

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, August 26, 2008
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Richard T. Crotty; Commissioners Teresa Jacobs,
Fred Brummer, Mildred Fernandez, Bill Segal, Tiffany Russell
Member Absent: Commissioner Linda Stewart
Others Present: County Comptroller as Clerk Martha Haynie, County Administrator
Ajit Lalchandani, County Attorney Tom Drage, Deputy Clerk
Kathleen Johnson

- CALL TO ORDER, 9:10 a.m.

- Invocation - Dr. Des Cummings, Jr., Florida Hospital
- Pledge of Allegiance

- PRESENTATION

Proclamation designating the week of August 24 through August 30, 2008 as Firefighter Appreciation Week

- NONAGENDA

County Mayor Crotty noted that Commissioners Brummer and Fernandez performed in the 5th Annual Orange County Employees Visual and Performing Arts Program. Board discussion ensued.

- MEMBER EXITED: Commissioner Brummer

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Fernandez/Jacobs

Absent: Commissioners Brummer, Stewart

AYE (voice vote): All present members

Action: The Board approved the County Consent Agenda items as follows, including County Attorney Addendum 1:

County Comptroller

1. Approval of the minutes of the July 8, July 21, July 22, and July 23, 2008 meetings of the Board of County Commissioners. (Clerk's Office)
2. Disposition of Tangible Personal Property as follows: (Property Accounting)
 - a. Scrap assets.
 - b. Dispose of an asset that was totaled out by our Third Party Administrator for its \$17,650 salvage value.

3. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for the following period: August 15, 2008, to August 21, 2008; total of \$23,081,372.01 (Finance and Accounting Department).

County Administrator

1. Approval of budget amendments #08-59, #08-60, #08-61, and #08-62. (Office of Management and Budget)

(Budget amendments are on file in Comptroller Finance and Accounting Department.)

2. Approval of budget transfer #08-1413. (Office of Management and Budget)

(Budget transfer is on file in the Comptroller Finance and Accounting Department.)

3. Approval to award Invitation for Bids Y8-130-JS, Inspection, Testing, Service, Replacement and Maintenance of Portable Fire Extinguishers, to the low responsive and responsible bidder, Master Protection Corporation d.b.a. FireMaster. The estimated contract award amount is \$199,500 for a 3-year period. ([County Administration Risk Management Division] Purchasing and Contracts Division)

Clerk's Note: Further action includes authorization for the Purchasing and Contracts Division to renew the contract for two additional 1-year terms.

4. Approval to award Invitation for Bids Y8-1089-PH, Term Contract for Street, Sidewalk, Curb and Gutter Repair, to the low responsive and responsible bidder, Tony's Construction, Inc. The estimated contract award amount is \$2,345,434.56 for a 1-year term. ([Utilities Department Water Reclamation Division] Purchasing and Contracts Division)

Clerk's Note: Further action includes 1-year term contract renewable for two additional 1-year option periods.

5. Approval to award Invitation for Bids Y8-1128-PD, Oil, Filter and Lubrication Services, to the low responsive and responsible bidder, South Bay Lube, Inc. d.b.a. Jiffy Lube. The estimated contract award amount is \$208,158 for a 2-year term. ([Administrative Services Department Fleet Management Division] Purchasing and Contracts Division)

Clerk's Note: Further action includes 2-year term contract renewable by the Purchasing and Contracts Division for an additional three years.

6. Approval to award Invitation for Bids Y8-740-EZ, Orange County Convention Center Roof Replacement and Repair West Building Task 2, to the low responsive and responsible bidder, Bonner Roofing & Sheet Metal Company. The total contract award amount is \$1,589,469. ([Orange County Convention Center Capital Planning Division] Purchasing and Contracts Division)
7. Approval to award Invitation for Bids Y8-750-CH, East 13th Street (S. Highland Avenue to S. Apopka Boulevard) Sidewalk Improvement Project, to the low responsive and responsible bidder, Parthenon Construction Company. The estimated contract award amount is \$119,832. ([Public Works Engineering Division] Purchasing and Contracts Division)
8. Approval to award Invitation for Bids Y8-751-PH, Orangewood and Hunters Creek Water Supply Facilities Improvements, to the low responsive and responsible bidder, Encore Construction Company. The total contract award amount is \$3,760,000. ([Utilities Engineering Division] Purchasing and Contracts Division)
9. Approval of Special Services Arrangement Agreement Case Number FL07-D5360-04, to Upgrade 911 Equipment and Communications Infrastructure for the Public Safety Answering Points (PSAPs) and 36-months of maintenance, with AT&T, in the estimated amount of \$3,981,223 for equipment and infrastructure and \$1,634,004 for maintenance. ([Public Safety Communications] Purchasing and Contracts Division)
10. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)

Administrative Services Department

1. Approval and execution by the Mayor of Resolution and authorization to initiate condemnation proceedings for Clarcona-Ocoee Road (Ocoee-Apopka Road to Hiawassee Road). Districts 1 and 2.
2. Approval and execution by the Mayor of Resolution and authorization to initiate condemnation proceedings for East-West Road (S.R. 436 to Dean Road). Districts 3 and 5. (Real Estate Management Division)
3. Approval and execution by the Mayor of Hold Harmless/Maintenance Agreements and approval of Right of Entries between Orange County and the Windermere Water and Navigation Control District and Destiny Developers of Windermere LLC, My Destiny Masonry & Custom Homes, Inc., Nancy E. Sublette and Phillip H. Sublette, Todd M. Theodore, Gary W. Hartmann and Rosemary M. Hartmann, Arkadi Mikhalenia, Deanna Causey and Gordon E.

Causey and Diane E. Causey, Joel Lazar, Charles Strasser and Gina Strasser, Nicholas V. Trimarche, William L. Murphy and Catherine F. Murphy, f/k/a Catherine Coffin and Bella Isles, LLC for Fish Lake – Pocket Lake Canal Restoration Project. District 1. (Real Estate Management Division)

- 4. Approval of Utility Easement between Islamic Education Center of Florida, Inc. and Orange County and authorization to record instrument for IEC Building Education Center. District 3. (Real Estate Management Division)
- 5. Approval of Utility Easement between Selma II, LLC and Orange County and Subordination of Encumbrances to Property Rights to Orange County from Peoples First Community Bank and authorization to record instruments for Selma's Cookies-Utility File #56265. District 2. (Real Estate Management Division)
- 6. Approval of Temporary Utility Easement between Chase Road Investments, LLC, formerly known as Regional Development/Chase Road, LLC and Orange County and authorization to record instrument for Keene's Pointe Unit II – Utility File #49005. District 1. (Real Estate Management Division)
- 7. Approval of Conservation Easement between Grand Cypress Florida, LP and Orange County and authorization to record instrument for Grand Cypress Resort Permit Application 08-011. District 1. (Real Estate Management Division)
- 8. Approval of Subordination of Encumbrances to Property Rights to Orange County from Branch Banking and Trust Company and authorization to record instrument for Park Place at Hunter's Creek – Utility File #54985. District 1. (Real Estate Management Division)

Community and Environmental Services Department

- 1. Approval of Hold Harmless Agreements between Orange County, the Lake Conway Water and Navigation Control District Advisory Board, and Arthur L. Bailey and Cheryl L. Bailey, Scott and Audrey Russell, Walter Stephen Oller and Franci Ann Oller, Marvin Bailey Jr., and Janice Bailey, Suzan E. Koontz and Jane N. Thornley, Marvin Z. Bailey Sr., Stephen T. Prior, Morton J. Disckind and Selma Disckind, Douglas E. Walton, and John M. Hollandsworth, for the Pershing Canal Dredging Project. District 4 (Environmental Protection Division)
- 2. Approval to advertise Resolutions for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts (Code Enforcement Division)

LC 08-632	LC 08-633	LC 08-644	LC 08-643	LC 08-661
LC 08-689	LC 08-626	LC 08-627	LC 08-640	LC 08-645
LC 08-651	LC 08-669	LC 08-671	LC 08-648	LC 08-636

LC 08-656 LC 08-660 LC 08-662 LC 08-663 LC 08-672
LC 08-684

Clerk's Note: Resolutions 2008-CED-576 through 2008-CED-596

Health and Family Services Department

1. Approval to process Department of Juvenile Justice invoices for FY 2008-09 estimated to be \$8,559,840. (Fiscal Division)
2. Approval of the State of Florida Voluntary Prekindergarten Education Program Statewide Provider Agreement between the Early Learning Coalition of Orange County and Orange County, Florida. (Head Start Division)

Public Works Department

1. Approval of record Corrected Resolution Granting Petition to Vacate 01-09. District 1. (Development Engineering Division)

County Attorney Addendum 1

1. Approval of Settlement Agreement resolving those certain cases before the Florida Division of Administrative Hearings (DOAH) styled *Orange County v. South Florida Water Management District*, DOAH Case Numbers 08-0259 and 08-2624RU.

Clerk's Note: Settlement Agreement is between Orange County and the South Florida Water Management District.

• INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Apopka annexation Ordinance 2034, Timothy Strickland, ±19.79 acres, generally located west of Conrad Road at Lake Apopka.
 - b. City of Orlando notice of annexation ordinance, ±0.23 acre, generally located north of the Beachline Expressway (S.R. 528), east of Narcoossee Road and Addressed as 7629 Road (Parcel ID# 25-23-30-0000-00-075 and 25-23-30-0000-00-099).
2. Board acknowledgement and filing of the Limited Review of Adult Drug Court Program Billing report.

3. Board acknowledgement and filing of the audit of the Orange County Comptroller's Office Official Records Department.

*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

- COUNTY DISCUSSION AGENDA

Commissioner's Report

1. Commissioner Brummer wishes to discuss a request of the United States Board of Geographic Names regarding the naming of Wekiwa Springs on the U.S.G.S. Topographic Maps Series.

Clerk's Note: United States Geological Survey (U.S.G.S.)

The County Mayor announced this item will be deferred until Commissioner Brummer returns to the Chambers.

County Attorney

1. Presentation of Charter Review Commission Final Report.

Richard Morrison, Chairman, Charter Review Commission (CRC), presented a report.

- MEMBER RE-ENTERED: Commissioner Brummer

Board discussion ensued. County Attorney Drage and Woody Rodriguez, legal counsel to the CRC, contributed to the discussion.

Action: None

- COUNTY DISCUSSION AGENDA ITEM DEFERRED

Commissioner's Report

1. Commissioner Brummer wishes to discuss a request of the United States Board of Geographic Names regarding the naming of Wekiwa Springs on the U.S.G.S. Topographic Maps Series.

Clerk's Note: United States Geological Survey (U.S.G.S.)

Commissioner Brummer presented a report. Board discussion ensued.

Motion/Second: Commissioners Brummer/Fernandez

Absent: Commissioner Stewart

AYE (voice vote): All present members

Action: The Board approved reporting to the United States Geological Survey that the BCC endorses the correction of the name of the springs in Wekiwa Springs State Park from Wekiva Springs to Wekiwa Springs.

County Administrator

1. Approval of the amendment to Resolution 92-M-64, changing the maximum allowable millage for the International Drive Master Transit and Improvement District MSTU from 0.1 to 0.3 mill per annum and expanding the uses of the MSTU funds.

Clerk's Note: Municipal Service Taxing Unit (MSTU)

Garritt Toohey, Chair, I-Drive Public Safety Initiative Committee, presented a report and recommended approval of this item. Board discussion ensued.

Motion/Second: Commissioners Russell/Fernandez

Absent: Commissioner Stewart

AYE (voice vote): All present members

Action: The Board approved Resolution 2008-M-32, amending Resolution 92-M-64 that would increase the maximum millage rate on the District MSTU from 0.1 mills to 0.3 mills; and further, authorized public safety programs as an allowed expenditure of the MSTU.

Clerk's Note: Municipal Service Taxing Unit (MSTU)

2. Appointment of two Board members and two alternates to the 2008 Value Adjustment Board and appointment of one citizen member and one alternate citizen member.

County Mayor Crotty presented a report on the Value Adjustment Board.

Motion/Second: County Mayor Crotty/Commissioner Segal

Absent: Commissioner Stewart

AYE (voice vote): All present members

Action: The Board appointed two Board members, County Mayor Crotty and Commissioner Brummer, to the 2008 Value Adjustment Board.

Motion/Second: County Mayor Crotty/Commissioner Jacobs

Absent: Commissioner Stewart

AYE (voice vote): All present members

Action: The Board appointed two alternates, Commissioners Fernandez and Segal, to the 2008 Value Adjustment Board.

The Board members made nominations as follows:

Commissioner Fernandez: Anthony Suarez
 Commissioner Brummer: David Boerger

Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

AYE votes cast by voice vote for Anthony Suarez as follows: County Mayor Crotty; Commissioners Jacobs, Brummer, Fernandez, Russell.

NO votes cast by voice vote for Anthony Suarez as follows: Commissioner Segal
 Member absent-Commissioner Stewart

Anthony Suarez received a majority for appointment of one citizen member to the 2008 Value Adjustment Board.

Motion/Second: Commissioner Brummer/County Mayor Crotty

Absent: Commissioner Stewart

AYE (voice vote): All present members

Action: The Board appointed one alternate citizen member, David Boerger, to the 2008 Value Adjustment Board.

By consensus, the Board adjourned as The Board of County Commissioners and convened as The International Drive Community Redevelopment Agency.

3. Adoption of the Community Redevelopment Agency resolution to approve and adopt the proposed FY 2008-09 budget for the International Drive Community Redevelopment Agency. (Office of Management and Budget)

Staff presented a report and recommended approval of this item. Board discussion ensued.

Motion/Second: Commissioners Fernandez/Russell

Absent: Commissioner Stewart

AYE (voice vote): All present members

Action: The Board adopted CRA Resolution 2008-M-33 to approve and adopt the proposed FY 2008-09 budget for the International Drive CRA.

Clerk's Note: Community Redevelopment Agency (CRA)

By consensus, the Board adjourned as The International Drive Community Redevelopment Agency and convened as The Orange County Community Redevelopment Agency.

4. Adoption of the Orange County Community Redevelopment Agency (CRA) resolution to approve and adopt the proposed FY 2008-09 budget for the Orange County CRA. (Office of Management and Budget)

Staff presented a report and recommended approval of this item. Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Motion/Second: Commissioners Russell/Fernandez

Absent: Commissioner Stewart

AYE (voice vote): All present members

Action: The Board adopted CRA Resolution 2008-M-34 to approve and adopt the proposed FY 2008-09 budget for the Orange County CRA; and further, approved to disburse \$150K to the CRA by October 3, 2008 for administration in order to maintain normal operations for the first quarter of the fiscal year.

Clerk's Note: Community Redevelopment Agency (CRA)

By consensus, the Board adjourned as The Orange County Community Redevelopment Agency and reconvened as The Board of County Commissioners.

Health and Family Services Department

1. Emergency Medical Services Annual Update. (Office of the Medical Director)

Staff presented a report. Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Action: None

• NONAGENDA

County Mayor Crotty requested County Attorney Drage present the recommendation for Board ratification regarding the St. Johns River and its tributaries and the County's position conferring with the Florida Fish and Wildlife Conservation Commission on closure of the river.

Christopher Roszkowiak, Captain, Florida Fish and Wildlife Conservation Commission, presented a report. Board discussion ensued.

Motion/Second: Commissioners Segal/Fernandez

Absent: Commissioner Stewart

AYE (voice vote): All present members

Action: The Board ratified a communication, dated August 25, 2008, sent to the Florida Fish and Wildlife Conservation Commission by County Mayor Crotty, concurring with the decision on temporary closure of the river.

• NONAGENDA

County Comptroller Haynie announced that today is Women's Equality Day and a primary voting day. She encouraged everyone to vote.

• BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS, AUGUST 7, 2008

Staff presented the recommendations and corrected the date for the Board of Zoning Adjustment meeting that was held on August 7, 2008.

Motion/Second: Commissioners Fernandez/Russell

Absent: Commissioner Stewart

AYE (voice vote): All present

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of August 7, 2008; subject to the usual right of appeal by any aggrieved party.

• PUBLIC COMMENT

No one addressed the Board for public comment.

• MEETING ADJOURNED, 10:21 a.m.

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There being no further business, the County Mayor adjourned the meeting.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Senior Minutes Coordinator