



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

**COMMISSION AGENDA**

**TUESDAY, FEBRUARY 13, 2007 - 9:00 A.M.**

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

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**COUNTY COMMISSIONERS**

**Gary C. Wheeler, Chairman  
Sandra L. Bowden, Vice Chairman  
Wesley S. Davis  
Joseph E. Flescher  
Peter D. O'Bryan**

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

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

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- |           |   | <b><u>PAGE</u></b>  |
|-----------|---|---|
| <b>1.</b> | <b><u>CALL TO ORDER</u></b>   | <b><u>9:00 A.M.</u></b>   |
| <b>2.</b> | <b><u>INVOCATION</u></b>  | Rev. Kyle "K.C." Gibson, Senior Pastor<br>New Bethel African Methodist Episcopal Church |
| <b>3.</b> | <b><u>PLEDGE OF ALLEGIANCE</u></b>  | Commissioner Joseph E. Flescher   |
| <b>4.</b> | <b><u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u></b>                       |   |
| <b>5.</b> | <b><u>PROCLAMATIONS and PRESENTATIONS</u></b>   |   |
| <b>A.</b> | Presentation of Proclamation Commemorating Step Up, Florida!                            | 1   |
| <b>B.</b> | Presentation of Proclamation Honoring African American Pioneer Day<br>February 13, 2007 | 2   |

<b>5.</b>	<b><u>PROCLAMATIONS and PRESENTATIONS (CONT'D.)</u></b>	<b><u>PAGE</u></b>
	C. Presentation of Proclamation Honoring 2-1-1 Awareness Week February 11 – 18, 2007	3
	D. Presentation of Proclamation Honoring Carlita Harvey on her Retirement from Indian River County Department of Utility Services	4-5
	E. Presentation of Proclamation Honoring the Memory of Robert “Bob” M. Tenbus for his Many Years of Service on Various Board and Committees	6
<b>6.</b>	<b><u>APPROVAL OF MINUTES</u></b>	
	A. Regular Meeting of December 19, 2006	
	B. Regular Meeting of January 9, 2007	
<b>7.</b>	<b><u>CONSENT AGENDA</u></b>	
	A. Approval of Warrants – January 26 – February 01, 2007 (memorandum dated February 1, 2007)	7-15
	B. Out of County Travel for Commissioners to Attend Florida Association of Counties Legislative Day March 28, 2007 (memorandum dated February 1, 2007)	16-19
	C. Appointment of Commissioner Sandra Bowden to the Sustainable Treasure Coast, Inc. Committee as an Ex-Officio Member (memorandum dated February 6, 2007)	20-21
	D. 2007 Election of North Barrier Island Ongoing Review Committee (NBIOR) Chairman and Vice Chairman (memorandum dated February 2, 2007)	22
	E. Resignation of Tourist Industry Appointee to the Economic Development Council (memorandum dated January 31, 2007)	23
	F. Resignation of Appointee Interested in Tourist Development to the Tourist Development Council (memorandum dated January 31, 2007)	24
	G. Proclamation Honoring Gary Alan Jacobson on his Retirement from the Indian River County Department of Utility Services	25-26

<b>7.</b>	<b><u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
	<b>H.</b> Modification to Memorandum of Understanding (MOU) Between the University of Florida and Indian River County (memorandum dated February 6, 2007)	27
	<b>I.</b> Solicitation of Proposals for Providing Food Service (memorandum dated February 7, 2007)	28
	<b>J.</b> Miscellaneous Budget Amendment 010 (memorandum dated February 7, 2007)	29-34
	<b>K.</b> Approval of Work Order No. 18 for Surveying Services from Masteller, Moler, Reed & Taylor, Inc. to Locate Potential Conflicts between Existing Water and Sewer Utilities and Proposed Drainage Facilities Related with the CR 512 Phase IV Improvements, Public Works Project No. 9611B (memorandum dated February 2, 2007)	35-39
	<b>L.</b> Approval Work Order No. 1 (Engineering) with CTI-Construction Testing & Inspection, Inc. Providing Professional Geotechnical Services in Accordance with the Annual Geotechnical Services Contract No. 0534, Indian River County Project No. 0201, Indian River Drive South Sidewalk Improvements (memorandum dated January 31, 2007)	40-45
	<b>M.</b> Approval Work Order No. 2 (Engineering) with CTI-Construction Testing & Inspection, Inc. Providing Professional Geotechnical Services in Accordance with the Annual Geotechnical Services Contract No. 0534, Indian River County Project No. 0382, Fellsmere Sidewalk Phase II (memorandum dated January 31, 2007)	46-51
	<b>N.</b> Approval Work Order No. 1 (Engineering) with Ardaman & Associates, Inc. Providing Professional Geotechnical Services in Accordance with the Annual Geotechnical Services Contract No. 0534, 16 <sup>th</sup> Street Bridge at 74 <sup>th</sup> Avenue (Project No. 9920B) (memorandum dated January 31, 2007)	52-58
	<b>O.</b> Approval Work Order No. 2 (Engineering) with Ardaman & Associates, Inc. Providing Professional Geotechnical Services in Accordance with the Annual Geotechnical Services Contract No. 0534, 56 <sup>th</sup> Place Bridge north of 53 <sup>rd</sup> Street (Project No. 0703) (memorandum dated January 31, 2007)	59-65

<b>7.</b>	<b><u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
<b>P.</b>	Approval Work Order No. 3 (Engineering) with Ardaman & Associates, Inc. Providing Professional Geotechnical Services in Accordance with the Annual Geotechnical Services Contract No. 0534, 8 <sup>th</sup> Street Bridge at 74 <sup>th</sup> Avenue (Project No. 03107-B) (memorandum dated January 31, 2007)	66-72
<b>Q.</b>	Approval Work Order No. 4 (Engineering) with Ardaman & Associates, Inc. Providing Professional Geotechnical Services in Accordance with the Annual Geotechnical Services Contract No. 0534, 13 <sup>th</sup> Street SW Bridge at 58 <sup>th</sup> Avenue (Project No. 0530-B) (memorandum dated January 31, 2007)	73-79
<b>R.</b>	Final Release of Retainage, Applied Technology and Management, Inc., Contract Amendments #6 and #7 (memorandum dated January 23, 2007)	80-82
<b>S.</b>	Approval of RFP/Bid Award and Agreement for IRC Bid # 2007009 Library Automation System (memorandum dated February 7, 2007)	83-121
<b>T.</b>	Approval of Change Order No. 1 with Utilities Labor Contractor for Utility Conflict Resolutions Along US1 from Wabasso Road to Harrison Street (memorandum dated February 2, 2007)	122-129
<b>8.</b>	<b><u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u></b>	
<b>A.</b>	<b><u>Indian River County Sheriff Roy Raymond</u></b> 2007 – 2008 Victims of Crime Act (VOCA) Grant Application (letter dated February 5, 2007)	130-163
<b>9.</b>	<b><u>PUBLIC ITEMS</u></b>	
<b>A.</b>	<b><u>PUBLIC HEARINGS</u></b>	
<b>1.</b>	Chesnut and Smith's Request to rezone ±3.35 acres from CL to CG (memorandum dated February 2, 2007) <b>Quasi-Judicial</b>	164-178

<b>9. <u>PUBLIC ITEMS (CONT'D.)</u></b>	<b><u>PAGE</u></b>
<b>A. <u>PUBLIC HEARINGS (CONT'D.)</u></b>	
2. United Indian River Packers LLC's Request for Approval of a Small Scale Comprehensive Plan Future Land Use Map Amendment to Redesignate 8.36 Acres From L-2 to C/I, and to rezone those 8.36 acres from RM-6 to IL; and Highpointe LLC's Request to Redesignate 8.36 Acres from C/I to L-1 (memorandum dated February 2, 2007)	179-208
<b>Legislative</b>	
 <b>B. <u>PUBLIC DISCUSSION ITEMS</u></b>	
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, Growth Awareness Committee Regarding Bonding out for Maintenance Bonds, Site over Site Plan Multi-Family, and Level of Bond	209
2. Request to Speak from Victor Hart Regarding Gifford Park Security House	210
 <b>C. <u>PUBLIC NOTICE ITEMS</u></b>	
1. <b><u>Notice of Scheduled Public Hearing for February 20, 2007:</u></b> Public hearing to reconsider the granting of special exception use approval for a 100-foot monopole wireless communications tower to be location at 8000 26 <sup>th</sup> Street as part of a proposed settlement in the case of Nextel South, Corp. vs. Indian River County (U.S. District Court, Southern District) (memorandum dated February 5, 2007)	211
<b>Quasi-Judicial</b>	
2. <b><u>Notice of Scheduled Public Hearing for February 20, 2007:</u></b> Board consideration to approve purchase of agricultural conservation easements on the Sexton Ranch under the county environmental land acquisition program (continued from January 16, 2007) (memorandum dated February 5, 2007)	212
<b>Administrative</b>	

<b>9.</b>	<b><u>PUBLIC ITEMS (CONT'D.)</u></b>	<b><u>PAGE</u></b>
	<b>C. <u>PUBLIC NOTICE ITEMS (CONT'D.)</u></b>	
	<b>3. <u>Notice of Scheduled Public Hearing for February 20, 2007:</u>  Establishment of the West Wabasso Streetlighting Municipal  Services Benefit Unit and Amendment to Indian River County Code  Section 200.07  (memorandum dated February 7, 2007)</b>	213
	<b>Legislative</b>	
	<b>4. <u>Notice of Scheduled Public Hearing for February 20, 2007:</u>  Amend Chapter 307, of the Indian River County Code by Creating  Section 307.13, Prohibition of All Terrain Vehicle Operation on  Unpaved Roadways  (memorandum dated February 6, 2007)</b>	214-217
	<b>Legislative</b>	
<b>10.</b>	<b><u>COUNTY ADMINISTRATOR MATTERS</u></b>	
	None	
<b>11.</b>	<b><u>DEPARTMENTAL MATTERS</u></b>	
	<b>A. <u>Community Development</u></b>	
	<b>1. Appeal by I AM Ministries (The Source) of A Decision by the  Planning &amp; Zoning Commission to Uphold an Appeal by Steven &amp;  Erin Metz and Overturn a Decision by Community Development  Staff That the Non-conforming Residential Treatment Center Use at  5925 37<sup>th</sup> Street Did Not Cease for More Than One Year and That  the Use May Continue Under Different Ownership  (memorandum dated February 7, 2007)</b>	218-339
	<b>Quasi-Judicial</b>	
	<b>2. Century Realty Funds Panther IX, LLC's Appeal of a Planning and  Zoning Commission Decision to Deny a Major Site Plan  Application to Construct a Commercial Shopping Center to be  Known as Century Town Center  (memorandum dated February 7, 2007)</b>	340-397
	<b>Quasi-Judicial</b>	
	<b>B. <u>Emergency Services</u></b>	
	None	

<b>11.</b>	<b><u>DEPARTMENTAL MATTERS (CONT'D.)</u></b>	<b><u>PAGE</u></b>
	<b>C. <u>General Services</u></b>	
	None	
	<b>D. <u>Human Resources</u></b>	
	None	
	<b>E. <u>Human Services</u></b>	
	None	
	<b>F. <u>Leisure Services</u></b>	
	None	
	<b>G. <u>Office of Management and Budget</u></b>	
	None	
	<b>H. <u>Recreation</u></b>	
	None	
	<b>I. <u>Public Works</u></b>	
	1. Consideration of Intersection Improvements to Schumann Drive and Barber Street (memorandum dated January 31, 2007)	398-400
	2. Work Order No. 2 to the Professional Engineering Services Agreement with Arcadis G & M, Inc. for Lane Widening of 43 <sup>rd</sup> Avenue from 25 <sup>th</sup> Street S.W. to Oslo Road (9 <sup>th</sup> Street S.W.) Indian River County Project No. 0702 (memorandum dated February 6, 2007)	401-416
	<b>J. <u>Utilities Services</u></b>	
	1. West Wabasso Community Water Project, Phase I Sheltra & Son, Inc. Change Order No. 1 to Contract 2006051 (memorandum dated January 26, 2007)	417-421
	2. Approval of Bid Award and Sample Agreement for IRC Bid # 2007029 Phase II Force Main West Wastewater Transmission System – Utilities Department (memorandum dated January 31, 2007)	422-439

12. **COUNTY ATTORNEY MATTERS** **PAGE**
- A. Proposed Property Exchange, Abandonment of Right-of-way at 1896 Mooring Line Drive  
(memorandum dated February 7, 2007) ..... 440-444
13. **COMMISSIONERS ITEMS**
- A. **Commissioner Gary C. Wheeler, Chairman**
1. Request for Discussion Regarding Decision on Board of County Commission Office Staffing  
(no back-up)
- B. **Commissioner Sandra L. Bowden, Vice Chairman**
- None
- C. **Commissioner Wesley S. Davis**
1. Request from the Citizen’s Coalition of South Mainland to Present Their Concerns Regarding Proposed Comprehensive Plan Changes by the City of Palm Bay  
(memorandum dated February 6, 2007) ..... 445-457
- D. **Commissioner Joseph E. Flescher**
- None
- E. **Commissioner Peter D. O’Bryan**
- None
14. **SPECIAL DISTRICTS AND BOARDS**
- A. **Emergency Services District**
- None
- 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 (TDD # 772-770-5215) 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](http://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.***