



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

COMMISSION AGENDA

TUESDAY, AUGUST 22, 2006 - 9:00 A.M.

**County Commission Chamber
County Administration Building
1840 25th Street. Vero Beach, Florida, 32960-3365
WWW.IRCGOV.COM**

COUNTY COMMISSIONERS

**Arthur R. Neuberger, Chairman
Gary C. Wheeler, Vice Chairman
Sandra L. Bowden
Wesley S. Davis
Thomas S. Lowther**

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

**Joseph A. Baird, County Administrator
William G. Collins II, County Attorney
Kimberly Massung, Executive Aide to BCC
Jeffrey K. Barton, Clerk to the Board**

- | | | <u>PAGE</u> |
|-----------|--|------------------------------------|
| 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> |
| 2. | <u>INVOCATION</u> | Pastor Roger Ball, Immanuel Church |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Sandra L. Bowden |
| 4. | <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | |
| 5. | <u>PROCLAMATIONS AND PRESENTATIONS</u> | |
| A. | Presentation of Proclamation to Indian River County Board of County Commissioners by Representative Stan Mayfield, Florida House of Representatives, District 80 | 1 |

5.	<u>PROCLAMATIONS AND PRESENTATIONS (CONT'D.)</u>	<u>PAGE</u>
	B. Presentations by Larry Wapnick, President, Veterans Council of Indian River County	2
	1. Plaque to Indian River County Shooting Range	
	2. Commissioner's Cup to Marine Corp. League	
	C. Presentation by Jane R. Coyle, Chair, The Mental Health Collaborative of Indian River County	3-5
	D. Recognition of Good Samaritan – A Letter from the Director	6-7
	E. Presentation by Barbara Hoffman, Chairman, Vero Beach Book Festival	8
6.	<u>APPROVAL OF MINUTES</u>	
	A. July 11, 2006 Regular Meeting	
	B. July 12, 2006 Budget Workshop	
	C. July 18, 2006 Regular Meeting	
	D. July 21, 2006 Special Call Meeting	
7.	<u>CONSENT AGENDA</u>	
	A. Reports Placed on File in the Office of the Clerk to the Board:	
	1. Report of Convictions month of June 2006	
	2. St. Johns River Water Management District – Tentative Budget for FY 2006-2007 (CD Format)	
	3. Sebastian Inlet District Commission – Annual Financial Report FY 2004-2005	
	B. Quarterly Investment Report (memorandum dated July 31, 2006)	9-21

7.	<u>CONSENT AGENDA (CONT'D.)</u>	<u>PAGE</u>
C.	Dori Slosberg Driver Education Safety Act, Indian River County Traffic Education Program Trust Fund (memorandum dated August 9, 2006)	22-23
D.	Approval of Warrants July 7-13, 2006 (memorandum dated July 13, 2006)	24-30
E.	Approval of Warrants July 14-20, 2006 (memorandum dated July 20, 2006)	31-39
F.	Approval of Warrants July 21-27, 2006 (memorandum dated July 27, 2006)	40-48
G.	Approval of Warrants July 28 – August 3, 2006 (memorandum dated August 3, 2006)	49-54
H.	Approval of Warrants August 4 – 10, 2006 (memorandum dated August 10, 2006)	55-63
I.	Town of Orchid Alternates to County Committees (memorandum dated August 10, 2006)	64-65
J.	Resignation from Code Enforcement Board (memorandum dated August 14, 2006)	66-67
K.	Resignation from the Beach and Shore Preservation Advisory Committee (memorandum dated August 2, 2006)	68-69
L.	Appointment to the Beach and Shore Preservation Advisory Committee (memorandum dated August 2, 2006)	70-74
M.	Appointment Metropolitan Planning Organization Citizens Advisory Committee (MPOCAC) (memorandum dated August 2, 2006)	75-78
N.	Out of County Travel for Commissioners and Staff to Attend the 2006 Florida Ethics Conference and Attorney General's Sunshine Summit (memorandum dated August 3, 2006)	79-85
O.	Out of County Travel to Attend the 50 th Annual Conference of the Florida Shore & Beach Preservation Association (memorandum dated August 7, 2006)	86-94

7.	<u>CONSENT AGENDA (CONT'D.)</u>	<u>PAGE</u>
P.	Out of County Travel - The 31 st Annual Conference on Water Management (memorandum dated August 7, 2006)	95-101
Q.	Retirement Award and Proclamation to Harry Gilbert For Eleven Years of Service Dated July 31, 2006	102-103
R.	Retirement Award and Proclamation to Robert MacGraw For Twelve Years of Service Dated July 31, 2006	104-105
S.	Retirement Award and Proclamation to Richard Wagner For Thirteen Years of Service Dated July 31, 2006	106-107
T.	Retirement Award and Proclamation to Roger Scott Harrington For Thirty- Three Years of Service Dated August 31, 2006	108-109
U.	Approval of Renewal for a Class E1 Certificate of Public Convenience and Necessity for The Place at Vero Beach, Inc. to Provide Non-Emergency Wheelchair Services (memorandum dated July 17, 2006)	110-122
V.	43 rd Ave Sub Complex – Change Order #5 (memorandum dated July 24, 2006)	123-125
W.	Veterans Council Reimbursement Request Purchase of Van (memorandum dated July 31, 2006)	126-128
X.	Affidavit of Publication with Notice of Unclaimed Moneys (memorandum dated August 8, 2006)	129-130
Y.	Permission to Advertise for Ordinance Amending the Definition of Allowable Water Activities in a Park or Recreational Area (memorandum dated August 14, 2006)	131
Z.	Permission to Advertise for Ordinance Amending Section 305.09 of The Code to Increase the Fine under the Dori Slosberg Driver Education Safety Act (memorandum dated August 14, 2006)	132
AA.	Approval of Construction Grant Agreement (memorandum dated July 24, 2006)	133-147
BB.	Resolutions Requested by the Board (memorandum dated July 14, 2006)	148-154

7.	<u>CONSENT AGENDA (CONT'D.)</u>	<u>PAGE</u>
	CC. Ratification of Documents Executed by County Administrator or Designee, on Behalf of the Board of County Commissioners, Under Authority of Resolution No. 2006-089, Between July 18 th and August 16, 2006 (memorandum dated August 16, 2006)	155-175
	DD. Point-O-Woods Subdivision Water Assessment Project Approval of Final Payment to Contractor and Release of Retainage (memorandum dated July 11, 2006)	176-180
	EE. Declare Excess Equipment Surplus for Sale or Disposal (memorandum dated August 15, 2006)	181-187
	FF. Approval of Bid Award for IRC Bid # 2006078 Vibratory Compactor – Utilities Department (memorandum dated July 31, 2006)	188-197
	GG. Approval of Bid Award for IRC Bid # 2006077 Wheel Loader – Utilities Department (memorandum dated July 31, 2006)	198-206
	HH. Approval of FEMA Hazardous Mitigation Grant Program Grant for the Rockridge Subdivision Surge Protection Project (memorandum dated August 15, 2006)	207-254
	II. Approval of Florida Legislative Project Grant Agreement for Egret Marsh Regional Stormwater Park (memorandum dated July 28, 2006)	255-276
	JJ. Change to Purchasing Card Policy Single Purchase Limits (memorandum dated August 14, 2005)	277-289
	KK. Approval of Bid Award for IRC Bid # 2006090 Annual Bid for Instrument Control Tech for Two Water Treatment Plants (Re-Bid) Utilities Department, Wastewater Treatment Division (memorandum dated August 9, 2006)	290-297
	LL. Citrus Best Management Practices Cost Share Contracts (memorandum dated August 14, 2006)	298-344
	MM. Approval of Annual Bid Award Extension for IRC Bid # 2006031 Annual Bid for Polymer – Utilities Department, Wastewater Treatment Division (memorandum dated August 9, 2006)	345-348

7.	<u>CONSENT AGENDA (CONT'D.)</u>	<u>PAGE</u>
	NN. Approval of Bid Award for IRC Bid # 2006089 40 Cubic Yard Roll Off Containers – Utilities Department, Solid Waste Disposal District (memorandum dated August 3, 2006)	349-357
	OO. Peter Sutherland Request for Partial Release of Easement at 2335 13 th St SW (Oslo Park Sub Unit 6) (memorandum dated August 15, 2006)	358-362
	PP. Request for Board Approval of a Community Development Block Grant (CDBG) Housing Rehabilitation Bid (memorandum dated August 14, 2006)	363-365
	QQ. Westfield of Vero Development Company's Request for Final Plat Approval for a Subdivision to be Known as Westfield (memorandum dated August 3, 2006)	366-388
	RR. Adoption of National Incident Management System (memorandum dated August 15, 2006)	389-391
	SS. Addendum to: Work Order No. 6, Carter Associates, Inc. For: IRC Hobart Park Maintenance Complex Project No. 0623 (memorandum dated August 22, 2006)	392-396
	TT. CR512, Phase III, CR 510 – Project #9611 & 0001 Bid Number 2006065 Change Order #3 (memorandum dated August 14, 2006)	397-400
	UU. Seasons, P.D. Extension to Complete Remaining Sidewalks (memorandum dated August 15, 2006)	401-410
	VV. Work Order #4 Applied Technology and Management Inc. Mitigation Reef Biological Monitoring (memorandum dated August 1, 2006)	411-425
	WW. Professional Engineering Services Agreement, CR 512 Corridor Improvements – IRC Project No. 9611 Addendum No. 11 (Masteller & Moler, Inc.) (memorandum dated August 10, 2006)	426-429
	XX. Change Order No. 1 with Indian River Industrial Contractors Inc. for Additional Work on the Central Plant Expansion UCP #2347 (memorandum dated July 31, 2006)	430-436

7.	<u>CONSENT AGENDA (CONT'D.)</u>	<u>PAGE</u>
	YY. Miscellaneous Budget Amendment 020 (memorandum dated August 16, 2006)	437-446
	ZZ. Appointment on the Conservation Lands Advisory Committee (CLAC) (memorandum dated August 15, 2006)	447-453
	AAA. Acceptance Change Order No. 15, for the New County Administration Building (memorandum dated August 16, 2006)	454-465
	BBB. Approval of Bid Award for IRC Bid # 2006075 Crystal Sands Subdivision Water Assessment Project (memorandum dated August 7, 2006)	466-480
8.	<u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u>	
	None	
9.	<u>PUBLIC ITEMS</u>	
	A. <u>PUBLIC HEARINGS</u>	
	1. JDC Florida Inc.'s request to rezone 7.68 acres from RS-6 to RM-6 (memorandum dated August 9, 2006)	481-497
	Quasi-Judicial	
	2. Proposed Settlement of Lawsuit, Treviso, LLC v. Indian River County, Public Hearing on Request for Rezoning Approval (memorandum dated August 14, 2006)	498-558
	Quasi-Judicial	
	3. Value Concepts, Inc.'s Request for Special Exception Use Approval to Construct a Wireless Communications Tower (memorandum dated August 7, 2006)	559-580
	Quasi-Judicial	
	4. Consideration of Proposed Amendment to the Subdivision Construction and Maintenance Security Regulations of LDR Section 913.10 (memorandum dated August 15, 2006)	581-609
	Legislative	

9.	<u>PUBLIC ITEMS (CONT'D.)</u>	<u>PAGE</u>
A.	<u>PUBLIC HEARINGS (CONT'D.)</u>	
5.	Consideration of Proposed Amendment to the Small Lot Subdivision Regulations of LDR Section 971.41(9) (memorandum dated August 15, 2006)	610-664
	Legislative	
6.	Consideration of Amendments to the Right-of-Way Requirements of LDR Section 952.08 (memorandum dated August 15, 2006)	665-684
	Legislative	
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 Joe T. Wiggins Regarding the 11 th Street SW Paving Project (letter undated)	685
2.	Request to Speak from Eugene Perna Regarding Codes, Code Enforcement and the Enforcement of Codes (e-mail dated August 9, 2006)	686
3.	Request to Speak from Cherrise Livingston Regarding IRC residents paying City of Vero Beach Utilities (e-mail dated August 9, 2006)	687
C.	<u>PUBLIC NOTICE ITEMS</u>	
1.	None	
10.	<u>COUNTY ADMINISTRATOR'S MATTERS</u>	
	None	

11.	<u>DEPARTMENTAL MATTERS</u>	<u>PAGE</u>
A. <u>Community Development</u>		
1.	Request for Approval of a Resolution Endorsing Abilities Resource Center (ARC) of Indian River County as a Sponsoring Agency Under the Florida Enterprise Zone Community Contribution Tax Credit Program (memorandum dated August 8, 2006)	688-728
<hr style="border-top: 1px dashed black;"/>		
2.	Consideration of Resolution Acknowledging Terms of Advanced Construction Agreement for SR60 (memorandum dated August 3, 2006)	729-734
<hr style="border-top: 1px dashed black;"/>		
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>		
None		
H. <u>Recreation</u>		
None		

11.	<u>DEPARTMENTAL MATTERS (CONT'D.)</u>	<u>PAGE</u>
	<u>I. Public Works</u>	
	1. Property Acquisition, 5165 66 th Avenue – 66 th Avenue Widening and Improvements County Project No. 0417, David Robert Geary, Owner (memorandum dated July 24, 2006)	735-747
	<u>J. Utilities Services</u>	
	1. Approval of Additional Utility Conflicts Resolution by Utilities Department Labor Contractor for Public Works Department Bid No. 2006-065, Project No. 9611 & 0001, CR 510 and CR 512 Phase III Improvements (memorandum dated August 2, 2006)	748-758
12.	<u>COUNTY ATTORNEY</u>	
	A. Termination of Council of Public Officials (memorandum dated August 9, 2006)	759-766
13.	<u>COMMISSIONERS ITEMS</u>	
	<u>A. Commissioner Arthur R. Neuberger, Chairman</u>	
	1. Joint Meeting with Brevard County Board of County Commissioners (memorandum dated August 16, 2006)	767-768
	2. Indian River County Seal for Clerk to the Board (memorandum dated August 10, 2006)	769-770
	<u>B. Commissioner Gary C. Wheeler, Vice Chairman</u>	
	None	
	<u>C. Commissioner Sandra L. Bowden</u>	
	None	
	<u>D. Commissioner Wesley S. Davis</u>	
	None	
	<u>E. Commissioner Thomas S. Lowther</u>	
	None	

14.	<u>SPECIAL DISTRICTS AND BOARDS</u>	<u>PAGE</u>
	A. <u>Emergency Services District</u>	
	1. Approval of Minutes Meeting of July 18, 2006	
	2. Approval of Federally Funded Subgrant Agreement No. 07HM-4@-10-40-01-003, Wind Retrofit for Emergency Services Station No. 11, Vero Beach, Florida (memorandum dated July 25, 2006)	771-813
	3. Approval to Purchase One Replacement Fire Truck from Pierce Manufacturing, Inc. (memorandum dated August 15, 2006)	814-816
	B. <u>Solid Waste Disposal District</u>	
	None	
	C. <u>Environmental Control Board</u>	
	1. Approval of Minutes	
	a. Meeting of April 4, 2006	
	b. Meeting of May 2, 2006	
	2. Report of Activities During Second Quarter (April – June, 2006) (memorandum dated July 10, 2006)	817-819
	3. Release of Lien – Luz Almanza, Environmental Control Hearing Board Cases No. 246-96 and 319-01 (memorandum dated July 14, 2006)	820-824
15.	<u>ADJOURNMENT</u>	

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 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:

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.