 ACRE OF LAND; PROVIDING FOR CONFORMANCE OF THE MAP OF THE COMPREHENSIVE PLAN TO THE ADOPTED AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.
39. CPA08-0009 MOHEIDEN HANAFI (APPLICANT AND OWNER) Commission District: 3 Request: Amend the Comprehensive Plan by changing the Future Land Use Map (FLUM) designation on approximately 1 acre of land from Low Density Residential to Medium Density Residential. The subject property is located on the west of Pleasant Hill Road, south of Marsh Road, and north of Northgate Drive. Staff Recommendation: Approval PC Action: At its October 01, 2009, regular meeting, the Planning Commission/Local Planning unanimously recommended approval of the request.
40. ORDINANCE 09-26: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, RELATING TO AMENDMENT OF THE OSCEOLA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENT CPA 08-0009; RELATING TO CHANGES IN THE FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON 1 ACRE OF LAND; PROVIDING FOR CONFORMANCE OF THE MAP OF THE COMPREHENSIVE PLAN TO THE ADOPTED AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Regular - NO ITEMS

Reports

Constitutional Officers and Governmental Agencies/Other

Departments/Divisions

Commission Auditor

County Attorney

County Manager

Commissioners

Committee Appointments - NO ITEMS

For Information

County Administration

41. The Indian Creek Common Facilities District Board of Supervisors will meet on Wednesday, October 28, 2009, at 6:00 p.m., in Conference Room #4727.
42. The Board of County Commissioners will hold a fourth quarter retreat on Tuesday, November 03, 2009, at 8:30 a.m., at the Osceola County Stadium Clubhouse.
43. The Indian Ridge Villas Common Facilities District Board of Supervisors will meet on Thursday, November 05, 2009, at 7:30 p.m., in Conference Room #4727.
44. The Clerk of the Board has received for the record, from the Florida Public Service Commission, the Order Approving Revised Tariffs for Docket #080719-EI, and the Order Approving Standard Offer Contract and Associated Tariffs for Docket #080501-EI.
45. The Clerk of the Board has received for the record, an Addendum to the Florida Public Service Commission Conference Agenda, for Docket #090172-EI.
46. The Clerk of the Board has received for the record, the agreement for government relations services between Osceola County and Mr. Frank N. Tsamoutales, doing business as Banyan Network, dated August 28, 2009, and signed by the County Manager on August 29, 2009.
47. The Clerk of the Board has received for the record, notification from the Florida Public Service Commission concerning Docket #090403-EI on the request for approval to begin depreciating West County Energy Center Units 1 and 2, combined cycle units using whole life depreciation rates currently approved for Martin Power Plant, Unit 4, by Florida Power and Light Company, that the following Commissioners participated in the disposition of this matter: Matthew Carter, Chairman, Lisa Polak Edgar, Katrina McMurrian, Nancy Argenziano, and Nathan Skop.
48. The Clerk of the Board has received for the record, a copy of the Fiscal Year 2010 meeting schedule for the ChampionsGate Community Development District.
49. The Clerk of the Board has received for the record, a copy of the 2009/2010 meeting schedule for the Portofino Vista Community Development District.

50. The Clerk of the Board has received for the record, a copy of the Fiscal Year 2010 meeting schedule for the Remington Community Development District.
51. The Clerk of the Board has received for the record, a copy of the Fiscal Year 2010 meeting schedule for the Reunion East Community Development District.
52. The Clerk of the Board has received for the record, a copy of the Fiscal Year 2010 meeting schedule for the Reunion West Community Development District.
53. The Clerk of the Board has received for the record, a copy of the Fiscal Year 2010 meeting schedule for the Westside Community Development District.
54. The Clerk of the Board has received, for the record, an amendment to the reconfiguration implementation phase agreement with Motorola Incorporated, signed by the County Manager on October 01, 2009.
55. The Clerk of the Board submits, for the record, the minutes from the Crescent Lakes Common Facility District Board of Supervisors meeting held on August 04, 2009.
56. Osceola County Grants Summary Report for the fourth quarter of Fiscal Year 2009.
57. There will be a Special Value Adjustment Board meeting scheduled on November 05, 2009, at 3:30 p.m., in the Commission Chambers.
58. There are Value Adjustment Board Hearings scheduled on November 13, 2009, beginning at 11:00 a.m., in the Commission Chambers to address rescheduled and remanded petitions.

Growth Management Administration

59. The Environmental Lands Conservation Program, on behalf of the Land Conservation Advisory Board, is submitting the minutes from the meeting held on September 01, 2009.
60. Myregion.org, Osceola County and Toho Water Authority in partnership with the Water Management Districts, Urban Land Institute (ULI) Central Florida, and the Central Florida Congress of Regional Leaders will meet in a workshop to coordinate the development of a Regional Water Strategy for the benefit of the seven counties and 86 cities of Central Florida. Invited attendees include the Osceola County Board of County Commissioners, County Manager, Chief of Staff, Planning Commission Board Members, City of St. Cloud Council Members and Officials, City of Kissimmee Board Members and Officials and other invited attendees. The workshop will be held Thursday, November 05, 2009, from 11:30 a.m. to 2:00 p.m., at the Kissimmee City Hall, 101 North Church Street, Kissimmee, Florida.

Public Works Administration

61. Temporary road closures on November 15, 2009, from 7:00 a.m. to 9:00 a.m., for the purpose of holding the Runner's Classic Incorporated running event. The following roads will be closed for the time shown: ChampionsGate Boulevard between Masters Boulevard and Legends Boulevard, 10 to 15 minutes; and Legends Boulevard north of ChampionsGate

Boulevard, 10 to 20 minutes; and Laura Lane between Legends Boulevard and South Goodman Road, 25 minutes; and South Goodman Road between Masters Boulevard and Laura Lane, 40 minutes; and Masters Boulevard between South Goodman Road and ChampionsGate Boulevard, 40 to 55 minutes.

Adjournment

In accordance with Florida Statutes, Chapter 286.0105, any person wishing to appeal a decision made by the Board of County Commissioners with respect to any matter considered at such a meeting or hearing, will need a record of the proceedings. For such purposes he or she may need to ensure that a verbatim record of the proceedings is made, which may include the testimony and evidence upon which the appeal is based.