

JEFFREY K. BARTON  
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

JANUARY 11, 2011

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**JEFFREY K. BARTON**

Clerk to the Board



**January 11, 2011**

**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 Administration Complex, 1800 27<sup>th</sup> Street, Building B, Room B1-501, Vero Beach, Florida, on Tuesday, January 11, 2011. Present were Chairman Bob Solari, Vice Chairman Gary C. Wheeler, Commissioners Wesley S. Davis, Joseph E. Flescher, and Peter D. O'Bryan. Also present were County Attorney Alan S. Polackwich, Sr., County Administrator Joseph A. Baird, Assistant County Administrator Michael Zito, Management and Budget Director Jason Brown, and Deputy Clerk Leona Adair Allen.

**1. CALL TO ORDER**

Chairman Solari called the meeting to order at 9:00 a.m.

**2. INVOCATION**

Stan Boling, Planning Director, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Davis led the Pledge of Allegiance to the Flag.

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

Chairman Solari requested the following changes to the Agenda:

**MOVE: ITEM 10.A.1 - PUBLIC HEARING, TO BE HEARD AFTER ITEM No. 7**

**ADD: ITEM 10.C.1.- PUBLIC NOTICE ITEM - CITY FIRST MORTGAGE CORPORATION V. INDIAN RIVER COUNTY, FLORIDA FOURTH DISTRICT COURT OF APPEAL, CASE NO. 4D 10-4799**

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Wheeler, the Board unanimously approved the Agenda as amended.

**5. PROCLAMATIONS AND PRESENTATIONS - NONE**

**6. APPROVAL OF MINUTES - NONE**

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

**7.A. RESIGNATION OF THE MEMBER-AT-LARGE TO THE PLANNING & ZONING COMMISSION**

Noted for the record was the resignation of Dr. David Cox, Member-at-Large Representative to the Planning and Zoning Commission, effective immediately.

*(Clerk's Note: Item 10.A.1. was heard following Item 7.A.)*

**CONVENE JOINT MEETING WITH CITY OF VERO BEACH CITY  
COUNCIL**

*(Clerk's note: Following Item 10.A.1, the Board convened with the City of Vero Beach City Council in a Joint Meeting, and the Agenda and Minutes are prepared separately.)*

*The Joint Meeting with the City of Vero Beach adjourned at 1:35 p.m., and the Chairman reconvened the Regular Board of County Commission Meeting at 1:40 p.m. with all members present.*

**8. CONSENT AGENDA**

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

**8.A. APPROVAL OF WARRANTS AND WIRES DECEMBER 17, 2010 TO  
DECEMBER 28, 2010**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of December 17, 2010 to December 28, 2010, as requested in the memorandum of December 28, 2010.

**8.B. WINDSOR PROPERTIES ACCEPTANCE OF TEMPORARY BLANKET  
EASEMENT FOR UTILITIES UNTIL PROPERTY IS PLATTED DEPICTING A  
PERPETUAL EASEMENT**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Temporary Blanket Utility Easement, and authorized the Chairman to execute same, as recommended in the memorandum of January 4, 2011.

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

**8.C. RETIREMENT AWARD HONORING BRIAN J. LETTS ON HIS RETIREMENT  
FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS  
DEPARTMENT OF UTILITY SERVICES SOLID WASTE DISPOSAL DISTRICT  
FOR TWENTY-FIVE YEARS SERVICE**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Proclamation and Retirement Award honoring Brian J. Letts on his retirement from the Department of Utility Services Solid Waste Disposal District.



**8.D. RETIREMENT AWARD HONORING JAMES HOBBS ON HIS RETIREMENT**  
**FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS**  
**DEPARTMENT OF UTILITY SERVICES SOLID WASTE DISPOSAL DISTRICT**  
**FOR TWENTY-THREE YEARS SERVICE**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Proclamation and Retirement Award honoring James Hobbs on his retirement from the Department of Utility Services Solid Waste Disposal District.

**8.E. RETIREMENT AWARD HONORING FLOYD D. QUEEN ON HIS RETIREMENT**  
**FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS**  
**DEPARTMENT OF UTILITY SERVICES SOLID WASTE DISPOSAL DISTRICT**  
**FOR SEVENTEEN YEARS SERVICE**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Proclamation and Retirement Award honoring Floyd D. Queen on his retirement from the Department of Utility Services Solid Waste Disposal District.

**8.F. AT&T MANAGED INTERNET SERVICE (MIS) AGREEMENTS**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the AT&T Master Agreement and the AT&T Managed internet Service Pricing Schedules, to provide a dedicated Internet connection to the County Administration Buildings and the Emergency Operations Center, and authorized the Chairman to execute the necessary documents, as recommended in the memorandum of January 5, 2011.

**8.G. FINAL PAY TO SCHULKE, BITTLE & STODDARD FOR CONTINUING CONSULTING SERVICES FOR WORK ORDER No. 10 FOR CONSTRUCTION ADMINISTRATION SERVICES FOR 16<sup>TH</sup> STREET AND 66<sup>TH</sup> AVENUE WATER MAIN AND SEWER FORCE MAIN FACILITIES, UCP No. 4023, WIP No. 472-169000-09508**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the total amount of engineering services of \$21,019.92, and Final Invoice Number 09-048-11, for a total amount of \$975.00 as presented. The payment of \$975.00 to Schulke, Bittle & Stoddard, LLC will release the retainage and discharge the County's obligation to the Consultant, as recommended in the memorandum of December 22, 2010.

**8.H. APPRAISAL AGREEMENT WITH THE SPIVEY GROUP, INC. FOR DOROTHY B. WALKER TRACT**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the retention of the Spivey Group, Inc. for the Dorothy D. Fronduto (f/n/a Dorothy B. Walker) appraisal, and authorized staff to execute the Agreement on behalf of the Board, as recommended in the memorandum of December 23, 2010.

**8.I. SURETY BOND FOR CAROLE JEAN JORDAN AS INDIAN RIVER COUNTY TAX COLLECTOR**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Surety Bond in the amount of \$100,000, required for Carole Jean Jordan as the Indian River County Tax Collector.

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

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE**

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARING(S)**

**10.A.1. POINTE WEST OF VERO BEACH, LTD.'S REQUEST TO MODIFY THE  
APPROVED PLANNED DEVELOPMENT (PD) CONCEPTUAL PLAN FOR THE  
POINTE WEST SCHOOL SITE (TRACT M) (LEGISLATIVE)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

*(Clerk's note: This item was heard following Item 7.A and is placed here for continuity.)*

Community Development Planning Director Stan Boling conveyed that the applicant, Chuck Mechling, Pointe West of Vero Beach, Ltd., had asked for this Public Hearing to be continued at the Board of County Commission meeting of January 18, 2011, at 9:05 a.m. He stated that staff had no objections to the request.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

ON MOTION by Vice Chairman Wheeler, SECONDED  
by Commissioner Davis, the Board unanimously approved  
this Public Hearing to be held January 18, 2011, at a time  
certain of 9:05 a.m.

*(Clerk's Note: The Chairman adjourned this meeting at 9:05 a.m. and the Board and City Council of Vero Beach reconvened in a Joint Meeting to discuss the property exchange (land swap) at Vero Beach Sports Village, formerly Dodgertown. Those minutes are prepared separately.)*

**10.B. PUBLIC DISCUSSION ITEMS - NONE**

**10.C. PUBLIC NOTICE ITEMS – ADDITION**

**10.C.1. ANNOUNCEMENT OF ATTORNEY CLIENT SESSION – SETTLEMENT**

**NEGOTIATION - CITY FIRST MORTGAGE CORPORATION V. INDIAN RIVER  
COUNTY, FLORIDA FOURTH DISTRICT COURT OF APPEAL, CASE NO. 4D  
10-4799**

County Attorney Polackwich announced the Settlement Negotiation meeting will be a closed Attorney/Client Session on January 18, 2011 at 10:30 a.m. in the Commission Chambers.

**11. COUNTY ADMINISTRATOR MATTERS - NONE**

**12. DEPARTMENTAL MATTERS**

**12.A. COMMUNITY DEVELOPMENT - NONE**

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

**12.C. GENERAL SERVICES - NONE**

**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.J. UTILITIES SERVICES**

**12.J.1. APPROVAL OF BID AWARD FOR IRC BID NO. 2011022, BARRIER**

**ISLAND REUSE WATER SYSTEM IMPROVEMENTS & SR 510 REUSE WATER  
SYSTEM IMPROVEMENTS CONSTRUCTION CONTRACT RECOMMENDATION  
OF AWARD**

Solid Waste Disposal District Managing Director Himanshu Mehta in reviewing his memorandum, explained the first of three phases has been completed in implementing the Countywide Reuse Water Master Plan, and the second phase is under construction. Staff requested the Board to award the bid to Timothy Rose Construction, Inc. for the Barrier Island Reuse Water System Improvements and SR 510 Reuse Water System Improvements Construction Contract.

MOTION WAS MADE by Commissioner Davis,  
SECONDED by Vice Chairman Wheeler, to approve  
staff's recommendation.

After learning that the County Attorney Polackwich would be seeking removal of an indemnification limitation clause of \$5 million per occurrence from the contract, Commissioner Davis amended his motion.

MOTION WAS AMENDED by Commissioner Davis, SECONDED by Vice Chairman Wheeler, to approve the contract with the removal of the \$5 million indemnification limitation clause.

The Chairman CALLED THE QUESTION and the Board unanimously: (1) approved bid award to Timothy Rose Construction, Inc. as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) approved the sample agreement, *with the removal of the indemnity limitation of \$5 million*; and (3) authorized the Chairman to execute said Agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the Agreement as to form and legal sufficiency, as recommended in the memorandum of December 29, 2011.

**13. COUNTY ATTORNEY MATTERS - NONE**

**14. COMMISSIONER ITEMS**

**14.A. COMMISSIONER BOB SOLARI, CHAIRMAN - NONE**

**14.B. COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN - NONE**

**14.C. COMMISSIONER WESLEY S. DAVIS - NONE**

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

**14.E. COMMISSIONER PETER D. O'BRYAN - 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. AMENDMENT NO. 1 TO WORK ORDER NO. 13 TO CAMP DRESSER & MCKEE INC. (CDM) FOR ENGINEERING SERVICES WITH THE 2011 ANNUAL COMPLIANCE MONITORING AND REPORTING**

**15.B.2. AMENDMENT NO. 1 TO WORK ORDER NO. 14 TO CAMP DRESSER & MCKEE INC. (CDM) FOR ENGINEERING SERVICES WITH THE 2011 ANNUAL FINANCIAL REPORTS**

**15.C. ENVIRONMENTAL CONTROL BOARD - NONE**

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 1:44 p.m.

ATTEST:

\_\_\_\_\_  
Jeffrey K. Barton, Clerk

\_\_\_\_\_  
Bob Solari, Chairman

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

BCC/LA & MS/2011 Minutes