



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

TUESDAY, APRIL 12, 2011 - 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

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

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

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

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- | | | <u>9:00 A.M.</u> | <u>PAGE</u> |
|-----------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1. | <u>CALL TO ORDER</u> | | |
| 2. | <u>INVOCATION</u> | Chaplain Kenneth Jones, VNA Hospice of Indian River County | |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Gary C. Wheeler, Vice Chairman | |
| 4. | <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | | |
| 5. | <u>PROCLAMATIONS and PRESENTATIONS</u> | | |
| | A. | Presentation to Keith McCully and Alan Stewart of the "Maggy Bowman Conservationist of the Year" Award by Dr. Richard Baker, President, Pelican Island Audubon Society | |

| 6. | <u>APPROVAL OF MINUTES</u> | <u>PAGE</u> |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| | None | |
| | | |
| 7. | <u>INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u> | |
| | None | |
| | | |
| 8. | <u>CONSENT AGENDA</u> | |
| | A. Approval of Warrants and Wires – March 25, 2011 to March 31, 2011 (memorandum dated March 31, 2011) | 1-8 |
| | B. Out of County Travel to Attend the Florida Association of Counties Annual Conference and Educational Exposition (memorandum dated April 1, 2011) | 9-10 |
| | C. Resolution Canceling Taxes on Property Acquired by the County for Public Use (memorandum dated March 28, 2011) | 11-29 |
| | D. Housing Authority – Financial Reporting and Management Changes (memorandum dated April 6, 2011) | 30 |
| | E. Request for Board Approval of a Resolution for a Grant Application to the Florida Inland Navigation District for “Phase B” Public Access Improvements on the Flinn Tract of the Lagoon Greenway (memorandum dated April 4, 2011) | 31-39 |
| | F. Request Approval of Florida Fish and Wildlife Conservation Commission (FWC) Contract No. 10308 (memorandum dated April 6, 2011) | 40-110 |
| | G. Kimley-Horn and Associates, Inc. Release of Retainage – Work Order No. 1 Old Dixie Highway Sidewalk from 38 th Lane to 65 th Street – IRC Project No. 0845 (memorandum dated March 29, 2011) | 111-112 |
| | H. Request to Enter Into an Intermodal Program Supplemental Joint Participation Agreement with the Florida Department of Transportation for Improvements to Aviation Boulevard (memorandum dated March 30, 2011) | 113-124 |
| | I. Property/Casualty Insurance 2011-12 (memorandum dated April 4, 2011) | 125-162 |

| 8. | <u>CONSENT AGENDA</u> | <u>PAGE</u> |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| | J. Award of Bid # 2011018 for Oslo Road (CR 606) Phase II Roadway Widening (43 rd Avenue to 27 th Avenue) IRC Project Nos. 0533 (memorandum dated March 31, 2011) | 163-185 |
| 9. | <u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u> | |
| | A. <u>Indian River County Supervisor of Elections – Leslie Swan</u> Redistricting and Relocation of Polling Sites (memorandum dated April 5, 2011) | 186-187 |
| 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 Dennis Spruce Regarding Enforce Sylvan Lakes to Fix Drainage Problem that Floods My Property. The Builder and Residents have not maintained drainage swale | 188 |
| | C. <u>PUBLIC NOTICE ITEMS</u> None | |
| 11. | <u>COUNTY ADMINISTRATOR MATTERS</u> None | |
| 12. | <u>DEPARTMENTAL MATTERS</u> | |
| | A. <u>Community Development</u> | |
| | 1. Damien Gilliams' Request that the Board of County Commissioners Rescind a \$3,000 Fine Imposed by the Code Enforcement Board for a Dock in Disrepair Constituting a Public Nuisance at 9020 44 th Avenue (memorandum dated April 4, 2011) | 189-237 |
| | 2. Termination of Jobs Grant Approval (memorandum dated April 5, 2011) | 238-239 |

| 12. | <u>DEPARTMENTAL MATTERS</u> | <u>PAGE</u> |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| | 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> | |
| | 1. Acquisition of Parcel for Future Law Enforcement and Corrections Use (memorandum dated April 6, 2011) | 240-243 |
| | H. <u>Recreation</u> | |
| | None | |
| | I. <u>Public Works</u> | |
| | 1. Staff Update – Sector 3 Beach Renourishment Project (no back-up) | --- |
| | J. <u>Utilities Services</u> | |
| | None | |
| 13. | <u>COUNTY ATTORNEY MATTERS</u> | |
| | A. Acquisition of Right-of-Way and Pond Parcel Along 66 th Ave, Hale Family 1999 Partnership (memorandum dated April 4, 2011) | 244-265 |
| | B. Offer of Judgment on Bethel, Parcel #108 (memorandum dated April 6, 2011) | 266-269 |

| 13. | <u>COUNTY ATTORNEY MATTERS</u> | <u>PAGE</u> |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| | C. Mediated Settlement Agreement for Parcel 109, property located at 4855 66 th Avenue, William and Ruth Stanbridge, non-homestead parcel (memorandum dated April 6, 2011) | 270-278 |
| | D. Mediated Settlement Agreement for Parcel 110 William and Ruth Stanbridge, 4835 66 th Avenue, Vero Beach (memorandum dated March 25, 2011) | 279-287 |
| | E. Pelican Pointe Condominium ERU Return Agreement (memorandum dated April 5, 2011) | 288-293 |
| | F. Pain Management Clinic Ordinance (memorandum dated April 4, 2011) | 294-310 |
| | | |
| 14. | <u>COMMISSIONERS ITEMS</u> | |
| | A. <u>Commissioner Bob Solari, Chairman</u> None | |
| | B. <u>Commissioner Gary C. Wheeler, Vice Chairman</u> None | |
| | C. <u>Commissioner Wesley S. Davis</u> None | |
| | D. <u>Commissioner Joseph E. Flescher</u> None | |
| | E. <u>Commissioner Peter D. O'Bryan</u> None | |
| | | |
| 15. | <u>SPECIAL DISTRICTS AND BOARDS</u> | |
| | A. <u>Emergency Services District</u> | |
| | 1. Approval of Minutes Regular Meeting of February 1, 2011 | |
| | 2. Approval of License Agreement with Indian River County Historical Society (memorandum dated April 1, 2011) | 311-320 |

15. **SPECIAL DISTRICTS AND BOARDS**

PAGE

A. **Emergency Services District**

3. Authorization for Final Payment and Release of Retainage to Barth Construction, Inc. for the Reconstruction of Fire Rescue Station #9 (memorandum dated March 30, 2011)

321-337

B. **Solid Waste Disposal District**

None

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.***