



**BOARD OF COUNTY  
COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA  
COMMISSION AGENDA**

**TUESDAY, SEPTEMBER 23, 2008 - 9:00 A.M.**

**County Commission Chamber  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
www.ircgov.com**

**COUNTY COMMISSIONERS**

<b>Sandra L. Bowden, Chairman</b>	<b>District 5</b>	<b>Joseph A. Baird, County Administrator</b>
<b>Wesley S. Davis, Vice Chairman</b>	<b>District 1</b>	<b>William G. Collins II, County Attorney</b>
<b>Joseph E. Flescher</b>	<b>District 2</b>	<b>Jeffrey K. Barton, Clerk to the Board</b>
<b>Peter D. O'Bryan</b>	<b>District 4</b>	
<b>Gary C. Wheeler</b>	<b>District 3</b>	

- |    |  | <b><u>PAGE</u></b> |
|----|--|--------------------|
| 1. | <b><u>CALL TO ORDER</u></b> <b><u>9:00 A.M.</u></b>                  |                    |
| 2. | <b><u>INVOCATION</u></b> Jim Davis, Public Works Director            |                    |
| 3. | <b><u>PLEDGE OF ALLEGIANCE</u></b> Commissioner Peter D. O'Bryan     |                    |
| 4. | <b><u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u></b>    |                    |
| 5. | <b><u>PROCLAMATIONS and PRESENTATIONS</u></b>                        |                    |
|    | A.      Presentation of Proclamation – National Wildlife Refuge Week | 1                  |

- B. Presentation by Geraldine McPherson, Florida Atlantic University, Treasure Coast Campus Vice President, and Dr. Shirley Pomponi, Executive Director of Harbor Branch Oceanographic Institute, concerning Economic Development Efforts along Florida's Research Coast

6. **APPROVAL OF MINUTES**

- A. None

7. **INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**

- A. Citizen-at-Large Vacancy on Historic Resources Advisory Committee  
(memorandum dated September 16, 2008) ----- 2-4

8. **CONSENT AGENDA**

- A. Approval of Warrants and Wires – Sept 5 to Sept 11, 2008  
(memorandum dated September 11, 2008) ----- 5-12
- B. Out of County Travel to Attend the 23<sup>rd</sup> Annual Governor's Hurricane Conference in Fort Lauderdale, Florida  
(memorandum dated September 16, 2008) ----- 13-16
- C. Property Acquisition – Tax Roll Removal & Tax Cancellation  
(memorandum dated September 15, 2008) ----- 17-94
- D. Third Party Claims Administration Addendum  
(memorandum dated September 11, 2008) ----- 95-97
- E. Vero Beach High School Use of Fair Grounds Expo Center  
(memorandum dated September 15, 2008) ----- 98-100
- F. Sebastian Clambake Lagoon Festival  
(memorandum dated September 15, 2008) ----- 101-102
- G. Authorization to Obtain Appraisals for Land Adjacent to North County Library and Authorization to Commence Negotiations for Potential Acquisition of Land  
(memorandum dated September 16, 2008) ----- 103-105
- H. Miscellaneous Budget Amendment 021  
(memorandum dated September 17, 2008) ----- 106-115

<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
<b>I.</b>	Right-of-Way Acquisition, 8500 63 <sup>rd</sup> Avenue, CR510 Project #0610 (North side of CR510 between 64 <sup>th</sup> Avenue and 58 <sup>th</sup> Avenue), John C. Swearingen/Owner (memorandum dated September 17, 2008)	116-123
<b>J.</b>	Grove Estates, LLC's Request for Extension of Site Plan Approval for a Multi-Family Residential Development to be Known as Vero Grove Townhomes ( <b>Quasi-Judicial</b> ) (memorandum dated September 15, 2008)	124-129
<b>K.</b>	FEC Railroad Reimbursement Agreement for Grade Crossing and Crossing Traffic Control Devices, 12 <sup>th</sup> Street Railroad Crossing Construction by FDOT (memorandum dated September 15, 2008)	130-150
<b>L.</b>	Approval of Bid Award for IRC Bid Mo. 2009002, Annual Bid for Cartridge Filters (memorandum dated September 16, 2008)	151-156
<b>M.</b>	Service Agreement for Indian River County Sheriff Office E911 Public Safety Answering Point (PSAP) MGE UPS on a Sole Source Basis from MGE UPS Systems, Inc. (memorandum dated September 11, 2008)	157-166
<b>N.</b>	Final Payment, Absolute Marine Towing and Salvage Inc., Derelict Vessel Removal Program (memorandum dated September 16, 2008)	167-169
<b>O.</b>	Award of Bid # 2008074, Eagle Trace Subdivision-Phase II, IRC Project No. 0813 (memorandum dated September 15, 2008)	170-173
<b>P.</b>	Collective Bargaining Agreement Between Indian River County and Teamsters Local 769 (memorandum dated September 17, 2008)	174-226
<b>Q.</b>	Ruth M. Silva, State Road 60 / 58 <sup>th</sup> Avenue Intersection Improvements, Project #0632 (memorandum dated September 9, 2008)	227-233

<b>8. <u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
<b>R.</b> Approval of Work Order No. MC1-Revised with Peninsula Hydrologic Data Specialists, Inc. for Water Quality Testing and Support Services for the Main Relief Canal Pollution Control System (memorandum dated September 12, 2008)	234-241
<b>S.</b> FDOT Local Agency Agreement (LAP) Supplemental Agreement and Resolution authorizing the Chairman’s Signature AOU94 (FM Number 416083-1-58-01), 12 <sup>th</sup> Street for Sidewalk Construction from Vero Beach Elementary School to 11 <sup>th</sup> Avenue – IRC Project No. 0216 (memorandum dated September 12, 2008)	242-247
<b>T.</b> FDOT Local Agency Agreement (LAP) Supplemental Agreement and Resolution Authorizing the Chairman’s Signature AOU94 (FM Number 416084-1-58-01) 12 <sup>th</sup> Street for Sidewalk Construction from 27 <sup>th</sup> Avenue to 43 <sup>rd</sup> Avenue – IRC Project No. 0604 (memorandum dated September 12, 2008)	248-253
<b>U.</b> Interfund Borrowing (memorandum dated September 17, 2008)	254
<b>V.</b> State Aid Application/Agreement (memorandum dated September 8, 2008)	255-261
<b>W.</b> Approval of Bid Award for IRC Bid Mo. 2009005, Annual bid for Aluminum Sulfate, Utilities Department/Utilities Operations Center (memorandum dated September 15, 2008)	262-266
<b>X.</b> Approval of Bid Award for IRC Bid No. 2009010, Annual Bid for Polymer/Utilities Department (memorandum dated September 15, 2008)	267-271
<b>Y.</b> Approval of Bid Award for IRC Bid No. 2009014, Annual Bid for Day Labor Services, Public Work Department / Road and Bridge Division (memorandum dated September 16, 2008)	272-277
<b>Z.</b> Florida Department of Law Enforcement, FY 2008/2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (memorandum dated September 16, 2008)	278-292
<b>AA.</b> Approval of Bid Award for IRC Bid No. 2009004, Annual Bid for Sod, Public Works Department / Road and Bridge Division (memorandum dated September 16, 2008)	293-301

<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
	<b>BB.</b> Temporary Extension of Current Custodial Services Agreement between Indian River County and Heveron Group, Inc., d/b/a Beachland Cleaning Service (memorandum dated September 16, 2008)	302
	<b>CC.</b> Amendment No. 3 to the Professional Engineering/Land Surveying Services for the 5 <sup>th</sup> St SW Bridge Over Lateral “C” Canal, 43 <sup>rd</sup> Avenue Bridge Over South Relief Canal and Old Dixie Highway Bridge over South Relief Canal, Indian River County Project No. 0204, 0205, 0206 (memorandum dated September 9, 2008)	303-313
	<b>DD.</b> Approval Work Order No. 4 (Engineering) with AM Engineering, Inc., Providing Professional Geotechnical Services in Accordance with the Annual Geotechnical Services Contract No. 0534, 10 <sup>th</sup> Court SW from Oslo Road to 7 <sup>th</sup> Street SW – IRC Project #0436, 1 <sup>st</sup> Road from 35 <sup>th</sup> Ave to 32 <sup>nd</sup> Ave – IRC Project #0522 (memorandum dated September 12, 2008)	314-319
	<b>EE.</b> Acquisition of Right-of-Way Along 66 <sup>th</sup> Ave (memorandum dated September 16, 2008)	320-330
<b>9.</b>	<b><u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u></b>	
	<b>A.</b> Establish Other Post Employment Benefits Trust (OPEB Trust) and Authorize Initial Contribution (memorandum dated September 17, 2008)	331-346
<b>10.</b>	<b><u>PUBLIC ITEMS</u></b>	
	<b>A. <u>PUBLIC HEARINGS</u></b>	
	<b>1.</b> Ryall Acquisition Group, LLC’s Request to Rezone Approximately 585.57 Acres from A-1 Agricultural 1 (up to 1 unit/5 acres), RS-3, Residential Single-Family, Residential Medium Density, Residential Multi-Family (up to 8 units/acre), and Conservation District to Planned Development Traditional Neighborhood Design (PDTND) and Obtain Conceptual Planned Development Plan Approval for a Project to be Known as Liberty Park (memorandum dated September 12, 2008)	347-443
	<b>Legislative</b>	

<b>10.</b>	<b><u>PUBLIC ITEMS</u></b>	<b><u>PAGE</u></b>
	<b>B. <u>PUBLIC DISCUSSION ITEMS</u></b>	
	Please give your name and address, and then give your remarks. Please try to limit your remarks to three minutes.	
	1. Request to Speak from David Cox, Pelican Island Audubon Regarding Marine Advisory Narrows Watershed Action Committee	444-453
	2. Request to Speak from Everette Brown Regarding Impact of the 43 <sup>rd</sup> Ave Project on Home Owners	454
	<b>C. <u>PUBLIC NOTICE ITEMS</u></b>	
	1. <b><u>Notice of Scheduled Public Hearing October 7, 2008:</u></b> Adopt an Ordinance amending certain sections of Chapter 105 of The Code of Indian River County (memorandum dated September 9, 2008)	455
	<b>Legislative</b>	
	2. <b><u>Notice of Scheduled Public Hearing October 7, 2008:</u></b> 129 <sup>th</sup> Place Petition Water Service, A Portion of Indian River Acres, Indian River County Project No. UCP-2953	456
	<b>Administrative</b>	
<b>11.</b>	<b><u>COUNTY ADMINISTRATOR MATTERS</u></b>	
	None	
<b>12.</b>	<b><u>DEPARTMENTAL MATTERS</u></b>	
	<b>A. <u>Community Development</u></b>	
	None	
	<b>B. <u>Emergency Services</u></b>	
	None	
	<b>C. <u>General Services</u></b>	
	None	
	<b>D. <u>Human Resources</u></b>	
	None	

<b>12.</b>	<b><u>DEPARTMENTAL MATTERS</u></b>	<b><u>PAGE</u></b>
<b>E.</b>	<b><u>Human Services</u></b> None	
<b>F.</b>	<b><u>Leisure Services</u></b> None	
<b>G.</b>	<b><u>Office of Management and Budget</u></b> None	
<b>H.</b>	<b><u>Recreation</u></b> None	
<b>I.</b>	<b><u>Public Works</u></b> None	
<b>J.</b>	<b><u>Utilities Services</u></b>	
	1. Final Pay and Release of Retainage on TLC Diversified, Inc. with Contract 2006025 for Membrane Restoration Work at the south RO Plant (memorandum dated September 10, 2008)	457-464
	2. Price Increase for Sulphuric Acid (memorandum dated September 12, 2008)	465-466
	3. Meadowlark Woods Subdivision Petition Water Service (61 <sup>st</sup> Avenue North of 41 <sup>st</sup> Street), Indian River County Project No. UCP-2324, Resolution IV – Final Assessment (memorandum dated September 12, 2008)	467-476
	4. Amendment Number 2 to Continuing Consulting Services Work Order No. 4 with Masteller & Moler, Inc. for Engineering Services for Conversion of Lateral G Force Main to Reuse Main – UCP No. 2830 (memorandum dated September 2, 2008)	477-484

<b>12.</b>	<b><u>DEPARTMENTAL MATTERS</u></b>	<b><u>PAGE</u></b>
	<b>J. <u>Utilities Services</u></b>	
	5. Approval of Privity Agreement Between Indian River County and Boyle Engineering for Design of and Approval of Construction for 16" Water Main on College Lane from the West End of Existing College Lane to 66 <sup>th</sup> Avenue – UCP 3014 (memorandum dated September 2, 2008)	485-506
	6. Vero Cadillac – Rescind a Portion of the Developer’s Agreement, Approve Retaining Labor Contractor for Replacement of 6-Inch Transite Water Main on 13 <sup>th</sup> Lane and Reimburse Developer for Engineering Costs (memorandum dated September 12, 2008)	507-514
<b>13.</b>	<b><u>COUNTY ATTORNEY MATTERS</u></b>	
	None	
<b>14.</b>	<b><u>COMMISSIONERS ITEMS</u></b>	
	<b>A. <u>Commissioner Sandra L. Bowden, Chairman</u></b>	
	None	
	<b>B. <u>Commissioner Wesley S. Davis, Vice Chairman</u></b>	
	1. Amendment to Ordinance Section 912.17 Parking and Storage of Vehicles (memorandum dated September 17, 2007)	515-516
	<b>C. <u>Commissioner Joseph E. Flescher</u></b>	
	None	
	<b>D. <u>Commissioner Peter D. O’Bryan</u></b>	
	1. Constitutional Amendment 6 (tabled from 9/16/08 Meeting) (memorandum dated September 10, 2008)	517-529
	2. Board Consideration to Refund Fees Paid to Rent the Indian River County Fairground Expo Center for a Benefit on Behalf of the Environmental Learning Center	530



14.	<b><u>COMMISSIONERS ITEMS</u></b>	<b><u>PAGE</u></b>
	E. <b><u>Commissioner Gary C. Wheeler</u></b> None	
15.	<b><u>SPECIAL DISTRICTS AND BOARDS</u></b>	
	A. <b><u>Emergency Services District</u></b> None	
	B. <b><u>Solid Waste Disposal District</u></b>	
	1. <b><u>Public Hearing</u></b> to Approve the Third Amendment to the Franchise Agreements for Waste Management, Inc. of Florida and Republic Services of Florida, LP ( <b>Legislative</b> ) (memorandum dated September 15, 2008)	531-546
	2. Cancel 2008 Petition Hearing, Solid Waste Disposal District Assessment Fees (memorandum dated September 16, 2008)	547
	3. Scrap Metal Processing Contract with Trademark Metals Recycling LLC (memorandum dated September 15, 2008)	548-575
	4. Styrofoam Recycling in Indian River County and Request for Approval of a Sub-Lease Agreement with RecycleTech Corporation (memorandum dated September 15, 2008)	576-577
	5. Request to Create a Third Waste Hauling Franchise Service Area (memorandum dated September 17, 2008)	
	C. <b><u>Environmental Control Board</u></b> None	
16.	<b><u>ADJOURNMENT</u></b>	

Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal will be based.

Anyone who needs a special accommodation for this meeting may contact the County's Americans with Disabilities Act (ADA) Coordinator at (772) 226-1223 (TDD # 772-770-5215) at least 48 hours in advance of meeting.

The full agenda is available on line at the Indian River County Website at [www.ircgov.com](http://www.ircgov.com) The full agenda is also available for review in the Board of County Commission Office, the Indian River County Main Library, the IRC Courthouse Law Library, and the North County Library.

***Commission Meeting may be broadcast live by Comcast Cable Channel 27***

***Rebroadcasts continuously with the following proposed schedule:***

***Wednesday at 9:00 a.m. until 5:00 p.m.,***

***Thursday at 1:00 p.m. through Friday Morning,***

***and Saturday at 12:00 Noon to 5:00 p.m.***