

JEFFREY K. BARTON  
Clerk to the Board



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OF FEBRUARY 2, 2010

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**JEFFREY K. BARTON**

Clerk to the Board



**February 2, 2010**

**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, 1801 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, February 2, 2010. Present were Chairman Peter D. O'Bryan, Vice Chairman Bob Solari, Commissioners Wesley S. Davis, Joseph E. Flescher, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

**1. CALL TO ORDER**

Chairman O'Bryan called the meeting to order at 9:00 a.m.

**2. INVOCATION**

Reverend Steve Jones, Vero Christian Church, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Flescher led the Pledge of Allegiance to the Flag.



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

Chairman O'Bryan requested the following changes to the Agenda:

**DELETION: ITEM 12.J.2. REUSE RATE STUDY AND ADDENDUM**

ON MOTION by Commissioner Flescher, SECONDED  
by Commissioner Davis, the Board unanimously approved  
the Agenda as amended.

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION OF PROCLAMATION HONORING DONALD BRAUGHTON ON  
HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY  
COMMISSIONERS DEPARTMENT OF PUBLIC WORKS PARKS DIVISION**

Chairman O'Bryan read and presented the Proclamation and plaque to Mr. Braughton.

**5.B. PRESENTATION OF PROCLAMATION HONORING 211 AWARENESS WEEK  
FEBRUARY 7<sup>TH</sup> THROUGH FEBRUARY 13<sup>TH</sup>, 2010**

Vice Chairman Solari read and presented the Proclamation to Paige Woodward, who  
accepted the award on behalf of 2-1-1 Palm Beach/Treasure Coast.

**5.C. PRESENTATION OF ENTERPRISE ZONE ACTIVITIES BY RICK LANE,  
CHAIRMAN, ENTERPRISE ZONE DEVELOPMENT AGENCY AND HELENE  
CASELTINE, DIRECTOR OF ECONOMIC DEVELOPMENT, INDIAN RIVER  
COUNTY CHAMBER OF COMMERCE**

**Helene Caseltine**, Economic Development Director for the Indian River County Chamber of Commerce and Enterprise Zone Coordinator, introduced Richard Lane, the newly elected Chairman of the Enterprise Zone Development Agency.

**Richard Lane** recognized staff and key personnel, spoke about current vacant positions, and provided an update on the Agency's activities. At the request of the Board, he described the boundaries of the Enterprise Zone, and what the Enterprise Zone does for businesses and residents.

**6. APPROVAL OF MINUTES**

**6.A. REGULAR MEETING OF DECEMBER 1, 2009**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of December 1, 2009. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Regular Meeting of December 1, 2009, as written.

**6.B. REGULAR MEETING OF DECEMBER 8, 2009**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of December 8, 2009. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, Board unanimously approved the Minutes of the Regular Meeting of December 8, 2009, as written.

**6.C. REGULAR MEETING OF DECEMBER 15, 2009**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of December 15, 2009. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Regular Meeting of December 15, 2009, as written.

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

**7.A. TREASURE COAST REGIONAL PLANNING COUNCIL (TCRPC)  
COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE  
(CEDSC) APPOINTMENTS FOR 2010**

Noted for the record was the annual appointment/reappointment for district representatives to serve on the Treasure Coast Regional Planning Council's (TCRPC) Comprehensive Economic Development Strategy Committee (CEDSC). Their term ends in December, and meetings are held quarterly in Stuart, Florida. The representatives are as follows:

District 1 – Commissioner Wesley Davis reappointed Ray Coniglio

District 2 – Commissioner Joseph Flescher appointed Rich Stringer

District 3 – Commissioner Gary Wheeler reappointed Helene Caseltine

District 4 – Chairman Peter O'Bryan reappointed Randy J. Riley

District 5 – Vice Chairman Bob Solari appointed Andrew Kennedy

**7.B. RESIGNATION OF DISTRICT 5 APPOINTEE TO THE CHILDREN'S SERVICES  
ADVISORY COMMITTEE**

Noted for the record was the resignation of Andrew Kennedy, District 5 Appointee to the Children's Services Advisory Committee. Mr. Kennedy submitted his resignation on January 20, 2010. His term would have expired in 2012.

**7.C. 2010 ELECTION OF PLANNING & ZONING COMMISSION CHAIRMAN AND  
VICE CHAIRMAN**

Noted for the record was the election of Greg Smith as Chairman, and Donna Keys as Vice Chairman of the Planning and Zoning (P&Z) Commission.

**7.D. 2010 ELECTION OF HISTORIC RESOURCES ADVISORY COMMITTEE  
(HRAC) CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Paul Kuvshnikov as Chairman, and Lynne Larkin as Vice Chairman of the Historic Resources Advisory Committee (HRAC).

**7.E. 2010 ELECTION OF EMERGENCY SERVICES DISTRICT ADVISORY  
COMMITTEE CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Harry Howle as Chairman and Toni Teresi as Vice Chairman of the Emergency Services District Advisory Committee (ESDAC).

**7.F. 2010 ELECTION OF CODE ENFORCEMENT BOARD CHAIRMAN AND VICE  
CHAIRMAN**

Noted for the record was the election of Cliff Suthard as Chairman, and Joe Petrulak as Vice Chairman of the Code Enforcement Board.

**7.G. 2010 ELECTION OF CONSERVATION LANDS ADVISORY COMMITTEE  
CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Dr. Jorge Rey as Chairman, and Tim Glover as Vice Chairman of the Conservation Lands Advisory Committee (CLAC).

**7.H. 2010 ELECTION OF BEACH AND SHORE PRESERVATION COMMITTEE  
CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the re-election of Bill Glynn as Chairman, and Bob Anderson as Vice Chairman of the Beach and Shore Preservation Committee (BSPC).

**7.I. 2010 ELECTION OF ECONOMIC DEVELOPMENT COUNCIL CHAIRMAN AND  
VICE CHAIRMAN**

Noted for the record was the re-election of Linda Schlitt-Gonzalez as Chairman, and Scott Carson as Vice Chairman of the Economic Development Council (EDC).

**7.J. 2010 ELECTION OF MPO BICYCLE ADVISORY COMMITTEE (MPOBAC)  
CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the re-election of Libby Harrow as Chairman, and the re-election of Scott Melanson as Vice Chairman of the Metropolitan Planning Organization Bicycle Advisory Committee (MPOBAC).

**7.K. 2010 ELECTION OF ENTERPRISE ZONE DEVELOPMENT AGENCY (EZDA)  
CHAIRMAN AND VICE CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Richard Lane as Chairman, and Joseph Chiarella as Vice Chairman of the Enterprise Zone Development Agency (EZDA).

**7.L. 2010 ELECTION OF UTILITY ADVISORY COMMITTEE (UAC) CHAIRMAN  
AND VICE CHAIRMAN**

Noted for the record was the re-election of John Tschinkel as Chairman, and Dr. Stephen Faherty as Vice Chairman of the Utility Advisory Committee (UAC).

**7.M. RESIGNATION OF DISTRICT 1 APPOINTEE TO THE UTILITY ADVISORY  
COMMITTEE**

Noted for the record was the resignation of Alfred Minner, District 1 Appointee to the Utility Advisory Committee. Mr. Minner submitted his resignation on January 13, 2010; his term would have expired in 2010.

**7.N. RESIGNATION OF THE ARCHITECT REPRESENTATIVE TO THE CODE  
ENFORCEMENT BOARD**

Noted for the record was the resignation of Dana Stetser, District 3 Architect Representative to the Code Enforcement Board. Mr. Stetser verbally turned in his resignation, effective immediately, due to health reasons; his term would have expired in 2012.

**7.O. RESIGNATION OF THE ATTORNEY REPRESENTATIVE TO THE  
ENVIRONMENTAL CONTROL HEARING BOARD**

Noted for the record was the resignation of Alan Polackwich, Attorney Representative to the Environmental Control Hearing Board. Attorney Polackwich turned in his resignation, effective immediately, due to his appointment as the new County Attorney.

## **8. CONSENT AGENDA**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the Consent Agenda, as presented.

### **8.A. APPROVAL OF WARRANTS AND WIRES, JANUARY 8, 2010 TO JANUARY 14, 2010**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of January 8, 2010 to January 14, 2010, as requested in the memorandum of January 14, 2010.

### **8.B. APPROVAL OF WARRANTS AND WIRES, JANUARY 15, 2010 TO JANUARY 21, 2010**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of January 15, 2010 to January 21, 2010, as requested in the memorandum of January 21, 2010.



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

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously accepted the Indian River County Statement of Revenues, Expenditures and Charges in Fund Balances of the Traffic Education Program, from the inception of the \$3.00 fee (October 1, 2002) through December 31, 2009, as recommended in the memorandum of January 15, 2010.

**8.D. 318.18(13) FLORIDA STATUTES ASSESSMENT OF ADDITIONAL COURT  
COSTS QUARTERLY SUMMARY**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously accepted the Assessment of Additional Court Costs Quarterly Summary, as recommended in the memorandum of January 15, 2010.

**8.E. REQUEST FOR CHANGE IN MEETING FREQUENCY OF THE EMERGENCY  
SERVICES DISTRICT ADVISORY COMMITTEE**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the Emergency Services District Advisory Committee's (ESDAC) request to change meeting frequency from bi-monthly to quarterly, as requested in the memorandum of January 21, 2010.

**8.F. PROCLAMATION HONORING JOHN AUSBURY ON HIS RETIREMENT FROM  
INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS  
DEPARTMENT OF SANDRIDGE GOLF CLUB**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the Proclamation honoring John Ausbury on his retirement from Indian River County Board of County Commissioners Department of Sandridge Golf Club.

**8.G. APPOINTMENT OF GIFFORD COMMUNITY REPRESENTATIVE TO THE  
PARKS AND RECREATION COMMITTEE**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the appointment of Keith Woulard as the Gifford Community Representative to the Parks and Recreation Committee. He replaces Bill Wilson, and his term will expire in 2010, as recommended in the memorandum of January 26, 2010.

**8.H. SELECTION OF PROFESSIONAL ENGINEERING FIRMS TO PROVIDE  
GEOTECHNICAL SERVICES ON AN ANNUAL SERVICES CONTRACT**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the following firms for the Geotechnical Engineering Services Annual Services Contract: (1) Dunkelberger Engineering and Testing, Inc., Port St. Lucie; (2) Ardaman and Associates, Inc., Port St. Lucie; (3) AM Engineering and Testing Inc., Port St. Lucie; (4) Universal Engineering Sciences, Inc., Ft. Pierce; and (5) K.S.M. Engineering and Testing, Inc., Sebastian; and authorized staff to continue contract negotiations on behalf of the County with the selected firms, as recommended in the memorandum of January 19, 2010.

**8.I. AMENDMENT NO. 1 TO WORK ORDER NO. 11 TO THE PROFESSIONAL  
BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN  
ASSOCIATES, INC. FOR PEDESTRIAN BRIDGE OVER 14<sup>TH</sup> STREET CANAL,  
IRC PROJECT #0745**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved Amendment No. 1 to Work Order No. 11 (Engineering) with Bridge Design Associates, Inc., authorized the project as outlined in the Scope of Services, and authorized the Chairman to execute same, for a lump sum fee of \$5,070.00, as recommended in the memorandum of January 6, 2010.

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

**8.J. PAVING AND DRAINAGE IMPROVEMENTS TO 17<sup>TH</sup> LANE S.W. (27<sup>TH</sup> AVENUE TO 20<sup>TH</sup> AVENUE) AND 20<sup>TH</sup> AVENUE (21<sup>ST</sup> STREET S.W. TO 17<sup>TH</sup> LANE S.W.) PROJECT #0803, 0837, & 0838, BID NUMBER 2008073, CHANGE ORDER No. 3 AND RELEASE OF RETAINAGE**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved Change Order No. 3 and payment of J.W. Cheatham, LLC Payment Application No. 14, dated 12/28/09, for the amount of \$73,852.78, as recommended in the memorandum of January 19, 2010.

**8.K. AMENDMENT No. 2 TO WORK ORDER No. 1, PROFESSIONAL CIVIL ENGINEERING SERVICES AGREEMENT WITH ARCADIS G&M, INC. FOR WIDENING 43<sup>RD</sup> AVENUE FROM OSLO ROAD TO 8<sup>TH</sup> STREET**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the total negotiated cost of \$42,125.00 for Amendment No. 2 to Work Order No. 1 with Arcadis G&M, Inc., for engineering and surveying services as outlined in the Scope of Services, and authorized the Chairman to execute same, as recommended in the memorandum of January 11, 2010.

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

**8.L. AMENDMENT NO. 11 TO THE PROFESSIONAL SERVICES AGREEMENT  
WITH CARTER ASSOCIATES, INC., IRC PROJECT NO. 9810, 66<sup>TH</sup> AVENUE  
PAVING IMPROVEMENTS (4<sup>TH</sup> STREET TO SR 60)**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved Amendment No. 11 with Carter Associates, Inc., in the amount of \$31,030.00, for engineering and survey services as outlined in the Scope of Services, and authorized the Chairman to execute same, as recommended in the memorandum of January 11, 2010.

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

**8.M. FORMER CATTLE DIP SITE – GEOSYNTEC CONSULTANTS, INC., WORK  
ORDER #24 – SITE ASSESSMENT ADDENDUM**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved Work Order No. 24 with Geosyntec Consultants, Inc, for professional services as outlined in the Scope of Services, and authorized the Chairman to execute same, as recommended in the memorandum of January 5, 2010.

WORK ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.N. INDIAN RIVER FARMS PERMIT**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the Indian River Farms permit with Indian River Farms Water Control District, and authorized the payment of the \$2,595.00 annual fee, as recommended in the memorandum of January 27, 2010.

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

**8.O. APPROVAL OF A ONE YEAR EXTENSION OF THE CONTRACT WITH THE HEVERON GROUP, INC., D/B/A/ BEACHLAND CLEANING SERVICES FOR CUSTODIAL SERVICES**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved a one year extension as allowed for in the Contract with the Heveron Group, Inc., d/b/a Beachland Cleaning Services, and authorized the Chairman to execute the Agreement as prepared and approved by the County Attorney's Office, and executed by the Contractor, subject to the acceptance of insurance certificates by the Risk Manager. After this extension the annual contract will have one additional one (1) year period available subject to vendor acceptance, satisfactory performance, and staff's determination that a renewal would be in the best interest of the County, all as recommended in the memorandum of January 27, 2010.

**8.P. FINAL PAY TO SHELTRO & SONS CONSTRUCTION CO., INC. FOR  
REPLACEMENT OF 16" AERIAL WATER MAIN CROSSING OF FDOT  
DITCH WITH DIRECTIONAL DRILL WATER MAIN ON US1 AT 73<sup>RD</sup>  
STREET, UCP No. 4032**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the Application for Payment No. 2 – Final as final payment to the Contractor, Sheltra & Sons Construction Co., Inc., in the amount of \$913.39; approved an additional \$4,170.32 for County purchased materials; and approved the total project construction cost of \$34,978.19, with the total project construction cost of \$2,343.53 more than approved, as recommended in the memorandum of January 14, 2010.

**8.Q. FINAL PAY TO SHELTRO & SON CONSTRUCTION CO., INC., FOR WABASSO  
BEACH PARK LIFT STATION WET WELL DROP INLET, UCP 4006**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the Application for Payment No. 2 – Final as final payment to the Contractor, Sheltra & Son Construction Co., Inc., in the amount of \$52.47; approved an additional \$290.84 for County purchased materials; and approved the

total project construction cost of \$1,531.16, approved, as recommended in the memorandum of January 14, 2010.

**8.R. WORK ORDER NO. 14 WITH CDM – FINAL PAY AND RELEASE OF RETAINAGE TO ENGINEERING CONSULTANT**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously authorized final payment in the amount of \$1,107.50 to Camp Dresser and McKee (CDM), for the work associated with the refurbishment of Well No. 5 at the South County R.O. Water Treatment Plant, as recommended in the memorandum of January 19, 2010.

**8.S. FINAL PAY TO AMPS INC. TO REFURBISH WELL NO. 5 AT SOUTH COUNTY RO WATER TREATMENT PLANT**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved: (1) the invoice in the amount of \$3,000.00, to AMPS, Inc. for acid injection not previously covered in the original scope of services; (2) approved revising the contract amount of -\$14,520.13; and (3) authorized the Chairman to execute same, as recommended in the memorandum of December 17, 2009.



**8.T. APPROVAL OF CHANGE ORDER NO. 1 TO SJRWMD CONTRACT NO. 25245 FOR EGRET MARSH REGIONAL STORMWATER PARK**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved Change Order No. 1 to St. Johns River Water Management District (SJRWMD) Contract No. 25245, and authorized the Chairman to execute same, as recommended in the memorandum of January 25, 2010.

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

**8.U. BUREAU OF JUSTICE ADULT DRUG COURT GRANT**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved that the Board of County Commissioners serve as the coordinating unit of government for the Bureau of Justice Program, and authorized the Substance Awareness Council to apply for the grant funds to be used for the Adult Drug Court Program, as recommended in the memorandum of January 26, 2010.

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES**

**9.A. DERYL LOAR, INDIAN RIVER COUNTY SHERIFF - RESOLUTION IN SUPPORT OF SENATE BILL 610 AND HOUSE BILL 417**

**Jim Harpring**, General Counsel for the Sheriff's Office, recalled that this Item was rescheduled from the January 19, 2010 Board of County Commission Meeting, due to issues and concerns that language included in the proposed Senate and House Bills could be construed to mean the Constitutional Officers could appropriate funds. He reviewed the language and definition of the proposed Bills and Impasse Resolution and acknowledged that the Amendment, which identifies the Constitutional Officers as the Legislative Body, is consistent with the language in Section 447.203, Florida Statutes, because the two provisions in the definitional language specifically refers to entities as Legislative Bodies for the purposes of resolving impasses, not the authority to appropriate funds. He informed the Board that a revised Resolution had been forwarded to Attorney Collins showing the added language that the Board specifically requested at the January 19<sup>th</sup> meeting. He thereafter presented the Sheriff's version of the Resolution with the proposed verbiage highlighted in Section 2.

The Chairman opened the floor to public comment.

**Stephen Valis**, 609 Fox Valley Drive, Longwood, Florida, representing the Coastal Florida Police Benevolent Association (CFPBA) and in negotiations with the Sheriff's Office, commented on what he believed was deficient in the content of the Resolution. He specified that the Tax Collector's Budget is approved by the State Department of Revenue, not the Board of County Commissioners; and that the proposed Resolution specifically states that a Constitutional Officer is not the final fiscal authority to appropriate funds.

Discussion ensued between Commissioners, staff, and Attorney Harpring regarding a third party mediator, the Public Employees Relations Commission (PERC) decision, and Board options for using a Special Master for impasse recommendations.

**Al Betcher**, Coastal Florida Police Benevolent Association (CFPBA) Staff Representative, Daytona Beach, Florida, felt it would be resolved, and urged the Board to Table the Item.

**Attorney Harpring** addressed Board concerns, and clarified his reasons for why this Item should not be Tabled.

**Ron Bair**, Deputy with Indian River County Sheriff's Office, representing the Deputies and Collective Bargaining under CFPBA, stressed that the Board of County Commissioners was the Legislative Body, and felt it improper for the Commissioners to support any document that would state otherwise.

Human Resources Director James Sexton clarified the process for negotiating with the Teamsters Union; reiterated that the Board of Commissioners is the Legislative Body which appropriates funds; noted that a Special Master could be used if an impasse is declared; and defined what he considered "bargaining in good faith".

There were no other speakers and the Chairman closed the floor to public comment.

Commissioner Wheeler made known his opinion regarding the Sheriff's Office and the Board of County Commissioners when negotiating or bargaining on a contract, and why there should be an incentive to negotiate/bargain in good faith.

MOTION WAS MADE by Commissioner Wheeler,  
SECONDED by Commissioner Flescher, to deny the  
proposed Resolution as drafted by the County Attorney.

Discussion ensued concerning the Resolution, removing the checks and balance, the processes of the Sheriff and collective bargaining units, good faith bargaining, and Board objectivity when observing the Sheriff's or Union's side.

Vice Chairman Solari acknowledged that the Board is currently the Legislative Body, and that it ought not be, due to limited information/capacities. He believed the Special Master would be able to obtain more information and details than the Board.

**Mr. Valis** said this is a fairness issue of unfair labor practices, and he did not want the Board to tip the scale, but to let it play out.

Assistant County Administrator Michael Zito felt the Special Master would be better trained in certain issues, and have experience in the competing interest for the Sheriff's management rights, and the employees' rights to collectively bargain for the conditions of employment. He said this would have to come with an expressed limitation that any decision that the Special Master would render could not impose upon the Commission's appropriation authority.

After a brief discussion among the Commissioners regarding Board responsibilities, fairness, collective bargaining, and accountability, each Commissioner voiced his support or opposition to the Resolution.

The Chairman CALLED THE QUESTION and the Motion FAILED by a 2-3 vote (Commissioners Davis, O'Bryan and Solari opposed).

MOTION WAS MADE by Commissioner Davis, SECONDED by Chairman O'Bryan, to approve the Resolution as presented and proposed by the Sheriff's Office.

There was a brief discussion pertaining to the Resolution verbiage and the Sheriff having the final decision.

The Chairman CALLED THE QUESTION and the Motion carried 3-2 (Commissioners Wheeler and Flescher opposed). The Board approved the Resolution as presented and proposed by the Sheriff's Office. **Resolution 2010-004**, supporting a Bill to identify the Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections and Clerk of the Circuit Court as the Legislative Body of their Respective Employees and not the Board of County Commissioners.

## **10. PUBLIC ITEMS**

### **10.A. PUBLIC HEARING(S) - NONE**

### **10.B. PUBLIC DISCUSSION ITEMS**

#### **10.B.1. REQUEST TO SPEAK FROM STEPHEN H. COURTRIGHT REGARDING REQUEST TO SELL FLOWERS ON THE CORNER OF 43<sup>RD</sup> & SR60 ON VARIOUS HOLIDAYS**

**Stephen Courtright**, 456 27<sup>th</sup> Drive, Vero Beach, provided background concerning his flower business, read correspondence between himself and staff, and requested the Board grant him permission to sell fresh cut flowers on the corner of 43<sup>rd</sup> Avenue and SR60 for various holidays.

Discussion ensued regarding Mr. Courtright selling flowers on private property versus County owned property, competition with other businesses and florists, the required 200-foot setback from the roadway, and the compliant buffer necessary to obtain a temporary use permit.

Community Development Director Bob Keating detailed the permits and the refundable fees that Mr. Courtright incurs in order to sell his flowers.

Chairman O'Bryan relayed to Mr. Courtright that the corner of 43<sup>rd</sup> Avenue and SR60 would not be available for him to sell his flowers; and Commissioner Davis suggested he find an existing business that would allow him to utilize their facility.

NO BOARD ACTION REQUIRED OR TAKEN

**10.B.2. REQUEST TO SPEAK FROM JOE T. WIGGINS REGARDING SIDEWALK ON  
11<sup>TH</sup> STREET S.W.**

Mr. Wiggins was not in attendance.

*Chairman O'Bryan called a break at 10:44 a.m. and reconvened the meeting at 10:54 a.m. with all members present.*

**10.B.3. REQUEST TO SPEAK FROM BRUCE BARKETT, FOR CITY FIRST MORTGAGE  
CORP., REGARDING THE MATTER OF LEWIS BARTON CODE  
ENFORCEMENT REDUCTION OF LIEN**

**Attorney Bruce Barkett**, representing City First Mortgage (CFM) Corporation, recapped his letter dated January 13, 2010, pointing out that CFM wanted to find a workable resolution/solution to the Lewis Barton code enforcement liens placed against the subject property. He explained how CFM inherited the liens through the result of fines. He said the fines were meant to be punishment against Mr. Barton, not CFM who inherited the problem. Attorney Barkett reported that CFM would be willing to help correct the code enforcement violation, and/or agree to tear down the existing structure if that is what the Board wants. He disclosed that if CFM's offer of \$90,000 would be accepted today, the County could receive the money immediately, and CFM would tear down the house, or the County could wait for the uncertainty of what could happen in the future.

**Andy Fiske**, owner of City First Mortgage (CFM) Corporation, Miami Beach, outlined CFM's expenditures and analyses by using a spreadsheet (copy on file).

The Commissioners asked questions for clarification regarding interest, insurance, legal fees/expenses, the payment figures from escrow, when CFM had obtained the mortgage versus when the fines were imposed, and CFM's knowledge of the lien.

**Mr. Fiske** stressed that this had been a difficult situation due to the amount of money that had been borrowed to pay for the ongoing litigation, and he reiterated that CFM is a small mortgage company which deals with private investors.

**Joel Zwemmer**, Esq., representing National Title Insurance Company of New York, addressed earlier concerns, and explained why it would be in the best interest of the County to settle the claim.

County Attorney William Collins II provided the ownership details of the property, the specifics of Lewis Barton's Code Enforcement Board Hearing, and the outcome of the Federal suit whereby Lewis Barton charged that his civil rights were violated. He also noted the inherent risks in moving forward and attempting to collect the entire amount.

Discussion ensued regarding the imposition of fines, the County lien settlement offer of \$90,000, the change in dollar amounts from the Final Judgment, and the County-incurred costs from litigation.

Administrator Baird encouraged the Board to not make a decision today.

Chairman O'Bryan felt the institution of imposing fines needed to be upheld, and voiced concern over the interest incurred. He wanted to see the interest stop once the principal is paid back, and then look at the numbers going forward.

**Cheryl Gerstner**, 2035 Surfside Terrace, neighbor of subject property, offered comments about the property and its abandonment. She assured the Board that the property is currently being marketed, and confirmed that the \$827,000 Note Rate was close to market value.

Chairman O'Bryan asked Attorney Barkett to coordinate all details with Management and Budget Director Jason Brown, and County Attorney Collins, who will bring this Item back to the Board under *County Attorney Matters*. He said the Board wanted to see the documentation of updated numbers, the interest differentials, if they are offering to tear down the property, and a written statement verifying that with a time certain.

Director Jason Brown summarized his understanding of the situation and provided his personal views.

NO BOARD ACTION REQUIRED OR TAKEN



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

**11. COUNTY ADMINISTRATOR MATTERS - NONE**

**12. DEPARTMENTAL MATTERS**

**12.A. COMMUNITY DEVELOPMENT**

**12.A.1. CONSIDERATION OF INDIAN RIVER COUNTY'S AGENCY REPORT ON THE  
FPL ENERGY SECURE PIPELINE SITING APPLICATION NO. NG09-02**

Community Planning Director Stan Boling recapped his memorandum dated January 25, 2010, and using a PowerPoint presentation (on file) provided background and analysis of the proposed Florida Power and Light (FPL) Natural Gas Pipeline Project that would run approximately 278 miles from Bradford County to Riviera Beach, with about 28 miles running through Indian River County. He recalled that the Board had approved a preliminary statement of issues and recommended conditions on September 22, 2009, which was thereafter transmitted to the Department of Environmental Protection (DEP). He conveyed that the last step in the process would be to transmit an Agency Report to DEP, which would be sent on February 5, 2010.

MOTION WAS MADE by Vice Chairman Solari,  
SECONDED by Commissioner Davis, to approve the  
proposed Agency Report, and direct staff to transmit the  
report to the Department of Environmental Protection  
(DEP).

Director Boling confirmed for the Board that 21 affected property owners had been notified of the proposed pipeline, and that the only feedback was from two owners who wanted to be involved in the process. He stated that all interested parties, as well as the St. Johns Improvement District, would be invited to any future meetings with FPL. He also clarified that the pipeline's proposed corridor through Indian River County would follow the existing powerline easements.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved the proposed Agency Report, and directed staff to transmit the report to the Department of Environmental Protection (DEP).

**12.A.2. REQUEST FOR AUTHORIZATION TO ABATE RECURRENCE OF A PUBLIC NUISANCE ON AN UNMAINTAINED GOLF COURSE WITHIN VISTA GARDENS MULTIFAMILY DEVELOPMENT (LANDOWNER: VISTA GOLF LLC, CODE ENFORCEMENT CASE No. 2009060086)**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, the Board unanimously approved Alternative 2, to authorize the County's employees, servants, agents, or contractors to again enter upon the Vista Golf, LLC property within Vista Gardens at all reasonable times, and take whatever action is necessary to abate the nuisance described in the report, with costs of the abatement to be recorded as a lien against the subject property, as recommended in the memorandum of January 25, 2010.

Commissioner Wheeler wondered whether the County would ever collect anything on the lien, and Attorney Collins believed the odds would be good if the property would sell for more than the First Note.

**12.B. EMERGENCY SERVICES - NONE**

**12.C. GENERAL SERVICES**

**12.C.1. SIX MONTH REVIEW, INDIAN RIVER COUNTY CODE, SECTION 105.041,  
LOCAL PREFERENCE IN PURCHASING OR CONTRACTING**

General Services Director Tom Frame and Purchasing Manager Jerry Davis provided the Board with the results of the local preference policy in purchasing or contracting for the last six months. He reported that 17 bids had been awarded with the local preference clause, and that nine were awarded to local businesses that were the low bidders. He did not feel there were impacts associated with the language on any of the seventeen bids, and he did not anticipate any over the next six months.

Discussion ensued regarding bid documents meeting the "... equal to or within five percent (5%) of the price submitted by the Apparent Low Bidder" criteria, and the efforts/costs involved with staff's monitoring and preparation under this policy.

NO BOARD ACTION REQUIRED OR TAKEN

**12.D. HUMAN RESOURCES - NONE**

**12.E. HUMAN SERVICES - NONE**

**12.F. LEISURE SERVICES - NONE**

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

**12.H. RECREATION - NONE**

**12.I. PUBLIC WORKS - NONE**

**12.I.1. CONSTRUCTION CONTRACT – RANGER CONSTRUCTION INDUSTRIES, INC.  
SECTOR 3 BEACH RESTORATION PROJECT**

*(Clerk’s Note: The Board elected to hear Items 12.I.1. and 12.I.2. before making the Motion, and Attorney Collins noted that he saw no conflict with Commissioner Davis voting for Items 12.I.1. or 12.I.2.)*

Public Works Director Chris Mora provided the Board with updates and history on the Sector 3 Beach Restoration Project. He stated that the project would consist of: (1) 472,000 cubic yards of sand; (2) the sand would cover 6-1/2 miles of beach between Treasures Shore Park and the Town of Indian River Shores; (3) the sand would be provided by upland sand mines then delivered via truck; and (4) the project would be constructed in two phases. He also updated the Board on the following developments of the project: (1) receipt of the Notice of Intent to Issue (NOITI) and the Draft Joint Coastal Permit; (2) the mitigation regarding reef damage; (3) the 14-day publicly advertised comment period would end on Friday, February 5, 2010; (4) the preconstruction conference is scheduled for February 8, 2010; (5) the sand volume increases and costs; and (6) Ranger’s additional cost proposal to construct beach access at Golden Sands Park.

**Michael Walther**, P.E., Coastal Technology Corporation, explained the definition of “direct placement of fill,” how it is associated with the initial placement of fill, and how it is reshaped by the waves.

Director Mora recapped the Memorandum of January 26, 2010, recalling that on September 8, 2009 the Board of County Commissioners had selected Ranger Construction Industries, Inc. (Ranger) to construct the Sector 3 Beach Restoration project using an upland sand source under the Base Bid price of \$7,270,806.90. He provided a brief background regarding the Construction Contract, and said that he expects to have the final permit on Monday, February 8, 2010. He spoke to the funding sources, and conveyed staff's recommendation: (1) to award construction to Ranger under the price as bid; (2) approve the sample agreement; and (3) authorize the Chairman to execute a construction contract with Ranger.

**James Gray**, Coastal Technology Corporation Engineer, explained how the commitment from the Sebastian Inlet District (SID) is based on a unit price for fill, and that it only includes fill placement, not additional construction tasks.

There was a brief discussion regarding the increased cost for an additional 109,000 cubic yards of sand, and the phasing of the project changing the cost of using the new Golden Sands Park for beach access.

The Chairman opened the floor to public comment, there being no speakers, the Chairman closed the floor.

NO BOARD ACTION REQUIRED OR TAKEN

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

**12.1.2. SECTOR 3 BEACH RESTORATION PROJECT, RANGER CONSTRUCTION INDUSTRIES, INC., CONSTRUCTION CONTRACT CHANGE ORDER No. 1**

Director Mora informed the Board that subsequent to the project bidding the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and the Florida Department of Environmental Protection had added new and unexpected permit provisions requiring that the County: (1) provide a more coarse material on the beach; (2) increase the frequency of sand testing during the construction at the beach and mine; and (3) construct the project in two phases over two years. Due to these additional permit requirements, Ranger contends they are forced to add substantial costs to their original bid price, whereby Change Order No. 1 would increase the amount by \$984,502. Director Mora said that Coastal Tech had evaluated the additional costs and determined that all were justified, with the exception of \$491,360 for sand processing. Coastal Tech conceded that Ranger had not produced enough information to justify the additional \$1.04 per cubic yard of sand, and at such time that Ranger provides sufficient justification for additional costs for sand processing, the County will reconsider. He explained why the Board should consider approving the amended amount of \$439,093 to Change Order No. 1, and he also provided an overall budget comparison of off-shore sand and upland sand sources.

**Bob Schafer**, Vice President, Ranger Construction Industries, Inc. said the information he received from Coastal Tech was not that they disagreed with the cost increases, but that they wanted more information. He explained why the Change Order of \$439,093 would not cover the cost of the additional work, and emphasized that the additional work and costs incurred are the result of what was added by the regulatory agencies, and not Ranger's fault. He clarified how the process of digging deeper into the mines slows production, and how the longer the equipment runs, the more costly it becomes.

There was a lengthy discussion between the Board, staff, and **Mr. Schafer** regarding the process of digging deeper into the mine, additional incurred costs, staff not having enough

information from the Consultant to make a recommendation, and bringing this Item back to the next meeting in order to address the remaining dollar amount on the Change Order, as well as the additional sand needed for the template fill.

County Administrator Joe Baird emphasized that even with the additional Change Order, the upland sand source would still be cheaper than obtaining sand from an off-shore source.

Management and Budget Director Jason Brown, affirming Administrator Baird's comment, disclosed that the estimated cost for an off-shore sand source would be about \$14.1 million, and even with Ranger's Change Order request, it would cost about \$13.5 million.

The Chairman opened the floor to public comment.

**Steve Smith**, Ranch Road Lake Mine of Vero Beach, justified the additional costs as requested on the Change Order.

Commissioner Solari and **Mr. Smith** discussed mobilization/demobilization costs, and the logistics of the project.

**Chuck Cramer**, 10761 US 1, Sebastian, commented on the distribution of the mines, the additional costs of expanding the operation, and he felt the request was reasonable.

**Dale Simchick** Sebastian, emphasized that the 33% of overfill was a condition of the permitting process that the County required, not that of the Contractor, and she asked the Board to move the project forward quickly.

**Mr. Schafer** said this job was bid with a base bid and an alternate. The alternate was for work continued past November, and the difference in the bid was \$380,000. He decided to forgo that, but the contract that he is hoping to sign now does not include the \$380,000, and now he is

being required to build it in two phases. The remainder of the Change Order that he is looking for is \$491,000, which all goes to the sand suppliers. He stressed to the Board that everyone is taking a financial hit (in this process) to make it work.

**Joe Paladin**, President, Black Swan Consulting, commented on the project changes and the cost changes that had occurred, as well as the comparison of off shore sand versus upland sand costs. He felt the Board should consider the additional cost since the people doing this job has diligently done what is best for the County and have been upfront with the Board.

There being no other speakers, the Chairman closed the floor to public comment.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Wheeler, to: (1) award the Contract to Ranger Construction Industries, Inc.; (2) approve Change Order No. 1 for \$439,093.00 of Ranger's proposed \$984,502; and (3) direct the County Administrator to bring back to the Board, an adjustment to Change Order No. 1 showing staff's recommendation for the remainder of the sand.

**Bill Glenn**, 1802 East Barefoot Place, President of the Homeowners Association, felt the upland sand source was being put through far more stringent tests than the off-shore sand source.

The Chairman CALLED THE QUESTION. The Board unanimously: (1) awarded the Contract to Ranger Construction Industries, Inc.; (2) approved Change Order No. 1 for \$439,093.00 of Ranger's proposed \$984,502; and (3) directed the County Administrator to bring back to



the Board, an adjustment to Change Order No. 1 showing staff's recommendation for the remainder of the sand.

Director Mora addressed Vice Chairman Solari's questions regarding the proposed number of trucks that would be used for the project (one truck per minute over the CR510 Wabasso Bridge), and the hours of operation (Monday through Friday 7:00 a.m. to 6:00 p.m.).

**12.I.3. WORK ORDER NO. 8 – COASTAL TECHNOLOGY CORPORATION INC.,**  
**SECTOR 3 BEACH RESTORATION PROJECT – PHASE I CONSTRUCTION,**  
**PHASE SERVICES AND IMMEDIATE POST-PHASE I CONSTRUCTION**  
**MONITORING**

Director Mora announced that under this Work Order, Coastal Technology Corporation, Inc. would be providing Phase I construction engineering services, Phase I permit-required sea turtle and shorebird monitoring, and nearshore reef monitoring for the Sector 3 Beach Restoration Project. He reviewed the funding, reported that the Work Order was in the amount of \$738,468, and noted that the State had determined that the services identified within the Work Order are eligible for a 50% State Cost Share, should the funding become available.

Director Mora explained the requirement for more turtle monitoring to assure DEP that when going from Phase I to Phase II there would be no nesting rate impact due to the use of upland sand, and that the cost would have been incurred regardless of the source.

MOTION was made by Commissioner Flescher, SECONDED by Commissioner Davis, to approve Work Order No. 8 to the Contract with Coastal Technology Corporation, Inc., and authorize the Chairman to execute same.

Vice Chairman Solari wanted to know the total dollar figure for the original contract and the eight work orders.

Staff noted the figure to total about \$1,640,114.

Vice Chairman Solari asked that the Motion include that staff will provide, in the future, an Excel Spreadsheet reflecting updates on engineering consulting fees.

Commissioner Flescher amended the Motion to include directing staff to provide a spreadsheet of updates on engineering consulting fees, and Commissioner Davis agreed.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board: (1) approved Work Order No. 8 to the Contract with Coastal Technology Corporation, Inc.; (2) authorized the Chairman to execute the Work Order; and (3) directed staff to provide, in the future, an Excel Spreadsheet reflecting updates on engineering consulting fees.

WORK ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

*Chairman O'Bryan called a break at 12:59 p.m. and reconvened the meeting at 1:30 a.m. with all members present.*

**12.J. UTILITIES SERVICES**

**12.J.1. RECOMMENDATION OF THE UTILITY ADVISORY COMMITTEE FOR THE BOARD OF COUNTY COMMISSIONERS TO SEND A LETTER TO FLORIDA POWER AND LIGHT REGARDING ADDITIONAL COUNTY ELECTRIC SERVICE**

Director of Utility Services Erik Olson recalled that on December 1, 2009, the Board empowered the Utility Advisory Committee (UAC) with additional responsibilities to consider and study Electric Franchise issues. During the January 14, 2010 UAC Meeting, Dr. Stephen Faherty had made a presentation regarding the possibility of the Board approving and sending a letter to Florida Power and Light (FP&L) expressing an interest in whether they would consider the service to the entire unincorporated portions of Indian River County. He recommended the Board consider the draft letter as a template to be sent to FP&L.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Davis, to move forward to send the proposed letter to FP&L regarding additional electric service.

Commissioner Wheeler drew attention to the eighth bullet on page 327 of the Backup, feeling that the fair market value should specify the fair market value of the City of Vero Beach facilities located in the unincorporated area of Indian River County.

Chairman O'Bryan mentioned, for the record, that it is his desire for the City to work out an agreement, with the new power provider, that is equitable, fair to all parties, and resolves the issues of the residents. However, if that does not occur, he felt the County should stand ready to move forward and take care of the residents.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved to move forward with sending a letter to FP&L as proposed, clarifying their interest and answering related questions should FP&L serve the unincorporated area of the County, as recommended in the memorandum of January 21, 2010.

**12.J.2. REUSE RATE STUDY AND ADDENDUM**

Deleted

**13. COUNTY ATTORNEY MATTERS**

**13.A. RESOLUTION RE-CONSTITUTING THE MARINE ADVISORY NARROWS  
WATERSHED ACTION COMMITTEE (MANWAC) AS THE MARINE  
ADVISORY COMMITTEE**

Attorney Collins recapped his Memorandum dated January 18, 2010. He provided background and staff's recommendations regarding the duties of the Marine Advisory Committee. He suggested there be a reduced quorum since this Committee has had difficulty getting enough members to have a majority present. Attorney Collins said a Resolution had been prepared to repeal the Marine Advisory Narrows Watershed Action Committee (MANWAC) Resolution and incorporate suggestions into the new duties and charges of the Committee. This was presented for Board consideration to repeal the old MANWAC Committee, reconstitute it as the Marine Advisory Committee, and/or to change membership.

Commissioner Davis supported citizen advisory and wanted the opportunity for the discussion of individuals outside the realm of government to provide the Board with information and advice. He felt Item 3.f. of the proposed Resolution should be deleted in its entirety.

Chairman O'Bryan agreed to deleting Item 3.f., and he also voiced support for more citizen representation.

Vice Chairman Solari, after reviewing Item 5. *Powers and Duties* (page 352 of the Backup), suggested the deletion of items 5.a., b., c., d., g., and h. He did not feel there needed to be another committee in order to have better government. He proposed repealing the MANWAC portion of the Resolution, and deleting the remainder of the document.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner Davis, to change the proposed Resolution to: (1) retain only Item 1. “*REPEALING Resolution No. 2003-131 which had restructured the Marine Advisory Narrows Watershed Action Committee.*”; and (2) to delete Items 2 through 8.

Chairman O’Bryan wanted this Item to be brought back to the Board next week to further evaluate and review the Committee powers and duties.

The Chairman opened the floor to public comment. There being no speakers, he closed the floor.

The Chairman CALLED THE QUESTION, and by a vote of 4-1 (Chairman O’Bryan opposed), the Motion carried. The Board approved **Resolution 2010-005**, as amended, retaining only Item 1. “*REPEALING Resolution No. 2003-131 which had restructured the Marine Advisory Narrows Watershed Action Committee.*”; and deleting Items 2 through 8.

Attorney Collins conveyed that he would restructure this Resolution to repeal Resolution No. 2003-131, and he confirmed that a new committee would not be created.

## **14. COMMISSIONER ITEMS**

### **14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN - NONE**

### **14.B. COMMISSIONER BOB SOLARI, VICE CHAIRMAN**

#### **14.B.1. DISCUSSION ITEM (REFLECTION ON COUNCILMEMBER HEADY'S CITY OF VERO BEACH MEETING)**

Vice Chairman Solari wanted the Board to know that when Councilmember Heady had attended the Board of County Commission Meeting on January 19, 2010, he was seeking to retain local control and cooperation in working for a solution. He showed a brief DVD clip of Councilmember Heady at said Board Meeting, and a brief clip of the Vero Beach City Council Meeting, that same evening, to reflect the reactions of the other Councilmembers. Vice Chairman Solari felt there should be open, and ongoing dialog. He wanted the Board to know that he did not feel that Councilmember Heady's cooperative attitude was shared by the other members of the Council.

Chairman O'Bryan conveyed his appreciation to Councilmember Heady for coming forward. He stated that as Chairman, any member of any Municipal Council is always welcome to address the Board in an effort to keep the lines of communication open.

### **14.C. COMMISSIONER WESLEY S. DAVIS**

#### **14.C.1. APPOINTMENTS TO MARINE ADVISORY NARROWS WATERSHED ACTION COMMITTEE (MANWAC)**

Commissioner Davis noted that this issue was addressed under Item 13.A. *County Attorney Matters*.

**14.C.2. REQUEST FOR RESOLUTION RE CHINESE DRYWALL**

Commissioner Davis said he had been approached by a Real Estate Agent who had asked him to address the Board of County Commissioners for consideration to a Resolution of Support to the Governor of Florida, for relief concerning Chinese drywall.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to direct Attorney Collins to draft a Resolution of Support to the Governor of Florida for relief concerning Chinese Drywall.

Vice Chairman Solari spoke about an e-mail that he had received from Bob Westor of St. Bart's Square, which stated that he had favored the Resolution, but later had concerns because of the implication that all Chinese drywall is defective -- overstating the effects of contaminated drywall. He wanted to tempo the resolution to that effect.

After a brief discussion, Vice Chairman Solari agreed to forward the e-mail that he had received from Mr. Westor to Attorney Collins.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board directed the Count Attorney to draft a Resolution of Support to the Governor of Florida for relief concerning Chinese Drywall, and bring it back to the Board for final approval.

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

**14.E. COMMISSIONER GARY C. WHEELER - NONE**

**15. SPECIAL DISTRICTS AND BOARDS**

**15.A. EMERGENCY SERVICES DISTRICT - NONE**

**15.B. SOLID WASTE DISPOSAL DISTRICT**

The Chairman announced that immediately upon adjournment of the Regular Board of County Commission Meeting, the Board would reconvene as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are being prepared separately.

**15.B.1. APPROVAL OF MINUTES REGULAR MEETING OF DECEMBER 8, 2009**

**15.B.2. APPROVAL OF MINUTES REGULAR MEETING OF DECEMBER 15, 2009**

**15.B.3. APPROVAL OF MINUTES REGULAR MEETING OF JANUARY 5, 2010**

**15.B.4. AMENDMENT NO. 1 TO WORK ORDER NO. 9 TO CAMP DRESSER AND  
MCKEE FOR ENGINEERING SERVICES RELATED TO THE NEW OSLO  
CUSTOMER CONVENIENCE CENTER**

**15.B.5. WASTE TIRE PYROLYSIS DEMONSTRATION AT INDIAN RIVER COUNTY  
LANDFILL**

**15.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.

**15.C.1. APPROVAL OF MINUTES REGULAR MEETING OF NOVEMBER 3, 2009**

**15.C.2. REPORT OF ACTIVITIES FOR FIRST QUARTER FY 09/10 (OCTOBER THROUGH DECEMBER 2009)**

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

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 2:00 p.m.

ATTEST:

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Jeffrey K. Barton, Clerk

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Peter D. O'Bryan, Chairman

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

BCC/LA/2010 Minutes