



Indian River County Florida

Meeting Minutes 3 - Final

Board of County Commissioners

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

Chairman Susan Adams

Vice Chairman Joseph E. Flescher

Commissioner Tim Zorc

Commissioner Peter D. O'Bryan

Commissioner Bob Solari

Jason E. Brown, County Administrator

Dylan Reingold, County Attorney

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Tuesday, August 18, 2020

9:00 AM

Commission Chambers

This meeting can be attended virtually by accessing YouTube Live. Instructions can be found included with this agenda and also online at www.ircgov.com.

1. CALL TO ORDER

Present: 5 - Chairman Susan Adams
Vice Chairman Joseph Flescher
Commissioner Tim Zorc
Commissioner Peter O'Bryan
Commissioner Bob Solari

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

2.B. INVOCATION

Pastor Frank Ellis, Kings Baptist Church

3. PLEDGE OF ALLEGIANCE

Jason Brown, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: 5.C. Presentation of Proclamation Honoring Dr. Edwin Massey on his retirement from Indian River State College

Added: 8.BB. Single Source Purchase of Tyler Technologies E-Procurement, Bid Management, and Accounts Payable Workflow modules

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Agenda as amended. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

5. PROCLAMATIONS and PRESENTATIONS

- 5.A.** [20-1721](#) Presentation of Proclamation Honoring Holden Kriss on His Retirement From Indian River County Board of County Commissioners, Department of General Services - Indian River County Public Shooting Range

Attachments: [Proclamation](#)

Chairman Adams read and presented the Proclamation to Mr. Kriss, who was joined by his family, as he spoke of the Shooting Range's growth during his tenure and shared his plans for the future. The Commissioners and staff each expressed appreciation for Mr. Kriss's enthusiasm and dedication to his job.

Read and Presented

- 5.B.** [20-1785](#) Presentation of Proclamation Designating the Month of September, 2020, As "Hunger Action Month"

Attachments: [Proclamation](#)

Commissioner Solari read and presented the Proclamation to Rebecca Rodriguez, who appeared before the Board on behalf of the Treasure Coast Food Bank. Ms. Rodriguez informed that the organization was the largest of its kind on the Treasure Coast, and shared plans to raise awareness of hunger issues during Hunger Action Month. In response to an inquiry from Commissioner Zorc, Ms. Rodriguez noted the Treasure Coast Food Bank's Facebook page, @tcfoodbank, was the best source for information regarding food distribution sites.

Read and Presented

- 5.C.** **20-1873** Presentation of Proclamation Honoring Dr. Edwin Massey on his retirement from Indian River State College

Commissioner O'Bryan read a Proclamation in honor of Dr. Edwin Massey, retiring President of Indian River State College. The Commissioner spoke of Dr. Massey's enduring legacy, and detailed several of his accomplishments including winning the Aspen Prize for Community College Excellence.

Read

6. APPROVAL OF MINUTES

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of May 19, 2020, June 02, 2020, June 09, 2020, and June 16, 2020 as written. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 6.A. [20-1788](#) Regular Meeting of May 19, 2020
Attachments: [05192020BCC_Granicus](#)

Approved

- 6.B. [20-1794](#) Regular Meeting of June 02, 2020
Attachments: [06022020BCC_Draft](#)

Approved

- 6.C. [20-1801](#) Regular Meeting of June 9, 2020
Attachments: [06092020BCC_Granicus](#)

Approved

- 6.D. [20-1808](#) Regular Meeting Minutes of June 16, 2020
Attachments: [06162020BCC_Granicus](#)

Approved

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

- 7.A. [20-1775](#) Proof of Publication of Unclaimed Monies for Cash Bonds Deposited with the Clerk of the Circuit Court prior to January 1, 2019 is on file in the Office of the Clerk to the Board.

No Action Taken or Required

- 7.B. [20-1779](#) Florida Public Service Commission Order No. PSC-2020-0249-CO-EQ, In re: Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company, is on file in the Office of Clerk to the Board

No Action Taken or Required

- 7.C. [20-1780](#) Government Finance Officers Association awarding Indian River County GFOA's Distinguished Budget Presentation Award for the 2019-20 Budget

Attachments: [Staff Report](#)
[Letter from GFOA dated May 17, 2020](#)
[GFOA Certificate of Recognition](#)
[GFOA Press Release](#)

No Action Taken or Required

- 7.D. [20-1804](#) Landfill Closure and Collection Service Changes for the Labor Day Holiday

Attachments: [Staff Report](#)

No Action Taken or Required

- 7.E. [20-1815](#) Residential Paper Shredding Event on July 18, 2020

Attachments: [Staff Report](#)

No Action Taken or Required

- 7.F. [20-1816](#) Household Hazardous Waste and Electronics Recycling Event on August 22, 2020

Attachments: [Staff Report](#)

Sue Flak, Recycling Education Coordinator, provided details of the August 22, 2020 recycling event, and provided the modified Labor Day schedule for residential garbage and recycling pick-up.

No Action Taken or Required

- 7.G. [20-1830](#) Update on Virgin Trains Expenses

Attachments: [Staff Report](#)

[Virgin Trains Expenses](#)

No Action Taken or Required

- 7.H. [20-1836](#) 3rd Quarter FY 2019/2020 Budget Report

Attachments: [Staff Report](#)

[Quarterly Budget Report](#)

No Action Taken or Required

- 7.I. [20-1841](#) Indian River County Venue Event Calendar Review

Attachments: [Event Calendar](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Consent Agenda as amended, pulling Item 8.AN. for discussion. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 8.A.** [20-1771](#) Checks and Electronic Payments July 3, 2020 to July 9, 2020
Attachments: [Finance Department Staff Report](#)

 Approved
- 8.B.** [20-1776](#) Checks and Electronic Payments July 10, 2020 to July 16, 2020
Attachments: [Finance Department Staff Report](#)

 Approved
- 8.C.** [20-1782](#) Checks and Electronic Payments July 17, 2020 to July 23, 2020
Attachments: [Finance Department Staff Report](#)

 Approved
- 8.D.** [20-1793](#) Checks and Electronic Payments July 24, 2020 to July 30, 2020
Attachments: [Finance Department Staff Report](#)

 Approved
- 8.E.** [20-1820](#) Checks and Electronic Payments July 31, 2020 to August 6, 2020
Attachments: [Finance Department Staff Report](#)

 Approved
- 8.F.** [20-1821](#) Request from Carole Jean Jordan, Tax Collector, re: Tax Roll Extension
Attachments: [IRC Tax - Consent Agenda Item](#)

 Approved
- 8.G.** [20-1772](#) Errors, Omissions & Insolvencies Report
Attachments: [Memo re Recapitulation](#)
 [Tax Collector Recapitulation](#)
 [Report of Errors and Insolvencies](#)

 Accepted

- 8.H. [20-1286](#) Consideration of the 2020 Update to the Public Transportation Agency Safety Plan (PTASP)

Attachments: [Staff Report](#)
[Public Transportation Agency Safety Plan](#)

Approved staff's recommendation

- 8.I. [20-1692](#) Approval of Cost-Share Agreement Renewal with the St. Johns River Water Management District for Repair/Plugging of Abandoned Artesian Wells

Attachments: [Staff Report](#)
[Grant Form 2020](#)
[2020 - 2023 SJWMD Agreement](#)

Approved staff's recommendation

- 8.J. [20-1693](#) Request to Waive Bid Process for Supplemental Building Inspection Services for Fiscal Year 2020/2021

Attachments: [Staff Report](#)
[MT Causley 2020-2021 Agreement](#)
[Supplemental Inspection Services Summary](#)

Approved staff's recommendation

- 8.K. [20-1798](#) Consideration of the Indian River County SHIP Program 2020 Annual Report

Attachments: [Staff Report](#)
[SHIP Program Information](#)
[Ship Annual Report](#)
[SHIP Annual Report Certification Form](#)

Approved staff's recommendation

- 8.L. [20-1813](#) Request by Britton Realty of Vero Beach, LLC for Release of an Easement Located at 5420 41st Street

Attachments: [Staff Report](#)
[Aerial Map of Site and Easement](#)
[Recorded Conservation Easement](#)
[2008 Approved Site Plan \(Modification\)](#)
[Proposed Resolution Releasing Easement](#)

Approved Resolution 2020-059, releasing an easement located at 5420 41st Street.

- 8.M.** [20-1823](#) KRG Indian River Outlot, LLC's Request for Final Plat Approval for Panera-Indian River Square [2018070040 - 85237 / SD-19-11-06]

Attachments: [Staff Report](#)
 [Location Map](#)
 [Final Plat Layout](#)

Approved staff's recommendation

- 8.N.** [20-1831](#) Sommers Development Group, LLC's Request for Final Plat Approval for a Subdivision to be known as Sommers Place Residential Subdivision [97070034-85249 / SD-18-08-07]

Attachments: [Staff Report](#)
 [Location Map](#)
 [Final Plat Layout](#)

Approved staff's recommendation

- 8.O.** [20-1832](#) Lost Tree Preserve, LLC's Request for Final Plat Approval for Lost Tree Preserve PD, Phases 2 and 3 [PD-10-08-01 / 99040238-86977]

Attachments: [Staff Report](#)
 [Location Map](#)
 [Final Plat Layout](#)

Approved staff's recommendation

- 8.P.** [20-1833](#) GRBK GHO Summer Lake, LLC's Request for Final Plat Approval for a Subdivision to be known as Summer Lake North Subdivision [2005010130-86015 / SD-18-08-08]

Attachments: [Staff Report](#)
 [Location Map](#)
 [Final Plat Layout](#)

Approved staff's recommendation

- 8.Q.** [20-1781](#) Award of Bid 2020044 Hobart RO Water Treatment Plant Chemical Tank Replacement

Attachments: [Staff Report](#)
 [Sample Agreement](#)

Approved staff's recommendation

- 8.X.** [20-1749](#) Termination of Award to First Bidder and Award to Second Bidder of Bid #2020041- Exterior Painting at Administration Buildings A and B
- Attachments:** [Staff Report](#)
 [Sample Agreement](#)
- Approved staff's recommendation**
- 8.Y.** [20-1777](#) Resolution Cancelling Taxes on Property Dedicated to Indian River County for Public Purpose (57th Street Right-Of-Way)
- Attachments:** [Staff Report](#)
 [Resolution](#)
- Approved Resolution 2020-061, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes (Holahan).**
- 8.Z.** [20-1778](#) Resolution Cancelling Taxes on Property Donated by Florida Power & Light Company to Indian River County for Public Purpose (16th Street and 98th Avenue Right-Of-Way)
- Attachments:** [Staff Report](#)
 [Resolution](#)
- Approved Resolution 2020-062, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes (FP&L).**
- 8.AA.** [20-1826](#) Release of Emergency Access Right to Tract C, VeroLago Phase 1
- Attachments:** [Staff Report](#)
 [Release of Emergency Access Right](#)
- Approved staff's recommendation**
- 8.AB.** [20-1866](#) Ratification of Lease Amendment with Mattress Firm, Inc.
- Attachments:** [Staff Report](#)
 [Mattress Firm Amendment to Lease 2020](#)
- Approved staff's recommendation**
- 8.AC.** [20-1805](#) Street Lighting Agreement Terminations
- Attachments:** [Staff Report](#)
 [Termination of Streetlight Agreement - Form](#)
- Approved staff's recommendation**

- 8.AD.** [20-1787](#) Sebastian Inlet District Perpetual Beach Management and Sand By-Passing Easement

Attachments: [Staff Report](#)
[Letters from James D. Gray, Jr.](#)
[Easement \(12566 Highway A1A\)](#)
[Schedule A to 12566 Highway A1A Easement](#)
[Easement \(12900 Highway A1A\)](#)
[Schedule A to 12900 Highway A1A Easement](#)
[Easement \(Highway A1A\)](#)
[Schedule A for Highway A1A](#)

Approved staff's recommendation

- 8.AE.** [20-1797](#) Extension of Memorandum of Understanding for Animal Shelter Services

Attachments: [Staff Report](#)
[Extension Animal Shelter Services](#)

Approved staff's recommendation

- 8.AF.** [20-1863](#) Partial Release of Limited Access Easement for Stillwater Affidavit of Exemption Located at 6905 61st Street

Attachments: [Staff Report](#)
[Aerial Photo - Stillwater](#)
[Sketch and Legal Description of Limited Access Easement](#)
[Limited Access Easement](#)
[Stillwater Affidavit of Exemption Exhibit](#)
[Partial Release of Limited Access Easement](#)

Approved staff's recommendation

- 8.AG.** [20-1852](#) Work Order Number 5 - Continuing Engineering Services RFP 2018008 - Coastal Waterways Design and Engineering, LLC - Oyster Bar Marsh Construction Administration Parking & Driveway Improvements

Attachments: [Staff Report](#)
[Attachment A - Work Order No. 5](#)

Approved staff's recommendation

- 8.AH.** [20-1838](#) Notice of Grant Award from the Division of Historical Resources for the Jones' Pier Residence Stabilization and Museum Planning - 21.h.sm.100.092 and Authorization for Work Order No. 3 Donadio & Associates Architects, P.A.

Attachments: [Staff Report](#)
 [Attachment A - Work Order No. 3 Donadio](#)
 [Attachment B - Agreement](#)
 [Attachment C - DHR GRANT](#)

Approved staff's recommendation

- 8.AI.** [20-1851](#) Authorization for Amendment 4, 5, 6 to Work Order Number 5 and Work Order #18 - MBV Engineering, Inc.

Attachments: [Staff Report](#)
 [Attachment A - Amend 4 to WO5 - Jones Pier](#)
 [Attachment B - Amend 5 to WO5 Kroegel](#)
 [Attachment C - Amendmant 6 to WO5 - Hallstrom House](#)
 [Attachment D - IRC Work Order 18 - Hallstrom House](#)
 [Attachment D - 20-0240 - Hallstrom House Improvements](#)

Approved staff's recommendation

- 8.AJ.** [20-1849](#) Award of Bid Number 2020013 - Oyster Bar Marsh Public Use Improvements

Attachments: [Staff Report](#)
 [Sample Agreement](#)

Approved staff's recommendation

- 8.AK.** [20-1847](#) Recommending Award of Bid # 2020036 - Beach Parks Grounds Maintenance and Mowing Contract

Attachments: [Staff Report](#)
 [J-Mac Cleaning Agreement](#)

Approved staff's recommendation of bid award to J-Mac Cleaning Services.

- 8.AL.** [20-1853](#) Work Order Number 2, Masteller and Moler, Inc. - Continuing Engineering Services RFP 2018008 - Fran B. Adams North County Regional Park (Playground and Soccer Complex Area)

Attachments: [Staff Report](#)
 [Work Order 2](#)
 [Exhibit A](#)
 [Manhours Exhibit](#)

Approved staff's recommendation

- 8.AM.** [20-1811](#) Award of Bid No. 2020023, C.R. 512 Bridges Repairs (FDOT #884078 & #884079), IRC-1727

Attachments: [Staff Report](#)
 [Sample Agreement](#)

Approved staff's recommendation

- 8.AN.** [20-1812](#) Award of Bid No. 2020048, County Welcome Signs, IRC-1816

Attachments: [Staff Report](#)
 [Sample Agreement](#)
 [Location Map](#)
 [Sign Rendering](#)

Commissioner O'Bryan gave the status of the project, and expressed appreciation that it was moving forward.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 8.AO.** [20-1829](#) Vero Lake Estates, 85th Street Paving, from 101st Avenue to 96th Avenue, Final Payment, Release of Retainage, and Change Order No. 1, IRC-1628

Attachments: [Staff Report](#)
 [Change Order No. 1](#)

Approved staff's recommendation

- 8.AP.** [20-1825](#) Amendment No. 17 to Indian River County Civil Engineering and Land Surveying Agreement for Bridge Replacements and Widening of 66th Avenue from South of SR60 to North of 57th Street

Attachments: [Staff Report](#)
 [Amendment No. 17 from Arcadis US, Inc.](#)

Approved staff's recommendation

- 8.AQ.** [20-1806](#) Work Order No. 33, Kimley-Horn and Associates, Inc., 43rd Avenue Bridge Replacement Over S. Relief Canal (IRC-2014)

Attachments: [Staff Report](#)
 [Work Order 33](#)

Approved staff's recommendation

- 8.AR.** [20-1834](#) Amendment No. 4 to Agreement for Professional Services with Bowman Consulting Group, Ltd., 58th Avenue Reclamation 57th Street to 85th Street (IRC-1325)

Attachments: [Staff Report](#)
 [Amendment No. 4 with Bowman Consulting Group, Ltd.](#)

Approved staff's recommendation

- 8.AS.** [20-1858](#) Approval of Agreement with Florida Blue for the County's Stop Loss Policy

Attachments: [Staff Report](#)
 [FLBL Stop Loss Renewal](#)
 [Lockton Marketing Analysis & Monte Carlo Modeler](#)

Approved staff's recommendation

- 8.AT.** [20-1860](#) Approval of Blue Medicare Advantage Renewal

Attachments: [Staff Report](#)
 [Medicare Advantage Plan Renewal](#)

Approved staff's recommendation

- 8.AU.** [20-1837](#) Second Renewal and Modification of Annual Bid 2018057 for Medical Supplies

Attachments: [Staff Report](#)

Approved staff's recommendation

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- 8.AV.** [20-1790](#) Renewal of RFP 2017066 Annual Maintenance at Spoonbill Marsh
- Attachments:** [Staff Report](#)
 [First Extension To Maintenance Agreement](#)
- Approved staff's recommendation**
- 8.AW.** [20-1791](#) Approval of Kimley-Horn Amendment No. 1 to Work Order No. 15, "Ixora Park Sewer System Rehabilitation"
- Attachments:** [Staff Report](#)
 [Amendment No 1 to Work Order No 15](#)
- Approved staff's recommendation**
- 8.AX.** [20-1819](#) Above Ground Storage Tank and Closure, and Site Assessment Scope of Work
- Attachments:** [Staff Report](#)
 [Work Order No 7 for Tetra Tech Inc](#)
- Approved staff's recommendation**
- 8.AY.** [20-1814](#) North Sebastian Water and Sewer Phase 2 - Approval of IRLNEP Funding Agreement
- Attachments:** [Staff Report](#)
 [IRLNEP Cost Share Agreement](#)
 [Grant Form](#)
- Approved staff's recommendation**
- 8.AZ.** [20-1842](#) Department of Environmental Protection v. IRCUD Central Gifford WWTF - Consent Order
- Attachments:** [Staff Report](#)
 [Consent Order DEP v IRCUD](#)
- Approved staff's recommendation**
- 8.BA.** [20-1818](#) Chemtrade Price Changes
- Attachments:** [Staff Report](#)
- Approved staff's recommendation**

- 8.BB.** [20-1870](#) Single Source Purchase of Tyler Technologies E-Procurement, Bid Management, and Accounts Payable Workflow modules

Attachments: [Staff Report](#)
 [Tyler Technologies Quote](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THESE HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

- 10.A.1. [20-1796](#) Escambia County Housing Finance Authority Multifamily Housing Revenue Bonds (Orange Blossom Village Apartments)--Legislative

Attachments: [Staff Report](#)
[Resolution Orange Blossom Apartments](#)
[TEFRA Notice for Hearing](#)

County Attorney Dylan Reingold provided an overview of the Resolution to approve issuance of housing revenue bonds for the improvement of the Orange Blossom Apartments. He noted that the bonds would not incur debt for Indian River County, and stated his office's recommendation for approval.

The Chairman opened the public hearing.

Randy Wilkerson, Director of Housing for the Escambia County Housing Finance Authority, read a prepared statement into the record which detailed the Escambia County Housing Finance Authority's multifamily housing revenue bond program.

There being no further speakers, the Chairman closed the public hearing.

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve staff's recommendation and Resolution 2020-063, approving the issuance by the Escambia County Housing Finance Authority of its not to exceed \$15,000,000 Multifamily Housing Revenue Bonds (Orange Blossom Apartments), Series [to be determined] for the benefit of Orange Blossom Village, LLLP, or its affiliate, to provide funds to finance or refinance a multifamily residential rental project; and providing an effective date. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 10.A.2.** [20-1862](#) Request from Skytop Transportation, Inc. for a Class E1 Certificate of Public Convenience and Necessity to provide Wheelchair transports originating from Indian River County--Administrative

Attachments: [Staff Report](#)
 [SKYTOP APPLICATION ADA](#)

Director of Emergency Services Chief Tad Stone appeared before the Board to request approval of the Certificate of Public Convenience and Necessity for Skytop Transportation.

The Chairman opened the public hearing. There being no comments, the Chairman closed the public hearing.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

B. PUBLIC DISCUSSION ITEMS

- 10.B.1.** [20-1845](#) Request to Speak from Steven Hellyer Regarding Treasure Coast Community Health / IRC Recreation Department COVID-19 Testing

Attachments: [Public Discussion Request TCCH](#)

Steven Hellyer, Acting Director of Operations for Treasure Coast Community Health (TCCH), appeared before the Board with an update on the organization's free, drive-through COVID-19 testing program. Mr. Hellyer recounted that when TCCH had outgrown its prior testing sites, they were able to partner with the County's Recreation Department to stage drive-through testing at the County Fairgrounds. He thanked several staff members for their assistance in helping to make the program a success.

Commissioner O'Bryan entered into discussion with Mr. Hellyer regarding the number of tests being conducted.

Vice Chairman Flescher praised TCCH's service to the community.

No Action Taken or Required

- 10.B.2.** [20-1868](#) Request to Speak from Jeffrey Andros re: Complaint Against Code Enforcement

Speaker not present.

No Action Taken or Required

- 10.B.3.** [20-1869](#) Request to speak from Paula Alejandra Manrique re: Mask Mandate

Attachments: [Request to Speak](#)

Paula Alejandra Manrique appeared before the Board to express her disappointment that the July 14, 2020 County-wide mask mandate did not receive approval from the Board. Ms. Manrique provided reasons in favor of mask-wearing, and urged the Commissioners to reconsider their stance.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

- 10.C.1.** [20-1839](#) Public Notice of Public Hearing Scheduled for September 15, 2020 to Consider the Adoption of an Ordinance with regard to Face Covering Requirements (Legislative)

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the Public Notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** [20-1792](#) Collective Bargaining Agreement between Indian River County and Teamsters, Local Union No. 769 - FY20/21 General Wage Increase

Attachments: [Staff Report](#)
 [Wage Reopener FY20-21 Amendment](#)
 [Exhibit A - ARTICLE 33 FY20-21 Wage Reopener](#)

County Administrator Jason Brown recounted that the County's current bargaining agreement with Teamsters, Local Union No. 769, provided for a wage reopener for Fiscal Year 20/21. Staff negotiated a 3% wage increase for County-employed Union members, which was ratified by the Union on August 4, 2020. Administrator Brown added that non-Union County employees would also receive a 3% wage increase.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 11.B.** [20-1807](#) Recommended IRC Code of Ordinance Changes

Attachments: [Staff Report](#)
 [Section 102.01.](#)
 [Section 102.04.](#)

County Administrator Jason Brown reviewed the recommended amendments to Sections 102.01 and 102.04 of the County's Code. The administrative changes concerned the County Commission's meeting procedures and order of business.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

11.C. [20-1810](#) CARES Act Spending Plan Revisions and Updates

Attachments: [Staff Report](#)
 [United Way agreement](#)
 [Attachment A - TCCH Agreement](#)

County Administrator Jason Brown presented an update to the Coronavirus Aid, Relief, and Economic Security (CARES) Act spending plan which had been approved by the Board on July 14, 2020. Administrator Brown referred to his memo of August 11, 2020, which provided in-depth details of the plan's revisions.

The changes included a return and reallocation of superfluous funds from Indian River Shores; additional funding for Treasure Coast Community Health's (TCCH) COVID-19 testing; revisions to the allocation of the Small Business Recovery Grant; changes to partner agencies handling the Workforce Development Program; a revised agreement with the United Way; and distribution of Personal Protective Equipment (PPE) to the community.

Commissioner Solari supported the changes and praised staff's efforts in managing a multitude of the community's needs.

Ardra Rigby, President, West Wabasso Civic Club, commended staff and the Board's desire to work cooperatively with the Wabasso community.

A motion was made by Commissioner Solari, seconded by Commissioner O'Bryan, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 11.D. [20-1824](#) Resolution in Support of the Pedestrian Safety Study Act Introduced by Congressmen Posey and Mast

Attachments: [Staff Report](#)
[Resolution re Mast Posey Rail Safety Study](#)

Legal Affairs and Communications Manager Brian Sullivan presented details of the Pedestrian Safety Study Act (the Act) which would provide for a study of motorist and pedestrian safety along the proposed Brightline (F/K/A Virgin Trains, All Aboard Florida) service corridor. He noted that while the United States House of Representatives passed the Act, the United States Senate had not taken up the matter.

In response to a question from Commissioner Zorc, Mr. Sullivan agreed to inform the municipalities of the Act in the event they would like to take action as well.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve Resolution 2020-064, in support of the Pedestrian Safety Study Act introduced by Congressmen Posey and Mast. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. [20-1822](#) Revolving Loan Fund Grant Application To Economic Development Administration From Treasure Coast Regional Planning Council

Attachments: [Staff Report](#)
 [RLF match request from TCRPC](#)

Community Development Director Phil Matson presented the Treasure Coast Regional Planning Council's (TCRPC) request to apply for a grant from the Economic Development Agency (EDA). The grant would use CARES (Coronavirus Aid, Relief, and Economic Security) Act funding to create a \$1 million revolving loan fund to help businesses in the three counties recover from COVID-19 losses. He went on to explain that Martin, St. Lucie and Indian River Counties would each provide a portion of the 20% required matching fund; Indian River County's commitment would be \$52,000.

Tom Lanahan, Executive Director, TCRPC, addressed the Board and reported that Martin and St. Lucie Counties had already approved participation. Mr. Lanahan provided additional details on the mechanics of the loan, and referred to South Florida's existing revolving loan fund program as an example.

Commissioner O'Bryan entered into discussion with Helene Caseltine, Economic Development Director of the Indian River County Chamber of Commerce, regarding the Chamber's assistance in recruiting local businesses to apply for a share of the loan.

Mr. Lanahan sought the Board's input regarding the maximum loan amount that should be offered to businesses. Commissioner O'Bryan suggested a \$50,000 maximum, with Commissioners Solari and Adams suggesting \$100,000, noting that many businesses may fall under the maximum amount.

A motion was made by Commissioner O'Bryan, seconded by Chairman Adams, to approve Indian River County's participation in applying for an Economic Development Agency grant to establish a Revolving Loan Fund in partnership with the Treasure Coast Regional Planning Council. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 12.A.2.** [20-1835](#) Consideration of Coronavirus Relief Fund (CRF) Agreement with Florida Housing Finance Corporation (FHFC), Consideration of Local Parameters for Fund Utilization, and Consideration of County Staffing and Outside Agency Assistance to Administer the Program

Attachments: [Staff Report](#)
 [CRF Agreement with FHFC](#)
 [Template Sub-grantee Agreement](#)

Bill Schutt, Chief of Long Range Planning, appeared before the Board to request consideration of a Coronavirus Relief Fund (CRF) Agreement with the Florida Housing Finance Corporation (FHFC). He explained that the CRF agreement would provide residents affected by COVID-19 with assistance for certain housing related expenses.

Referring to a PowerPoint presentation, Chief Schutt informed that the first round of funding would provide \$572,301 to Indian River County, with a staff-recommended focus on mortgage and rental payment assistance. He continued with recommended assistance caps, household income eligibility, promotion, administrative tasks, staffing needs, and assistance from potential community partners. His presentation concluded with staff recommendations.

Chief Schutt entered into discussion with the Board regarding Area Median Income (AMI) parameters, and clarification on which housing expenses would qualify for assistance.

A motion was made by Commissioner Solari, seconded by Commissioner O'Bryan, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

B. Emergency Services

C. General Services

- 1. Human Services**
- 2. Sandridge Golf Club**
- 3. Recreation**

D. Human Resources**E. Office of Management and Budget****F. Public Works****12.F.1. [20-1854](#) Moorhen Marsh Low Energy Aquatic Plant System - Recommendation Regarding Construction Bids (Bid #2020030)**

Attachments: [Staff Report](#)
[Attachment A - Allen Concrete Protest Letter](#)
[Attachment B - County Purchasing Manager Letter](#)
[Attachment C - Alternatives Analysis](#)

Richard Szpyrka, Director of Public Works, utilized a PowerPoint presentation to discuss planned construction of the Moorhen Marsh Low Energy Aquatic Plant System (Moorhen), designed to remove harmful nutrients from the County's canals. Director Szpyrka informed that the lowest qualified construction bid was more than 20 percent above estimate, and therefore not feasible.

His presentation continued with three alternate options to achieve Moorhen's nutrient removal goals: purchase a long reach excavator, build a basic water lettuce system, and a combination of the two. Commissioners questioned and received answers from Director Szpyrka regarding specifics of the alternatives and analysis of their effectiveness, as contained in staff's memorandum dated August 11, 2020.

In response to the Commissioner's questions, Keith McCully, County Stormwater Engineer, appeared before the Board to provide information on the County's other nutrient removal sites, Osprey Acres and Egret Marsh, and how they compared to Moorhen Marsh.

Discussion concluded with details of County funding and grants available to finance the cost of staff's recommendations.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

The Chairman called for a recess at 10:48 a.m., and reconvened the meeting at 10:53 a.m. with all members present.

G. Utilities Services**13. COUNTY ATTORNEY MATTERS**

- 13.A.** [20-1850](#) City of Vero Beach Water, Wastewater and Reclaimed Water Franchise Agreement Update

Attachments: [Staff Report](#)

County Attorney Dylan Reingold appeared before the Board to provide an update on stalled negotiations for a new wastewater and reclaimed water franchise agreement with the City of Vero Beach (the City) to replace the agreement which expired in March of 2017. Attorney Reingold reported attending the July 14, 2020 City council meeting and receiving an assurance that a document would be forwarded for his review. He further explained that the new agreement sought to formalize the current situation in which the City was servicing residents in unincorporated areas of the County, at County rates.

Discussion ensued regarding the timeline of negotiations, details of the proposed agreement, and follow-up efforts. Attorney Reingold explained the ramifications of not having a franchise arrangement in place, and agreed to continue pursuit of a signed agreement.

No Action Taken or Required

13.B. [20-1865](#) Jill Jaynes Litigation

Attachments: [Staff Report](#)

County Attorney Dylan Reingold recapped the case and judgment against Jill Jaynes's fraudulent billing practices from her acupuncture practice in Vero Beach. The County Attorney's Office felt that damages exceeded the \$173,000 in restitution Ms. Jaynes was ordered to pay, and sought the Board's approval to pursue litigation in order to recoup additional losses. He advised that hiring outside counsel may be necessary, and provided information on the likelihood of collecting additional money.

The Board entered into discussion with Attorney Reingold, expressing concerns regarding the success of litigation and the need for more information on collectability. The Commissioners requested additional due diligence from the Attorney's Office prior to engaging outside counsel.

County Administrator Jason Brown agreed that the restitution amount was low compared to damages, and expressed concern that Ms. Jaynes may still be in business.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve authorizing the County Attorney to file suit, with direction for additional research prior to engaging outside counsel. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

13.C. [20-1867](#) Quit Claim Deed to James W. Steil, Inc

Attachments: [Staff Report](#)
[Aerial Photo of Parent Parcel - Steil](#)
[cdv sketch and highlighted area of subject property](#)
[IRC quit claim deed to Steil 2020](#)

Deputy County Attorney Bill DeBraul referred to staff's memorandum of August 12, 2020 to provide details of the Quit Claim Deed request from James W. Steil, Inc. for a remnant parcel adjacent to Mr. Steil's property on US Highway 1 and 10th Street. Attorney DeBraul displayed the property's boundaries and recounted the research done to investigate ownership of the remnant. He advised that no ownership, or future plans for the remnant parcel could be found, and recommended issuing a Quit Claim Deed with an easement for underground utilities.

Commissioner Zorc received clarification from Attorney DeBraul regarding the differences between abandonment of this remnant and parcels that would be considered right-of-way.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

14. COMMISSIONERS MATTERS

- A. Commissioner Susan Adams, Chairman**
- B. Commissioner Joseph E. Flescher, Vice Chairman**
- C. Commissioner Tim Zorc**

14.C.1. [20-1799](#) Discussion on Pine Tree Park Storm Water Drainage

Attachments: [Commissioner's Memorandum](#)

Commissioner Zorc requested tabling the item until a future date when residents would be able to appear before the Board to speak on the issue.

Tabled

- D. Commissioner Peter D. O'Bryan**

E. Commissioner Bob Solari**F. Commissioners Open Dialogue****14.F.1. [20-1747](#) Commissioners Open Dialogue**

Attachments: [Memorandum](#)

Chairman Susan Adams opened discussion with acknowledgement that this was voting day, as well as the 100th Anniversary of the Women's Suffrage movement.

Vice Chairman Flescher urged residents to vote.

Commissioner Zorc discussed his effort to help develop a public fishing area, possibly in Winter Beach.

Commissioner O'Bryan recounted riding the Jungle Trail from Captain Forster Park to the Bridge Tender's Park, and his experience at the disc golf course at Kiwanis Hobart Park. He also made note of the observed high rate of compliance for the mask mandate, and the Public Service Announcements created by Commissioners in support of mask wearing.

Commissioner Solari recounted his experience with mask-wearing residents, and urged people to wear their masks correctly.

No Action Taken or Required

15. SPECIAL DISTRICTS AND BOARDS**A. Emergency Services District**

The Board of County Commissioners reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve the Meeting Minutes of March 10, 2020, April 21, 2020, June 9, 2020, and June 16, 2020 as written. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

15.A.1. [20-1649](#) Approval of Minutes Meeting of March 10, 2020

Attachments: [03102020ESD_Draft](#)

Approved

15.A.2. [20-1707](#) Approval of Minutes Meeting April 21, 2020

Attachments: [04212020ESD_Draft](#)

Approved

15.A.3. [20-1802](#) Approval of Minutes Meeting of June 9, 2020

Attachments: [06092020ESD_Draft](#)

Approved

15.A.4. [20-1809](#) Approval of Meeting Minutes of June 16, 2020

Attachments: [06162020ESD_Draft](#)

Approved

15.A.5. [20-1795](#) Approval of Second Amendment and Renewal of Property Lease for Temporary Location of Fire Station #7

Attachments: [Staff Report](#)
[Second Amendment Lease Agreement Station 7](#)

[Clerk's note: This Item was heard following Item 10.A.2., and is placed here for continuity.]

Emergency Services Chief Tad Stone reported that his department was diligently searching for property for a new fire station location.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

B. Solid Waste Disposal District

The Board of Commissioners adjourned the meeting of the Emergency Services District and reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve the Meeting Minutes of May 19, 2020, and June 9, 2020 as written. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

15.B.1. [20-1789](#) Approval of Meeting Minutes of May 19, 2020

Attachments: [05192020SWDD_Draft](#)

Approved

15.B.2. [20-1803](#) Approval of Minutes Meeting of June 9, 2020

Attachments: [06092020SWDD_Draft](#)

Approved

15.B.3. [20-1846](#) Ratification of Award of Bid 2020027 - Old Dixie Highway-Landfill Wetland Mitigation Site Perimeter Fencing

Attachments: [Staff Report](#)
 [Agreement with KMG Fencing LLC](#)

There was no discussion regarding this item.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 15.B.4.** [20-1844](#) Ratification of Award of Bid 2020050 (Phase 1) - Installation of New Concrete Pad at IRC Landfill and Ratification of Award of Bid 2020050 (Phase 2) - Demolition of Existing Structures

Attachments: [Staff Report](#)
 [Agreement with Summit Construction](#)
 [Agreement with Timothy Rose Contracting Inc](#)

There was no discussion regarding this item.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 15.B.5.** [20-1843](#) Approval of 2021 CPI Adjustment Request by Republic Services

Attachments: [Staff Report](#)
 [Rate Adjustment Letter Request](#)

Commissioner O'Bryan recounted discussion from the Budget Workshop meeting of July 15, 2020, in which the Board agreed to honor the existing contract even in the light of revenue shortfalls from COVID-19.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 15.B.6.** [20-1857](#) Indian River County Landfill Amendment No. 3 to Work Order No. 1 and Final Pay to CDM Smith, Inc.

Attachments: [Staff Report](#)
 [IRC Landfill Amendment No 3 to Work Order No 1](#)
 [CDM Smith Final Invoice and Project Completion Report](#)

There was no discussion regarding this item.

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 15.B.7. [20-1856](#) Change Order No. 8, Release of Retainage and Final Pay to Thalle (Bid #2018025)

Attachments: [Staff Report](#)
[CDM Smith Letter of Recommendation](#)
[Change Order No 8 and Change in Contract Summary Log](#)

There was no discussion regarding this item.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 15.B.8. [20-1855](#) Request by Republic Services to bring City of Palm Bay Recyclables

Attachments: [Staff Report](#)
[Request from Republic Services](#)

Himanshu Mehta, Managing Director of the Solid Waste Disposal District (SWDD), presented a request from Republic Services to bring the City of Palm Bay's recyclables to the Indian River County Recycling Transfer Facility (RTF). Republic Services' contract includes operation of the RTF, and responsibility for transporting recyclable materials to St. Lucie County.

Director Mehta referred to staff's memo of August 7, 2020, discussing the terms of the proposal, and noted the possibility of assistance from Republic Services in upgrading the RTF. He added that St. Lucie County was agreeable to processing the additional material. Director Mehta also pointed to staff's analysis of the financial impact to the SWDD.

Discussion ensued between the Board and Director Mehta regarding ownership of recyclable materials, timelines, and suggested modifications to the rate structure. Commissioners and staff requested clarification of the fee for contaminated recycling loads, and confirmation of Brevard County's landfill tipping fees.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation, with additional direction to negotiate adjustments to the tipping fee and pass-through charges. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

- 15.B.9. [20-1828](#) Bill of Sale of Utility Facilities - Indian River County Landfill Segment 3 Cell 2 Expansion, Segment 2 Partial Closure, and Landfill Gas System Expansion

Attachments: [Staff Report](#)
[Bill of Sale of Utility Facilities](#)
[Exhibit "A" to Bill of Sale of Utility Facilities](#)

There was no discussion regarding this item.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 11:50 a.m.