

# OSCEOLA COUNTY

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

## Board of Commissioners

John Quiñones, Chairman  
Michael Harford, Vice Chairman  
Brandon Arrington, Commissioner  
Frank Attkisson, Commissioner  
Fred Hawkins, Jr., Commissioner



Don Fisher, County Manager  
Andrew Mai, County Attorney  
Horace Nwachukwu, Commission Auditor

## REGULAR MEETING – 08/20/2012 - 5:30 PM

### Agenda

#### Pledge of Allegiance

Invocation by Reverend Jose Carrion, of First United Methodist Church, in Kissimmee.

#### Approval of Agenda

**APPROVED, AS AMENDED BY ADDING NEW CONSENT AGENDA ITEMS #19.1 AND #19.2; AND REVISING ITEMS #12, #13, AND #19 (Harford/Attkisson, 5-0)**

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.

#### 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.

## **Presentations**

1. Presentation by Karen Miliffe, Extension Faculty, 4-H Youth Development, recognizing Brittany Avant as being appointed to the Florida Youth Commission.
2. Economic Development update by Sara Albert, Director of Clinical Operations, FPA Clinical Research.

## **Consent Agenda**

### **APPROVED, AS AMENDED, ADDING NEW CONSENT AGENDA ITEMS #19.1 AND #19.2; REVISING ITEMS #12, #13, AND #19; AND REMOVING ITEMS #5, #13, #19.1 AND #19.2 FOR DISCUSSION (Arrington/Attkisson, 5-0)**

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 Administration**

#### **APPROVED (Arrington/Attkisson, 5-0)**

3. Approval of the following minutes: January 23, 2012, 8:30 a.m., workshop session.

#### **APPROVED (Arrington/Attkisson, 5-0)**

4. Approval and authorization for the Chairman/Vice Chairman to sign the release documents to settle Claim #A7B7183, pursuant to the mutually agreed upon terms.

#### **APPROVED (Harford/Arrington, 5-0)**

5. Approval and authorization for Chairman/Vice Chairman to approve increase in the number of personnel from 34 to 47 with 13 new positions for the Kissimmee Convention and Visitors Bureau, and to approve immediate advertisement of said positions.

#### **ADOPTED (Arrington/Attkisson, 5-0)**

6. Adoption of Resolution #12-100R, amending the Fiscal Year 2011/2012 budget and appropriating funds as detailed in Budget Supplement BA #12-032, to provide funds for the joint co-op marketing agreement with Visit Florida and operational funds for relocating the Department of Tourism Development.

#### **APPROVED (Arrington/Attkisson, 5-0)**

7. Approval and authorization for the Chairman/Vice Chairman to sign a cooperative agreement with SHI International Corporation, for the award to provide Microsoft licenses, maintenance, and service, on an as needed basis, in accordance with State of Florida contract #252-001-09-1, (PBA #12-2561-FH); for the period beginning on the date of signing of this Agreement, through March 31, 2013; estimated expenditures shall not exceed \$255,000.

#### **APPROVED (Arrington/Attkisson, 5-0)**

8. Approval and authorization for the Chairman/Vice Chairman to sign cooperative agreements with Avaya Incorporated, and MVD Communications, LLC, for the award to provide

telephony equipment and services, in accordance with State of Florida contract #730-000-09-1 (PBA #12-03022-FH), on an as needed basis for the period beginning on the date of signing, through September 02, 2014; estimated expenditures shall not exceed \$247,921.

**ADOPTED (Arrington/Attkisson, 5-0)**

9. Adoption of Resolution #12-102R, authorizing the submittal of a State Infrastructure Bank Loan Application to the Florida Department of Transportation and guaranteeing repayment for the Poinciana Parkway Project.

**ADOPTED (Arrington/Attkisson, 5-0)**

10. Adoption of Resolution #12-088R, amending the Fiscal Year 2012 Budget and appropriating funds as detailed in Budget Supplement BA# 12-024; and approval and authorization for the Chairman/Vice Chairman to sign a cooperative agreement with 3M Company, for the award to provide for the Radio Frequency ID Equipment and Software and installation services in accordance with the City of West Palm Beach, Florida contract number 06598, as amended, effective October 07, 2008, through February 28, 2013, titled "Library Systems Sales Agreement" (PBA #12-3051-MS), on an as needed basis, for the period beginning from the date this Agreement is signed by the County through February 28, 2013; estimated expenditures shall not exceed \$246,145.

**APPROVED (Arrington/Attkisson, 5-0)**

11. Approval and authorization for the Chairman/Vice Chairman to approve an increase in the authorized expenditures with Dell Marketing LP, for Dell computers and computer parts, on an as needed basis, in accordance with the Western States Contracting Alliance's Computer Equipment, Peripherals, and Related Services contract number w2-1999/State of Florida 250-WSCA-10-ACS (PBA #12-2394-FH), for the period which began July 13, 2012, and continues through August 31, 2014; estimated expenditures shall increase by \$110,000, for a total not to exceed amount of \$209,500.

(NOTE: The following item was revised with the approval of the agenda to include additional information to the Financial language.)

**ADOPTED, AS AMENDED (Arrington/Attkisson, 5-0)**

12. Adoption of Resolution #12-116R, amending the Fiscal Year 2012 Budget and appropriating funds as detailed in Budget Supplement BA #12-034, regarding House Bill 5301, Medicaid County Billings.

**Community Development Administration**

(NOTE: The following item was revised with the approval of the agenda adding addition back-up information.)

**ADOPTED (Arrington/Harford, 5-0)**

13. Adoption of Resolution #12-114R, authorizing the submittal of a State Infrastructure Bank loan to the Florida Department of Transportation for the SunRail Commuter Rail Project.

## **Public Works Administration**

### **APPROVED (Arrington/Attkisson, 5-0)**

14. Approval and authorization for the Chairman/Vice Chairman to sign the standard construction agreement with Jr Davis Construction Company Incorporated, for the award to provide construction of improvements to various concrete roadways for the base bid price of \$794,839.79 (ITB #12-2570-RJ); and approval and authorization for the County Manager, or designee, to sign subsequent change orders not to exceed \$50,000 in total value, which represents the Owner's Contingency for a total not to exceed \$844,839.79, without further Board approval.

### **APPROVED (Arrington/Attkisson, 5-0)**

15. Approval and authorization for the Chairman/Vice Chairman to sign the standard construction agreement with Empower Construction Incorporated, for the award to provide construction of improvements to Ernest Street for the base bid price of \$273,376.46 (ITB #12-2568-RJ); sign subsequent change orders not to exceed \$40,000 in total value, which represents the Owner's Contingency for a total not to exceed \$313,376.46 without further Board approval; and adoption of Resolution #12-099R, amending the Fiscal Year 2012 Budget and appropriating funds as detailed in Budget Supplement BA #12-031.

### **ADOPTED (Arrington/Attkisson, 5-0)**

16. Adoption of Resolution #12-101R, authorizing the Chairman/Vice Chairman to sign Supplemental Agreement #1 of the Local Agency Program Agreement (LAP) with Florida Department of Transportation for the Advanced Traffic Management System Phase 3 Design/Build Project (FPN 417257-3-58-01), pursuant to Paragraph 4.0, Project Estimate and Disbursement Schedule of the LAP, the Schedule of Funding for construction that includes the authorized and encumbered Federal funding for this project shall be reduced to an amount equal to the construction contract award amount of \$3,330,315; and approval and authorization for the County Manager to approve change orders not to exceed the requested contingency amount of \$169,685.

### **APPROVED (Arrington/Attkisson, 5-0)**

17. Approval and authorization for the Chairman/Vice Chairman to sign an easement to Progress Energy, for a utility easement required for the completion of a 230 kV transmission line for additional reliability and enhancement of service between the Intercession City substation, located west of US 17/92, and north of County Road 532, and the Gifford substation located in Winter Garden, Florida.

### **APPROVED (Arrington/Attkisson, 5-0)**

18. Approval and authorization for the Chairman/Vice Chairman to sign Contract Change Order #01 to the agreement with Highway Safety Devices Incorporated, Tampa, Florida, for additional work to address damaged fiber optic cable on Boggy Creek Road, from US 192 to Bill Beck Boulevard, and from Lakeside Boulevard to Simpson Road, in the amount of \$30,491.16, establishing a contingency \$40,000 for the remainder of the project for the construction of the Advanced Traffic Management System Phase II Project (FPN 417257-2-58-02) for a total contract amount of \$2,072,164.46 (ITB #11-2085-RJ); and approval and authorization for the County Manager to approve change orders not to exceed the requested contingency amount of \$40,000.

(NOTE: The following item was revised with the approval of the agenda, changing the project dollar amount to \$739,819 and adding adoption of Resolution #12-118R.)

**APPROVED, AS AMENDED (Arrington/Attkisson, 5-0)**

19. Approval and authorization for Chairman/Vice Chairman to sign Contract Amendment #BB2M-CA2, with Balfour Beatty Construction, LLC, to provide Construction Manager at Risk Services for Projects Less than \$2,000,000, for the Austin-Tindall Regional Park Expansion, Phase I Project (PS #10-142-RJ); \$554,983; and authorization for the County Manager, or Designee, to approve Owner's Contingency Transactions for a cumulative total not to exceed \$573,905.

(NOTE: The following items were added with the approval of the agenda.)

**County Administration**

**DELETED FROM THE AGENDA AND NOT APPROVED (Attkisson/Hawkins, 4-1. Harford opposed)**

- 19.1. Approval and authorization for the Chairman/Vice Chairman to sign the lease agreement with 215 Celebration Place Incorporated, for space within the Celebration IV building located at 215 Celebration Place, Celebration, Florida, for Osceola County Department of Tourism Development office space and to authorize the County Manager to sign Exhibit C which acknowledges the Commencement of the lease and acceptance of the renovated premises.

**APPROVED (Hawkins/Quiñones, 3-1. Harford opposed. Attkisson abstained)**

- 19.2. Approval to utilize the County owned property located at 1874 Boggy Creek Road, for Grace Landing to expand operations to offer housing to boys that have aged out of the foster care system. Additionally, requested is authorization for the County Manager to negotiate and sign a lease agreement for use of the property. [LOI #12-03045-RJ].

**Community Development Consent - NO ITEMS**

**Public Hearings**

**County Administration**

**ORDINANCE #12-23 WAS DELETED FROM THE AGENDA AND THE STAFF WAS INSTRUCTED TO RE-ADVERTISE THE PUBLIC HEARING TO CONSIDER THE ORDINANCE WITH THE NECESSARY CHANGES, AS DISCUSSED. (Harford/ Quiñones, 5-0)**

20. ORDINANCE #12-23: AN ORDINANCE OF OSCEOLA COUNTY, FLORIDA, PROVIDING FOR PUBLIC SAFETY AND ECONOMIC DEVELOPMENT; AUTHORIZING THE W192 DEVELOPMENT AUTHORITY; ESTABLISHING THE W192 DEVELOPMENT AUTHORITY TRUST FUND AND THE PURPOSES THEREOF; PROVIDING FOR THE FUNDING OF THE TRUST FUND FROM TAX INCREMENT REVENUES; AUTHORIZING USE OF TRUST FUND MONEYS; PROVIDING FOR THE PRESENTATION OF THE W192 DEVELOPMENT AUTHORITY MASTER PLAN AND MODIFICATIONS THERETO; PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS OF, OR THE ISSUANCE OF REVENUE BONDS BY, THE COUNTY,

IN ORDER TO FINANCE SAID MASTER PLAN; PROVIDING FOR A BOARD OF DIRECTORS FOR THE AUTHORITY; PROVIDING FOR BOUNDARIES OF THE AUTHORITY; PROVIDING FOR SPECIAL ASSESSMENTS WITHIN THE AUTHORITY; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF STABILIZING AND IMPROVING RETAIL BUSINESS AGAINST REAL PROPERTY THAT WILL BE SPECIALLY BENEFITTED; PROVIDING FOR THE MERGER AND CONSOLIDATION OF ALL RESPONSIBILITY AND DIRECTION FOR THE W192 REDEVELOPMENT AREA MUNICIPAL SERVICE BENEFIT UNIT AS CREATED BY ORDINANCE #95-8, ALL ASSESSMENT RESOLUTIONS: RESOLUTION #11-082R AND THE US 192 REDEVELOPMENT DISTRICT ADVISORY BOARD; AND PROVIDING AUTHORIZATION THAT ALL RECOMMENDATIONS CONCERNING CAPITAL AND MAINTENANCE ASSESSMENT ROLLS BE MADE BY THE W192 DEVELOPMENT AUTHORITY THROUGH ITS BOARD OF DIRECTORS; PROVIDING FOR THE MERGER OF AUTHORITY, RESPONSIBILIITY AND DIRECTION AS BETWEEN THE W192 DEVELOPMENT AUTHORITY AND THE WEST US 192 COMMUNITY REDEVELOPMENT DISTRICT INTO A SINGLE COMBINED REDEVELOPMENT AREA TO BE HEREINAFTER KNOWN AS THE W192 DEVELOPMENT AUTHORITY; SUBSTITUTING THE BOARD OF DIRECTORS OF THE W192 DEVELOPMENT AUTHORITY AS THE AGENCY BOARD UNDER RESOLUTION #12-065R ; AUTHORIZING THE BOARD OF DIRECTORS TO EXPLORE AND MAKE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS CONCERNING IMPOSITION OF A FUTURE MILLAGE FOR THE AUTHORITY; PROVIDING FOR THE MERGER OF AUTHORITY, RESPONSIBILITY AND DIRECTION AS BETWEEN THE W192 DEVELOPMENT AUTHORITY AND THE W192 ECONOMIC ADVISORY COMMITTEE SUBSTITUTING THE BOARD OF DIRECTORS OF THE W192 DEVELOPMENT AUTHORITY AS THE ECONOMIC ADVISORY COMMITTEE UNDER RESOLUTION #10-153R; IN PROVIDING FOR CERTAIN OTHER DETAILS; PUBLIC PURPOSE; TERM OF EXISTENCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

### **Community Development Administration**

#### **ADOPTED (Hawkins/Harford, 5-0)**

21. ORDINANCE #12-18 FOR CPA12-0001: 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 LARGE SCALE COMPREHENSIVE PLAN AMENDMENT CPA12-0001, OSCEOLA COUNTY COMMUNITY DEVELOPMENT (APPLICANT); APPROVING THE OSCEOLA COUNTY JOINT LAND USE STUDY 2012; PROVIDING FOR FUTURE LAND USE ELEMENT TEXT AMENDMENT; PROVIDING FOR TRANSPORTATION ELEMENT TEXT AMENDMENT; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TRANSPORTATION ELEMENT MAP SERIES INCLUDING CONFORMANCE OF THE TEXT AND MAPS OF THE COMPREHENSIVE PLAN TO THE ADOPTED AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Regular**

## **Public Works Administration**

### **ADOPTED (Arrington/Harford, 4-0. Hawkins absent for the vote)**

22. Adoption of Resolution #12-094R, authorizing the acquisition of real property interests in Parcel 100, property owner School Board of Osceola County, for the purpose of construction of sidewalk improvements as part of the Cattle Drive/Boscobel Drive Sidewalk Project; and adoption of Resolution #12-069R, amending the Fiscal Year 2012 budget and appropriating funds as detailed in Budget Supplement BA #12-021.

### **ADOPTED (Harford/Arrington, 5-0)**

23. Adoption of Resolution #12-092R, authorizing the acquisition of real property interests in Parcel 800, property owner Poinciana New Township Incorporated, for the purpose of construction of sidewalk improvements as part of the Cattle Drive/Boscobel Drive Sidewalk Project

### **ADOPTED (Arrington/Harford, 5-0)**

24. Adoption of Resolution #12-093R, authorizing the acquisition of real property interests in Parcel 801, property owner Association of Poinciana Villages Incorporated, for the purpose of construction of sidewalk improvements as part of the Cattle Drive/Boscobel Drive Sidewalk Project.

### **ADOPTED (Arrington/Harford, 5-0)**

25. Adoption of Resolution #12-098R, authorizing the acquisition of real property interests in Parcel 802, property owner Association of Poinciana Villages Incorporated, for the purpose of construction of sidewalk improvements as part of the Cattle Drive/Boscobel Drive Sidewalk Project.

## **Reports**

### **Constitutional Officers and Governmental Agencies/Other**

#### **Departments/Divisions**

#### **Community Development Administration**

26. Update on Chapter 15 of Land Development Code revisions, by Kelly Haddock, Zoning Manager.

#### **Commission Auditor**

#### **County Attorney**

#### **County Manager**

## **Commissioners**

**THE BOARD AGREED COMMISSIONER HAWKINS WOULD SERVE AS THE COMMISSION REPRESENTATIVE ON THE TOUR OF TAYLOR CREEK RESERVOIR ON OCTOBER 26, 2012, WITH INDIVIDUAL TOURS ARRANGED FOR ANY OTHER COMMISSIONER AT A LATER TIME**

27. Discussion regarding Commission attendance on the October 26, 2012, Ag Tour.

**AT THE REQUEST OF COMMISSIONER ATTKISSON, THE COUNTY MANAGER AGREED TO SCHEDULE A PRESENTATION AND AN ANALYSIS OF THE NEGOTIATIONS REGARDING THE JUDGE FARMS PROPERTY ON US 192, ACROSS FROM OSCEOLA HERITAGE PARK ON MONDAY, AUGUST 27, 2012**

## **Committee Appointments**

### **Community Development Block Grant Advisory Task Force**

28. Appointment to replace Jean Olson, "District 4" position, whose term expired December 31, 2011.

### **Enterprise Zone Development Agency Board**

This 11 member Board shall consist of four candidate recommendations by the City of Kissimmee for appointment by the County Commission; plus four member appointments by the County Commission; and three additional members shall be appointed to fill at-large positions. Categories for this membership include, a Business Operator, a Resident, a local Financial or Insurance Agency representative, local Law Enforcement personnel, local Code Enforcement personnel, Private Industry Council or Workforce Development Board, non-profit community based organizations, local Chamber of Commerce, and three additional appointments from any of the eight categories. The County Commission will appoint a Chairperson and Vice Chairperson from among the Commissioners and they will serve in that capacity for the duration of their term unless the County decides otherwise. The terms of each Commissioner shall be four years, except for the initial term as established.

29. Appointment to replace Lisa Jones, "Local Chamber of Commerce", whose term expires December 31, 2013.

### **Library Advisory Board**

This Board consists of seven members, one appointment from each of the five County Commission Districts; and two at-large members. The membership should consist of one member of the Friends of the Library group and one member of the Osceola County Bar Association.

30. Appointment to reappoint/replace Peter Matt, "District 2", whose term expired December 31, 2011.

### **Planning Commission**



The members of the Planning Commission shall be knowledgeable in the field of Comprehensive Planning and shall be familiar with the Osceola County Comprehensive Plan, the Land Development Code, and other applicable regulations. This Commission is composed of 10 members, two being appointed from each County Commission District.

31. Appointment to replace Domingo Sanchez, "District 2", who resigned, whose term expires December 31, 2014.

## **For Information**

### **County Administration**

32. Long Range Agenda.
33. The Canvassing Board will meet on Tuesday, August 21, 2012, at 9:00 a.m., at the Osceola County Government Center, in the Supervisor of Elections Office, 2509 East Irlo Bronson Memorial Highway, Kissimmee, Florida.
34. The Cypress Woods Common Facilities District, Board of Supervisors, will meet on Tuesday, August 21, 2012, at 6:30 p.m., in Conference Room #4727, located at 1 Courthouse Square, Kissimmee, Florida.
35. The Crescent Lakes Common Facilities District, Board of Supervisors, will meet on Thursday, August 23, 2012, at 6:30 p.m., in Conference Room #4727, located at 1 Courthouse Square, Kissimmee, Florida.
36. The Osceola County Community Health Center Grand Opening will be held on Friday, August 24, 2012, at 9:00 a.m., at 2597 Boggy Creek Road, Kissimmee, Florida.
37. The Canvassing Board will meet on Friday, August 24, 2012, at 2:00 p.m., at the Osceola County Government Center, in the Supervisor of Elections Office, 2509 East Irlo Bronson Memorial Highway, Kissimmee, Florida.
38. There will be a workshop meeting of the Board of County Commissioners on Monday, August 27, 2012, regarding the Shingle Creek Regional Park Management Plan, at 1:30 p.m., in the Commission Chambers, at 1 Courthouse Square, Kissimmee, Florida.
39. There will be a workshop meeting of the Board of County Commissioners on Monday, August 27, 2012, regarding the Fee Waiver Policy (CVB), at 3:00 p.m., in the Commission Chambers, at 1 Courthouse Square, Kissimmee, Florida.
40. The Indian Ridge Common Facilities District, Board of Supervisors, will meet on Thursday, August 30, 2012, at 7:00 p.m., in Conference Room #4727, located at 1 Courthouse Square, Kissimmee, Florida.
41. There will be a Ribbon Cutting Ceremony for the St. Clair Property on Shingle Creek, Bass

Road, Kissimmee, Florida, on Friday, August 31, 2012, at 9:00 a.m.

42. There will be no Board of County Commissioner meetings on Monday, September 03, 2012, in observance of Labor Day.
43. The County Courthouse Complex Offices will be closed on Monday, September 03, 2012, in observance of Labor Day.
44. The Ninth Judicial Court will be closed on Monday, September 03, 2012, in observance of Labor Day.
45. There will be a budget public hearing for First Truth In Millage to adopt tentative millages and rates on Wednesday, September 05, 2012, at 5:30 p.m., in the Commission Chambers, 1 Courthouse Square, Kissimmee, Florida.
46. The Board of County Commissioners will conduct a public hearing on Thursday, September 06, 2012, at 5:30 p.m., to address Special Assessments, in the Commission Chambers, 1 Courthouse Square, Kissimmee, Florida.
47. Discover Osceola will be held on Thursday, September 06, 2012, at 4:00 p.m., at Osceola Heritage Park.
48. The Clerk of the Board has received for the record, the minutes from the West 192 Redevelopment Advisory Board meeting held on June 07, 2012 at 10:00 a.m.
49. The Board of County Commissioners will conduct a workshop on Monday, August 27, 2012, at 4:00 PM, regarding Community Services Grant Recommendations. This meeting will be held in the County Commission Chambers, Room 4100, 1 Courthouse Square, Kissimmee, Florida.

### **Community Development Administration**

50. The Environmental Lands Conservation Program, on behalf of the Land Conservation Advisory Board (LCAB), is submitting the minutes from the LCAB meeting held on July 03, 2012.

### **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.