

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



**REGULAR MEETING MINUTES
TUESDAY, APRIL 14, 2015**

Commission Chambers
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	Present
Bob Solari, Vice Chairman	District 5	Present	Dylan Reingold, County Attorney	Present
Joseph E. Flescher	District 2	Present	Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller	Present
Peter D. O'Bryan	District 4	Present		
Tim Zorc	District 3	Present	Terri Collins-Lister, Deputy Clerk	Present

<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> Deputy Teddy Floyd, Indian River County Sheriff's Department	
3.	<u>PLEDGE OF ALLEGIANCE</u> Commissioner Joseph E. Flescher	
4.	<u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u>	
9:01 a.m.	<p>Move: Commissioner Matters Item 14.B.1. to be heard following Item 5.C.</p> <p>Add: Emergency Item: Commissioners Matters 14.D.1. - Medicaid Cap</p> <p>Add: Item 15.A.1. Emergency Services District Update on Fire Stations</p> <p><u>ON MOTION</u> by Commissioner Flescher, <u>SECONDED</u> by Vice Chairman Solari, the Board unanimously approved the agenda as amended.</p>	

5. **PROCLAMATIONS and PRESENTATIONS**

9:04
a.m.

A. Presentation of Proclamation Designating the Week of April 12 Through April 18, 2015 As National Public Safety Telecommunications Week
Commissioner Flescher read and presented the Proclamation to Sheriff Deryl Loar, Sandy Fox, Shelly Wright, Captain John Burdock and Lieutenant Mark Buffington of the Indian River County Sheriff's Office.

1

9:15
a.m.

B. Presentation of Proposed Museum Area by Old Vero Ice Age Sites Committee Board Members Bill Oufiero and Dann Jacobus
Bill Oufiero, Old Vero Ice Age Sites Committee (OVIASC) Board Member, asked the Board for their consideration to display an Exhibit on the second floor at the County Administration Building "A" of the fossils, bones, and artifacts found at the Old Vero Ice Age Sites.

2-6

MOTION WAS MADE by Commissioner Flescher, SECONDED by Chairman Davis, to direct staff to work with the Old Vero Ice Age Committee for an exhibit to be displayed at the Indian River County Administration Building "A", Second Floor.

Commissioner Solari was concerned how long they planned to display the exhibit.

Mr. Oufiero advised that the OVIASC's goal was to have a museum in ten years. Vice Chairman Solari was concerned with housing the display more than a year, and suggested having a renewal option after a year.

MOTION WAS AMENDED by Commissioner Flescher, SECONDED by Chairman Davis, with the caveat that there is a renewal option for the exhibit after it has been housed at the Administration Building for one year.

The Board discussed the one-year renewal option and Attorney Reingold offered to draw up a hold harmless agreement with the OVIASC in regards to the exhibit.

The Chairman **CALLED THE QUESTION** on the Amended Motion, and the Board unanimously approved to direct staff to work with the Old Vero Ice Age Committee for an exhibit to be displayed at the Indian River County Administration Building "A", second floor, with a renewal option after a one-year period.

9:20
a.m.

- C. Presentation on Joint Legislative Audit Committee Meeting of March 30, 2015, by Glenn Heran
Glenn Heran, 1964 Grey Falcon Circle SW, in his PowerPoint Presentation discussed: 1) Why the proposed sale of the City of Vero Beach Electric to Florida Power & Light (FPL), and what was the delay in the sale; 2) An update on the State of Florida Legislature regarding the Florida Municipal Power Agency (FMPA) audit; and 3) Why a valuation of the FMPA was essential to public transparency and understanding FMPA exit costs.

Board comments followed and it was the Board's CONSENSUS to place Mr. Heran's PowerPoint Presentation on the County's website.

Vice Chairman Solari summarized Mr. Heran's PowerPoint Presentation and the issue in one paragraph, "The sale of Vero Electric to FPL has been blocked because the FMPA has set a copious and arbitrary exit price of \$52 million, which is why a rational objective valuation of FMPA's assets is necessary, in order to establish an exit price for Vero Beach".

Dr. Stephen Faherty recommended asking the Florida Legislature to do an expanded audit for the Auditor General and include a fair market valuation of the power generation assets.

Chairman Davis wanted valuation of each municipality's share of FMPA, instead of an audit.

General discussion ensued on the makeup of the FMPA Board and laying the groundwork with the Legislature to get a valuation of each municipality's share of the FMPA. Chairman Davis suggested Mr. Heran's PowerPoint Presentation and his 2014 FMPA Value Asset Spreadsheets be forwarded to other counties under FMPA to start the conversation.

6. **APPROVAL OF MINUTES**

None

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

None

8. **CONSENT AGENDA**

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, the Board unanimously approved the Consent Agenda, pulling Items 8F and 8H for discussion.

- 10:13 a.m.
- A. Approval of Warrants – March 28, 2015 to April 2, 2015 (memorandum dated April 2, 2015) 7-13
Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.

 - B. Out-Of-County Travel to Attend a TEFRA Hearing in Tallahassee (memorandum dated April 7, 2015) 14-16
Approved out of County travel for Commissioners and staff to attend the Tax Equity and Fiscal Responsibility Act Hearing in Tallahassee on April 20, 2015 at 9:00 a.m.

 - C. Full Release of Retainage for Ecological Associates, Inc., Work Order No. 4 – Sector 3 Beach Restoration – 2014 Post Construction Monitoring Services (memorandum dated April 7, 2015) 17-19
Approved the release of all withheld retainage for Work Order No. 4 to Ecological Associates, Inc., in the amount of \$32,119.40

 - D. Release of Retainage for Ecological Associates, Inc., Work Order No. 5 – Sector 3 Dune Repair Project – Late Season Sea Turtle Monitoring Services (memorandum dated April 7,2015) 20-22
Approved the release of all withheld retainage for Work Order No. 5 to Ecological Associates, Inc., in the amount of \$1,935.25

 - E. Work Order No. 1 – Engineering – Carter Associates, Inc., 41st Street/US1 Intersection Improvements, Indian River Project No. 1359 (memorandum dated March 30, 2015) 23-35
Approved Work Order No. 1 to Carter Associates, Inc. for professional services as outlined in the Scope of Services and authorized the Chairman to execute same, for a lump sum amount of \$86,645.00.

 - F. Work Order No. 2 – Carter Associates, Inc., 74th Avenue – Oslo Road to 12th Street Design Survey, Indian River County Project No. 1417 (memorandum dated March 27, 2015) 36-46
Commissioner O’Bryan stated there was a motion made at the Metropolitan Planning Organization Meeting to direct staff to do a detailed analysis of the traffic flow on 43rd Avenue and eventually looking at extending the grid in the Southwest portion of the County to offer additional bypass routes. He said it would cost an additional \$22,000 to extend the design survey with Carter and
- 10:15 a.m.

Associates, Inc., from 74th Avenue – Oslo Road to 17th Street SW amending the work order from \$56,780.00 to \$78,780.00, available through the Secondary Roads Gas Tax Trust Fund.

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Solari, the Board unanimously approved and authorized the Chairman to execute Work Order No. 2 to Carter Associates, Inc., amending the scope of services and extending the design survey to 17th Street SW in the amount of \$22,000 and authorized the County Administrator the power to act.

- G. Request for Project Administration Consultant Approval for the New Main Transit Hub
(memorandum dated March 26, 2015) 47-74
Approved the selection of CivilSurv Design Group, Inc. as the project administration consultant for GoLine’s new main transit hub, and authorized the Chairman to execute the same.

- H. Professional Architectural and Engineering Services for Indian River County Go-Line Bus Transfer Hub Facility, 1235 16th Street, Vero Beach, RFQ No. 2014016 – IRC Project No. 1330
(memorandum dated March 25, 2015) 75-97
Commissioner Zorc stated the County had extended their Go-Line Bus Transfer Lease with the Vero Beach Municipal Airport and inquired on the targeted completion date of the new hub facility.

County Administrator Joe Baird stated the lease with the airport was extended to May 7, 2017, in case of any delays with the new Go-Line Bus Transfer Hub Facility and anticipated a completion date in April 2017.

ON MOTION by Commissioner Zorc, SECONDED by Commissioner Flescher, the Board unanimously approved the proposed agreement with Schulke, Bittle, and Stoddard, LLC, in the amount of \$159,550.00 and authorized the Chairman to execute the same.

- I. Request for Use of Holman Stadium for Annual Sawbones vs. Jawbones Event to be held on May 30, 2015
(memorandum dated April 1, 2015) 98-110
1) Approved the Indian River County Bar Association, Inc.’s request for use of Holman Stadium for Annual Sawbones versus Jawbones Event and waiver of the standard security deposit; 2) Approved the Indian River County Holman Stadium Use Agreement and authorized the Chairman to execute the same upon receipt of the fully executed original Agreement including proof of liability insurance.

- J. Request for purchase of Sodium Hypochlorite Tanks for the Central & West Regional Wastewater Facilities (memorandum dated April 6, 2015) 111-112
Approved to waive the requirement for bids and authorized the Purchasing Department to issue a Purchase Order to Ryan Herco Flow Solutions for \$80,524.32 for the purchase of three 6,500 gallon Snyder Captor tanks and three Snyder 5,500 gallon VST HDLPE tanks.

- K. Amendment No. 1 to W.O. No. 8 – Engineering Services for a New Package Waste Water Treatment Facility at the Blue Cypress Wastewater Treatment Plant UCP-4107 (memorandum dated March 30, 2015) 113-119
Approved Amendment No. 1 to Work Order No. 8 to Masteller & Moler, Inc., for professional services for a Blue Cypress New Replacement Package Wastewater Treatment Facility in the amount of \$9,620.00, and authorized the Chairman to execute the same.

- L. Miscellaneous Budget Amendment 011 (memorandum dated March 31, 2015) 120-124
Approved RESOLUTION NO. 2015-048 amending the Fiscal Year 2014-2015 Budget.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

10:19
a.m.

A. **Indian River County Sheriff Deryl Loar**

Mental Health Court Update
(letter dated April 7, 2014)

125

Sheriff Deryl Loar updated the Board on the Mental Health Court which opened on January 27, 2015, and meets on every other Thursday. He was happy to report that during the first quarter, the program has served a total of 15 clients to date and they were no longer in jail.

Sheriff Loar reviewed the Mental Health Court process and expenses. He indicated the Indian River County Sheriff’s Office submitted an application for the Second Chance Act Reentry Program for potential funding in the amount of \$231,575; however, there were over 100 applicants and only six grants would be awarded.

Sheriff Loar concluded Mental Health Court so far was a success and indicated if every County in the State of Florida had a Mental Health Court there would be reductions in crime and the costs of incarcerating the mentally ill in jails or prisons.

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

None

B. **PUBLIC DISCUSSION ITEMS**

(As a general rule, public discussion items should be limited to matters on which the commission may take action.)

1. Request to Speak from Deann Ferrell, Career Source Research Coast Youth Connections, Regarding Space for Youth Program in Vero Beach

10:26
a.m.

Deann Ferrell, with Henkels and McCoy, represents the Career Source Research Coast Youth Connections Program, which serves 16 to 21 year-old young adults to provide access to services and activities that connect youth to jobs and college. She inquired if the County had an 800 to 1000 square foot space for the Youth Program at the Adult Education Center in Gifford, because their current location at the Harvest Food and Outreach was not conducive to the demographics they serve.

126

Vice Chairman Solari suggested Ms. Ferrell pursue the Indian River County School District for a possible location for the Youth Connections Program.

Chairman Davis offered to follow up with Ms. Ferrell.

Clerk's Note: The Board broke from the regular Board of County Commission Meeting at 10:30 a.m. to conduct the Attorney-Client-Session, and returned at 11:23 a.m. to continue with Item 12.E.1.

C. **PUBLIC NOTICE ITEMS**

None

11. **COUNTY ADMINISTRATOR MATTERS**

None

12. **DEPARTMENTAL MATTERS**

A. **Community Development**

None

12. **DEPARTMENTAL MATTERS**

B. **Emergency Services**

C. **General Services**

None

1. **Human Services**

None

2. **Sandridge Golf Club**

None

3. **Recreation**

None

D. **Human Resources**

None

E. **Office of Management and Budget**

11:23
a.m.

1. Distinguished Budget Presentation Award Fiscal Year 2014/2015 (memorandum dated April 6, 2015)

127-131

Management and Budget Director Jason Brown announced that the Government Finance Officers Association (GFOA) has presented the Distinguished Budget Presentation Award to the County for the twenty-fourth consecutive year, and that the County's annual budget document was also accorded Special Performance Measures Recognition.

The Board and County Administrator Joe Baird commended Budget Director Brown and his staff for a job well done.

F. **Public Works**

None

G. **Utilities Services**

None

13. **COUNTY ATTORNEY MATTERS**

A. **Time Certain 10:30 a.m. Attorney-Client Session:**

Ocean Concrete and George Maib vs. Indian River County, pending in the Circuit Court of the Nineteenth Judicial Circuit, Case No. 2007011589-CA17

(memorandum dated April 6, 2015)

132

10:30
a.m.

The Chairman read into the record the opening remarks of the Attorney-Client Session scheduled for 10:30 a.m. The estimated time of this session was 30 minutes. Those in attendance were Commissioners Wesley S. Davis, Bob Solari, Peter D. O'Bryan, Joseph E. Flescher, and Tim Zorc. Also present were County Attorney Dylan Reingold, County Administrator Joseph A. Baird, and Certified Court Reporter Greg Campbell.

(Clerk's Note: the session lasted for 53 minutes, extending beyond the estimated time of 30 minutes).

The Board reconvened in the Chambers at 11:23 a.m., and the Chairman terminated the Attorney-Client Session and opened the regular Board meeting, with all members present.

B. Interlocal Agreement with City of Vero Beach on Dodgertown Golf Course

(memorandum dated April 6, 2015)

133-161

11:29
a.m.

Attorney Reingold presented and detailed the Interlocal Agreement with the City of Vero Beach (The City) on Dodgertown Golf Course, which was approved at the April 7, 2015 City Council Meeting.

The Board sought and received information regarding the release of certain contractual land use restrictions encumbering the Dodgertown Golf Course property; the City's vision for the future; and the possible impacts to the property.

Vice Chairman Solari expressed his hesitation related to the City's obligation and referred to page 3 of 6 in the Interlocal Agreement, Section B – City Obligations, Number 4, says, "...shall maintain compatibility with the County's Baseball Facilities and other proposed uses on the adjacent County property". Vice Chairman Solari wanted to ensure that the County would not be faced with complaints about noise/lights coming from Dodgertown, from prospective future residents living on the property that had been acquired by the City.

Community Development Director Stan Boling addressed the concerns of the Board and indicated the County and the City Property for the Sports Complex had the same zoning. In discussions he had with City staff, he related that the compatibility condition in the Interlocal Agreement puts the County in the position

of being a reviewing agency.

Vice Chairman Solari questioned if the County Administrator or staff was confident that the Interlocal Agreement would not require the County to change its present uses on the County's property, and Administrator Baird stated staff used the strongest possible language to address those concerns.

ON MOTION by Vice Chairman Solari, **SECONDED** by Chairman Davis, the Board unanimously approved the Interlocal Agreement with the City of Vero Beach on Dodgertown Golf Course and authorized the Chairman to execute the same.

(Clerk's Note: this property was formerly known as Vero Beach Sports Village)

Attorney Reingold thanked Director Boling and Public Works Director Chris Mora for their work on negotiating the terms in the Interlocal Agreement.

14. COMMISSIONERS MATTERS

A. Commissioner Wesley S. Davis, Chairman

None

B. Commissioner Bob Solari, Vice Chairman

**10:08
a.m.**

1. Auditor General and Florida Municipal Power Agency (FMPA) (memorandum dated April 8, 2015)

162-163

Vice Chairman Solari asked for the Board's approval to send a letter signed by the Chairman on behalf of the Board: 1) to the Chairman of the Joint Legislative Auditing Committee (JLAC) along with a copy of the letter to all of its members supportive of their review of the Auditor General's audit of FMPA, and their efforts seeking implementation of five actions outlined in the Florida Tax Watch report; and 2) a Thank You letter to State Representative Debbie Mayfield for: a) her work on the JLAC; and b) requesting an analysis report from Florida Tax Watch regarding the FMPA's audit.

Vice Chairman Solari gave a brief overview of his proposed letter to be sent to the JLAC Chairman and asked for the Board's consideration to place links of the video from the Joint Legislative Auditing Committee Meeting on the Indian River County Website.

A discussion ensued during which Chairman Davis recommended sending a Thank You Letter to Florida Tax Watch.

ON MOTION by Vice Chairman Solari, SECONDED by Chairman Davis, the Board unanimously approved to authorize the Chairman on behalf of the Board: 1) to send supportive letters and to request the implementation of the five actions outlined in the Florida Tax Watch report to the Chairman and Members of the Joint Legislative Auditing Committee; 2) to send Thank you letters to State Representative Debbie Mayfield, and Florida Tax Watch; and 3) to place links of the video from the Joint Legislative Auditing Committee Meeting on the Indian River County Website.

C. Commissioner Joseph E. Flescher

None

D. Commissioner Peter D. O'Bryan

1. Add: Medicaid Cap

Commissioner O'Bryan said the Medicaid Cap was an action alert from the Florida Association of Counties (FAC). He recapped that the County was transitioning on how the State is reimbursed for Medicaid charges, going from an actual cost allocation to an enrollment formula. He added that some of the counties' cost share would increase significantly, and the FAC was trying to work with the legislature to ask for a 3% cap each year on the growth of the individual Medicaid cost.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, the Board unanimously approved the County Attorney to draft a Resolution requesting a 3% cap and bring back to the Board at their April 21, 2015 meeting for formal action.

E. Commissioner Tim Zorc

None

11:44
a.m.

15. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

11:45
a.m.

The Board reconvened as the Board of Commissioners of the Emergency Services District. Those Minutes are available separately.

1. **Add: Update on Fire Stations**

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 **11:54 a.m.**

ATTEST:

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

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: May 5, 2015

BCC/TCL/2015Minutes