

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 – 12/12/2011 - 1:30 PM

Agenda

Pledge of Allegiance

Invocation by Bishop Anthony Lawrence, with Spirit of Wisdom.

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

Presentation

1. [Economic Development Update by Scott Kearney, Real Estate Engineer, Wawa Incorporated.](#)

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.

Sheriff's Office

2. [Approval to expend Law Enforcement Trust funds to support the Friends of Osceola's Children Incorporated, doing business as Voices for Osceola's Children Incorporated Program; \\$10,000.](#)

County Administration

3. [Approval of the following minutes: August 01, 2011, regular session, 1:30 p.m.; October 03, 2011, regular session, 1:30 p.m.; November 14, 2011, 1:00 p.m., special session; and November 14, 2011, 1:15 p.m., special session.](#)
4. [Approval and authorization for the Chairman/Vice Chairman to sign the agreement with the City of St. Cloud, for the Fifth Street Sidewalk Community Development Block Grant Entitlement Project.](#)
5. [Approval and authorization for the Chairman/Vice Chairman to sign Amendment #2 with JCDecaux Airport Incorporated, to continue to provide advertising signage space and install advertising materials of certain information, extending the agreement through January 04, 2013, amending Section 5, Compensation, and replacing Exhibit B, Pricing Schedule \(SG #10-995-LC\); expenditures shall not exceed \\$281,970 annually, for a cumulative total not to exceed \\$824,770.](#)
6. [Adoption of Resolution #11-131R, providing for the execution and delivery of a Master Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp, in an initial Aggregate principal amount not to exceed \\$10,000,000, and an Acquisition Fund and Account Control Agreement with Banc of America Public Capital Corp and Deutsche Bank National Trust Company, to provide for the lease-purchase financing of certain communications equipment from Motorola Solutions, for the mitigation of the existing 800 MHz emergency communication system to the P25 platform, as part of the Department of Homeland Security and FCC Federal Partnership for Interoperable Communications Initiative.](#)
7. [Approval and authorization for the County Manager, or designee, to approve individual sports event bid fees under \\$100,000 that will be paid to sporting events via the Central Florida Sports Commission, for Fiscal Year 2011/2012; \\$200,042.12. These requests will be for](#)

event sponsorship to a specific event host/coordinator. In accordance with the Osceola County Administrative Code, Section 3.1 (B) (28), sponsorship is exempt from the competitive process (SP #12-2427-LC).

8. Approval of the Osceola News-Gazette as the newspaper in which the Tax Collector will publish the delinquent tax public notices for 2011, as required by Florida Statutes, Chapter 197, and the Florida Administrative Code (EX #12-2410-LC).

Department of Economic Development

9. Approval and authorization for the Chairman/Vice Chairman to sign the Certificate of Acceptance of Subgrant Award contracts #2012-JAGC-OSCE-5-C4-194 for DNA Initiative, and #2012-JAGC-OSCE-3-C4-252 for Domestic Violence Children's Program, set forth with the Florida Department of Law Enforcement for the year 2012 Edward Byrne Memorial Justice Assistance Grant Program.

Department of Fire/Rescue and EMS

10. Approval and authorization for the Chairman/Vice Chairman to sign service agreements with PSS World Medical Incorporated, doing business as Physician Sales and Service, and Bound Tree Medical, LLC, for the award to provide pharmaceutical supplies for the Department of Fire/Rescue and Emergency Medical Services, on an as-needed basis for the period beginning December 12, 2011, through December 11, 2014 (A/R #12-2224-CV); \$70,000 annually, for a total not to exceed amount of \$210,000.

Community Development Administration

11. Approval and authorization for the Chairman/Vice Chairman to execute the Amendment to Service Funding Agreement between Osceola County and Central Florida Regional Transportation Authority, doing business as LYNX; \$4,279,194.
12. Acceptance and authorization for the Chairman/Vice Chairman to sign the Permanent Easement from Fantasyworld Club Villas Homeowners' Association Incorporated, for a Pedestrian Sidewalk and Maintenance Easement, located along Kyng's Heath Road, east of Poinciana Boulevard and west of Vineland Road.
13. Approval and permission to commence negotiations with Environmental Science Associates; AECOM; and EarthBalance, to provide environmental land management planning and engineering consultant services on a task authorization basis (PS #11-2215-LM)
14. Approval of Initial Acceptance for the following roadways within Eagle Bay Subdivision, Phase 2, located in District 2: Eagle Bay Boulevard, 450 linear feet, and Tanner Terrace, 2,360 linear feet.
15. Approval and authorization for the Chairman/Vice Chairman to sign the Second Amendment to the East Lake Toho Road Right-of-Way and Drainage Pond Dedication Agreement,

recorded in Official Records Book 03679, Page 0780, which will terminate the East Lake Toho Road Right-of-Way and Drainage Pond Dedication Agreement.

16. Approval and authorization for the Chairman/Vice Chairman to sign the Edgewater Development of Regional Impact (DRI) Property Road Right-of-Way and Drainage Pond Dedication Agreement with H. Clay Whaley, Jr., Carolyn L. Whaley, Debra Whaley Wallauer, and Henry Whaley, III. This Edgewater DRI Property Road Right-of-Way and Drainage Pond Dedication Agreement will modify the originally approved alignment of Toho Parkway and Toho Parkway West through the Edgewater DRI property, as stated in the East Lake Toho Road Right-of-Way and Drainage Pond Dedication Agreement, recorded in Official Records Book 03679, Page 0780.
17. Acceptance of a Special Warranty Deed from H. Clay Whaley, Jr., Carolyn L. Whaley, and Debra Whaley Wallauer (Edgewater Whaleys), subject to County Attorney approval and clear title, for the right-of-way and drainage pond property necessary to construct north-south roadways for the Toho Developments of Regional Impacts (DRI) on the Edgewater DRI property. This conveyance is required pursuant to the Edgewater DRI Development Order and the Edgewater DRI Property Road Right-of-Way and Drainage Pond Dedication Agreement; approval to allow the County Attorney to sign all documents associated with this conveyance and closing; allocate a total of \$1,983,500, which includes \$1,980,500 for the right-of-way and estimated \$3,000 for the closing costs (funds available from Sales Tax Revenue Bond, Series 2009, issued for this purpose); and approval of a Temporary Construction Easement Agreement with H. Clay Whaley, Jr., Carolyn L. Whaley, and Debra Whaley Wallauer (Edgewater Whaleys), required in accordance with the Special Warranty Deed for the right-of-way and drainage pond property necessary to construct north-south roadways for the Toho Developments of Regional Impacts (DRI) on the Edgewater DRI property. This Agreement will enable the County to utilize areas within the Edgewater DRI property owned by H. Clay Whaley, Jr., Carolyn L. Whaley, and Debra Whaley Wallauer (Edgewater Whaleys), for the construction of Toho Parkway and the associated drainage ponds.

Public Works Administration

18. Approval and authorization to establish "No Parking, Stopping, or Standing" zones and install signs on both sides of the following streets: Robert McLane Boulevard, from 550' west of Avenue A to 1,290' east of South Poinciana Boulevard; Avenue A, from Robert McLane Drive to US 17/92; and Avenue B, from Robert McLane Drive to US 17/92.
19. Acceptance of a sidewalk fund payment in lieu of constructing +/- 1,600 linear feet (LF) of sidewalk, bordering Partin Village Shopping Center (EIP 11-0001) Pond A, located on the northeast corner of Partin Settlement Road and Aeronautical Drive, beginning at Station 48+35 to Aeronautical Drive, +/- 760 LF, and then north along Aeronautical Drive +/- 810 LF; estimated cost for design and construction sidewalk and pedestrian bridge is \$46,452.64.

20. [Approval and authorization for the Chairman/Vice Chairman to sign Contract Amendment #QC2M-CA6-2 to the contract with Quinn Commercial Incorporated, to provide Construction Management Services for Projects Less Than \\$2,000,000 for the Osceola County Sheriff's Office DNA Screening Lab Project \(PS #10-142-RJ\); \\$80,487.](#)
21. [Approval and authorization for the Chairman/Vice Chairman to sign Contract Amendment #QC2M-CA5-2 to the contract with Quinn Commercial Incorporated, to provide Construction Management Services for Projects Less Than \\$2,000,000 for the Osceola County Sheriff's Office Latent Examiner Lab Project \(PS #10-142-RJ\); \\$69,796.](#)
22. [Approval and authorization for the Chairman/Vice Chairman to sign Contract Amendment #AC2M-CA6 to the contract with ARNCO Construction Incorporated, for continuing Construction Manager at Risk Services for Projects Less Than \\$2,000,000 for the Marydia Community Center \(PS #10-142-RJ\); \\$4,080.](#)

Community Development Consent Agenda - NO ITEMS

Public Hearings

County Attorney's Office

23. [Adoption of Resolution #11-128R, declaring the intent to use the uniform ad valorem method of collection of non-ad valorem assessments for stormwater, streetlights, and other local services.](#)

Community Development Administration

24. [ORDINANCE #11-29:](#)
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 CPA11-0005 TO ACCOMPLISH THE ANNUAL UPDATE OF THE FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE, OSCEOLA COUNTY COMMUNITY DEVELOPMENT (APPLICANT); PROVIDING FOR AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR AMENDMENT TO THE PUBLIC SCHOOLS FACILITIES ELEMENT; INCLUDING CONFORMANCE OF THE TEXT OF THE COMPREHENSIVE PLAN TO THE ADOPTED AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.
Commission District: Countywide
Request: Enact Ordinance #11-29, to adopt CPA11-0005, which amends the Capital Improvements Element and the Public Schools Facilities Element to accomplish the annual update of the Five Year Capital Improvements Schedule, consistent with Florida Statutes,

Section 163.3177.

Regular

County Administration

25. [Adoption of Resolution #11-118R, for the Issuance of Osceola County, Florida, Taxable Tourist Development Tax, Fifth Cent, Revenue Bonds, Series 2012, RIDA Convention Center, Phase 1 Project.](#)
26. [Adoption of Supplemental Resolution #11-121R, authorizing the issuance by Osceola County, Florida, of Taxable Tourist Development Tax, Fifth Cent, Revenue Bonds, Series 2012, RIDA Convention Center, Phase 1 Project.](#)
27. [Consideration of the Library Administration and Operations Agreement with Library Systems and Services, LLC \(LSSI\), for management of the Library system, for an initial five year term; \\$4,714,380 for the first year; and adoption of Resolution #11-130R authorizing the Chairman/Vice Chairman to sign said agreement if approved, and authorization for the County Manager to sign all other documents as it relates to the core contract.](#)

Community Development Administration

28. [Transportation Plan Element Update by Tiffany Homler, Community Development.](#)
29. [Adoption of Resolution #11-125R, extending the duration of the Building Permit Fee Waiver Program, adopted by Resolution #10-098R, on September 13, 2010, and amended by Resolution #11-032R, on March 21, 2011.](#)
30. [Direction and/or recommendation regarding the current impact fee moratorium, which is due to expire on February 01, 2012.](#)

Reports

Constitutional Officers and Governmental Agencies/Other

Departments/Divisions

Community Development Administration

31. [Presentation on Mosquito Control activities conducted for Fiscal Year 2011, by Sherry Burroughs, Natural Resources Manager.](#)

Public Works Administration

32. [Presentation on Construction Delivery Methods, by Frank Raymond, Public Works Director.](#)

Commission Auditor

County Attorney

County Manager

Commissioners

Committee Appointments

Affordable Housing Advisory Committee

The membership shall include: one citizen actively engaged in the residential home building industry in connection with affordable housing; one citizen actively engaged in the banking, or mortgage banking industry in connection with affordable housing; one citizen who is a representative of those areas of labor actively engaged in affordable home building; one citizen actively engaged as a for-profit provider of affordable housing; one citizen actively engaged as a not-for-profit provider of affordable housing; one citizen who is a real estate professional in connection with affordable housing; one citizen who actively serves on the local planning agency pursuant to Florida Statutes, Chapter 163; one citizen who resides within Osceola County; one citizen who represents employers within Osceola County; and one citizen who represents essential services personnel, as defined in the Osceola County LHAP.

33. Appointment to reappoint/replace Robert Dwyer, "Advocate for Low-income Persons" category, whose term expires December 31, 2011.
34. Appointment to reappoint/replace Judith Dunham, "Representative of Employers in Osceola County" category, whose term expires December 31, 2011.
35. Appointment to replace Sylvia Lollis, "Representative of the Essential Services Personnel associated with Affordable Housing" category, who resigned, whose term expires December 31, 2011.
36. Appointment to reappoint/replace Patricia Del Bagno, "Banking or Mortgage Industry related to Affordable Housing" category, whose term expires December 31, 2011.

Board of Adjustment

The members of the Board of Adjustment 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 Board is composed of seven members one of which will be appointed from each Commission District and two members being appointed as at-large positions.

37. District 1 appointment to reappoint/replace Charlie Steele, whose term expires December 31, 2011.

Community Development Block Grant Advisory Task Force

38. Appointment to replace Margaret Brown, "District 1" position, whose term expires December 31, 2011.
39. Appointment to replace Jean Olson, "District 4" position, whose term expires December 31, 2011.
40. Appointment to replace Ann Jones, "District 5" position, whose term expires 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.

41. Appointment to reappoint/replace Twis Lizasuain, "Local Law Enforcement", whose term expires December 31, 2011.
42. Appointment to reappoint/replace Myriam Travieso, "Local Private Industry Council or Workforce Development Board", whose term expires December 31, 2011.
43. Appointment to replace Mark Thimming, "Non-profit Community Based Organization Within Zone", whose term expires December 31, 2012.
44. Appointment to replace Janice Lopez, "Local Chamber of Commerce", whose term expires December 31, 2013.

Fire and Rescue Advisory Board

This Commission consists of seven members: one Fire Commissioner being appointed from each County Commission District and two Fire Commissioners serving in at-large positions.

45. Appointment to reappoint/replace Harvey Sperling, "District 2", whose term expires

December 31, 2011.

Land Conservation Advisory Board

This Advisory Board consists of a total of nine members who shall be residents of the County throughout their term and who shall be appointed on the basis of experience. The City of Kissimmee and the City of St. Cloud shall each nominate one member for appointment consideration. The membership shall have expertise in the following categories: Conservation of Natural Resources, Ecology, Ecotourism, or Environmental Education, Land Appraisal, Land Management, and Real Estate or Land Acquisition.

46. Appointment to reappoint/replace Michael Crikis, "Environmental Interest", whose term expires December 31, 2011.

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.

47. Appointment to reappoint/replace Peter Matt, "District 2", whose term expires December 31, 2011.
48. Appointment to replace Jean Olson, "District 4", who resigned, whose term expires December 31, 2011. Upon appointment, the Board may reappoint said person for an additional term of two years to expire December 31, 2013.
49. Appointment to replace Barbara Nefer, "At-large", who has reached term limit, whose term expires December 31, 2011.

Parks and Recreation Committee

This Committee consists of fourteen voting members and three non-voting members. The membership includes one appointment for each County Commission District; five at-large positions; representatives from the City of Kissimmee, the City of St. Cloud, the Osceola County School Board, and the Bike Path Committee. The non-voting members include the Director of the Parks and Recreation Office, a representative from the Osceola County Planning Office, and a Parks and Recreation employee to act as the Recording Secretary.

50. Appointment to "District 2", whose term expired December 31, 2009.
51. Appointment to replace Larry Walter, "District 3", who has reached term limit, whose term expires December 31, 2011.

52. Appointment to replace Clyde Wells, “District 4”, who has reached term limit, whose term expires December 31, 2011.
53. Appointment to replace David Lucey, “District 5”, who has reached term limit, whose term expires 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.

54. Appointment to replace Ken Baker, “District 4”, who resigned, whose term expires December 31, 2014.

US 192 Redevelopment District Advisory Board

This Advisory Board consists of seven members: five members who are persons with a vocational or investment interest in a segment of the tourist industry that pays ad valorem taxes in the County and is located within the West 192 Redevelopment Area Municipal Service Benefit Unit; with two members appointed to serve in at-large positions.

55. Reclassify and reappoint Tom Barnes from “At-large” to “Board Appointee”, whose term expires December 31, 2011, and would expire December 31, 2015.
56. Appointment to reappoint/replace Jetse Pottinga, “Board Appointee”, whose term expires December 31, 2011.
57. Appointment to reappoint/replace Steve Ivins, “Board Appointee”, whose term expires December 31, 2011.

For Information

County Administration

58. [Long Range Agenda](#)
59. [The Value Adjustment Board will meet on Tuesday, December 13, 2011, at 10:30 a.m., in the Commission Chambers, 1 Courthouse Square, Kissimmee, Florida.](#)
60. [The 2011 Value Adjustment Board Hearings will be held on December 14, 15, and 16, 2011, beginning at 8:30 a.m., in the Commission Chambers, 1 Courthouse Square, Kissimmee, Florida.](#)

61. [There will be a District 1, Neighbor-to-Neighbor Community Conversation meeting held on Wednesday, December 14, 2011, at 7:00 p.m., at the Sherwood Forest Mobile Home Park, Clubhouse 2, 705 Arrow Lane, Kissimmee, Florida.](#)
62. [There will not be a Board of County Commission meeting held on Monday, December 19, 2011.](#)
63. [The County Courthouse Complex Offices will be closed on Friday, December 23, 2011, and Monday, December 26, 2011, for the Christmas Holiday.](#)
64. [There will not be a Board of County Commission meeting held on Monday, December 26, 2011, due to the Christmas Holiday.](#)
65. [The County Courthouse Complex Offices will be closed on Monday, January 02, 2012, for the New Year's Holiday.](#)
66. [There will not be a Board of County Commission meeting held on Monday, January 02, 2012, due to the New Year's Holiday.](#)
67. [The Charter Review Advisory Commission will meet on Thursday, January 05, 2012, at 7:00 p.m., in Conference Room #4727, 1 Courthouse Square, Kissimmee, Florida.](#)
68. [The Clerk of the Board has received for the record, notification on November 28, 2011, that Ordinance #11-24, relating to amendment of the Osceola County Comprehensive Plan, providing for adoption of small scale Comprehensive Plan Amendment CPA11-0003, Centro Cristiano Dios Pactos, Walter Arias \(Applicants\), providing for amendment to the Future Land Use Map; and Ordinance #11-28, relating to amendment of the Osceola County Comprehensive Plan, providing for adoption of small scale Comprehensive Plan Amendment CAP11-0004, Judge Land Trust \(Applicant and Owner\), were filed with the Bureau of Administrative Code on November 18, 2011.](#)
69. [The Clerk of the Board submits for the record, the minutes of the Charter Review Advisory Commission meeting, held on November 01, 2011.](#)
70. [The Clerk of the Board submits for the record, the 2011 Value Adjustment Board Special Magistrate contract for Edwin R. Barfield.](#)
71. [The Clerk of the Board submits for the record, the following minutes of the Crescent Lakes Common Facilities District Board of Supervisors: March 17, 2011, special session, 7:00 p.m.; April 21, 2011, special session, 6:30 p.m.; May 05, 2011, special session, 6:00 p.m.; June 01, 2011, public hearing, 7:00 p.m.; June 01, 2011, budget public hearing, 7:01 p.m.; June 01, 2011, special session, 7:02 p.m.](#)
72. [The Clerk of the Board has received for the record, the letter of engagement with Celeste F. Adorno, Esquire, with the Adorno Law Firm, PL, to provide legal services as special counsel](#)

for eminent domain, as approved by the Board on June 13, 2011.

73. Procurement Services has submitted for the record, the contracts, task orders, and/or amendments approved and signed by the County Manager, or designee, a list of all scheduled Evaluation Committee meetings to review proposals submitted in response to solicitations, and a list of Board approved contracts to be renewed within the next six (6) months.
74. The Clerk of the Board has received notification of the resignation from Mr. Larry Naddeo, from the US 192 Redevelopment District Advisory Board, Board Appointee position, with the term ending December 31, 2015. This position will be filled by Mr. Brian Costello, as approved by the Board on November 14, 2011.

Community Development Administration

75. The Environmental Lands Conservation Program (ELCP), on behalf of the Land Conservation Advisory Board (LCAB), is submitting the minutes from the LCAB meeting, held on November 01, 2011.

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.