



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

TUESDAY, OCTOBER 5, 2010 - 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

**Peter D. O’Bryan, Chairman
Bob Solari, Vice Chairman
Wesley S. Davis
Joseph E. Flescher
Gary C. Wheeler**

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

**Joseph A. Baird, County Administrator
Alan S. Polackwich, Sr., County Attorney
Jeffrey K. Barton, Clerk to the Board**

- | 1. <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | <u>PAGE</u> |
|--|---|--------------------|
| 2. <u>INVOCATION</u> | Reverend Tom Harris, First Presbyterian Church | |
| 3. <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Bob Solari, Vice Chairman | |
| 4. <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | | |
| 5. <u>PROCLAMATIONS and PRESENTATIONS</u> | | |
| A. | Presentation of Proclamation Designating the Month of October as National Arts and Humanities Month | 1 |
| B. | Presentation on the Tax Exemption Referendum by Mrs. Penny Chandler, Indian River Chamber of Commerce | |
| C. | Presentation by Mr. Chris Russell, Oculina Bank | |

6. APPROVAL OF MINUTES

- A. Regular Meeting of July 20, 2010

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

None

8. CONSENT AGENDA

- A. Approval of Warrants and Wires – September 10, 2010 to September 16, 2010
(memorandum dated September 16, 2010) 2-9
- B. Approval of Warrants and Wires – September 16, 2010 to September 23, 2010
(memorandum dated September 23, 2010) 10-17
- C. Appointment of BCC Appointee to the Metropolitan Planning Organization Citizens Advisory Committee
(memorandum dated September 28, 2010) 18-21
- D. ABC Liquor Store Partial Release of Utility and Landscape Easements
(memorandum dated September 27, 2010) 22-31
- E. Engagement Letters with Bankruptcy Firms
(memorandum dated September 28, 2010) 32-43
- F. Lost Lake Subdivision Sidewalk Extension Request Successor Developer: Hiers Properties, L.L.C.
(memorandum dated September 28, 2010) 44-48
- G. Authorization to Attend FGFOA 2010 School of Government Finance
(memorandum dated September 24, 2010) 49-51
- H. Release of Retainage for Edlund, Dritenbas, Binkley Architects and Associates, P.A. Agreement, Indian River County Parks Maintenance Complex – IRC Project No. 0701
(memorandum dated September 15, 2010) 52-54
- I. Release of Retainage for Work Order No. 1 with Carter Associates, Inc. Professional Civil Engineering Services Agreement, Indian River County Parks Maintenance Complex – IRC Project No. 0701
(memorandum dated September 15, 2010) 55-60

8.	<u>CONSENT AGENDA</u>	<u>PAGE</u>
J.	Approval of Bid Award for IRC Bid No. 2011017 Annual Bid for Asphalt Paving and Resurfacing (memorandum dated September 21, 2010)	61-70
K.	Amendment No. 12 to the Professional Services Agreement with Carter Associates, Inc. IRC Project No. 9810, 66 th Avenue Paving Improvements (4 th Street to SR 60) (memorandum dated September 22, 2010)	71-77
L.	Authorize County Administrator to Execute a Renewal Agreement with Symetra Financial for the County's Excess Loss/Reinsurance Policy (memorandum dated September 29, 2010)	78-80
M.	Selection of Professional Land Surveying and Mapping/GIS Firms to Provide Services on an Annual Services Contract, Request for Qualifications (R.F.Q.) #2011009, IRC Project No. 1032 (memorandum dated September 28, 2010)	81-82
N.	Civil Engineering and Land Surveying Agreement for Bridge Replacements and Widening of 66 th Avenue from South of SR60 to North of 57 th Street, Amendment No. 8 (memorandum dated September 16, 2010)	83-88
O.	Award of Bid # 2010028 F.D.O.T. Local Agency Program (LAP) Agreement – FPN No. 420339-1-58-01, 8 th Street Sidewalk Improvements from U.S.1 to 6 th Avenue, IRC Project No. 0744 (memorandum dated September 17, 2010)	89-100
P.	Approval of State and Federally Funded Subgrant Agreement Contract Number 11-BG-05-10-40-01 (memorandum dated September 17, 2010)	101-147
Q.	Approval of 2010/2011 State Funded Subgrant Agreement To Update Indian River County's Hazards Analysis (memorandum dated September 13, 2010)	148-177
R.	Renewal of Agreement with Indian River County Fair Association for Use of County Fairgrounds (memorandum dated September 28, 2010)	178-183
S.	Right-of-Way Acquisition, 66 th Avenue North Project Phase I (SR60 to 41 st Street), Project Parcel #300, Parcel I.D. #33-39-29-00001-0170-00001.0 Owner: H & C Hooshmand Limited Partnership (memorandum dated September 1, 2010)	184-192

8.	<u>CONSENT AGENDA</u>	<u>PAGE</u>
	T. Waiver of Allocation for Recovery Zone Bonds (memorandum dated September 29, 2010)	193-196
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9.	<u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u>	
	A. <u>Kay Clem, Indian River County Supervisor of Elections</u> Federal Election Activities Funds (letter dated September 22, 2010)	197-202
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10.	<u>PUBLIC ITEMS</u>	
	A. <u>PUBLIC HEARINGS</u>	
	1. Consideration of Proposed Amendment to CN District (Neighborhood Commercial) Regulations (Chapter 911 of the Indian River County Land Development Regulations) (memorandum dated September 15, 2010)	203-234
	Legislative	
	2. Buildex, Inc.'s Appeal of the Planning and Zoning Commission's Denial of Buildex Inc's Request to Rezone ±2.17 Acres from PRO to CN (memorandum dated September 14, 2010)	235-267
	Quasi-Judicial	
	3. Ordinance Amendment to Provide for Repeal and Sunsetting of Section 105.041.1, Local Preference in Purchasing or Contracting (memorandum dated September 13, 2010)	268-273
	Legislative	
	B. <u>PUBLIC DISCUSSION ITEMS</u>	
	None	
	C. <u>PUBLIC NOTICE ITEMS</u>	
	1. <u>Notice of Scheduled Public Hearings October 12, 2010:</u> (memorandum dated September 17, 2010)	274-275
	a. Corrigan et al's Request: to Amend the Comprehensive Plan to expand the county's Urban Service (USA) and to Redesignate ± 674.17 Acres located generally west of 102nd Avenue and North of S.R. 60 from AG-2, Agricultural-2 (up to 1 unit/10 acres), to C/I, Commercial/ Industrial (Legislative)	

10.	<u>PUBLIC ITEMS</u>	<u>PAGE</u>
	C. <u>PUBLIC NOTICE ITEMS</u>	
	1. <u>Notice of Scheduled Public Hearings October 12, 2010:</u> (memorandum dated September 17, 2010) continued	274-275
	b. Corrigan et al's Request: to Amend the Comprehensive Plan's Future Land Use Element Policies 1.22 and 1.36 to Allow for Expansion of Commercial/Industrial Nodes for Large Scale Research/Technology/Industrial Parks and to Increase the Size and Use Allowances of the Commercial/Industrial Designated Property Located at the Northwest Corner of SR 60 and 98th Avenue (Legislative)	
	c. Consideration of EAR (Evaluation and Appraisal Report) based amendments to the County's Comprehensive Plan (Legislative)	
11.	<u>COUNTY ADMINISTRATOR MATTERS</u>	
	None	
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>	
	1. Teamster's Local 769 – Memorandum of Agreement (memorandum dated September 27, 2010)	276-277
	E. <u>Human Services</u>	
	None	

12.	<u>DEPARTMENTAL MATTERS</u>	<u>PAGE</u>
	F. <u>Leisure Services</u>	
	None	
	G. <u>Office of Management and Budget</u>	
	1. Indian River County Government Television Channel 27 Policies and Guidelines (memorandum dated September 13, 2010)	278-285
	H. <u>Recreation</u>	
	None	
	I. <u>Public Works</u>	
	None	
	J. <u>Utilities Services</u>	
	1. Change Order No. 1 to IRC Bid No. 2010024 to Tim Rose Contracting, Inc. for Fairgrounds RV Park Improvements (memorandum dated September 24, 2010)	286-290
	2. Request for Sole Source for Repairs for ABS, Flygt Aurora, Layne/Veri-Line Pumps (memorandum dated September 27, 2010)	291-296
	3. Water and Wastewater Service to the Town of Indian River Shores (memorandum dated September 27, 2010)	297-335
13.	<u>COUNTY ATTORNEY MATTERS</u>	
	A. Monroe County v. Priceline, et al., class action (memorandum dated September 22, 2010)	336-360
	B. South Barrier Island Water/Sewer System (memorandum dated September 23, 2010)	361-368
14.	<u>COMMISSIONERS ITEMS</u>	
	A. <u>Commissioner Peter D. O'Bryan, Chairman</u>	
	None	
	B. <u>Commissioner Bob Solari, Vice Chairman</u>	
	None	

14. **COMMISSIONERS ITEMS** **PAGE**

- C. **Commissioner Wesley S. Davis**
None

- D. **Commissioner Joseph E. Flescher**
None

- E. **Commissioner Gary C. Wheeler**
None

15. **SPECIAL DISTRICTS AND BOARDS**

- A. **Emergency Services District**
 - 1. Approval of Lease Amendment for Fire Station #2 Boat Dock
(memorandum dated September 27, 2010) 369-374

- B. **Solid Waste Disposal District**
 - 1. Cancel 2010 Petition Hearing Solid Waste Disposal District
Assessment Fees
(memorandum dated September 15, 2010) 375

 - 2. Request for General Funds – PACE Project and Other Community
Projects
(memorandum dated September 10, 2010) 376-378

- C. **Environmental Control Board**
None

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.***