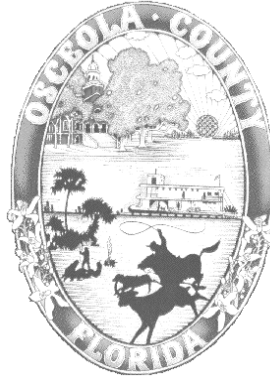


OSCEOLA COUNTY

www.osceola.org

Board of Commissioners

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



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

November 16, 2009

TIME	MEETING TYPE	DESCRIPTION
5:30 P.M.	Regular Meeting	Commission Chambers 1 Courthouse Square, Suite 4100 Kissimmee, Florida 34741

As a courtesy to others, please silence all electronic devices during the meeting.

Citizens wishing to address any item on the agenda during the "Hear the Audience" 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 date.

The Board welcomes comments from citizens about any issue or concern. Your opinions are valued in terms of providing input to the Board members. However, it is requested that when you address the Board, comments not be directed personally against a Commissioner or staff member, but rather directed at the issues. This provides a mutual respect between the Board members and the public.

In accordance with the Americans with Disabilities Act, Florida Statutes, Chapter 286.26, persons requiring special accommodations because of a disability or physical impairment to participate in any of these proceedings should contact the Office of the Clerk of the Board, 1 Courthouse Square, Suite 4400, Kissimmee, Florida, 34741, (407) 742-2100, by noon, on the Friday, prior to the meeting.

OSCEOLA COUNTY

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REGULAR MEETING – 11/16/2009 - 5:30 PM

Agenda

Pledge of Allegiance

Invocation by Pastor Alden Wightman, of Amazing Grace Baptist Church, in St. Cloud.

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.

Presentation/Proclamation

Presentation

1. Presentation regarding healthcare in Osceola County by the Health Leadership Council, Donna Sines, Belinda Johnson-Cornett, and Maureen Kersmarki.

Proclamation

2. A Proclamation declaring the week of November 20, 2009, through November 26, 2009, as Farm City Week in Osceola County, Florida. Extension Services Manager Mary Beth Salisbury will be present to accept the Proclamation.

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.

County Attorney's Office

3. Approval and authorization for the Chairman/Vice Chairman to execute the Agreement with the Langford Corporation regarding the future relocation of a drainage easement held by the County; no cost to the County.
4. Authorization for the County Attorney to execute the Stipulated Final Judgment, including all fees and costs, as to Parcel 157 of the Neptune Road Widening Project; approval to recognize unbudgeted balance forward of \$189,312 and appropriate to project #C346701184.
5. Moved to Regular item #40.1

County Administration

6. Approval of the following minutes: July 20, 2009, regular session, 5:30 p.m.; July 30, 2009, special session, 10:00 a.m.; August 10, 2009, workshop session, 9:00 a.m.; August 10, 2009, regular session, 1:30 p.m.; August 24, 2009, workshop session, 3:30 p.m.; and September 23, 2009, executive session, 4:00 p.m.
7. Approval and authorization for the Chairman/Vice Chairman to sign a cooperative service agreement with Cost Management Incorporated, doing business as CMI, to provide construction cost estimating and scheduling services for General Services in accordance with the Orange County Contract RFP #Y9-161. Expenditures shall not exceed \$150,000 or the period beginning November 16, 2009, through March 25, 2010 (PBA #09-070-FH).
8. Approval to waive competition requirements, pursuant to Section 3.04 of the Osceola County Administrative Code, to utilize TW Telecom, LLC, for the provision of metro Ethernet connectivity service between Osceola County and Orange County Courthouse and monthly charges associated with the existing 25MB circuit for Internet access, for the period beginning June 01, 2008, through January 31, 2010. Estimated expenditures shall not exceed \$170,485.47 (BW #09-921-CV).

9. Approval to waive the competition requirements pursuant to Section 3.04, of the Osceola County Administrative Code, to utilize The Trane Company for monthly rental of two spot coolers as a temporary solution to inadequate cooling of the computer server room, from the period beginning December 01, 2007, through December 02, 2009, at a cost of \$35,750; and to purchase the two spot coolers from The Trane Company for \$8,130, for a cumulative total amount of \$43,880 (BW #09-920-CV).
10. Authorization to submit the Section 8 Management Assessment Program (SEMAP) Report and Certification for fiscal year ending September 30, 2009, to the Department of Housing and Urban Development.
11. Approval of the mortgage and note form for use in the State Housing Initiatives Partnership Program, Florida Homebuyer Opportunity Strategy, retroactively effective for use beginning October 22, 2009.
12. Adoption of Resolution #09-102R to provide continuous support of the Osceola County State Housing Initiatives Partnership Program.
13. Adoption of Resolution #09-105R authorizing the County Manager to revise attachments and sign future documents relating to the Community Development Block Grant and Neighborhood Stabilization Program.
14. Approval and authorization for the Chairman/Vice Chairman to sign a Memorandum of Understanding with the Florida Department of Children and Families and Family Services of Metro Orlando Incorporated to administer the Family Unification Program vouchers, in conjunction with the Housing Choice Voucher Section 8 Program; approval to submit an application in response to the Notice of Funding Availability from the Department of Housing and Urban Development for the Family Unification Program; and authorization for the County Manager to sign the final application and any subsequent documents required in response to this grant application.
15. Approval and authorization for the Chairman/Vice Chairman to sign Amendment #1 to the professional service agreements with Clayton, Roper, and Marshall Incorporated; The Spivey Group Incorporated; Smith-Parke and Company of Central Florida Incorporated; Pinel and Carpenter Incorporated; and Post, Buckley, Schuh, and Jernigan Incorporated, doing business as PBS&J, for continuing appraisal services not to exceed \$750,000 per firm, for a cumulative total not to exceed \$3,750,000, for the period beginning October 07, 2009, through October 06, 2010 (LOI #08-023-RJ).
16. Approval to waive the competition requirements pursuant to Section 3.04, of the Osceola County Administrative Code, for the provision of vending services in the best interest of the County while a formal solicitation process is completed; and authorization for the Chairman/Vice Chairman to sign a service agreement with The Vending Station Incorporated or the provision of vending services, including equipment capable of dispensing canned and bottled drinks, snacks, refrigerated/frozen foods, and units that dispense hot water, coffee, tea, and hot chocolate on an as needed basis. The County shall receive commission in the amount of

11% on all after-tax sales. The term of this agreement shall extend from the period beginning November 16, 2009, through November 15, 2010, at no cost to the County (BW #09-794-WV).

17. Approval and authorization for the Chairman/Vice Chairman to sign the Interlocal Agreement with the City of Kissimmee for Heritage Preservation, through September 30, 2010; \$39,996.
18. Adoption of Resolution #09-110R, providing the Chairman/Vice Chairman with signatory authority for routine letters.
19. Approval and authorization for the Chairman/Vice Chairman to sign the Certificate of Acceptance for the Osceola County Investigative Bureau Electronic Monitoring Systems Project (Contract #2010-ARRC-OSCE-2-W7-191) in the amount of \$21,603, 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.
20. Approval and authorization for the Chairman/Vice Chairman to sign the Certificate of Acceptance for the Law Enforcement Education for Arson Prevention Program (Contract #2010-ARRC-OSCE-7-W7-207) in the amount of \$64,873, 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.
21. Approval and authorization for the Chairman/Vice Chairman to sign the Certificate of Acceptance for the Alternative Sanctions Project (Contract #2010-ARRC-OSCE-6-W7-111) in the amount of \$44,137, 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.
22. Approval and authorization for the Chairman/Vice Chairman to sign the Memorandum of Agreement with the Ninth Judicial Circuit Court of Florida, in the amount of \$44,137, for the Alternative Sanctions 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.
23. Approval and authorization for the Chairman/Vice Chairman to sign the Certificate of Acceptance for the Veterans Substance Abuse Counseling Program (Contract #2010-ARRC-OSCE-9-W7-204) in the amount of \$53,250, 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.
24. Approval and authorization for the Chairman/Vice Chairman to sign the Certificate of Acceptance for the Sheriff's Adventure Camp Project (Contract #2010-ARRC-OSCE-8-W7-160) in the amount of \$50,498, 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.

25. 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 \$50,498, for the Sheriff's Adventure Camp Project. This project is funded through the Florida Department of Law Enforcement, Edward Byrne Memorial Justice Assistance Grant, under the American Recovery and Reinvestment Act of 2009.
26. Approval and authorization for the Chairman/Vice Chairman to sign the Memorandum of Agreement the Osceola County Sheriff's Office, in the amount of \$99,960, for the DNA Evidence Collection and Analysis 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.
27. Approval and authorization for the Chairman/Vice Chairman to sign the Memorandum of Agreement with the Judicial Correction Services Incorporated, in the amount of \$78,000, for the Day Reporting Center Osceola. 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.
28. Approval and authorization for the Chairman/Vice Chairman to sign the National Environmental Policy Act, Categorical Exclusion Checklist, for the Florida Department of Law Enforcement, Edward Byrne Memorial Justice Assistant Grant under the American Recovery and Reinvestment Act of 2009, for grant #2010-ARRC-OSCE-8-W7-160.
29. Approval and authorization for the Chairman/Vice Chairman to sign the National Environmental Policy Act, Categorical Exclusion Checklist, for the United States Department of Justice, Edward Byrne Memorial Justice Assistant Grant, under the American Recovery and Reinvestment Act of 2009, for Grant #2009-SB-B9-2696.
30. Approval and authorization for the Chairman/Vice Chairman to sign Modification #1 for the Edward Byrne Memorial Justice Assistant Grant, under the American Recovery and Reinvestment Act of 2009, for Grant #2009-SB-B9-2696, from the United States Department of Justice, to replace the Transformation Ministries of Osceola County with the Osceola County Corrections Department Security Enhancements Project.
31. Approval and authorization for the Chairman/Vice Chairman to sign the letter to request budgetary modifications for the Sanctioned to Read II, Justice Assistance Grant #2009-JAGC-OSCE-2-T7-036, from the Florida Department of Law Enforcement.
32. Approval and authorization for the Chairman/Vice Chairman to sign the letter to request budgetary modifications for the Introduction to Computer Classes and Vocational Training, Justice Assistance Grant #2009-JAGC-OSCE-3-T7-042, from the Florida Department of Law Enforcement.

Department of Corrections

33. Approval and authorization for the Chairman/Vice Chairman to sign Amendment #3 with PRIDE Enterprises for the renewal for the provision of laundry and kitchen chemical services for the Osceola County Department of Corrections, on an as needed basis. Estimated

expenditures shall not exceed \$50,000, for the period beginning October 31, 2009, through October 30, 2010 (A/R #06-480-TM-LM).

Growth Management Administration

34. Approval and authorization for the Chairman/Vice Chairman to sign the following plat: FS09-00004, Osceola Corporate Center – Replat Twenty: Final Subdivision Plan.
35. Approval and authorization for the Chairman/Vice Chairman to sign the Osceola County Event Facilities License Agreement with the Central Florida Council Boy Scouts of America, which grants the use of the Lake Runnymede Conservation Area for camping and scouting activities, for November 20, 2009, through November 22, 2009.

Public Works Administration

36. Approval and authorization for the Chairman/Vice Chairman to sign the Second Amendment to Joint Participation Agreement, for the Kissimmee Park Road Signalization Project, with Florida's Turnpike Enterprise that provides an extension of the completion date until February 28, 2010, and provides for the roll-over funding into the Florida Department of Transportation Fiscal Year 2009/2010.
37. Approval and authorization for the Chairman/Vice Chairman to sign Contract Amendment #7120-CA3 to the construction management at risk agreement with Clancy and Theys Construction Company for the John Young Parkway Improvements Project (RFP #08-278-RJ) for a Guaranteed Maximum Price (GMP) of \$808,757. This amendment establishes the GMP for the construction of the Tohopekaliga Water Authority infrastructure.
38. Approval and authorization for the Chairman/Vice Chairman to sign the Task Authorization with Osceola Engineering Incorporated for continuing engineering services for Stormwater Assessment Assistance; not to exceed \$149,519, on task order basis through July 31, 2010 (PS #08-128-RJ).
 - 38.1. Approval and authorization for the Chairman/Vice Chairman to sign the County Incentive Grant Program Agreement with the State of Florida, Department of Transportation, for the first segment, Phases 1A and 1B, of CR 15, Narcoossee Road, from US 192 to Rummel Road.
 - 38.2. Approval and authorization for the Chairman/Vice Chairman to sign amendments to the agreements for continuing miscellaneous engineering services with CM Arrington and Associates Incorporated; Comprehensive Engineering Services Incorporated; Infrastructure Engineers Incorporated; Kelly, Collins, and Gentry Incorporated; PB Americas Incorporated; Franklin Surveying and Mapping Incorporated; Hanson, Walter, and Associates Incorporated; and Osceola Engineering Incorporated, revising the fee schedule, extending the term from October 27, 2009, through October 26, 2010, and for Kelly, Collins, and Gentry, and Osceola Engineering Incorporated adding sub-consultants.

Growth Management Consent - No Items

Public Hearings

County Administration

39. Adoption of Resolution #09-098R amending the Fiscal Year 2008/2009 budget as outlined in Schedule A.

Regular

Sheriff's Office

40. Approval for the following street name change: Neptune Road (severed portion just east of Idora Boulevard) to be known as Spindrift Way.

County Attorney

- 40.1. Adoption of and authorization for the Chairman/Vice Chairman to sign Resolution #09-108R relating to the Central Florida Commuter Rail Commission.

County Administration

- 40.2. Approval and authorization for the Chairman/Vice Chairman to sign a letter to the Department of Community Affairs regarding the Neighborhood Stabilization Program.

- 40.3. Approval and authorization for the Chairman/Vice Chairman to sign an Interlocal Agreement for Joint Legislative Effort between Osceola County, the City of Kissimmee, and the Osceola County School Board; and an Agreement for Joint Legislative Effort with Osceola Legislative Effort Incorporated (OLE) to monitor legislation of interest to the represented parties.

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 Value Adjustment Board (VAB) will meet on November 19, 2009, at 3:30 p.m., in the Commission Chambers, to accept the Special Magistrate findings from the November 13, 2009, VAB hearings.
42. The County Courthouse-Complex Offices will be closed on Thursday, November 26, 2009, and Friday, November 27, 2009, in observance of Thanksgiving Day.
43. Value Adjustment Board hearings will be held on December 02, 2009, in the Commission Chambers, to address any petitions that may be filed on the 250 parcels that received revised Truth in Millage (TRIM) notices.
44. The Florida Association of Counties Legislative Conference will be held on December 02, 2009, through December 04, 2009, at the Hilton St. Petersburg Bayfront.
45. The Clerk of the Board has received for the record, an amendment to the frequency reconfiguration agreement with Sprint/Nextel South Incorporated, signed by the County Manager on October 07, 2009.
46. The Clerk of the Board submits for the record, the Cypress Woods Common Facilities District minutes from the meeting held on August 11, 2009.
47. The Clerk of the Board submits for the record, the 2009 Value Adjustment Board Special Magistrate contracts for Charles Cowart, Tammy Blackburn, and Joy Ewertz.
48. The Clerk of the Board has received for the record, the minutes and records of proceedings from the Celebration Community Development District, for the workshop meeting held on August 05, 2009, and the regular meeting held on August 18, 2009.
49. The Clerk of the Board has received for the record, the minutes and record of proceedings from the Harmony Community Development District, for the regular meeting held on August 27, 2009.
50. The Clerk of the Board has received for the record, the minutes and record of proceedings from the Harmony Central Community Development District, for the regular meeting held on May 28, 2009.
51. The Clerk of the Board has received for the record, the minutes and record of proceedings from the Harmony West Community Development District, for the regular meeting held on October 15, 2008.
52. The Clerk of the Board has received for the record, the minutes and record of proceedings from the Harmony West Community Development District, for the regular meeting held on May 28, 2009.

53. The Clerk of the Board has received for the record, from the Osceola County Historical Society, the minutes of the meeting held on September 17, 2009.
54. The Clerk of the Board has received for the record, from the Florida Public Service Commission the Consummating Orders for Docket #090166-EQ, regarding Florida Power and Light, and Docket #080719-EI, regarding Progress Energy Florida Incorporated.
55. The Clerk of the Board has received for the record, advanced notification from the St. Johns River Water Management District that the Fiscal Year 2010/2011 budget public hearings will be held beginning at 5:05 p.m., at the District Headquarters, 4049 Reid Street, Palatka, Florida, 32177, as follows: September 14, 2010, to adopt the tentative millage rate and budget; and September 29, 2010, to adopt the final millage rate and budget.
56. The Clerk of the Board has received for the record, pursuant to Resolution #08-065R, which amended Section 3.06 (D) of the Osceola County Administrative Code, the County Manager approval of various contracts up to \$100,000 in value. The last presentation to the Board was on October 05, 2009.
57. Procurement Services has submitted for the record, a list of Task Authorizations and Change Orders signed by the County Manager during the month of October 2009; and a list of projects going before an Evaluation and Recommendation Committee during the month of November 2009.
58. On October 19, 2009, Consent Agenda item #11 authorized the County Manager to sign agreements with realtors/brokers, for miscellaneous real property, and incorrectly referenced Resolution #04-021R. The correct Resolution number should be #08-065R, which authorizes the County Manager to award procurements not to exceed \$100,000.
59. The Clerk of the Board has received notification from the Florida Public Service Commission that the following Commissioners participated in the disposition on the matter regarding the petition for approval of the revisions to long-term rental agreement for distribution substation facilities by Florida Power and Light Company, Docket #090407-EI: Matthew Carter II, Chairman, Lisa Polak Edgar, Nancy Argenziano, and Nathan Skop.
60. The Clerk of the Board has received for the record, from the City of St. Cloud, notice of Public Hearing scheduled for November 17, 2009, at 6:00 p.m., for DRC Cases #09-30.02, #09-60.03, and #09-95.06 regarding annexation, land use amendment, and rezoning for property located on the southwest corner of US 192 and Budinger Avenue.

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.