

**INDEX TO MINUTES OF REGULAR MEETING**  
**OF BOARD OF COUNTY COMMISSIONERS**  
**OF JULY 24, 2007**

1.	CALL TO ORDER .....	1
2.	INVOCATION .....	1
3.	PLEDGE OF ALLEGIANCE.....	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS .....	2
5.	PROCLAMATIONS AND PRESENTATIONS .....	3
	5.A. <i>PRESENTATION OF PROCLAMATION HONORING MS. ALMA LEE LOY FOR HER HUMANITARIAN EFFORTS</i> .....	3
	5.B. <i>PRESENTATION OF PROCLAMATION HONORING PAT POLITANO ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF HOUSING AUTHORITY</i> .....	3
6.	APPROVAL OF MINUTES .....	3
	6.A. <i>REGULAR MEETING OF JUNE 5, 2007</i> .....	3
	6.B. <i>WORKSHOP MINUTES OF JUNE 6, 20062007-SJRWMD UPDATE</i> .....	4
	6.C. <i>REGULAR MEETING OF JUNE 12, 2007</i> .....	4
	6.D. <i>REGULAR MEETING OF JUNE 19, 2007</i> .....	4
	6.E. <i>JOINT MEETING WITH VERO BEACH RE PIPER, JUNE 21, 2007</i> .....	5

<b>7.</b>	<b>CONSENT AGENDA.....</b>	<b>5</b>
7.A.	<i>APPROVAL OF WARRANTS-JULY 6, 2007-JULY 12, 2007 .....</i>	<i>5</i>
7.B.	<i>DORI SLOSBERG DRIVER EDUCATION SAFETY ACT, INDIAN RIVER COUNTY TRAFFIC EDUCATION PROGRAM TRUST FUND.....</i>	<i>6</i>
7.C.	<i>APPOINTMENT OF DEPUTY COUNTY ATTORNEY.....</i>	<i>6</i>
7.D.	<i>CATHERINE RILEY REQUEST FOR RELEASE OF AN EASEMENT AT 1923 5<sup>TH</sup> COURT SE (VERO SHORES SUBDIVISION UNIT 1) (ADMINISTRATIVE).....</i>	<i>6</i>
7.E.	<i>MICHAEL COURTNEY REQUEST FOR RELEASE OF AN EASEMENT AT 1655 91<sup>ST</sup> COURT (LOT 3, INTERSTATE COMMERCIAL PARK SUBDIVISION) (ADMINISTRATIVE).....</i>	<i>7</i>
7.F.	<i>MICHAEL COURTNEY REQUEST FOR RELEASE OF AN EASEMENT AT 1675 91<sup>ST</sup> COURT (LOT 4, INTERSTATE COMMERCIAL PARK SUBDIVISION) (ADMINISTRATIVE).....</i>	<i>7</i>
7.G.	<i>RENTAL AGREEMENT FOR USE OF CAFÉ IN NEW COUNTY ADMINISTRATION BUILDING .....</i>	<i>7</i>
7.H.	<i>IRC JAIL EXPANSION – TIME EXTENSION CHANGE ORDER #13.....</i>	<i>8</i>
7.I.	<i>ACCEPTANCE OF CHANGE ORDER NO. 30 FOR THE NEW COUNTY ADMINISTRATION BUILDINGS.....</i>	<i>8</i>
7.J.	<i>APPROVAL OF BID AWARD FOR IRC BID #2007077 RADIO SYSTEM CONSOLE UPGRADES, DEPARTMENT OF EMERGENCY SERVICES.....</i>	<i>9</i>
7.K.	<i>APPROVAL OF BID AWARD FOR IRC BID #2007078 MACON FX SOFTWARE SERVICES, DEPARTMENT OF EMERGENCY SERVICES .....</i>	<i>9</i>
7.L.	<i>CITRUS BEST MANAGEMENT PRACTICES COST SHARE CONTRACTS.....</i>	<i>10</i>
7.M.	<i>OPEB (OTHER POST EMPLOYMENT BENEFITS) ACTUARIAL VALUATION CONTRACT TO BE AWARDED .....</i>	<i>10</i>
7.N.	<i>GIFFORD PARK MULTI-PURPOSE LIGHTING PROJECT, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP), COMPLETION DOCUMENTS “NOTICE OF LIMITATION OF USE” PUBLIC RECORDS FILING .....</i>	<i>11</i>
7.O.	<i>GRAND HARBOR SPOONBILL MARSH SITE – APPROVAL OF FINAL PAY TO MASTELLER, MOLER, REED AND TAYLOR, INC. FOR EASEMENT DESCRIPTION</i>	

<b>7.P. APPROVAL OF BID AWARD FOR BULK SODIUM HYPOCHLORITE TANKS, IRC BID #2007073, UTILITIES DEPARTMENT .....</b>	<b>12</b>
<b>7.Q. UTILITY CONSTRUCTION STANDARDS 2006 – UCP 2821 .....</b>	<b>12</b>
<b>7.R. UTILITY CONFLICT RESOLUTIONS BY UTILITIES DEPARTMENT FOR PUBLIC WORKS DEPARTMENT BID No. 2006-065, PROJECT No. 9611 &amp; 0001, CR 510 &amp; CR 512 PHASE III IMPROVEMENTS, UCP No. 2837, APPROVAL OF FINAL PAYMENT TO CONTRACTOR, THE DANELLA COMPANIES, INC., AND RELEASE OF RETAINAGE.....</b>	<b>12</b>
<b>7.S. AGREEMENT FOR THE DELEGATION OF RABIES CONTROL RESPONSIBILITIES</b>	<b>13</b>
<b>7.T. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT FOR IRC BID #2007060 CR510 FORCE MAIN REPLACEMENT, UTILITIES DEPARTMENT .....</b>	<b>14</b>
<b>7.U. RELEASE OF RETAINAGE, MUSCO SPORTS LIGHTING, LLC GIFFORD PARK MULTIPURPOSE FIELD LIGHTING SYSTEM FRDAP #F7167 .....</b>	<b>14</b>
<b>7.V. ARTIFICIAL REEF CONSTRUCTION MCCULLEY MARINE SERVICES, INC. GRANT AGREEMENT FWCC-06111 .....</b>	<b>15</b>
<b>7.W. RELEASE OF RETAINAGE – WORK ORDER No. 4, CREECH ENGINEERS, INC. FOR: FLEMING STREET EXTENSION, TOPOGRAPHIC/ ROUTE/ AERIAL SURVEYING AND MAPPING SERVICES. STARTING FROM THE WEST END OF THE EXISTING FLEMING STREET IN THE CITY OF SEBASTIAN TO US1, INCLUDING A SECONDARY ROUTE TO OLD DIXIE HIGHWAY. INDIAN RIVER COUNTY PROJECT No. 0618.....</b>	<b>15</b>
<b>7.X. APPROVAL OF STATE FINANCIAL ASSISTANCE AGREEMENT – DEP AGREEMENT No. LP6822 FOR EGRET MARSH REGIONAL STORMWATER PARK</b>	<b>16</b>
<b>7.Y. AMENDMENT AND EXTENSION OF HURRICANE DEBRIS REMOVAL CONTRACTS FOR OMNI PINNACLE, LLC AND CERES ENVIRONMENTAL SERVICES, INC....</b>	<b>16</b>
<b>7.Z. RIGHT-OF-WAY ACQUISITION ROBERT L. SLEZAK AND MARY S. SLEZAK, 595 66<sup>TH</sup> AVENUE, PARCEL I.D. 33-39-18-00001-0080-00005.2 .....</b>	<b>17</b>
<b>7.A.A. AWARD OF RFP/BID FOR WATER TANK MAINTENANCE PROGRAM RFP#2007057.....</b>	<b>17</b>

	<i>7.B.B. RESIGNATION OF REAL ESTATE BROKER APPOINTEE TO THE PROFESSIONAL SERVICES ADVISORY COMMITTEE.....</i>	<i>18</i>
	<i>7.C.C. SECOND AMENDMENT TO MASTER PURCHASE AGREEMENT WITH NEC UNIFIED SOLUTIONS.....</i>	<i>18</i>
	<i>7.D.D. CONSULTING SERVICES WORK ORDER NO. 2 (UTILITY) WITH CARTER ASSOCIATES, INC. FOR SURVEY SERVICES FOR THE WEST REGIONAL TREATMENT FACILITY--UCP-2621 .....</i>	<i>19</i>
<b>8.</b>	<b>CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES .....</b>	<b>19</b>
	<i>8.A. INDIAN RIVER COUNTY SHERIFF – ROY RAYMOND.....</i>	<i>19</i>
	<i>FY 2007 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT LOCAL SOLICITATION (JAG) .....</i>	<i>19</i>
<b>9.</b>	<b>PUBLIC ITEMS.....</b>	<b>20</b>
	<i>9.A. PUBLIC HEARINGS.....</i>	<i>20</i>
	<i>9.A.1. CONTINUATION FOR THE PAVING &amp; DRAINAGE IMPROVEMENTS TO: 10<sup>TH</sup> COURT SW, FROM 9<sup>TH</sup> STREET SW (OSLO ROAD) TO 7<sup>TH</sup> STREET SW INCLUDING THE INTERSECTING STREETS (8<sup>TH</sup> STREET SW AND 7<sup>TH</sup> STREET SW) IN OSLO PARK SUBDIVISION – IRC PROJECT NO. 0436 (ADMINISTRATIVE) .....</i>	<i>20</i>
	<i>9.A.2. BAHIA HONDA REAL ESTATE INVESTMENTS IV LLC. 'S REQUEST TO REZONE ±6.67 ACRES FROM A-1 TO RM-8 (QUASI-JUDICIAL) .....</i>	<i>21</i>
	<i>9.A.3. ROYAL PROFESSIONAL BUILDERS' REQUEST TO REZONE 29.63 ACRES FROM A-1 TO RS-3 (QUASI-JUDICIAL) .....</i>	<i>23</i>
	<i>9.A.4. REDSTICK GOLF COURSE INC. 'S REQUEST TO REZONE ±1.11 ACRES FROM A-1 TO RM-6 (QUASI-JUDICIAL).....</i>	<i>24</i>
	<i>9.A.5. HIBISCUS CHILDREN'S CENTER, INC. 'S REQUEST FOR SPECIAL EXCEPTION APPROVAL TO CONVERT AN EXISTING GROUP HOME BUILDING TO A DAYCARE FACILITY (QUASI-JUDICIAL) .....</i>	<i>25</i>
	<i>9.A.6. FINAL HEARING – CONSIDERATION OF PROPOSED AMENDMENTS TO THE LDR CHAPTER 911 TABLE OF USES FOR INDUSTRIAL DISTRICTS (LEGISLATIVE). 27</i>	

	<i>9.A.7. ORDINANCE AMENDING SECTION 305.11 OF THE INDIAN RIVER COUNTY CODE (LEGISLATIVE)</i> .....	34
<b>9.B.</b>	<b>PUBLIC DISCUSSION ITEMS</b> .....	<b>36</b>
	<i>9.B.1. REQUEST TO SPEAK FROM ERIC GRANITUR, ESQUIRE, REGARDING ELIMINATION OF ACCRUED INTEREST ON DEMOLITION LIENS FOR PARCEL ADDRESS 4006 21<sup>ST</sup> AVENUE</i> .....	36
	<i>9.B.2. REQUEST TO SPEAK FROM JOSEPH PALADIN, PRESIDENT OF BLACK SWAN CONSULTING, REGARDING DISCUSSION AND CLARIFICATION OF PUBLIC DISCUSSION ON WEEKLY AGENDA</i> .....	36
	<i>9.B.3. REQUEST TO SPEAK FROM CHUCK MECHLING REGARDING CHAPTER 910...</i>	37
	<i>9.C. PUBLIC NOTICE ITEMS-NONE</i> .....	38
<b>10.</b>	<b>COUNTY ADMINISTRATOR’S MATTERS-NONE</b> .....	<b>38</b>
<b>11.</b>	<b>DEPARTMENTAL MATTERS</b> .....	<b>38</b>
	<i>11.A. COMMUNITY DEVELOPMENT</i> .....	38
	<i>11.A.1. CONSIDERATION OF PROPOSED LDR AMENDMENTS FOR MINES IN AGRICULTURAL AREAS</i> .....	38
	<i>11.B. EMERGENCY SERVICES-NONE</i> .....	39
	<i>11.C. GENERAL SERVICES-NONE</i> .....	39
	<i>11.D. HUMAN RESOURCES-NONE</i> .....	39
	<i>11.E. HUMAN SERVICES-NONE</i> .....	39
	<i>11.F. LEISURE SERVICES-NONE</i> .....	39
	<i>11.G. OFFICE OF MANAGEMENT AND BUDGET-NONE</i> .....	39
	<i>11.H. RECREATION</i> .....	39
	<i>11.H.1. FRDAP GRANT</i> .....	39
	<i>11.I. PUBLIC WORKS</i> .....	40
	<i>11.I.1. RECOMMENDATION OF AWARD – MAIN RELIEF CANAL POLLUTION CONTROL SYSTEM PROJECT No. 0113, BID No. 2007066</i> .....	40

11.I.2.	<i>CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR CR 510 FROM 61<sup>ST</sup> DRIVE TO SHORE LANE – AMENDMENT NO. 2 .....</i>	<i>48</i>
11.I.3.	<i>CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR INTERSECTION IMPROVEMENTS AT 66<sup>TH</sup> AVENUE AND CR 510 – AMENDMENT NO. 3 .....</i>	<i>49</i>
11.I.4.	<i>AMENDMENT NO. 6 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CARTER ASSOCIATES, INC. FOR ROADWAY IMPROVEMENTS, 66<sup>TH</sup> AVENUE FROM 4<sup>TH</sup> STREET TO SR 60 – IRC PROJECT NO. 9810.....</i>	<i>50</i>
11.I.5.	<i>STORMWATER POND SITE AND RIGHT-OF-WAY ACQUISITION, 66<sup>TH</sup> AVENUE, NORTH OF 45<sup>TH</sup> STREET, FUTURE 66<sup>TH</sup> AVENUE WIDENING AND IMPROVEMENTS, RICHARD &amp; MARYANN RENTSCHLER, OWNERS.....</i>	<i>50</i>
11.J.	<i>UTILITIES SERVICES .....</i>	<i>51</i>
11.J.1.	<i>NORTH &amp; SOUTH COUNTY REVERSE OSMOSIS WATER TREATMENT PLANS WORK ORDER NO. 8 – DETERMINATION OF ALTERNATIVE WATER SUPPLY SOURCE BY CAMP DRESSER &amp; MCKEE, INC.....</i>	<i>51</i>
11.J.2.	<i>AMENDMENT NO. 4 TO WORK ORDER NO. 1 WITH ECOTECH CONSULTANTS, INC.      52</i>	
11.J.3.	<i>WORK ORDER NO. 9 WITH MASTELLER AND MOLER, INC. FOR DESIGN OF MASTER PLAN WATER MAIN, VERO LAKE ESTATES UCP – 2958.....</i>	<i>53</i>
11.J.4.	<i>WEST REGIONAL WASTEWATER TREATMENT PLANT EXPANSION FROM 2 MGD TO 6 MGD – AMENDMENT NO. 1 FOR DIRECT PURCHASE OF MATERIALS UCP 2621      53</i>	
11.J.5.	<i>CHANGE ORDER NO. 2 TO IRC CONTRACT 2006012 WITH POOLE AND KENT COMPANY OF FLORIDA, INC., FOR THE EXPANSION OF THE NORTH RO PLANT      54</i>	
12.	<b>COUNTY ATTORNEY MATTERS-NONE.....</b>	<b>55</b>
13.	<b>COMMISSIONER ITEMS.....</b>	<b>55</b>
13.A	<i>COMMISSIONER GARY C. WHEELER, CHAIRMAN-NONE.....</i>	<i>55</i>
13.B	<i>COMMISSIONER SANDRA L. BOWDEN. VICE CHAIR-NONE.....</i>	<i>55</i>
13.C	<i>COMMISSIONER WESLEY S. DAVIS-NONE .....</i>	<i>55</i>

	<i>13.D. COMMISSIONER JOSEPH E. FLESCHER-NONE</i> .....	55
	<i>13.E. COMMISSIONER PETER D. O'BRYAN</i> .....	55
	<i>13.E.1. REQUEST TO APPLY TO THE FLORIDA GREEN BUILDING COALITION TO BECOME CERTIFIED AS A GREEN LOCAL GOVERNMENT</i> .....	55
<b>14.</b>	<b>SPECIAL DISTRICTS AND BOARDS</b> .....	<b>56</b>
	<i>14.A. EMERGENCY SERVICES DISTRICT-NONE</i> .....	56
	<i>14.B. SOLID WASTE DISPOSAL DISTRICT</i> .....	57
	<i>14.B.1. APPROVAL OF MINUTES – REGULAR MEETING OF JUNE 19, 2007</i> .....	57
	<i>14.B.2. APPROVAL OF BID AWARD FOR IRC BID #2007071, 40 CUBIC YARD ROLL OFF CONTAINERS/UTILITIES DEPARTMENT/SOLID WASTE DISPOSAL DISTRICT</i> 57	
	<i>14.B.3. PROPOSAL TO ACHIEVE GAS EMISSION CREDITS OF LANDFILL GAS ON THE CHICAGO CLIMATE EXCHANGE</i> .....	57
	<i>14.B.4. CONTINUING CONSULTING SERVICES CONTRACT AMENDMENTS FOR SOLID WASTE DISPOSAL DISTRICT</i> .....	57
	<i>14.B.5. ENGINEERING SERVICES FOR BORROW AREA PERMITTING</i> .....	57
	<i>14.B.6. ENGINEERING SERVICES FOR PROCUREMENT OF A LANDFILL GAS-TO-ENERGY PROJECT</i> .....	57
	<i>14.C. ENVIRONMENTAL CONTROL BOARD</i> .....	57
	<i>14.C.1. REPORT OF ACTIVITIES DURING SECOND QUARTER (APRIL THROUGH JUNE, 2007)</i> 58	
<b>15.</b>	<b>ADJOURNMENT</b> .....	<b>58</b>

July 24, 2007

**REGULAR MEETING OF THE BOARD OF COUNTY**  
**COMMISSIONERS**

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1840 25<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, July 24, 2007. Present were Chairman Gary C. Wheeler, Vice Chair Sandra L. Bowden, and Commissioners Joseph E. Flescher, and Peter D. O’Bryan. Commissioner Wesley S. Davis was absent. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Maureen Gelfo.

**1. CALL TO ORDER**

Chairman Wheeler called the meeting to order at 9:00 a.m.

**2. INVOCATION**

Planning Director Stan Boling delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

County Administrator Joseph A. Baird led the Pledge of Allegiance to the Flag.



#### **4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS**

Commissioner O'Bryan requested the addition of Item 7.D.D., Consulting Services Work Order No. 2 (Utility) with Carter Associates, Inc. for survey services for the West Regional Treatment Facility---UCP-2621

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-1 vote (Commissioner Davis absent), the Board unanimously made the above change to the Agenda.

Administrator Baird informed the Board that Glenn Legwen had submitted an Emergency Request to be added to the agenda regarding a Code Enforcement matter. Chairman Wheeler directed Mr. Legwen to explain his request.

**Glenn Legwen**, 5900 5<sup>th</sup> St. SW, disclosed that he had retained Engineer Frank Farley to make a determination of the structural integrity of four structures on his property. He declared that only one of the four buildings needed to be repaired, and wanted to present Mr. Farley's assessment to the Board.

Vice Chair Bowden wanted to know if Mr. Farley was present and Mr. Legwen replied that although Mr. Farley was unavailable today, he could attend a future meeting. Chairman Wheeler conferred with the Board to see if they wanted to include Mr. Legwen's item under Agenda Item 11., *Departmental Matters, under Code Enforcement Community Development.*

Commissioner O'Bryan was opposed to allowing Mr. Legwen to address the Board on an Emergency Request basis, but advised Mr. Legwen that he could obtain a form from the County Administrator's office to request inclusion on the next agenda.

## **5. PROCLAMATIONS AND PRESENTATIONS**

### **5.A. PRESENTATION OF PROCLAMATION HONORING MS. ALMA LEE LOY FOR HER HUMANITARIAN EFFORTS**

Alma Lee Loy was not present to receive the Proclamation, which Chairman Wheeler read into the record. He stated that the Second Annual Dan K. Richardson Humanitarian Awards Ceremony would be held to honor Mrs. Loy on July 27, 2007, at 6:30 p.m., at the Richardson Center of Indian River Community College.

### **5.B. PRESENTATION OF PROCLAMATION HONORING PAT POLITANO ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF HOUSING AUTHORITY**

Commissioner Flescher read and presented the Retirement Award and Proclamation to Pat Politano.

## **6. APPROVAL OF MINUTES**

### **6.A. REGULAR MEETING OF JUNE 5, 2007**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of June 5, 2007. There were none.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, by a 4-1 vote (Commissioner Davis absent), the Board unanimously approved the

Minutes of the Regular Meeting of June 5, 2007, as written and distributed.

**6.B. WORKSHOP MINUTES OF JUNE 6, 20062007-SJRWMD UPDATE**

The Chairman asked if there were any corrections or additions to the Workshop Minutes of June 6, 2007 – SJRWMD Update. There was a correction to the date, as shown above.

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the Minutes of the Workshop Meeting of June 6, 2007, as amended.

**6.C. REGULAR MEETING OF JUNE 12, 2007**

The Chairman asked if there were any corrections or additions to the Regular Meeting of June 12, 2007. There were none.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the Minutes of the Regular Meeting of June 12, 2007, as written and distributed.

**6.D. REGULAR MEETING OF JUNE 19, 2007**

The Chairman asked if there were any corrections or additions to the Regular Meeting of June 19, 2007. There were none.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the Minutes of the Regular Meeting of June 19, 2007, as written and distributed.

**6.E. JOINT MEETING WITH VERO BEACH RE PIPER, JUNE 21, 2007**

The Chairman asked if there were any corrections or additions to the Joint Meeting with Vero Beach of June 21, 2007. There were none.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the Minutes of the Joint Meeting with the City of Vero Beach, of June 21, 2007, as written and distributed.

**7. CONSENT AGENDA**

**7.A. APPROVAL OF WARRANTS-JULY 6, 2007-JULY 12, 2007**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for July 6, 2007-July 12, 2007, as requested in the memorandum of July 12, 2007.

**7.B. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT, INDIAN RIVER  
COUNTY TRAFFIC EDUCATION PROGRAM TRUST FUND**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously accepted the report, as recommended in the memorandum of July 17, 2007.

**7.C. APPOINTMENT OF DEPUTY COUNTY ATTORNEY**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the appointment of William K. DeBaal as Deputy County Attorney, as required by County Code section 101.06, and as recommended in the memorandum of July 17, 2007.

**7.D. CATHERINE RILEY REQUEST FOR RELEASE OF AN EASEMENT AT 1923  
5<sup>TH</sup> COURT SE (VERO SHORES SUBDIVISION UNIT 1)  
(ADMINISTRATIVE)**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved **Resolution 2007-078**, releasing a portion of an easement on Lot 14, Block 4, Vero Shores Subdivision Unit 1.

**7.E. MICHAEL COURTNEY REQUEST FOR RELEASE OF AN EASEMENT AT  
1655 91<sup>ST</sup> COURT (LOT 3, INTERSTATE COMMERCIAL PARK  
SUBDIVISION) (ADMINISTRATIVE)**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved **Resolution No. 2007-079**, releasing an easement on Lot 3, Interstate Commercial Park Subdivision.

**7.F. MICHAEL COURTNEY REQUEST FOR RELEASE OF AN EASEMENT AT  
1675 91<sup>ST</sup> COURT (LOT 4, INTERSTATE COMMERCIAL PARK  
SUBDIVISION) (ADMINISTRATIVE)**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved **Resolution No. 2007-080**, releasing an easement on Lot 4, Interstate Commercial Park Subdivision.

**7.G. RENTAL AGREEMENT FOR USE OF CAFÉ IN NEW COUNTY  
ADMINISTRATION BUILDING**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the rental

agreement with C.J. Cannon for use of the café in the new County administration building, subject to reviews and approvals by both the Office of Management and Budget and the County Attorney, as recommended in the memorandum of July 16, 2007.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.H. IRC JAIL EXPANSION – TIME EXTENSION CHANGE ORDER #13**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved Change Order #13, with the date of Substantial completion for the Medical Infirmary and Intake Sally Port elements of the Project adjusted to September 10, 2007 and that the Housing unit Date of Substantial completion be adjusted to August 3, 2007 with no additional cost for General Conditions beyond June 25, 2007, as recommended in the memorandum of July 16, 2007.

CHANGE ORDER IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.I. ACCEPTANCE OF CHANGE ORDER NO. 30 FOR THE NEW COUNTY ADMINISTRATION BUILDINGS**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Commissioner

Davis absent), the Board unanimously approved Change Order #30 and authorized the Chairman to execute same, as recommended in the memorandum of July 18, 2007.

CHANGE ORDER NO. 30 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.J. APPROVAL OF BID AWARD FOR IRC BID #2007077 RADIO SYSTEM  
CONSOLE UPGRADES, DEPARTMENT OF EMERGENCY SERVICES**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the bid award to *Communications International of Vero Beach*, as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid, as recommended in the memorandum of July 17, 2007.

**7.K. APPROVAL OF BID AWARD FOR IRC BID #2007078 MACON FX  
SOFTWARE SERVICES, DEPARTMENT OF EMERGENCY SERVICES**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the bid award to *Communications International of Vero Beach*, as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid, as recommended in the memorandum of July 17, 2007.



**7.L. CITRUS BEST MANAGEMENT PRACTICES COST SHARE CONTRACTS**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the list of projects submitted by the Indian River Soil & Water Conservation District (IRSWCD) entitled Applicant Score Summary, and authorized the Chairman to execute same, as recommended in the memorandum of July 16, 2007.

CONTRACTS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.M. OPEB (OTHER POST EMPLOYMENT BENEFITS) ACTUARIAL VALUATION CONTRACT TO BE AWARDED**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved Gabriel Roeder Smith (GRS) as the firm to perform actuarial services, and delegated to the County Administrator the authority to execute a four-year professional services agreement (with renewal periods of two years each) after review and approval of the agreement by the Budget Director and County Attorney’s office, as recommended in the memorandum of July 17, 2007.

**7.N. GIFFORD PARK MULTI-PURPOSE LIGHTING PROJECT, FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), FLORIDA**  
**RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP),**  
**COMPLETION DOCUMENTS “NOTICE OF LIMITATION OF USE” PUBLIC**  
**RECORDS FILING**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the form and authorized the Chairman to execute same, for filing in the public records, along with the Project Agreement and a current site boundary map, as recommended in the memorandum of July 17, 2007.

DOCUMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.O. GRAND HARBOR SPOONBILL MARSH SITE – APPROVAL OF FINAL PAY**  
**TO MASTELLER, MOLER, REED AND TAYLOR, INC. FOR EASEMENT**  
**DESCRIPTION**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the total labor cost of \$7,000.00, and approved Application for Payment No. 1, as final payment to the Contractor, Masteller, Moler, Reed & Taylor, Inc, in the amount of

\$7,000.00, as recommended in the memorandum of July 17, 2007.

**7.P. APPROVAL OF BID AWARD FOR BULK SODIUM HYPOCHLORITE TANKS, IRC BID #2007073, UTILITIES DEPARTMENT**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the bid award to Odyssey Manufacturing Co., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid, as recommended in the memorandum of July 17, 2007.

**7.Q. UTILITY CONSTRUCTION STANDARDS 2006 – UCP 2821**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved adoption of the revised Water and Wastewater Utility Standards, as recommended in the memorandum of July 17, 2007.

**7.R. UTILITY CONFLICT RESOLUTIONS BY UTILITIES DEPARTMENT FOR PUBLIC WORKS DEPARTMENT BID NO. 2006-065, PROJECT NO. 9611 & 0001, CR 510 & CR 512 PHASE III IMPROVEMENTS, UCP NO. 2837,**

**APPROVAL OF FINAL PAYMENT TO CONTRACTOR, THE DANELLA COMPANIES, INC., AND RELEASE OF RETAINAGE**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the total labor cost of \$363,558.84 for The Danella Companies, Inc. and also approved Application for Payment No. 3 – Final as final payment to The Danella Companies, Inc., in the amount of \$18,177.94, as recommended in the memorandum of July 11, 2007.

**7.S. AGREEMENT FOR THE DELEGATION OF RABIES CONTROL RESPONSIBILITIES**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved and authorized the Chairman to execute the Agreement with the Indian River County Health Department for the Delegation of Certain Rabies Control Responsibilities, as recommended in the memorandum of July 17, 2007.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.T. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT FOR IRC BID  
#2007060 CR510 FORCE MAIN REPLACEMENT, UTILITIES  
DEPARTMENT**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the bid award to **SPS Contracting, Inc., Vero Beach, FL**, as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; approved the Sample Agreement; and authorized the Chairman to execute said Agreement when required performance and payment bonds have been submitted along with appropriate Certificate of Insurance and the County Attorney has approved the Agreement as to form and legal sufficiency, as recommended in the memorandum of July 16, 2007.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.U. RELEASE OF RETAINAGE, MUSCO SPORTS LIGHTING, LLC GIFFORD  
PARK MULTIPURPOSE FIELD LIGHTING SYSTEM FRDAP #F7167**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved final payment and application for release of retainage in the amount of \$30,024.80, with costs for the project to be

eligible for 50% cost sharing per the August 3, 2006 agreement with the Florida Department of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP), as recommended in the memorandum of July 16, 2007.

**7.V. ARTIFICIAL REEF CONSTRUCTION McCULLEY MARINE SERVICES, INC. GRANT AGREEMENT FWCC-06111**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the Invoice from McCulley Marine, with the Grant Amount of \$60,000.00 in FWC-06111 offered on a cost reimbursement basis with no local match requirement, as recommended in the memorandum of July 16, 2007.

**7.W. RELEASE OF RETAINAGE – WORK ORDER No. 4, CREECH ENGINEERS, INC. FOR: FLEMING STREET EXTENSION, TOPOGRAPHIC/ ROUTE/ AERIAL SURVEYING AND MAPPING SERVICES. STARTING FROM THE WEST END OF THE EXISTING FLEMING STREET IN THE CITY OF SEBASTIAN TO US1, INCLUDING A SECONDARY ROUTE TO OLD DIXIE HIGHWAY. INDIAN RIVER COUNTY PROJECT No. 0618**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner

Davis absent), the Board unanimously approved payment in the amount of \$9,946.98 for release of retainage for Work Order No. 4, with Creech Engineers, Inc. as recommended in the memorandum of July 16, 2007.

**7.X. APPROVAL OF STATE FINANCIAL ASSISTANCE AGREEMENT – DEP AGREEMENT NO. LP6822 FOR EGRET MARSH REGIONAL STORMWATER PARK**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the State Financial Assistance Agreement and authorized the Chairman to execute same, as recommended in the memorandum of July 11, 2007.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.Y. AMENDMENT AND EXTENSION OF HURRICANE DEBRIS REMOVAL CONTRACTS FOR OMNI PINNACLE, LLC AND CERES ENVIRONMENTAL SERVICES, INC.**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved and authorized the execution of the amendments and extensions

for both debris removal agreements, as recommended in the memorandum of July 10, 2007.

AGREEMENTS ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.Z. RIGHT-OF-WAY ACQUISITION ROBERT L. SLEZAK AND MARY S. SLEZAK, 595 66<sup>TH</sup> AVENUE, PARCEL I.D. 33-39-18-00001-0080-00005.2**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved Alternative No. 1, the \$62,095.00 purchase, and authorized the Chairman to execute same, as recommended in the memorandum of July 18, 2007.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.A.A. AWARD OF RFP/BID FOR WATER TANK MAINTENANCE PROGRAM RFP#2007057**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved: (1) the bid award be made to *U.S.C., Inc. d/b/a/ Utility Service Co. Inc.* in the amount of \$190,383.00 per year, for five (5) years, as set forth in the Request for Proposal (RFP), and



will not include retrofitting the Gifford tank for \$77,630.00; and (2) the nine (9) Water Tank Maintenance Contracts, (each tank has a separate contract), and authorized the Chairman to execute said Contracts, when the appropriate Certificates of Insurance have been received and approved, and the County Attorney has approved the Contracts as to form and legal sufficiency, as recommended in the memorandum of June 19, 2007.

CONTRACTS ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.B.B. RESIGNATION OF REAL ESTATE BROKER APPOINTEE TO THE PROFESSIONAL SERVICES ADVISORY COMMITTEE**

The Board noted the resignation of Rodney Paradise, Sr., Real Estate Broker appointee to the Professional Services Advisory Committee.

**7.C.C. SECOND AMENDMENT TO MASTER PURCHASE AGREEMENT WITH NEC UNIFIED SOLUTIONS**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the Second Amendment to the Master Purchase Agreement, and authorized the Chairman to execute same, as recommended in the memorandum of July 16, 2007.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.D.D. CONSULTING SERVICES WORK ORDER NO. 2 (UTILITY) WITH CARTER ASSOCIATES, INC. FOR SURVEY SERVICES FOR THE WEST REGIONAL TREATMENT FACILITY---UCP-2621**

*(Clerk's Note: This item is an addition to the Agenda)*

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved Work Order No. 2, with Carter Associates, Inc., in the amount of \$2,740.00 for survey services associated with granting to FP&L a utility easement, and authorized the Chairman to execute same, as recommended in the memorandum of July 19, 2007.

WORK ORDER NO. 2 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES**

**8.A. INDIAN RIVER COUNTY SHERIFF – ROY RAYMOND**  
**FY 2007 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**  
**LOCAL SOLICITATION (JAG)**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved FY 2007 Edward Byrne Memorial Justice Assistance Grant Local Solicitation (JAG), as requested in Sheriff Roy Raymond's letter of July 18, 2007.

## **9. PUBLIC ITEMS**

### **9.A. PUBLIC HEARINGS**

#### **9.A.1. CONTINUATION FOR THE PAVING & DRAINAGE IMPROVEMENTS TO: 10<sup>TH</sup> COURT SW, FROM 9<sup>TH</sup> STREET SW (OSLO ROAD) TO 7<sup>TH</sup> STREET SW INCLUDING THE INTERSECTING STREETS (8<sup>TH</sup> STREET SW AND 7<sup>TH</sup> STREET SW) IN OSLO PARK SUBDIVISION – IRC PROJECT NO. 0436 (ADMINISTRATIVE)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

Public Works Director Jim Davis presented this item, which was a continuation of the public hearing that was held on June 19, 2007. At that time, staff was directed to meet with property owners and pursue the possibility of adding sanitary sewer to the paving project. Director Davis disclosed that after being told the cost for its inclusion, the property owners elected to continue with the road-paving project without including sewer. He presented staff's recommendation for approval of the paving project at 10<sup>th</sup> Court SW.

*The Chairman opened the public hearing.*

*There were no speakers and the Chairman closed the public hearing.*

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved **Resolution No. 2007-081**, confirming the assessment roll for certain paving and drainage improvements to 10<sup>th</sup> Court SW, from 9<sup>th</sup> Street SW (Oslo Road) to 7<sup>th</sup> Street SW including the intersecting streets (8<sup>th</sup> Street SW and 7<sup>th</sup> Street SW) in Oslo Park Subdivision – IRC Project No. 0436.

**9.A.2. BAHIA HONDA REAL ESTATE INVESTMENTS IV LLC.'S REQUEST TO REZONE ±6.67 ACRES FROM A-1 TO RM-8 (QUASI-JUDICIAL)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

Community Development Director Bob Keating stated that Bahia Honda Real Estate Investments IV LLC owned both the subject property and the land to the north. They wanted the same zoning, RM-8, for both properties. Through a PowerPoint presentation (copy on file), Director Keating displayed a map showing the land uses in the surrounding areas, and

provided detailed data relative to the rezoning. Director Keating advised the Board that both County staff and Planning & Zoning (P&Z) recommended Board approval. He then invited questions from the Commissioners.

Commissioner O'Bryan asked if there would be appropriate buffering between the site on the south border and the commercial zone; if the Paradise Park parcel to the west, which is currently zoned A-1, would eventually be built up to several units per acre; and if the developer of the subject site would contribute to the SR60 Interest Share Agreement for the concurrency. Director Keating replied in the affirmative to all three inquiries.

*The Chairman opened the public hearing.*

*There were no speakers, and the Chairman closed the public hearing.*

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Davis absent), the Board unanimously adopted **Ordinance No. 2007-024**, amending the Zoning Ordinance and the accompanying Zoning Map for more or less 6.67 acres located west of 90<sup>th</sup> Avenue and approximately 1235 feet north of the State Road 60 from A-1, Agricultural-1 District (up to 1 unit/5 acres), to RM-8, multiple family residential district (up to 8 units/acre); and providing codification, severability, and effective date.

**9.A.3. ROYAL PROFESSIONAL BUILDERS' REQUEST TO REZONE 29.63 ACRES  
FROM A-1 TO RS-3 (QUASI-JUDICIAL)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

Community Development Director Robert Keating, through a PowerPoint presentation, displayed a map of the subject area and provided detailed information on this item. He stated that the rezoning from A-1 to RS-3 would allow the subject property to be developed consistent with the single-family residential uses that are allowed in the L-1, Low Density, land use category. He stated that Planning & Zoning (P&Z) and County staff recommended Board approval of the rezoning.

Commissioner O'Bryan asked if road improvements would be made when the property was developed. Director Keating declared that the developer would have to pave the road to his entrance at the time of development.

*The Chairman opened the public hearing.*

*There were no additional speakers, and the Chairman closed the public hearing.*

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Davis absent), the Board unanimously adopted **Ordinance No. 2007-025**, amending the Zoning Ordinance and the accompanying Zoning Map for more or less 29.63 acres located South of 33<sup>rd</sup> Street and approximately 1650 feet

west of 66<sup>th</sup> Avenue from A-1, Agricultural-1 District (up to 1 unit/ 5 acres), to RS-3, Single Family Residential District (up to 3 units/acre); and providing codification, severability, and effective date.

**9.A.4. REDSTICK GOLF COURSE INC.'S REQUEST TO REZONE ±1.11 ACRES  
FROM A-1 TO RM-6 (QUASI-JUDICIAL)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

Community Development Director Robert Keating gave a PowerPoint presentation depicting the subject property, two parcels that lie within two different zoning districts, and the surrounding areas. Changing the zoning from A-1 to RM-6 would provide a continuation of RM-6 zoning to the north and to the east, so the entire site could be developed with the land uses permitted under that district. Director Keating informed the Board that P&Z and County staff recommended Board approval of the rezoning.

Commissioner O'Bryan wanted to know if most of the residential development would go into the proposed and existing RM-6 zones, and if there was sufficient right of way along King's Highway. Director Keating responded, "Yes," to the first inquiry and to the second, revealed that the necessary right of way would be secured at development approval time.

*The Chairman opened the public hearing.*

**Renee Renzi**, Waverly Place, stated that there was no mention of school concurrency on the concurrency list. Director Keating divulged that a Comprehensive Plan Amendment to put school concurrency in place had been submitted.

*There were no additional speakers, and the Chairman closed the public hearing.*

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Davis absent), the Board unanimously adopted **Ordinance 2007-026**, amending the Zoning Ordinance and the accompanying Zoning Map for more or less 1.11 Acres located east of 58<sup>th</sup> Avenue and approximately 170 feet south of 85<sup>th</sup> Street, From A-1, Agricultural-1 District (up to 1 unit/5 acres), to RM-6, Multiple Family Residential District (up to 6 units/acre); and providing codification, severability, and effective date.

**9.A.5. HIBISCUS CHILDREN'S CENTER, INC.'S REQUEST FOR SPECIAL EXCEPTION APPROVAL TO CONVERT AN EXISTING GROUP HOME BUILDING TO A DAYCARE FACILITY (QUASI-JUDICIAL)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

Planning Director Stan Boling stated that this item had undergone the site plan review process in a public hearing before the Planning & Zoning Commission. Through a PowerPoint presentation, he displayed the location and layout of the group home building. The



request to change one of the existing group homes would allow childcare use for both the children who are on site, and the children from the community. Director Boling noted that special exception criteria have all been met, and stated that P&Z and County staff recommended Board approval of this item.

Commissioner O'Bryan made inquiries regarding the maximum number of children permitted in the day care facility, and about the traffic and parking situation. Director Boling declared that the state regulated the maximum number of children who were allowed in the daycare (37), and stated that no traffic/parking improvements would be necessary to accommodate the daycare facility.

*The Chairman opened the public hearing.*

*There were no additional speakers, and the Chairman closed the public hearing.*

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Davis absent), the Board unanimously found that, in conjunction with the recommended conditions: (1) it is empowered under the provisions of Chapter 971 to review the special exception use applied for; (2) the granting of the special exception use will not adversely affect the public interest; and (3) the application satisfies the general and specific criteria required for special exception approval.

The Board granted special exception approval for the proposed daycare use, as recommended in the memorandum of July 17, 2007.

**9.A.6. FINAL HEARING – CONSIDERATION OF PROPOSED AMENDMENTS TO  
THE LDR CHAPTER 911 TABLE OF USES FOR INDUSTRIAL DISTRICTS  
(LEGISLATIVE)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

*Clerk's Note: Court Reporter Patricia L. Nelson was present on behalf of Attorney Geoffrey Smith.*

Planning Director Stan Boling stated that this was the second of two public hearings on the proposed land development regulation. The first was held on July 11, 2007.

Through a PowerPoint presentation, Director Boling recapped his memorandum of July 13, 2007 and discussed the classification system governing the County's two zoning districts, Light Industrial (IL) and General Industrial (IG). He said the proposed amendment to the Ordinance deals with eliminating paper manufacturing, and brick and tile manufacturing, from the IL zoning district and moving them to the IG zoning district.

Director Boling related that the Planning & Zoning Commission (P&Z) believed the Board needed to evaluate how existing applications would be affected by the proposed amendment. He pointed out that no changes had been made to the amendment at the July 11, 2007 hearing, thus he presented staff's recommendation for Board adoption of the proposed Ordinance as presented.

Vice Chair Bowden wanted to know why Ocean Concrete had not yet received their permit. Director Boling observed that traffic and right of way had been listed as problems on

Ocean Concrete's application. Thus far, the company's application has not been resubmitted to demonstrate compliance.

Commissioner Flescher asked County Attorney Collins if a decision made today would include all existing applications. County Attorney Collins replied that if the Board decided to grandfather, all applications that would be affected by the proposed amendment would need to be included.

*The Chairman opened the public hearing.*

**Geoffrey Smith, Esquire**, Smith & Associates, representing Ocean Concrete, asked the Board to consider rescheduling their final vote so the full Commission could participate in the decision. He asked the Board to move forward with the proposed change, while allowing existing applications to remain. Attorney Smith pointed out that the proposed change might not solve the perceived problem of having industrial sites too close to residential areas, since many IG sites are in equal or closer proximity than Ocean Concrete would be to residential areas.

**Robert Nyberg**, 6635 110<sup>th</sup> Street, spoke in opposition to Ocean Concrete, citing the reduction in property values for neighboring homeowners, and the necessity for rebuilding Old Dixie Highway to provide access to the plant.

**George Maib**, Ocean Concrete, asked the Board to recognize the irreparable harm and economic hardship that would occur to his family and him, if the Board did not grandfather-in his application. Mr. Maib pointed out that throughout the application process, Ocean Concrete had followed County Code and staff's recommendations. Mr. Maib thanked the Commissioners for the opportunity to be heard and invited them to ask questions of any of his professional consultants.

**Bob Ashcroft**, 6283 North Mirror Lake Drive, voiced his concerns about pollution and negative impact on property values.

**Todd Smith**, Engineer for Ocean Concrete, refuted some of the remarks made earlier by private citizens, that had been directed against Ocean Concrete. Mr. Smith agreed with Attorney Smith that the proposed amendment would not really provide a solution for keeping industrial zoning away from residential areas.

Vice Chair Bowden wondered how many parcels Ocean Concrete would have to acquire to provide right-of-way on the current one-way road. Public Works Director Jim Davis presented the particulars of the right-of-way and mentioned that he had approached property owners regarding their willingness to donate right-of way land to the County, and there had not been a consensus.

Further discussion ensued among Vice Chair Bowden, Attorney Collins, and Mr. Smith about the size requirements and proper placement for the right-of-way. Ideas were offered regarding the feasibility of utilizing a southern route, which did not seem to require any right-of-way acquisition from property owners.

**Richard Marco**, 6522 River Run Drive, urged the Board to protect citizens from heavy industry by passing the proposed amendment. He opined that if any grandfathering-in was done, it should be on the behalf of the residences that were there prior to heavy industry.

**Joseph Paladin**, Chairman, Growth Awareness Committee, 6450 Tropical Way, supported staff on the proposed ordinance. His questions about the permitting process and the right-of -way were answered by Director Boling and Attorney Collins.

**Ray Halloran**, Sebastian, declared that over 20,000 Sebastian residents, supported by the City Council members, endorsed Board approval of the amendment.

**Kelly Mather**, Sebastian, urged Board approval of staff's recommendation to remove heavy industry from IL zoning.

*The Chairman called a recess at 10:34 a.m. and reconvened the meeting at 10:52 a.m. with all members present.*

**Don Wright**, 720 North Fischer Circle, presented slides which showed the proximity of the proposed concrete plant to the Indian River Lagoon, and illustrated current land and population use in Sebastian. He wanted the Board to approve staff's recommendation.

**City Manager Al Minner**, Sebastian, stated, for the record, that the City of Sebastian supported staff's recommendation to remove industrial classifications from IL zoning. He did not believe that Ocean Concrete had earned vested rights.

**William Cox**, River Run, discussed the lack of regular monitoring for air quality and was concerned about pollution of the well water. He urged Board approval of the proposed LDR Amendment.

**Ralph Brown**, Jacksonville Beach, FL, supported staff's recommendation to amend the LDR without grandfathering-in the plant. He stated that the County had extended quite a bit of money trying to help Ocean Concrete secure access.

Director Davis and Chairman Wheeler clarified that no County money had been spent to provide a road for the applicant. The County had honored a request by the City of

Sebastian to survey an alignment (which would touch the south boundary of the proposed site) for funding a street extension through their city.

**Fred Mensing**, 7580 129<sup>th</sup> Street, suggested that the Board approve the amendment, grandfather-in Ocean Concrete for the term of their present permit, and see if the business could qualify for approval.

**Nancy Marco**, Sebastian, talked about maintaining the charm of Sebastian and expressed concerns about the environment and wildlife.

**Honey Minuse**, Vero Beach, President of Indian River Neighborhood Association, supported the Board's decision to accept staff's recommendation, without grandfathering-in the concrete plant.

**Art Krieger** spoke in support of Ocean Concrete, stating that they had followed the County's rules, secured three permits, and submitted the proper applications. Mr. Krieger considered not grandfathering-in the developer to be a violation of citizen's rights.

**Susan Cressionnie**, Sebastian, read a statement about the negative impacts that the concrete plant would have on surrounding residences and businesses.

**Gail Sturgis**, Vero Beach, made inquiries regarding the developer's road access issues. Attorney Collins clarified that the subject under discussion was what uses were appropriate in the IL district.

**Gerald L. Marvin, Jr.**, 6047 North River Run Drive, expressed concerns about the health aspects of the concrete plant and the devaluation of surrounding properties. He asked the Board to support staff's recommendations.

**Steve Burritt**, 819 Bailey Drive, expressed concerns about large trucks and increased railway traffic ruining Sebastian's riverside ambience.

**William Sandy**, Sebastian, declared that the majority of Sebastian residents, including City Council members, advocated the LDR change to the existing Ordinance. He requested that his plea, to approve staff's recommendation without grandfathering-in any existing applications, be made part of the public record.

**Bob Pickett**, IRNA, asked the Board to pass the Amendment without grandfathering-in any existing applications.

**Cy Carlson**, Roseland, affirmed that adopting the amendment would be to the common good.

**Glenna Sundberg** implored the Board to keep Sebastian as it is.

**Beulah Kinney**, Sebastian, asked the Board to keep Sebastian healthy and beautiful.

**Richard Brown** wanted the Board to approve the LDR change. He discussed a letter he had received from Director Davis regarding selling 10 feet of his property to the County for road access to the main entrance and exit of the concrete plant.

Director Davis explained that the Public Works Department has always had an interest in making Old Dixie a two-way road, as the current road is one lane without depicting signage. He related that when Todd Smith (engineer for Ocean Concrete) came to his office, he (Director Davis) agreed to help obtain the right of way, for which the developer agreed to pay.

**Mr. Brown** brought up some problems he had experienced with his mining business, stating that he had been accused by staff of using the wrong haul road. Director Davis stated that he had merely communicated to Mr. Brown the condition of his permit.

**Dr. Geo Freed**, 110<sup>th</sup> Street, supported Board approval of the amendment, and commented that the community that was here when the town was a fishing village was the only thing that should be grandfathered.

*There were no additional speakers, and the Chairman closed the public hearing.*

Commissioner Flescher MOVED, SECONDED by Commissioner O'Bryan for discussion, to accept staff's recommendation and to adopt the amendments to Chapter 911, void of any exception or merit for grandfathering of vested rights.

Commissioner O'Bryan made observations regarding the grandfather issue. He did not believe that giving applicants the benefit of the doubt applied in cases of public safety. He had grave concerns about the lack of any real protection in the environment and in public safety. Commissioner O'Bryan related that his Assistant had contacted the Department of Environmental Protection (DEP) regarding inspections of concrete batch plants, and had been told that, due to budget cuts, no spot checks were being conducted. His Assistant had also learned that the last inspection of a concrete batch plant in the County had been on March 14, 1994.

Chairman Wheeler supported the Motion. He had given a great deal of consideration to Sebastian's feelings on this issue. Additionally, he felt that the concrete plant was not vested. He concurred with the speaker who had said that to grandfather-in Ocean Concrete would continue



an error in the County's LDR's, and agreed that grandfathering should apply only to something that has been a part of the community.

Vice Chair Bowden concurred with the other Commissioners.

The Chairman CALLED THE QUESTION and by a 4-0 vote (Commissioner Davis absent), the Motion carried unanimously. The Board adopted **Ordinance 2007-027**, concerning amendments to Land Development Regulations (LDRs); providing findings; providing for amendments to Chapter 911, Zoning, by revising the Table of Uses for Industrial Districts in Section 911.11(4); providing for repeal of conflicting provisions; codification; severability; and effective date.

*The Chairman called a recess at 11:50 a.m. and reconvened the meeting at 12:04 p.m. with all members present.*

**9.A.7. ORDINANCE AMENDING SECTION 305.11 OF THE INDIAN RIVER  
COUNTY CODE (LEGISLATIVE)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

Assistant County Attorney Marian Fell provided background information on this Ordinance, which would amend the County's Code to be consistent with current Florida law. Attorney Fell explained that the County was allowed to collect \$65.00 for certain criminal offenses

as set forth in the Florida Statutes. Per the updated Statutes, those fees may also be collected on juvenile delinquency cases. Ms. Fell asked the Board to adopt the Ordinance.

*The Chairman opened the public hearing.*

*There were no speakers, and the Chairman closed the public hearing.*

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chair Bowden, by a 4-0 vote (Commissioner Davis absent), the Board unanimously adopted **Ordinance 2007-028**, amending existing Section 305.11 of the Code to include "adjudicated delinquent for delinquent acts" as a category of offenses that may be assessed the additional court costs pursuant to Florida Statutes Section 939.185(1)(a)(2007); providing findings; amending Section 305.11 of the Code to add "adjudicated delinquent for delinquent acts" as a category of offenses that may be assessed the additional court costs pursuant to Florida Statutes Section 939.185(1)(a); providing for repeal of other conflicting ordinances; providing for severability; providing for inclusion in the Code of Indian River County; providing for filing with the Department of State; and providing for an effective date.

## **9.B. PUBLIC DISCUSSION ITEMS**

### **9.B.1. REQUEST TO SPEAK FROM ERIC GRANITUR, ESQUIRE, REGARDING ELIMINATION OF ACCRUED INTEREST ON DEMOLITION LIENS FOR PARCEL ADDRESS 4006 21<sup>ST</sup> AVENUE**

**Eric Granitur**, Esquire, 535 Greytwig Road, spoke on behalf of First Nationwide Holdings who purchased the 4006 21<sup>st</sup> Avenue property at a tax deed sale in September 2006. At that time, there were two demolition liens on the property. Attorney Granitur requested that the Board waive, for the new owner, the accrued interest on those liens.

Administrator Baird does not recommend waiving any interest, as charging interest encourages payment. Chairman Wheeler and Commissioner O'Bryan agreed with staff's recommendation.

Chairman Wheeler confirmed with Attorney Collins that First Nationwide Holdings would have to pay for the accrued interest.

### **9.B.2. REQUEST TO SPEAK FROM JOSEPH PALADIN, PRESIDENT OF BLACK SWAN CONSULTING, REGARDING DISCUSSION AND CLARIFICATION OF PUBLIC DISCUSSION ON WEEKLY AGENDA**

**Joseph Paladin** discussed what he perceived was unfair treatment. At the April 17, 2007 Board meeting, two individuals were permitted to speak after his presentation on the Paladin Plan. He did not understand why the Chairman had denied some individuals a chance to speak after his presentation on the Paladin 20/50 Plan at the July 17, 2007 Board meeting. Mr. Paladin read the definition of "public discussion" and asked the Chairman to set forth its criteria.

Chairman Wheeler stated that the Board policy is to be open and allow people to speak. Chairman Wheeler pointed out that the Commissioners had listened to Mr. Paladin's presentation twice, at length, and people had been allowed to speak at the April meeting. Chairman Wheeler declared that he had not prevented people from speaking on July 17; he had stated his position and asked the other Commissioners for feedback. As there was no response, and he had not seen any audience members raise their hands to speak, he moved the agenda forward. He did not see the necessity for going into the plans, because planning, zoning, and expansion matters are researched and evaluated by staff. He did not want to make any decisions after presentations by citizens, without input from staff and professionals.

Commissioner O'Bryan made it clear that an agenda item is not designed to substitute for a workshop. He reminded Mr. Paladin that he could request a Public Workshop to review the Paladin Plan.

Chairman Wheeler told Mr. Paladin that the procedure for public speaking would continue as it has been in the past with the Board allowing people to speak; however, if they wanted to be assured of that, people should complete the request to speak form.

NO ACTION REQUIRED OR TAKEN.

**9.B.3. REQUEST TO SPEAK FROM CHUCK MECHLING REGARDING CHAPTER  
910**

**Chuck Mechling**, 1999 Point West Drive, mentioned that there had been some change to Chapter 910, Concurrency Management. He wanted to go on record to make sure that local developers were treated equitably.

Commissioner O'Bryan asked Mr. Mechling if he would be available to work with staff. Mr. Mechling replied in the affirmative. Commissioner O'Bryan added that since this would be an LDR change, there would be public hearings with opportunities for local people to provide their input.

NO ACTION REQUIRED OR TAKEN.

**9.C. PUBLIC NOTICE ITEMS-NONE**

**10. COUNTY ADMINISTRATOR'S MATTERS-NONE**

**11. DEPARTMENTAL MATTERS**

**11.A. COMMUNITY DEVELOPMENT**

**11.A.1. CONSIDERATION OF PROPOSED LDR AMENDMENTS FOR MINES IN  
AGRICULTURAL AREAS**

Director Boling presented background information on the request to modify the County's mining requirements in agricultural areas. He recapped his memorandum of July 13, 2007, and explained that the Planning & Zoning Commission (P&Z) approves mining operations as administrative permit uses; they may attach conditions of approval to those uses. P & Z is requesting that changes be made to LDR Chapter 934, Excavation and Mining, which would put what has become standard practice into the Code. Director Boling presented staff's recommendation for the Board to direct staff to formally initiate the amendment process.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chair Bowden, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved to direct staff to initiate amendments to LDR Chapter 934, as recommended in the memorandum of July 13, 2007.

**11.B. EMERGENCY SERVICES-NONE**

**11.C. GENERAL SERVICES-NONE**

**11.D. HUMAN RESOURCES-NONE**

**11.E. HUMAN SERVICES-NONE**

**11.F. LEISURE SERVICES-NONE**

**11.G. OFFICE OF MANAGEMENT AND BUDGET-NONE**

**11.H. RECREATION**

**11.H.1. FRDAP GRANT**

Cliff Crawford, Recreation Director, related that the Florida Recreation Development Assistance Program Grant (FRDAP) was for improvements to the South County Regional Park. The \$200,000.00 Grant was applied for in September 2006, and required a

matching grant that would be paid out of County impact fees. Mr. Crawford listed some of the site improvements and asked for Board approval of this Grant.

MOTION WAS MADE by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, for discussion, to approve the Florida Recreation Development Assistance Program Grant (FRDAP) and to authorize the County Administrator or his designee to execute said Grant, as recommended in the memorandum of July 10, 2007.

Chairman Wheeler wanted to know if the improvements included the large pavilion that had been discussed in the past. Mr. Crawford explained that the plan was for an outdoor picnic pavilion.

The Chairman CALLED THE QUESTION and by a 4-0 vote (Commissioners Davis absent), the Motion carried unanimously.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

## **11.I. PUBLIC WORKS**

### **11.I.1. RECOMMENDATION OF AWARD – MAIN RELIEF CANAL POLLUTION CONTROL SYSTEM PROJECT No. 0113, BID No. 2007066**

Public Works Director Jim Davis presented this item to the Board by reviewing his memorandum of July 13, 2007. The County had received four bids for the construction of the Main Relief Canal Pollution Control System, which would be used to clean up the water from the

Indian River Farms watershed prior to it reaching the Indian River Lagoon. Of the four bids received, Lucas Marine Inc. and Giannetti Contracting Corporation had the lowest, but staff felt that Lucas Marine, with experience in this type of work, was the best and most responsive bidder. Director Davis stated that the County would like to purchase certain equipment directly to save some costs. He asked for Board approval of staff's recommendation to award the bid to Lucas Marine.

**Ira Hatch**, Esquire, Hatch & Doty, Counsel for Giannetti Contracting Corporation, requested that the Board reject staff's recommendation, and award the contract to Giannetti, whose bid was \$250,000.00 cheaper.

**Vincent Vaccarella**, P.A., also representing Giannetti Contracting Corporation, reiterated Attorney Hatch's request for the Board to award the contract to his client. Using a PowerPoint presentation, he displayed the cost differential between Lucas Marine and Giannetti's bids, displayed Giannetti's licensure, and refuted the allegations made by Lucas Marine in their bid protest, that Giannetti was not qualified nor properly licensed to do the work. Attorney Vaccarella reminded the assembly that the State Bid Procurement Manual mandates that contracts must be awarded to the lowest most responsive and responsible bidder.

**Paul Del Vecchio**, Florida Licensing Construction Board, reported that Giannetti's licenses were an almost exact match with the scope of work presented under the bid documents.

Commissioner O'Bryan asked Director Davis if the bid document listed specific licenses or just scope of work, and wanted to know if Giannetti Construction had a license for all the required disciplines. Director Davis responded that the contract documents included extensive scope of work. The contractor must be fully licensed (or have a subcontractor who is) to do the type of work provided for in the contract. Attorney Collins added that Giannetti has a residential and underground utility license, and an excavation-contracting license.



Attorney Collins related that there were questions regarding whether Giannetti was a responsive bidder in terms of licensure, experience, and in submitting required bid documents, including an affidavit that should have been signed by the subcontractor.

Commissioner Flescher asked Attorney Collins if the concerns being aired were about licensure or delivery of service. Attorney Collins replied that the question was whether Giannetti Contracting had experience in the area of work that is specified in the contract. Director Davis added that Giannetti's bid did not show that they had done these types of projects. He reiterated that the General Contractor's license was very important to this project because it involved many types of work besides underground utility.

**Attorney Vaccarella** stated that a list of qualifications had been sent to the County Attorney. Attorney Collins divulged that he had met with the Stormwater Engineer, the Project Engineer, and the Purchasing Manager to review the information, and it was still not determined that Giannetti had a responsive bid.

**Mr. Rick Giannetti**, owner of Giannetti's Contracting Corporation, discussed the types of projects his company was involved in and presented informational packets to the Commissioners (copy on file). He stated that his company specialized in dewatering (moving and relocating water) projects, and declared that there was nothing in the subject project that Giannetti could not handle.

**Attorney Vaccarella** declared that under the Competitive Bid Laws of Florida and of the County, Giannetti Contracting Corporation was the lowest bidder for this project. Attorney Vaccarella referred to the affidavit mentioned earlier, and stated that the form had not specified who was supposed to sign it.

Chairman Wheeler asked for clarification on why Lucas Marine was recommended over Giannetti Contracting, and wanted to know if Giannetti met all the qualifications to do this job. Director Davis said the primary difference is the type of projects that the contractors have done.

Director Davis discussed the need for a certified full general contractors license which would enable completion of the entire project.

Chairman Wheeler posed questions regarding Giannetti Contracting's licensure, and their compliance with the document requirements and bid process. He wondered if their bid would provide a \$250,000.00 savings, and questioned whether the County had the option to choose the second lowest bidder, Lucas Marine. Attorney Collins stated that it was staff's recommendation that, although Giannetti Contracting might be the lowest bidder, they were not responsive in terms of their licensing, their experience and the bid documents that they submitted.

Commissioner Flescher asked Attorney Collins if Giannetti Contracting was a competitive and responsive bidder. Attorney Collins clarified that "competitive" refers to price, and "responsive" refers to qualifications. He explained that the responsiveness of the bidder was still in question. The bid documents required the contractor to have five years of experience in similar project construction, and to have completed, as prime contractor, at least three projects similar in scope to this project.

Commissioner Flescher asked Attorney Collins about Giannetti Contracting not including some of the necessary bid documents. Attorney Collins stated he was referring to the inclusion of "utilization standards", which provide that the bidder shall include in its bid documents fair share percentages, the minority and women's business enterprise goals, as designated by the State, or submit other proposed goals with their bids.

**Attorney Hatch** responded to the Board's concerns about licensure, bid documents, and the affidavit. He noted, on the latter item, that Lucas Marine had not submitted the affidavit at all.

Director Davis declared that having reviewed the information provided by Giannetti Contracting at today's meeting, he remained unconvinced that they had done a similar project.

Vice Chair Bowden inquired as to how many similar projects Lucas Marine had completed, to which Director Davis replied there were at least three.

Chairman Wheeler commented that Giannetti Contracting's handout illustrated some pretty gigantic projects. He believed that the contractor should be capable of following through on other complicated projects.

Vice Chair Bowden agreed, and wondered if this was specialty work.

Director Davis clarified that this project entailed marine construction, and reiterated that he did not see any projects that involved the type of structure that was going to be placed in the Main Relief Canal.

**Mr. Giannetti** discussed some of the projects his company had been involved in, and declared that Giannetti was a diverse contractor with the knowledge to do the subject project.

Commissioner O'Bryan acknowledged that Giannetti Contracting did excellent quality work, and he was glad that they were doing the County's Rockridge Project. However, since the County Attorney, Purchasing Director, Public Works Director and several other department heads had concurred on this award, he believed the Board should rely on staff's recommendation.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chair Bowden for discussion, to award a Construction Contract to the lowest responsive bidder, **Lucas Marine, Inc.**, in the total amount of \$3,369,799.60.

Vice Chair Bowden told Mr. Giannetti she was delighted his company was handling the Rockridge Project.

Chairman Wheeler agreed with Commissioner O'Bryan, but thought that being a contractor meant knowing how to construct things.

Administrator Baird observed that he had met with his staff, including the engineers, who had felt very uncomfortable with selecting Giannetti Contracting. The County thought that Giannetti did good work, but staff felt they did not have the experience in this particular project.

There was some discussion between Vice Chair Bowden and Administrator Baird about the cost differential between Lucas Marine and Giannetti Contracting. Mr. Baird stated he needed to rely on staff's recommendation on this matter.

**Attorney Vaccarella** reiterated that the County's own Procurement Code had a requirement as to how contracts were awarded. The contract must be awarded to the lowest responsive, most responsible bidder, which is Giannetti Contracting Corporation.

Chairman Wheeler inquired as to the type of warranty that would be provided on this project. Discussion ensued among the Commissioners, Administrator Baird, and Attorney Vaccarella regarding the \$5 million bond that would be provided, and how it would work.

Administrator Baird asked Attorney Collins if the County's policies had been followed. Attorney Collins revealed that he had come across a legal case regarding discretionary determinations of bids, and he felt that the County had followed legal procedure. He reiterated that the pertinent point was the responsiveness of the low bidder, regarding the licensure and experience issues.

Vice Chair Bowden established that she would approve staff's recommendation.

Chairman Wheeler had reservations, but as he felt he was not qualified to make a decision as to Giannetti Contracting's responsiveness, he would follow staff's recommendation.

Commissioner Flescher was impressed with the booklet Giannetti Contracting had provided to the Board. However, he did not believe himself qualified to make a determination on Giannetti Contracting's responsiveness, and supported staff's recommendation.

Representatives from Lucas Marine refuted the notion that their company had not included the minority business enterprise form in their bid package.

**Attorney Vaccarella** again cautioned the Board about the County following the correct procedures, as outlined in its Procurement Code.

Chairman Wheeler did not feel the decision to award the contract to Lucas Marine was a reflection on Giannetti Contracting's ability, but he echoed the sentiments made by other Board members, that staff provided the expert information.

Commissioner O'Bryan agreed that the bid award to Lucas Marine was in no way a reflection on Giannetti Contracting.

- The Chairman CALLED THE QUESTION and by a 4-0 vote (Commissioner Davis absent), the Motion carried unanimously. The Board:
- approved the award of the Construction Contract to the lowest responsive bidder, **Lucas Marine, Inc.**, in the total amount of **\$3,369,799.60**;
- approved the agreement and authorized the Chairman to execute said agreement when required performance and payment bonds have been submitted along with appropriate Certificate of Insurance and the County Attorney has approved the agreement as to form and legal sufficiency;
- authorized staff to direct purchase the equipment items listed and any other equipment where a net savings to the total cost of the project will be provided. This will be a minimum amount of **\$1,486,359.62** for a minimum cost savings of \$366,140.38.
- Since it is anticipated it may be necessary to issue Change Orders or Work Directives to accommodate any unforeseen discrepancies between contracted items and direct purchase items. The Board authorized approximately a 3% amount for these contingencies. This will also provide a tool for staff to take advantage of any additional opportunities to save project cost by the direct purchase process,

with the estimated amount to be \$140,000.00, for a total authorization of **\$4,996,159.22**, all as recommended in the memorandum of July 13, 2007.

DOCUMENTS ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

*The Chairman called a recess at 1:23 p.m. and reconvened the meeting at 1:40 p.m. with all members present.*

**11.I.2. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR CR 510**  
**FROM 61<sup>ST</sup> DRIVE TO SHORE LANE – AMENDMENT NO. 2**

Public Works Director Jim Davis recapped his memorandum of July 16, 2007, and discussed the Amendment to the current contract with McMahon Associates, Inc. He presented staff's recommendation for Board approval of the Amendment.

MOTION WAS MADE by Vice Chair Bowden, SECONDED by Commissioner O'Bryan for discussion, to approve Alternative No. 1, the Amendment to the Contract with McMahon Associates, Inc.

Commissioner O'Bryan asked about the 60% plans for CR 510, and Director Davis responded with further information.

The Chairman **CALLED THE QUESTION** and by a 4-0 vote (Commissioner Davis absent), the Motion carried

unanimously. The Board approved Alternative No. 1, Amendment No. 2 to the Contract with McMahon Associates, Inc., to provide Civil Engineering and Land Surveying Services for Intersection Improvements at CR 510 and US Highway 1 and CR 510 from 61<sup>st</sup> Drive to Shore Lane, and authorized the Chairman to execute same, as recommended in the memorandum of July 16, 2007.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.1.3. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR  
INTERSECTION IMPROVEMENTS AT 66<sup>TH</sup> AVENUE AND CR 510 –  
AMENDMENT NO. 3**

Reviewing his memorandum of July 16, 2007, Director Davis discussed this Amendment for Board approval for additional work to be completed by Kimley-Horn and Associates on two large road projects.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved Amendment No. 3 to the Contract with Kimley-Horn and Associates, Inc., as recommended in the memorandum of July 16, 2007.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD



**11.1.4. AMENDMENT NO. 6 TO THE PROFESSIONAL SERVICES AGREEMENT**

**WITH CARTER ASSOCIATES, INC. FOR ROADWAY IMPROVEMENTS, 66<sup>TH</sup>**

**AVENUE FROM 4<sup>TH</sup> STREET TO SR 60 – IRC PROJECT NO. 9810**

Public Works Director Jim Davis explained that this Amendment was to have Carter Associates, Inc. add landscaping and irrigation design to five stormwater retention ponds along the southern 66<sup>th</sup> Avenue project. He requested Board approval of the project.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved Alternative No. 1, Amendment No. 6 to the Professional Services Agreement for 66<sup>th</sup> Avenue Paving and Drainage Improvements with Carter Associates, Inc. for \$60,635.00, as recommended in the memorandum of July 16, 2007.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.1.5. STORMWATER POND SITE AND RIGHT-OF-WAY ACQUISITION, 66<sup>TH</sup>**

**AVENUE, NORTH OF 45<sup>TH</sup> STREET, FUTURE 66<sup>TH</sup> AVENUE WIDENING**

**AND IMPROVEMENTS, RICHARD & MARYANN RENTSCHLER, OWNERS**

Public Works Director Jim Davis explained that a stormwater pond is necessary for this project to receive permitting from the Saint John's River Water Management District (SJRWMD). The Rentschler's have agreed to sell to the County 2.27 acres for the stormwater pond site. Director Davis presented staff's recommendation for Board approval of this right-of-way purchase.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the \$277,200.00 purchase and authorized the Chairman to execute the Agreement to Purchase and Sell Real Estate, as recommended in the memorandum of July 5, 2007.

CERTIFIED COPY OF AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.J. UTILITIES SERVICES**

**11.J.1. NORTH & SOUTH COUNTY REVERSE OSMOSIS WATER TREATMENT**

**PLANS WORK ORDER NO. 8 – DETERMINATION OF ALTERNATIVE**

**WATER SUPPLY SOURCE BY CAMP DRESSER & MCKEE, INC.**

Director of Utilities Erik Olson stated that two Public Workshops had been held to evaluate alternative water supplies. At the conclusion of the last Workshop, it was decided to move ahead with the implementation process of looking at surface water as a supplement, and staff has brought this back to the Board for final action. Additionally, staff is requesting authorization for Camp Dresser & McKee, Inc., to begin determining available amounts of water, and to “stake our claim” and develop the permit process.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved Work Order No. 8 to Camp Dresser & McKee, Inc. (CDM Inc.), in the amount of \$61,960.00 – Upper Limit, for Alternative

Water Supply Master Plan, and authorized the Chairman to execute same, as recommended in the memorandum of July 17, 2007.

WORK ORDER NO. 8 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.J.2. AMENDMENT NO. 4 TO WORK ORDER NO. 1 WITH ECOTECH  
CONSULTANTS, INC.**

Utilities Director Erik Olson explained that this Amendment would allow more biodiversity studies to be done to define additional characteristics of the existing flora and fauna, and to establish the criteria for future monitoring.

MOTION WAS MADE by Commissioner Flescher,  
SECONDED by Vice Chair Bowden for discussion, to  
approve staff's recommendation.

Commissioner O'Bryan asked Director Olson if this project could begin now. Director Olson replied that there were two permits related to the project; the Department of Environmental Protection (DEP) had completed the first, and the second would be completed this week.

The Chairman **CALLED THE QUESTION** and by a 4-0 vote (Commissioner Davis absent), the Motion **CARRIED** unanimously. The Board authorized the Chairman to Execute Amendment No. 4 to Work Order Number 1, in the

amount of \$4,254.00, as recommended in the memorandum of July 13, 2007.

AMENDMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.J.3. WORK ORDER NO. 9 WITH MASTELLER AND MOLER, INC. FOR DESIGN OF MASTER PLAN WATER MAIN, VERO LAKE ESTATES UCP – 2958**

Utilities Director Erik Olson recapped his memorandum of July 16, 2007 and provided background information on the proposed water system for fire protection in Vero Lake Estates.

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chair Bowden, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved Work Order No. 9 with Masteller and Moler, Inc. (M&M) in the amount of \$91,525.00 to provide surveying, design, permitting and construction services for the subject project, and authorized the Chairman to execute the same, as recommended in the memorandum of July 16, 2007.

WORK ORDER NO. 9 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.J.4. WEST REGIONAL WASTEWATER TREATMENT PLANT EXPANSION FROM 2 MGD TO 6 MGD – AMENDMENT NO. 1 FOR DIRECT PURCHASE OF MATERIALS UCP 2621**

Erik Olson, Utilities Director, stated that the County is in a position to purchase major equipment directly for an estimated one-half million dollars savings.

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved the direct purchase of construction materials and equipment for the West Regional Waste Treatment Facility expansion, and authorized the Chairman to execute the First Amendment to contract documents, as recommended in the memorandum of June 16, 2007.

DOCUMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.J.5. CHANGE ORDER NO. 2 TO IRC CONTRACT 2006012 WITH POOLE AND KENT COMPANY OF FLORIDA, INC., FOR THE EXPANSION OF THE NORTH RO PLANT**

Utilities Director Erik Olson recapped his memorandum of June 19, 2007, and stated that the Change Order would provide for miscellaneous additions to the expansion project at the Hobart Reverse Osmosis (RO) Plant by Poole and Kent Company of Florida, Inc.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Commissioner Davis absent), the Board unanimously approved Change Order No. 2 to IRC Contract 2006012 with Poole and Kent

Company of Florida, Inc., to increase the contract in the amount of \$288,824.00; approved extending the milestone for completion of the ground storage tank by 105 days from 180 to 285 days; approved paying FPL a contribution in the amount of \$2,165.76 to replace the power transformer; and authorized the Chairman to execute same, as recommended in the memorandum of June 19, 2007.

CHANGE ORDER NO. 2 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**12. COUNTY ATTORNEY MATTERS-NONE**

**13. COMMISSIONER ITEMS**

**13.A. COMMISSIONER GARY C. WHEELER, CHAIRMAN-NONE**

**13.B. COMMISSIONER SANDRA L. BOWDEN. VICE CHAIR-NONE**

**13.C. COMMISSIONER WESLEY S. DAVIS-NONE**

**13.D. COMMISSIONER JOSEPH E. FLESCHER-NONE**

**13.E. COMMISSIONER PETER D. O'BRYAN**

**13.E.1. REQUEST TO APPLY TO THE FLORIDA GREEN BUILDING COALITION TO  
BECOME CERTIFIED AS A GREEN LOCAL GOVERNMENT**

Commissioner O'Bryan conveyed that one thing he had wanted to accomplish during his term was for Indian River County (IRC) to become a more green, sustainable County. He had formed the IRC Sustainability Committee that had hosted a workshop during which representatives from the Florida Green Building Coalition spoke about becoming a Certified Local Green Government. At that workshop, he had declared that his goal was for Indian River County to apply to become a Certified Green Local Government. Commissioner O'Bryan asked for Board approval to move ahead with this process, and stated that staff would put together a formal Resolution and bring it back to the Board for formal adoption.

MOTION WAS MADE by Commissioner O'Bryan  
SECONDED by Vice Chair Bowden, to have Indian River  
County apply to the Florida Green Building Coalition to  
become certified as a Green Local Government.

Under Discussion, Vice Chair Bowden inquired whether there was a cost. Commissioner O'Bryan said the first direct cost would be the \$3,500.00 certification application cost, and pointed out that the County would more than recoup that with energy savings and sustainability.

The Chairman **CALLED THE QUESTION** and by a 4-0 vote (Commissioner Davis absent), the Motion **CARRIED** unanimously, approving the County's application to become certified as a Green Local Government, through the Florida Green Building Coalition.

## **14. SPECIAL DISTRICTS AND BOARDS**

### **14.A. EMERGENCY SERVICES DISTRICT-NONE**

**14.B. SOLID WASTE DISPOSAL DISTRICT**

The Chairman announced that immediately upon adjournment of its regular BCC meeting, the Board would reconvene as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are being prepared separately and appended to this document.

**14.B.1. APPROVAL OF MINUTES – REGULAR MEETING OF JUNE 19, 2007**

**14.B.2. APPROVAL OF BID AWARD FOR IRC BID #2007071, 40 CUBIC YARD  
ROLL OFF CONTAINERS/UTILITIES DEPARTMENT/SOLID WASTE  
DISPOSAL DISTRICT**

**14.B.3. PROPOSAL TO ACHIEVE GAS EMISSION CREDITS OF LANDFILL GAS ON  
THE CHICAGO CLIMATE EXCHANGE**

**14.B.4. CONTINUING CONSULTING SERVICES CONTRACT AMENDMENTS FOR  
SOLID WASTE DISPOSAL DISTRICT**

**14.B.5. ENGINEERING SERVICES FOR BORROW AREA PERMITTING**

**14.B.6. ENGINEERING SERVICES FOR PROCUREMENT OF A LANDFILL  
GAS-TO-ENERGY PROJECT**

**14.C. ENVIRONMENTAL CONTROL BOARD**



The Chairman announced that immediately upon adjournment of the Solid Waste Disposal District Meeting, the Board would reconvene as the Board of Commissioners of the Environmental Control Board. Those Minutes are being prepared separately and appended to this document.

**14.C.1. REPORT OF ACTIVITIES DURING SECOND QUARTER (APRIL THROUGH  
JUNE, 2007)**

**15. ADJOURNMENT**

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 1:55 p.m.

ATTEST:

\_\_\_\_\_  
Jeffrey K. Barton, Clerk  
Chairman

\_\_\_\_\_  
Gary C. Wheeler,

Minutes Approved: \_\_\_\_\_

BCC/MG/2007Minutes