



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

TUESDAY, NOVEMBER 18, 2008 - 9:00 A.M.

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

COUNTY COMMISSIONERS

Wesley S. Davis	District 1	Joseph A. Baird, County Administrator
Joseph E. Flescher	District 2	William G. Collins II, County Attorney
Gary C. Wheeler	District 3	Jeffrey K. Barton, Clerk to the Board
Peter D. O'Bryan	District 4	
Bob Solari	District 5	

- | | | | <u>PAGE</u> |
|-----------|------------------------------------|--|--------------------|
| 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | |
| 2. | <u>INVOCATION</u> | Jim Davis, Public Works Director | |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | William G. Collins II, County Attorney | |

OATH OF OFFICE BOARD OF COUNTY COMMISSION

Judge David Morgan

ELECTION OF BOARD OF COUNTY COMMISSION CHAIRMAN

ELECTION OF BOARD OF COUNTY COMMISSION VICE CHAIRMAN

4.	<u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u>	<u>PAGE</u>
5.	<u>PROCLAMATIONS and PRESENTATIONS</u>	
A.	Presentation of Proclamation Designating the Month of November, 2008, as National Adoption Awareness Month	1
B.	Presentation of Proclamation Designating November 23 – 29, 2008, as Christian Heritage Week in Indian River County	2
6.	<u>APPROVAL OF MINUTES</u>	
A.	Regular Meeting of September 16, 2008	
B.	Regular Meeting of September 23, 2008	
7.	<u>INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u>	
A.	Resignation of District 5 Appointee to the Board of Zoning Adjustments (memorandum dated November 5, 2008)	3-4
8.	<u>CONSENT AGENDA</u>	
A.	Approval of Warrants and Wires – Oct 24 to Oct 30, 2008 (memorandum dated October 30, 2008)	5-14
B.	Approval of Warrants and Wires – Oct 31 to Nov 6, 2008 (memorandum dated Nov 6, 2008)	15-20
C.	Indian River County Investment Advisory Committee, Quarterly Investment Report for the Quarter Ending 9/30/08 (memorandum dated November 6, 2008)	21-33
D.	Exchange Club of Treasure Coast (memorandum dated November 12, 2008)	34
E.	Annual Signatories Resolution (memorandum dated November 5, 2008)	35-40

8.	<u>CONSENT AGENDA</u>	<u>PAGE</u>
F.	Staszewski/Wings of Joy Christian Book Store Lease Extension (memorandum dated November 7, 2008)	41-43
G.	Agreement to Purchase and Sell Real Estate between James and Lorine Jenkins and Indian River County (memorandum dated November 12, 2008)	44-56
H.	Request Permission to Advertise for a Public Hearing to Amend Certain Sections of the Animal Control Ordinance Codified in Chapter 302 of the Indian River County Code (memorandum dated November 12, 2008)	57
I.	Lakes at Brookhaven Subdivision, Request for an Extension to Complete Required Improvements, Developers: The Lakes at Brookhaven, LLC (Domenick R. Lioce, Manager), Lakes at Brookhaven Development, LLC (Domenick R. Lioce, Manager) (memorandum dated November 10, 2008)	58-63
J.	Acquisition of Right-of-Way Along 66 th Avenue (memorandum dated November 10, 2008)	64-73
K.	Material for Blue Cypress Lake Road (memorandum dated November 11, 2008)	74-76
L.	Amendment No. 2 to the Civil Engineering and Land Surveying Agreement for Intersection Improvements at SR 60 and 43 rd Avenue and Widening of 43 rd Avenue to 5 Lanes from SR 60 to 26 th Street (memorandum dated November 3, 2008)	77-83
M.	Approval of Professional Geotechnical Services Agreement, 2008-2009, RFQ # 2008071 (memorandum dated November 3, 2008)	84-126
N.	Final Payment to Kimley-Horn and Associates, Inc., for the Wabasso Sub- Aqueous FM and WM Crossing Project, UCP-960 (memorandum dated October 24, 2008)	127-129
O.	Winter Grove Subdivision Water Assessment Project, UCP No. 4002, Approval of Change Order No. 1 and Final Payment to Contractor and Release of Retainage, W.I.P. No. 473-169000-0857 Bid Number 2008046 (memorandum dated November 10, 2008)	130-134

8.	<u>CONSENT AGENDA</u>	<u>PAGE</u>
P.	Approval of Renewal for a Class “E” Certificate of Public Convenience and Necessity For We Care of the Treasure Coast Inc. to Provide Wheelchair / Stretcher Services (memorandum dated November 7, 2008)	135-146
Q.	Renewal of Professional Civil Engineering Services Agreement 2008-2009 (memorandum dated October 23, 2008)	147-155
R.	Amendment to Resolution 2008-141 Abandoning a Portion of 107 th Court in Vero Lake Estates (memorandum dated November 5, 2008)	156-160
S.	Right-of-Way Acquisition – 66 th Avenue #0370, 6700 37 th Street, Intersection Transition, Paul A. and Mary A. Thornton, husband and wife (memorandum dated October 30, 2008)	161-170
T.	FEC Railroad Reimbursement Agreement for Grade Crossing and Crossing Traffic Control Devices, 43 rd Street Railroad Crossing Construction by FDOT (memorandum dated October 31, 2008)	171-191
U.	Right-of-Way Acquisition – 66 th Avenue #0370, 6780 49 th Street, Intersection Transition, Don and Pam Groves, husband and wife (memorandum dated November 3, 2008)	192-201
V.	Prange Islands Conservation Area Adoption Agreement (memorandum dated November 3, 2008)	202-213
W.	Work Order No. 9 (Engineering/Surveying) Masteller, Moler, Reed and Taylor, Inc., CR512 Phase II – Drainage Pond E, St. Johns River Water Management District Conservation Easement Boundary Survey (memorandum dated October 29, 2008)	214-220
X.	Work Order No. 15 (Engineering/Survey) – Full & Final Pay, 43 rd Avenue and State Road 60 Intersection Improvements Project, Right-of-Way & Land Acquisition “Marks Mobil” Parcel Boundary Survey, Carter Associates, Inc. – IRC Project No. 0855, Continuing Professional Surveying & Mapping/GIS Services Contract 0725 (memorandum dated November 3, 2008)	221-222

8.	<u>CONSENT AGENDA</u>	<u>PAGE</u>
Y.	Civil Engineering and Land Surveying Agreement for Bridge Replacements and Widening of 66 th Avenue from South of SR60 to 59 th Street, Amendment No. 6 (memorandum dated November 3, 2008)	223-229
Z.	Miscellaneous Budget Amendment 002 (memorandum dated November 10, 2008)	230-233
AA.	Holiday Schedule for Indian River County Library System (memorandum dated November 18, 2008)	234-235
BB.	Agreement with IRC/Pointe West/Pyrotecnico for Fireworks (memorandum dated November 4, 2008)	236-241
CC.	South County Regional Park (SCRP) Playground (memorandum dated November 6, 2008)	242-246
DD.	2008 Baytree and Marbrisa Dune Restoration Project, Construction Contract – CKA and Associates, Inc. (memorandum dated November 6, 2008)	247-249
EE.	Miscellaneous Budget Amendment 022 (memorandum dated November 13, 2008)	250-252
FF.	Vacation Compensation Consideration (memorandum dated November 13, 2008)	253
9.	<u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u>	
	None	
10.	<u>PUBLIC ITEMS</u>	
A.	<u>PUBLIC HEARINGS</u>	
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	Legislative	

10.	<u>PUBLIC ITEMS</u>	<u>PAGE</u>
A. <u>PUBLIC HEARINGS</u>		
2.	County Initiated Request to Amend the Capital Improvements Element of the Comprehensive Plan (memorandum dated November 7, 2008) Legislative	263-372
3.	Consideration of the Indian River County Comprehensive Plan Evaluation and Appraisal Report (EAR) (memorandum dated October 28, 2008) Legislative	373-404
B. <u>PUBLIC DISCUSSION ITEMS</u>		
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 Mary McGuire Smith Regarding Clarification of Rules and Protocol	405
2.	Request to Speak from Everette Brown Regarding 43 rd Avenue	406
3.	Request to Speak from Dr. Stephen J. Faherty, Sr. Regarding Vero Beach Utility and Miami-Dade Municipal Tax Issue and Prohibition Resolution	407-419
C. <u>PUBLIC NOTICE ITEMS</u>		
1.	<u>Notice of Scheduled Public Hearing December 2, 2008:</u> County initiated request to amend the text of Policy 1.14.2 of the Comprehensive Plan's Future Land Use Element to allow up to twenty five percent (25%) recreational vehicle use within the Mobile Home Rental Park (MHRP) land use category, and to amend the text of the Comprehensive Plan's Future Land Use Element and the text of the Coastal Management Element by revising the definition of the Coastal High Hazard Area (CHHA), and by updating the Coastal High Hazard Area Maps and depicting the CHHA on the Future Land Use Map. (memorandum dated November 10, 2008) Legislative	420-421

11.	<u>COUNTY ADMINISTRATOR MATTERS</u>	<u>PAGE</u>
A.	Childcare Resources of Indian River County Use of Fair Grounds Expo Center (memorandum dated November 12, 2008)	422-423
12.	<u>DEPARTMENTAL MATTERS</u>	
A.	<u>Community Development</u> None	
B.	<u>Emergency Services</u> None	
C.	<u>General Services</u> None	
D.	<u>Human Resources</u> None	
E.	<u>Human Services</u> None	
F.	<u>Leisure Services</u> None	
G.	<u>Office of Management and Budget</u> None	
H.	<u>Recreation</u> None	
I.	<u>Public Works</u>	
1.	State Road 60 between I-95 and 82 nd Avenue, Joint Participation Agreement with the Florida Department of Transportation Advance Funds for Widening State Road 60 from 4-lanes to 6-lanes (memorandum dated November 12, 2008)	424-457

12.	<u>DEPARTMENTAL MATTERS</u>	<u>PAGE</u>
	I. <u>Public Works</u>	
	2. Award for Construction of Egret Marsh Regional Stormwater Park, Project No. 0430, Bid No. 2008076 and License Agreement with Hydromentia, Inc. (memorandum dated November 13, 2008).	458-567
	J. <u>Utilities Services</u>	
	1. South and North County Reverse Osmosis Water Treatment Plant, Technical Assistance in Water Supply Planning Projects, Camp Dresser & McKee, Inc. (CDM) – Amendment No. 2 to Work Order No. 5 (memorandum dated November 5, 2008)	568-572
	2. Amendment No. 4 to Work Order No. 2 to PBS&J – Additional Modeling Tasks Associated with Consumptive Use Permit (memorandum dated November 5, 2008)	573-579
	3. Spoonbill Marsh Wetland Facility – UCP 2785, Change Order No. 1 for Tim Rose Contracting, Inc. (memorandum dated October 15, 2008)	580-583
	4. SR60 from 87 th Avenue to 90 th Avenue Conflict Resolution with FDOT Drainage, Pavement and Traffic Signal Improvements, Approval of Work Order No. 8 for Engineering Design Services to Retain Schulke, Bittle & Stoddard and Approval of Project for Public Bid, UCP #3098 (memorandum dated September 24, 2008)	584-599
13.	<u>COUNTY ATTORNEY MATTERS</u>	
	A. Pointe West South Village, Phase I P.D., Developer: Pointe West of Vero Beach, Ltd., Default under Sidewalk Contract (memorandum dated November 7, 2008)	600-620
	B. Attorney-Client Session: DiVosta Homes, L.P. and DiVosta Homes Holdings, L.L.C. vs. Indian River County, Case No. 20070109-CA-19 (memorandum dated November 10, 2008)	621

14.	<u>COMMISSIONERS ITEMS</u>	<u>PAGE</u>
A.	<u>Commissioner Wesley S. Davis</u>	
	1. Resolution and Recommendation for “Stan Mayfield Memorial Highway” (memorandum dated November 13, 2008)	622-624
B.	<u>Commissioner Joseph E. Flescher</u>	
	None	
C.	<u>Commissioner Peter D. O’Bryan</u>	
	1. Discussion of Status of Offer to Major League Baseball Team (memorandum dated November 12, 2008)	625
D.	<u>Commissioner Gary C. Wheeler</u>	
	None	
E.	<u>Commissioner Bob Solari</u>	
	1. Economic Development	
15.	<u>SPECIAL DISTRICTS AND BOARDS</u>	
A.	<u>Emergency Services District</u>	
	None	
B.	<u>Solid Waste Disposal District</u>	
	1. Approval of Minutes Regular Meeting of September 23, 2008	
	2. RFP No. 2008052 Waste To Energy Project – Selection Committee Report (memorandum dated November 10, 2008)	626-627
C.	<u>Environmental Control Board</u>	
	None	
16.	<u>ADJOURNMENT</u>	

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 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.