



**BOARD OF COUNTY
COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA
REGULAR MEETING MINUTES**

TUESDAY, DECEMBER 9, 2014

County Commission Chamber
Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com

<u>COUNTY COMMISSIONERS</u>	<u>DISTRICT</u>	<u>PRESENT</u>	<u>ABSENT</u>
Wesley S. Davis, Chairman	District 1	Present	Joseph A. Baird, County Administrator
Bob Solari, Vice Chairman	District 5	Present	Dylan Reingold, County Attorney
Joseph E. Flescher	District 2	Present	Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller
Peter D. O'Bryan	District 4	Present	
Tim Zorc	District 3	Present	Leona Adair Allen, Deputy Clerk

<u>DVD TIMES</u>	<u>ITEMS</u>	<u>PACKET PAGES</u>
1.	<u>CALL TO ORDER</u> <u>9:00 A.M.</u>	
2.	<u>INVOCATION</u> Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller	
3.	<u>PLEDGE OF ALLEGIANCE</u> Commissioner Wesley S. Davis, Chairman	
4.	<u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> None	
5.	<u>PROCLAMATIONS and PRESENTATIONS</u>	
9:03 a.m.	A. Presentation of Excess Fee Distribution by Carole Jean Jordan, Indian River County Tax Collector Indian River County Tax Collector Carole Jean Jordan thanked the Board for their support during the renovation of the Sebastian office, and presented the Board with her Annual Fiscal Report for the Fiscal Year ending September 30, 2014, and a check in the amount of \$2,335,120.69.	1-2

6. **APPROVAL OF MINUTES**

None

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

9:09
a.m.

- A. Resignation of Mr. George O'Malley to the Tourist Development Council (TDC)
(memorandum dated December 1, 2014) 3-4

Noted for the record was the resignation of George O'Malley, from the Tourist Development Council (TDC), effective immediately.

A brief discussion ensued regarding the requirements for serving on the TDC.

- B. Treasure Coast Regional Planning Council Appointees for 2015
(memorandum dated December 3, 2014) 5-7

Noted for the record was the correspondence dated December 3, 2014, to Michael Busha, Executive Director of Treasure Coast Regional Planning Council, regarding the 2015 appointments made by the County and various municipalities according to the rotation schedule.

8. **CONSENT AGENDA**

ON MOTION by Commissioner Flescher, **SECONDED** by Commissioner O'Bryan, the Board unanimously approved the Consent Agenda, pulling Items 8.B. and 8.K. for discussion.

- A. Approval of Warrants – November 21, 2014 to November 27, 2014
(memorandum dated November 25, 2014) 8-14

Approved the list of Warrants and Wires issued by the Comptroller's Office.

9:16
a.m.

- B. Dori Slosberg Driver Education Safety Act – Indian River County Traffic Education Program Trust Fund Report – Cumulative Reporting Through 9/30/14
(memorandum dated November 24, 2014)

Clerk's Note: This item was heard following item 8.K. and is placed here for continuity.

15-16

Commissioner Flescher pulled this item to discuss the Dori Slosberg Driver Education Safety Act, and voiced concern that there was no drivers' education program within this community. He provided background and stressed that there had been a rise in juvenile accidents and fatalities this year. He wanted staff to bring this item back in January so the Board can discuss options and see if there is public interest

in bringing back the Dori Slosberg fund. He felt there needed to be an educational arm for young and senior drivers, and wanted to collect funds from the citations of violators.

MOTION WAS MADE by Commissioner Flescher, **SECONDED** by Chairman Davis, to bring this item back to the Board for discussion in January.

Bob Johnson, Coral Wind Subdivision, noted that the American Association of Retired Persons (AARP) offers a periodic volunteer education program for senior citizens.

9:22
a.m.

County Attorney Dylan Reingold sought further clarification from Commissioner Flescher.

Commissioner Flescher wanted staff to repeal and reactivate the Dori Slosberg Driver Education Safety Act and the Indian River County Traffic Education Program Trust Fund. He also suggested that staff assist with implementing a drivers' education class for the community's youth.

The Chairman **CALLED THE QUESTION** and the Motion carried unanimously.

ON MOTION by Commissioner Flescher, **SECONDED** by Commissioner O'Bryan, the Board unanimously accepted the Report of the Indian River County Traffic Education Program Trust Fund from the inception of the \$3 fee (October 1, 2002) through September 30, 2014.

- C. 2015 Committee Assignments
(memorandum dated December 3, 2014) 17-19
Approved the 2015 Committee Assignments for each Commissioner as outlined on pages 18 and 19 of the Agenda Packet.
- D. Amendment No. 2 to Indian River County Public Shooting Range Improvements to Skeet & Trap Facility Professional Civil Engineering and Architectural Services Consultant Agreement RFQ No. 2013017 – IRC Project No. 1213B
(memorandum dated November 21, 2014) 20-28
Approved and authorized the Chairman to execute Amendment No. 2 with Donadio and Associates, Architects, P.A., for improvements to the Indian River County Public Shooting Range Skeet and Trap Facility, in the lump sum amount of \$5,750.00.
- E. Memorandum of Agreement – Florida Department of Transportation – Establishment of a Florida Department of Transportation Global Positioning System (GPS) Reference Station at the Indian River County Utilities South County RO Water Treatment Plant located on Oslo Road, just east of South 29-32

County Regional Park
(memorandum dated November 24, 2014)

Approved and authorized the Chairman to execute the Memorandum of Agreement with the Florida Department of Transportation, for the establishment of a Global Positioning System (GPS) Reference Station at the Indian River County South County Reverse Osmosis (RO) Water Treatment Plant.

- F.** Florida Department of Law Enforcement FY 2014-2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Certificates of Acceptance (memorandum dated December 2, 2014) 33-41
Approved the Fiscal Year 2014-2015 Certificate of Acceptance of Subgrant Award for the Multi-Agency Criminal Enforcement Unit (MACE) Grant in the amount of \$57,250, and the Certificate of Acceptance of Subgrant Award for the Substance Awareness Drug Testing Program in the amount of \$5,366.
- G.** Review of the Affordable Housing Advisory Committee 2014 Incentives Review and Recommendation Report (memorandum dated November 25, 2014) 42-102
Approved Resolution 2014-114, approving the Indian River County Affordable Housing Advisory Committee (AHAC) 2014 Report and directing staff to revise the County's Local Housing Assistance Plan as needed.
- H.** Consideration of Revised Indian River County Local Housing Assistance Plan for Fiscal Years 2015-2016 Through 2017-2018 (memorandum dated November 25, 2014) 103-112
Approved Resolution 2014-115, approving the County's Local Housing Assistance Plan for FY 2015-2016, 2016-2017, and 2017-2018.
- I.** Hurricane Debris Removal Contracts for TAG Grinding Services, Inc. and Omni Pinnacle, LLC Third (and Final) Extension of Year 2011 Contract (memorandum dated November 18, 2014) 113-132
Approved the Third Extension to Agreement with TAG Grinding Services, Inc., and Omni Pinnacle, LLC, for disaster debris removal and disposal services, and authorized the County Administrator to execute the extensions upon review and approval of the County Attorney, and review and approval by all applicable staff.
- J.** Miscellaneous Budget Amendment 003 (memorandum dated December 3, 2014) 133-139
Approved Resolution 2014-116, amending the Fiscal Year 2014-2015 budget.
- 9:11 a.m. K.** Florida Department of Transportation (FDOT) Maintenance Memorandum of Agreement (MMA) and Authorizing Resolution for Landscape Maintenance on US1 from the St. Lucie County/Indian River County Line (M.P. 0.000) to 140-186

just North of 11th Lane S.W. (M.P. 1.856)
(memorandum dated November 26, 2014)

Vice Chairman Solari pulled this item to reiterate that when the State builds or widens roads, like US1 in South County, the County eventually takes over its maintenance and expense, which increases operational costs in the budget. He thanked the Department of Transportation for their excellent management of traffic flow during the maintenance on US1.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner Flescher, to approve Resolution 2014-117, authorizing the execution of District Four Landscape Maintenance Memorandum of Agreement (MMOA) for SR-5 (US-1) from the St. Lucie County/Indian River County Line (M.P. 0.000) to just north of 11th Lane S.W. (M.P. 1.856).

Commissioners echoed Vice Chairman Solari's comments.

The Chairman **CALLED THE QUESTION** and the Motion carried unanimously.

- L.** Request for Authorization to Transfer Two County Donated Surplus Properties to Every Dream Has a Price, Inc. for Affordable Housing and to Grant a One Year Extension to Habitat for Humanity to Build an Affordable Home on a Remaining County Donated Lot

(memorandum dated December 2, 2014)

187-200

Approved Resolution 2014-118, authorizing Indian River County Habitat for Humanity, Inc. to transfer two lots donated by Indian River County declared surplus properties within Geoffrey Subdivision to Every Dream Has a Price, Inc. with the provision of construction of affordable housing and to allow Every Dream Has A Price, Inc. 3 years to build on those properties, and to give the one remaining a one year extension to Habitat for Humanity, to build on the one remaining donated lot within Smith Plaza Subdivision.

- M.** Declare Excess Equipment Surplus for Trade-In

(memorandum dated December 1, 2014)

201-209

Declared asset 24254 (purchased in July of 2007 for \$1,544.25) and the second unit (non-asset) X00-204800 surplus, and authorized the Animal Control Division to destroy them for a total \$110 discount on the purchase of two new TASERS.

- N.** Change Order 1 – Weller Pools LLC Comprehensive Repairs to North County Aquatic Centers

(memorandum dated December 2, 2014)

210-211

Approved and authorized the Chairman to execute Change Order No. 1 with Weller Pools, LLC; and approved the corresponding Budget Amendment in the amount of \$7,875.00.

- O. Approval of Sovereign Immunity Language in Easement and Bill of Sale of Utility Facilities from the School Board of Indian River County to Indian River County with Respect to the Treasure Coast Elementary School (memorandum dated December 1, 2014) 212-219
Approved the Easement and Bill of Sale of Utility Facilities with the School Board of Indian River County, with the added unilateral indemnification with regard to sovereign immunity, authorized the Chairman to execute same; and authorized any changes so long as they are approved by the County Attorney.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

None

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

None

B. PUBLIC DISCUSSION ITEMS

None

C. PUBLIC NOTICE ITEMS

**9:25
a.m.**

- 1. **Notice of Scheduled Public Hearing December 16, 2014:**
 Notice of Scheduled Public Hearing to Consider a Potential Project for a Community Development Block Grant (CDBG) (memorandum dated December 2, 2014) 220

- 2. **Notice of Public Meeting December 17, 2014:**
 Public Notice of Florida Governmental Conflict Resolution Process Mediation Scheduled for December 17, 2014 (memorandum dated December 2, 2014) 221
Attorney Reingold read the Notices into the record. He thereafter wanted to know which Commissioner would be representing the Board of County Commissioners at the December 17th Mediation, and was informed by the Chairman that Commissioner O'Bryan would be continuing to serve as the Representative.

11. COUNTY ADMINISTRATOR MATTERS

- A. Update on Joint Meeting Regarding All Aboard Florida (memorandum dated December 3, 2014) 222

**9:26
a.m.**

Administrator Baird announced that the proposed joint meeting of the Boards of County Commission for Indian River County, Martin County, and St. Lucie County was tentatively scheduled for Tuesday, January 13,

2015, at the St. Lucie County Fenn Center, Fort Pierce, FL, to discuss the impacts of the All Aboard Florida rail expansion project. He thereafter voiced concern over a law that may not allow our Board to have a meeting outside the County.

Attorney Reingold said that after the invitation from St. Lucie County, the three Counties had a staff meeting regarding the potential Sunshine Law challenge of having a Board meeting outside the jurisdictional limits of Indian River County, and they felt it would be appropriate and would meet the balancing test described in the case law. He wanted to present this to the Commissioners, so they would know about the risk, should there be a challenge over the controversial issue with All Aboard Florida. Based upon the risk principle, he wanted to know if the Board wanted to consider having the staffs of the three counties continue in discussions.

Discussions ensued regarding the risk concept; appointing a member of the Board of County Commissioners to be part of a collaborative discussion with other members of other Boards; consideration of a workshop in lieu of a joint meeting; the goal to present similar concerns of the three Counties; and options for moving forward.

Attorney Reingold wanted to know what options the Board wished for staff to pursue, in order to avoid the implication of the Sunshine Law.

Commissioner O'Bryan believed any reasonable person would find it appropriate for the Boards to meet and discuss a regional issue as long as the meeting was publicly noticed, would not be a burden for the public to attend, would allow for public input, and be televised. He was willing to take the "risk."

Administrator Baird said he would bring this item back to the Board after staff finds out what Martin County plans to do.

B. Discussion on Cancelling February 3, 2015 Meeting
(memorandum dated December 3, 2014)

223

9:43
a.m.

Administrator Baird informed the Board that the next Public Service Commission (PSC) Hearing was scheduled for Tuesday, February 3, 2015, which is the same date as the regular scheduled Board of County Commission meeting. He recommended the Board cancel the Board of County Commission meeting of February 3, 2015, so Commissioners could attend the PSC Hearing.

Commissioner O'Bryan clarified events from the previous PSC meeting, the discussions that took place, and stressed that there were no Sunshine Law violations.

ON MOTION by Commissioner Zorc, **SECONDED** by Commissioner Flescher, the Board unanimously approved to cancel the February 3, 2015 Board of County Commission meeting, so the Commissioners could attend the Public Service Commission Hearing in Tallahassee, FL.

12. DEPARTMENTAL MATTERS

A. Community Development

None

B. Emergency Services

None

C. General Services

None

1. Human Services

None

12. DEPARTMENTAL MATTERS

C. General Services

2. Sandridge Golf Club

None

3. Recreation

None

D. Human Resources

None

E. Office of Management and Budget

None

F. Public Works

- 1.** Award of Bid No. 2014052, Indian River County Intergenerational Recreation Facility at South County Regional Park, Phase I, IRC Project No. 1135

(memorandum dated November 25, 2014)

224-234

**9:49
a.m.**

Public Works Director Chris Mora provided background, and presented Bid No. 2014052 for a proposed Intergenerational

Recreation Facility to be constructed at South County Regional Park, and used for basketball, volleyball, and other gymnasium activities. He said Phase 1 of the project would include constructing a 37,753 square foot building and 209 parking spaces on the 13½ acre site, with approximately 26,120 square feet of building space for Phase 2, should the County decide to expand at a later date. He requested the Board award the bid to Kast Construction, LLC, for a bid amount of \$10,676,278.03.

Director Mora used an overhead slide to show and respond to questions regarding the facility, multi-purpose activity rooms, the covered patio, event lawn, and green space.

Administrator Baird said the open fields project would be brought back to the Board for approval at a later date.

Commissioner Zorc did not think the design of the gymnasium was attractive, felt it would look out of place in the South County Regional Park neighborhood, and confirmed that it would meet hurricane standards.

Discussion ensued regarding the different aspects of the project, the functionality of the building, keeping costs down, the additional expense of the flooring to make it tournament ready, and the Contractors' bonding capacity.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Flescher, to approve the bid award to Kast Construction Company, LLC for the construction of the Intergenerational Recreation Facility at South County Regional Park for a bid amount of \$10,676,278.03; approved the sample Agreement; and 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.

Bob Johnson, Coral Wind Subdivision, sought and received information regarding the construction timeframe and potential occupants.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

G. Utilities Services

None

13. COUNTY ATTORNEY MATTERS

None

14. COMMISSIONERS MATTERS

A. Commissioner Wesley S. Davis, Chairman

None

B. Commissioner Bob Solari, Vice Chairman

None

C. Commissioner Joseph E. Flescher

None

14. COMMISSIONERS MATTERS

D. Commissioner Peter D. O'Bryan

None

E. Commissioner Tim Zorc

None

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

None

B. Solid Waste Disposal District

None

C. Environmental Control Board

None

16. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at **10:15 a.m.**

ATTEST:

Jeffrey R. Smith, CPA, CGFO, CGMA
Clerk of Circuit Court and Comptroller

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: _____

BCC/LA/2014Minutes