



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

TUESDAY, FEBRUARY 3, 2009 - 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, Chairman
Joseph E. Flescher, Vice Chairman
Gary C. Wheeler
Peter D. O'Bryan
Bob Solari**

**District 1
District 2
District 3
District 4
District 5**

**Joseph A. Baird, County Administrator
William G. Collins II, County Attorney
Jeffrey K. Barton, Clerk to the Board**

- | | | <u>PAGE</u> |
|-----------|---|--|
| 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> |
| 2. | <u>INVOCATION</u> | Reverend Tom Harris, First Presbyterian Church |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Gary C. Wheeler |
| 4. | <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | |
| 5. | <u>PROCLAMATIONS and PRESENTATIONS</u> | |
| | A. | Presentation by Geosyntec – Update on the Gifford Landfill Contamination and Remediation (memorandum dated January 27, 2009) 1 |
| 6. | <u>APPROVAL OF MINUTES</u> | |
| | A. | Regular Meeting of November 18, 2008 |

| 6. | <u>APPROVAL OF MINUTES</u> | <u>PAGE</u> |
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| | B. Regular Meeting of December 2, 2008 | |
| | C. Regular Meeting of December 9, 2008 | |
| | | |
| 7. | <u>INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u> | |
| | A. 2009 Election of Economic Development Council Chairman and Vice Chairman (memorandum dated January 22, 2009) | 2 |
| | B. 2009 Election of Conservation Lands Advisory Committee Chairman and Vice Chairman (memorandum dated January 22, 2009) | 3 |
| | C. 2009 Election of Beach and Shore Preservation Committee Chairman and Vice Chairman (memorandum dated January 22, 2009) | 4 |
| | D. 2009 Public Library Advisory Board (PLAB) Election of Chairman and Vice Chairman (memorandum dated January 19, 2009) | 5 |
| | E. 2009 Election of Code Enforcement Board Chairman and Vice Chairman (memorandum dated January 26, 2009) | 6 |
| | F. 2009 Election of MPO Regional Advisory Committee (MPORAC) Citizens Advisory Committee (MPOCAC) Appointees (memorandum dated January 27, 2009) | 7 |
| | G. 2009 Election of MPO Regional Advisory Committee (MPORAC) Technical Advisory Committee (MPOTAC) Appointees (memorandum dated January 27, 2009) | 8 |
| | H. 2009 Election of Planning & Zoning Commission Chairman and Vice Chairman (memorandum dated January 26, 2009) | 9 |
| | I. 2009 Election of Historic Resources Advisory Committee (HRAC) Chairman and Vice Chairman (memorandum dated January 27, 2009) | 10 |
| | J. 2009 Election of Emergency Services District Advisory Committee Chairman and Vice Chairman (memorandum dated January 15, 2009) | 11 |

| 8. | <u>CONSENT AGENDA</u> | <u>PAGE</u> |
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| A. | Approval of Warrants and Wires January 9, 2009 thru January 15, 2009 (memorandum dated January 15, 2009) | 12-20 |
| B. | Approval of Warrants and Wires January 16, 2009 thru January 22, 2009 (memorandum dated January 22, 2009) | 21-28 |
| C. | Second Updated 2009 BCC Committee Assignments (memorandum dated January 23, 2009) | 29-32 |
| D. | Out of County Travel to attend FAC Legislative Conference (memorandum dated January 21, 2009) | 33-35 |
| E. | Out of County Travel to attend the 2009 Florida Sports Foundation Governor’s Baseball Dinner (memorandum dated January 26, 2009) | 36-37 |
| F. | Indian River County Investment Advisory Committee Quarterly Investment Report for the Quarter Ending 12/31/08 (memorandum dated January 26, 2009) | 38-50 |
| G. | Amendment No. 1 to Professional Architectural and Engineering Services Agreement with Edlund, Dritenbas, Binkley Architects and Associates, P.A. – IRC Project No. 0701 (memorandum dated January 20, 2009) | 51-52 |
| H. | Woodside Fieldstone Ranch L.L.C.’s Request for Final Plat Approval for the Spyglass Affidavit of Exemption Project (memorandum dated January 26, 2009) | 53-60 |
| I. | Indian River County Bid No. 2009011 Annual Bid for Catch Basins and Storm Water Inlets (memorandum dated January 21, 2009) | 61-64 |
| J. | G.K. Environmental, Inc. Work Order GKE-WFP for St. John’s River Water Management District (SJRWMD) Environmental Resources Permit (ERP), and Army Corp of Engineers (ACOE) Permit for the Repair/Replacement of the Wabasso Causeway Fishing Piers; Fourth and Final Payment (memorandum dated January 16, 2009) | 65-66 |
| K. | 2009/2010 Budget Workshop / Hearing Schedule (memorandum dated January 26, 2009) | 67 |

| 8. <u>CONSENT AGENDA</u> | <u>PAGE</u> |
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| L. Vero Lake Estates Master Plan 12” Water Transmission Main Phase 1 Sheltra and Sons Construction, Inc. – Change Order No. 3 & Final Payment to Contractor, Release of Retainage (memorandum dated January 14, 2009) | 68-72 |
| M. Vero Lake Estates Master Plan Water Main Extension Phase 1 – Work Order No. 9 – Professional Services to Schulke, Bittle, and Stoddard, L.L.C. – Final Pay to Consultant UCP 2958 (memorandum dated January 14, 2009) | 73-78 |
| N. Vero Cadillac – Final Payment to Derrico Construction Corporation and Reimbursement to James J. Linus, Developer, for Engineering Costs (memorandum dated January 21, 2009) | 79-85 |
| O. Right-of-Way Acquisition – 66 th Avenue #0370 6800, 6810, 6820 and 6830 33 rd Street, Intersection Transition Cherry Lane Cattle, LLC Russell Payne, MGRM (memorandum dated January 21, 2009) | 86-101 |
| P. Right-of-Way Acquisition – 66 th Avenue #0370, 8000 66 th Avenue, Vero Beach, Fl 32967, Lakeside Fellowship Baptist Church, Inc., Terry Alderton, President (memorandum dated January 15, 2009) | 102-112 |
| Q. Right-of-Way Acquisition, CR510 Project #0610 7675 85 th Street, Parcel I.D. # 31-38-36-00000-1000-00005.0, Owners: Steven and Linda Jones (memorandum dated January 26, 2009) | 113-123 |
| R. Agreement to Purchase Temporary Construction Easement, Edward P. and Leona Peterson, 4311 9 th Place, Vero Beach (memorandum dated January 20, 2009) | 124-130 |
| S. Approval of Agreement with AT&T for Increased Dedicated Internet Access for the Indian River County Library System (memorandum dated January 28, 2009) | 131-146 |
| T. Emergency Purchase Order #56176 CKA & Associates Wabasso Beach Park Dune Restoration (memorandum dated January 22, 2009) | 147-149 |
| U. Conservation Easement for County Road 512 Phase 3 Project (memorandum dated January 28, 2009) | 150-156 |
| V. Imagine School – Phase 1 Security (memorandum dated January 26, 2009) | 157-166 |

| 9. | <u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u> | <u>PAGE</u> |
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| A. | <u>Indian River County Clerk of the Court – Jeffrey K. Barton:</u> New Investment Policy for OPEB (Other Post Employment Benefits) Trust (memorandum dated January 28, 2009) | 167-175 |
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| 10. | <u>PUBLIC ITEMS</u> | |
| A. | <u>PUBLIC HEARINGS</u> | |
| | None | |
| 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 Patrick M. Brown, PhD. Regarding Dodgertown Occupancy | 176 |
| 2. | Request to Speak from Frank Zorc Regarding Contamination at the Airport | 177 |
| 3. | Request to Speak from Jim Bello, Silver Shores Holdings, LLC, Regarding Code Enforcement Board / Fines Appeal Process | 178 |
| <hr/> | | |
| C. | <u>PUBLIC NOTICE ITEMS</u> | |
| 1. | <u>Notice of Scheduled Public Workshop February 5, 2009:</u> 9:00 a.m. to 12:00 Noon: Economic Development Summit 1:30 p.m. to 4:30 p.m.: Goals for 2009 and Five Year Strategic Vision To be held at Sebastian City Hall, City Council Chambers (memorandum dated January 27, 2009) | 179 |
| 2. | <u>Notice of Scheduled Public Hearings February 17, 2009:</u> (memorandum dated January 27, 2009) | 180 |
| a. | Hattie Roberts: Request for special exception use approval for a child daycare facility to be known as Hattie Roberts Family Daycare. Hattie Roberts, Owner. Lois Edwards, Agent. Located at 865 23 rd Place S.W. Zoning Classification: RS-6, Residential Single-Family (up to 6 units/acre). Land Use Designation: L-2, Low Density Residential (up to 6 units/acre) Quasi-Judicial | |

| 10. | <u>PUBLIC ITEMS</u> | <u>PAGE</u> |
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| | C. <u>PUBLIC NOTICE ITEMS</u> | |
| | 2. <u>Notice of Scheduled Public Hearings February 17, 2009:</u> (memorandum dated January 27, 2009) | 180 |
| | b. <u>Quail Ridge of Vero Beach, LLC:</u> Request for PD Special Exception Use and Conceptual PD Plan Approval for an Agricultural PD to be known as Quail Ridge. Quail Ridge of Vero Beach, LLC, Owner. Knight, McGuire & Associates, Inc., Agent. Located on the south side of 69 th Street, just west of Quail Valley Country Club. Zoning Classification: A-1, Agricultural 1 (up to 1 unit/5 acres). Land Use Designation: AG-1, Agricultural 1 (up to 1 unit/5 acres) Legislative | |
| | c. <u>Indian River Associates, II, LLLP:</u> Request for Conceptual Planned Development (PD) Special Exception Use Approval for a project to be known as Falcon Trace Phase III. Indian River Associates, II, LLLP's, Owner. Knight, McGuire & Associates, Inc., Agent. Located at the southeast corner of 27 th Avenue SW and 21 st Street SW. Zoning Classification: RS-6, Residential Single Family (Up to 6 units/acre) Land Use Designation: L-2, Low Density 2 (Up to 6 units/acre) Legislative | |
| 11. | <u>COUNTY ADMINISTRATOR MATTERS</u> | |
| | A. 2009 Hibiscus Festival (memorandum dated January 27, 2009) | 181-182 |
| 12. | <u>DEPARTMENTAL MATTERS</u> | |
| | A. <u>Community Development</u> | |
| | 1. Request to Approve the Hurricane Wilma Community Development Block Grant Disaster Recovery Initiative Applicant List and Authorize Staff to Advertise to Solicit Bids for Hurricane Wilma Hardening Work Activities (memorandum dated January 5, 2009) | 183-188 |
| | B. <u>Emergency Services</u> | |
| | None | |

| 12. | <u>DEPARTMENTAL MATTERS</u> | <u>PAGE</u> |
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| C. | <u>General Services</u> | |
| | 1. Authorization to Seek Professional Services for Planning and Design for Future Expansion of Sheriff's Administration Offices and Evidence Storage (memorandum dated January 28, 2009) | 189 |
| 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. Work Order #14, Applied Technology and Management Inc., Sectors 1 & 2 Beach Restoration, Post-Construction Monitoring (Summer 2009) (memorandum dated January 22, 2009) | 190-199 |
| | 2. 16 th /17 th Street from 500 Feet West of 14 th Avenue to U.S.1, Locally Funded Agreement with the Florida Department of Transportation, County Funding for Roadway Widening Project (memorandum dated January 20, 2009) | 200-213 |
| | 3. Presentation of Beach Preservation Plan (memorandum dated January 22, 2009) | 214-215 |
| J. | <u>Utilities Services</u> | |
| | 1. Collier Creek Estates Petition Water Service, Indian River County Project No. UCP-4017 (memorandum dated January 30, 2009) | 216-262 |

| 13. | <u>COUNTY ATTORNEY MATTERS</u> | <u>PAGE</u> |
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| A. | Continuation from January 13, 2009 Meeting – Provence Bay Request for Sidewalk Extension (memorandum dated January 26, 2009) | 263-278 |
| B. | Retention of Engineer for Assistance on Right-of-Way Acquisition (memorandum dated January 22, 2009) | 279-286 |
| C. | Mensing Proposal to Avoid Litigation Through Partial Right-of-Way Abandonment (memorandum dated January 26, 2009) | 287-290 |
| | | |
| 14. | <u>COMMISSIONERS ITEMS</u> | |
| A. | <u>Commissioner Wesley S. Davis, Chairman</u> None | |
| B. | <u>Commissioner Joseph E. Flescher, Vice Chairman</u> None | |
| C. | <u>Commissioner Gary C. Wheeler</u> 1. Request for Resolution (memorandum dated January 28, 2009) | 291 |
| D. | <u>Commissioner Peter D. O’Bryan</u> None | |
| E. | <u>Commissioner Bob Solari</u> None | |
| | | |
| 15. | <u>SPECIAL DISTRICTS AND BOARDS</u> | |
| A. | <u>Emergency Services District</u> 1. Authorization for Final Payment and Release of Retainage to Barth Construction, Inc. for the Reconstruction of Fire Rescue Station #2 (memorandum dated January 20, 2009) | 292-306 |

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| 15. | <u>SPECIAL DISTRICTS AND BOARDS</u> | <u>PAGE</u> |
| | <u>B. Solid Waste Disposal District</u> | |
| | 1. Work Order No. 11 to Camp Dresser & McKee Inc. (CDM) for Engineering Services with the 2009 Annual Permit Compliance Monitoring and Reporting (memorandum dated January 14, 2008) | 307-318 |
| | <u>C. Environmental Control Board</u> | |
| | 1. Approval of Minutes Regular Meeting of October 21, 2008 | |
| | 2. Quarterly Report for the 1 st Quarter – Fiscal Year 2008-2009 for Submission to the Board of County Commissioners (memorandum dated January 20, 2009) | 319-323 |

16. ADJOURNMENT

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:
 Tuesday at 6:00 p.m. until Wednesday at 6:00 a.m.,
 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.***