



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

TUESDAY, OCTOBER 24, 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> | Reverend Ray Huddle, Church of Redeemer
Lutheran 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 Honoring Gustav (Gus) Post on His Retirement from Indian River County Board of County Commissioners, For Sixteen Years Service, Department of General Services, Buildings & Grounds Division | 1-2 |
| B. | Presentation of Proclamation Honoring Lorraine Post on Her Retirement from Indian River County Board of County Commissioners, For Seventeen Years Service, Department of Utility Services, Customer Service Division | 3-4 |

6.	<u>APPROVAL OF MINUTES</u>	<u>PAGE</u>
A.	September 12, 2006 Regular Meeting	
B.	September 12, 2006 – Continued Public Hearing - Treviso	
C.	September 26, 2006 – Joint School Concurrency Workshop	
7.	<u>CONSENT AGENDA</u>	
A.	4 Lakes L.L.C.’s Request for Final Plat Approval for a Subdivision to be known as 4 Lakes. (memorandum dated October 13, 2006)	5-12
B.	Mr. Michael Staszewski’s Request for Final Plat Approval for a Subdivision to be Known as Staszewski Subdivision. (memorandum dated October 13, 2006)	13-28
C.	Windsor Properties, Inc.’s Request for Release of Easements on Lots 2,3,4 & 5, Block 21, of Windsor PD Phase III. (Administrative) (memorandum dated October 15, 2006)	29-34
D.	John Rexford’s Request for Partial Release of Easements at 630 East Point Court SW (Lots 33 & 34, Preservation Pointes PD Phase II – Timber Ridge PRD) (Administrative) (memorandum dated October 15, 2006)	35-41
E.	Lennar Communities of South Florida Inc.’s Request to Replat Portions of Verona Trace Subdivision and The Villas at Verona Trace (memorandum dated October 13, 2006)	42-53
F.	Consideration of Revised Indian River County Local Housing Assistance Plan for Fiscal Years 2006-07 Through 2008-09 (memorandum dated October 13, 2006)	54-61
G.	Approval of Bid Award and Sample Agreement for IRC Bid #2006104 Winter Beach Park Water Assessment Project, Utilities Department (memorandum dated October 4, 2006)	62-73
H.	Approval of Bid Award for IRC Bid #2007013 Annual Bid for Zinc Orthophosphate, Utilities Department (memorandum dated October 3, 2006)	74-78

7.	<u>CONSENT AGENDA (CONT'D.)</u>	<u>PAGE</u>
I.	Post Hurricanes Frances & Jeanne Emergency Dune Restoration – Sectors 3 and 5, Final Payment and Full Release of Retainage, Ranger Construction Industries, Inc. (memorandum dated October 10, 2006)	79-83
J.	Jungle Trail Shoreline Stabilization Project, Final Payment and Full Release of Retainage for Lucas Marine Construction, LLC (memorandum dated October 16, 2006)	84-92
K.	Approval of Work Order No. 3-RR for the Rockridge Subdivision Surge Protection Project (memorandum dated October 12, 2006)	93-103
L.	Final Payment – Addendum No. 12 (Masteller & Moler, Inc.) Professional Engineering Services Agreement, CR512 Corridor Improvements – IRC Project No. 9611 (memorandum dated October 6, 2006)	104-105
M.	Right-of-Way Acquisition, Charles W. and Kathleen M. Behler, Powerline Road (70 th Avenue), Parcel I.D. #30-39-31-00000-0500-00014.0 (memorandum dated October 4, 2006)	106-114
N.	Request for Release of Retainage for Kimley-Horn and Associates, Inc., 4 th Street Bridge Replacement Over Cooch Ditch (35 th Avenue), IRC Project No. 0209 (memorandum dated October 17, 2006)	115-117
O.	Partial Release of Retainage of the Professional Engineering / Land Surveying Services for the 5 th Street SW Bridge Over Lateral “C” Canal and 43 rd Avenue Bridge Over South Relief Canal (memorandum dated October 10, 2006)	118-120
P.	Oslo Road Bridge Replacements and Roadway Widening Engineering Services Partial Release of Retainage (memorandum dated October 10, 2006)	121-124
Q.	Indian River County Public Works Maintenance Complex, Professional Architectural / Engineering Services Contract, Final Payment and Release of Retainage (memorandum dated October 11, 2006)	125-127

7.	<u>CONSENT AGENDA (CONT'D.)</u>	<u>PAGE</u>
R.	Amendment No. 3 to the Professional Engineering Services Agreement for 43 rd Avenue Roadway and Drainage Improvements from 8 th Street to 18 th Street (memorandum dated October 16, 2006)	128-137
S.	Tri-Party Sublease Agreement among Verizon Wireless, Cingular Wireless, and Indian River County for Co-Location on Tower at South County RO Plant, Oslo Road (memorandum dated October 17, 2006)	138-155
T.	Contract for Legal Services for Eminent Domain Cases (memorandum dated October 17, 2006)	156-164
U.	Proposed Settlement of Brown & Brown, Inc. d/b/a/ Preferred Governmental Solutions v. Indian River County, Circuit Court Case 2005-0223-CA-03 (memorandum dated October 18, 2006)	165-170
V.	The Oaks of Vero – P.D., Phase 2, Developer: SDG Kings, Inc. (Bret Soverel, President), Request for Modification to Contract for Construction of Required Improvements and Contract for Construction of Required Sidewalk Improvements (memorandum dated October 6, 2006)	171-194
W.	Brookfield at Trillium Phase ‘A’, Developer: Woodside Trillium, LLC (William Handler, Manager), Modification to Contract for Construction of Required Sidewalk Improvements (memorandum dated October 9, 2006)	195-201
X.	Stoney Brook Farm, Developer: Stoneybrook Farms Group, L.L.C. Ratification of Second Modification to Contract for Construction of Required Improvements (memorandum dated October 9, 2006)	202-205
Y.	Hydraulic Improvements to Lift Station No. 109 and Upgrades of Lift Station No. 108 and Lift Station No. 115, Bid No. 2006013, Approval of Final Payment to Contractor and Release of Retainage, UCP #2493 (memorandum dated September 21, 2006)	206-223
Z.	Release of Partial Retainage with Indian River Industrial Contractors for the Central Plant Expansion UCP # 2347 Amendment 2 to Bid No. 7029 (memorandum dated October 5, 2006)	224-227

7.	<u>CONSENT AGENDA (CONT'D.)</u>	<u>PAGE</u>
AA.	Proclamation Honoring Betty M. Boger on Her Retirement from Indian River County Board of County Commissioners, for Ten Years of Service, Department of Utility Services, Customer Service	228-229
BB.	Acceptance Change Order No. 17, for the New County Administration Buildings (memorandum dated October 18, 2006)	230-241
CC.	Microsoft Enterprise Agreement (memorandum dated	242-268
DD.	Miscellaneous Budget Amendment 002 (memorandum dated	269-271
EE.	Continuing Services for Water and Wastewater Engineering Consultants Request for Qualifications (memorandum dated October 10, 2006)	272-282
FF.	Commission Agenda Public Discussion Form (memorandum dated October 11, 2006)	283-284
GG.	Third Party Claims Administration Agreement (memorandum dated October 12, 2006)	285-290
HH.	Out of County Travel to Attend Property Tax – Homestead & Save Our Homes Portability Workgroup Meeting (memorandum dated October 18, 2006)	291-295
II.	Out of County Travel to Attend the Florida Association of Counties 2007 Legislative Conference (memorandum dated October 9, 2006)	296-300
JJ.	Out of County Travel to Attend the 2007 National Conference On Beach Preservation Technology (memorandum dated October 9, 2006)	301-303
KK.	Out of County Travel to Attend the National Hurricane Conference (memorandum dated October 9, 2006)	304-307
LL.	2006 Election of Agriculture Advisory Committee Vice Chairman (memorandum dated October 13, 2006)	308

7.	<u>CONSENT AGENDA (CONT'D.)</u>	<u>PAGE</u>
	MM. Resolution Urging the Florida Legislature to Call a Special Session to Study and Enact Legislation Addressing the Insurance Crisis in Florida (memorandum dated October 10, 2006)	309-311
	NN. 2006 Election of School Planning Citizens Oversight Committee Chairman and Vice Chairman (memorandum dated October 13, 2006)	312
	OO. Approval of Warrants – September 29 – October 5, 2006 (memorandum dated October 5, 2006)	313-319
	PP. Approval of Warrants – October 6 – 12, 2006 (memorandum dated October 12, 2006)	320-327
	QQ. Reports Placed on File in the Office of Clerk to the Board:	
	1. Report of Convictions, Month of August 2006	
	2. Florida Department of Transportation, Public Workshop on Thursday, November 2, 2006 – I-95 Project Development and Environment (PD&E) Study – From the Indrio Road Interchange to the CR 512 Interchange	

8. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

None

9. PUBLIC ITEMS

A. PUBLIC HEARINGS

- | | | |
|-----------|--|---------|
| 1. | Prime Homes at Portofino Village Commercial, Ltd.'s Request for Abandonment of a Portion of 94th Court (Formerly Known as 133rd Avenue) North of State Road 60 (memorandum dated October 17, 2006) | 328-335 |
| | Legislative | |
| 2. | WCI Communities Inc.: Request to Abandon two segments of 46 th Avenue (Sunrise Street) between US Highway 1 and CR510 in Wabasso (memorandum dated October 17, 2006) | 336-356 |
| | Legislative | |

9. <u>PUBLIC ITEMS (CONT'D.)</u>	<u>PAGE</u>
A. <u>PUBLIC HEARINGS (CONT'D.)</u>	
3. IHP's request to rezone 3.52 acres from CG to OCR (memorandum dated October 9, 2006)	357-378
Quasi-Judicial	
4. Double R&D Inc.'s Request to Amend The Comprehensive Plan to Redesignate ±40.23 Acres from R to L-1, And to Rezone Those ±40.23 Acres from A-1 to RS-3 (memorandum dated October 10, 2006)	379-408
Legislative	
5. County Initiated Request to Amend The Comprehensive Plan Future Land Use Map by Redesignating ±3,088 Acres From C-1 to AG-2 (memorandum dated October 11, 2006)	409-425
Legislative	
6. County Initiated Request to Amend the County's Comprehensive Plan to Redesignate ±46.51 Acres From L-2 to PUB (memorandum dated October 10, 2006)	426-439
Legislative	
7. Quail Ridge of Vero Beach, LLC's Request to Amend the text of the Comprehensive Plan's Future Land Use Element (memorandum dated October 10, 2006)	440-474
Legislative	
8. First of Two Public Hearings to Enlarge County Seat – Office of the Supervisor of Elections (memorandum dated October 6, 2006)	475-479
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 Joseph Paladin, Chairman of the Growth Awareness Committee regarding exparte communication with Board of County Commission and/or staff by opposing counsel under rule 4-4.2 rules regulating the Florida Bar (letter dated October 17, 2006)	480

9.	<u>PUBLIC ITEMS (CONT'D.)</u>	<u>PAGE</u>
	B. <u>PUBLIC DISCUSSION ITEMS (CONT'D.)</u>	
	2. Request to Speak from Richard E. Torpy, Esquire, regarding contractor/developer bonding requirements in reference to the Lakes at Sand Ridge Subdivision (e-mail dated October 17, 2006)	481
	3. Request to Speak from Scott Dillon Regarding Condemnation of a Project and Destruction of Personal Property (letter dated October 17, 2006)	482
	C. <u>PUBLIC NOTICE ITEMS</u>	
	None	
10.	<u>COUNTY ADMINISTRATOR'S MATTERS</u>	
	A. Use of Inmates/Trustees for Maintenance Services (memorandum dated October 16, 2006)	483-490
11.	<u>DEPARTMENTAL MATTERS</u>	
	A. <u>Community Development</u>	
	1. Condemnation, Demolition and Removal of Unsafe Structures (memorandum dated October 24, 2006)	491-503
	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	

11.	<u>DEPARTMENTAL MATTERS (CONT'D.)</u>	<u>PAGE</u>
	<u>G. Office of Management and Budget</u>	
	None	
	<u>H. Recreation</u>	
	None	
	<u>I. Public Works</u>	
	1. Property Acquisition, 8866 92 nd Court, CR 510 Widening and Improvements, County Project No. 0610, Devanand & Rookminee Maharaj, Owners (memorandum dated October 9, 2006)	504-518
	2. Falcon Trace Subdivision – Third Amendment to the Developer’s Agreement (memorandum dated October 17, 2006)	519-524
	3. Property Acquisition, 8865 91 st Avenue – CR 510 Widening and Improvements, IRC Project No. 0610, Gina Hower, Owner (memorandum dated October 18, 2006)	525-538
	<u>J. Utilities Services</u>	
	1. Hobart Industrial Park Master Planned Water Main Along 77 th Street West of US Highway 1, Approval Project for Public Bid and Retaining W. F. McCain and Associates, Inc. for Engineering Services (memorandum dated September 26, 2006)	539-547
	2. Consulting Services Work Order No. 3 with Neel-Schaffer, Inc. for Surveying, Engineering and Construction Services for the Replacement of the Roseland Water Tank – UCP-2478 (memorandum dated September 20, 2006)	548-556
	3. The Squire Subdivision Petition Water Service (57 th Avenue North of 33 rd Street) IRC project No. UCP-2535 Resolution IV – Final Assessment (memorandum dated October 5, 2006)	557-564
	4. Point-O-Woods Subdivision Petition Water Service (Robin Lane - Riverside - off Roseland Road) Indian River County Project No. UCP-2613 Resolution IV – Final Assessment (memorandum dated October 5, 2006)	565-574

11.	<u>DEPARTMENTAL MATTERS (CONT'D.)</u>	<u>PAGE</u>
	J. <u>Utilities Services (cont'd.)</u>	
	5. Utility Construction Standards 2006 – UCP 2821 (memorandum dated October 24, 2006)	575-578
	6. North & South County Reverse Osmosis Water Treatment Plants Work Order #7 - Alternative Water Supply Master Plan by Camp Dresser & McKee, Inc. (memorandum dated October 13, 2006)	579-589
12.	<u>COUNTY ATTORNEY</u>	
	A. Waterway Village - DRI Vesting (memorandum dated October 18, 2006)	590-604
	B. Proposed Settlement of Charles L. LaFevers, Jr., as Trustee of the Jill V. LaFevers Trust and Sullivan of Vero Beach Limited Partnership v. Indian River County (memorandum dated October 4, 2006)	605-608
13.	<u>COMMISSIONERS ITEMS</u>	
	A. <u>Commissioner Arthur R. Neuberger, Chairman</u> None	
	B. <u>Commissioner Gary C. Wheeler, Vice Chairman</u>	
	1. Mobile Home Parks (memorandum dated October 9, 2006)	609
	C. <u>Commissioner Sandra L. Bowden</u> None	
	D. <u>Commissioner Wesley S. Davis</u> None	
	E. <u>Commissioner Thomas S. Lowther</u> None	

14. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

1. Approval of Minutes of Meeting of August 22, 2006
2. Approval of Minutes of Meeting of September 12, 2006
3. Utility Easement for Emergency Services Station No. 5
(memorandum dated October 17, 2006)..... 610-613

B. **Solid Waste Disposal District**

None

C. **Environmental Control Board**

None

15. **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 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.***