

**CITY OF VERO BEACH, FLORIDA  
JANUARY 19, 2010 6:00 P.M.  
REGULAR CITY COUNCIL MEETING  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**A G E N D A**

**1. CALL TO ORDER**

- A. Roll Call
- B. Invocation – Pastor Mark Richardson/Glendale Baptist Church
- C. Pledge of Allegiance

**2. PRELIMINARY MATTERS**

- A. Agenda Additions, Deletions, and Adoption
- B. Proclamations
  - 1. Plaques to be presented to former Councilmembers Bill Fish and Debra Fromang
- C. Public Comment
  - 1. Mr. John Little to speak to Council on utility issues
- D. Adoption of Consent Agenda
  - 1. Regular City Council Minutes – January 5, 2010
  - 2. [Award of Bid No. 460-08/JO – Professional Continuing Services Contracts for the Water and Sewer Department](#)
  - 3. [Final Payment Request: Contract #1481 \(Bid #200-09/CSS\) – FEMA Roof Damage Mitigation Project – Building 78/3120 Aviation Boulevard; Jurin Roofing Services, Inc.; FEMA-FL-DR-1545/PW #630](#)
  - 4. Monthly Capital Projects’ Status Reports

(The matters listed on the consent agenda will be acted upon by the City Council in a single vote unless any Councilmember requests that any specific item be considered separately.)

**3. PUBLIC HEARINGS**

- A) An Ordinance of the City of Vero Beach, Florida, amending the definition of “Restricted Sales and Services” of Chapter 60, Appendix, Definitions, of Part III, Title VI, Vero Beach Code; limiting Retail and Personal Service Stores to 4,000 square feet of floor area; excluding stores with Warehousing, Health and Fitness Clubs, and Stores that sell Motor Vehicle Parts; excluding Hardware Stores with Outdoor Merchandise Displays and Laundry and Dry Cleaning Stores with on-site Cleaning and Clothing Repair Services; excluding Stores with Drive-In, Drive-Up, or Drive-Through Facilities and Stores that offer for sale predominately pre-packaged food products, beverages, and other frequently or recurring needed household items between the hours of 11:00 p.m. and 6:00 a.m., including deliveries between this same time period; providing for conflict and severability; providing for an effective date.
- B) An Ordinance of the City of Vero Beach, Florida, amending Chapter 77, Architectural Review, Section 77.04 by creating New Paragraph (I); providing that Building Elevations, Construction of Site Plans, Design Drawings, or similar materials submitted as part of an Architectural Review Application be prepared by a State Licensed Design Professional, if required by the Florida Statutes or Florida Building Code for Submittal of a Building or other Development Permit Application; providing for conflict and severability; and providing for an effective date.

**4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING**

**5. FIRST READINGS BY TITLE FOR ORDINANCES AND RESOLUTIONS THAT REQUIRE A FUTURE PUBLIC HEARING**

- A) An Ordinance of the City of Vero Beach, Florida, amending Chapter 58 “Personnel and Retirement,” Article II, Division 4 of the Code of Ordinances of the City of Vero Beach to provide for compliance with Chapter 2009-97, Laws of Florida; providing for repeal of all Ordinances in conflict herewith; providing for severability; providing for codification and providing for an effective date.

**6. CITY CLERK’S MATTERS**

**7. CITY MANAGER’S MATTERS**

**8. CITY ATTORNEY’S MATTERS**

**9. CITY COUNCIL MATTERS**

- A. Old Business
- B. New Business

**10. INDIVIDUAL COUNCILMEMBERS' MATTERS**

- A. Mayor Kevin Sawnick's Matters
  - 1. Correspondence
  - 2. Committee Reports
  - 3. Comments
  
- B. Vice Mayor Sabin Abell's Matters
  - 1. Correspondence
  - 2. Committee Reports
  - 3. Comments
  
- C. Councilmember Tom White's Matters
  - 1. Correspondence
  - 2. Committee Reports
  - 3. Comments
  - A) Ordinance for Pet Friendly Restaurants
  
- D. Councilmember Brian Heady's Matters
  - 1. Correspondence
  - 2. Committee Reports
  - 3. Comments
  - A) OUC Contract
  - B) OUC Request
  - C) Taxpayer Guarantee
  - D) Joint Committee on Electric
  - E) Remainder of Year Meeting Change
  
- E. Councilmember Matters
  - 1. Correspondence
  - 2. Committee Reports
  - 3. Comments

## **11. ADJOURNMENT**

Council Meetings will be televised on Channel 13 and replayed.

This is a Public Meeting. Should any interested party seek to appeal any decision made by Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and that, for such purpose he may need to ensure that a record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the City's Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.

**SUBJECT TO CHANGE**

**AGENDA**

**CITY MANAGER'S OFFICE**  
**JANUARY 19, 2010**

**Consent Agenda**

1. Regular City Council Minutes – January 5, 2010
2. Award of Bid No. 460-08/JO – Professional Continuing Services Contracts for the Water and Sewer Department
3. Final Payment Request: Contract #1481 (Bid #200-09/CSS) – FEMA Roof Damage Mitigation Project – Building 78/3120 Aviation Boulevard; Jurin Roofing Services, Inc.; FEMA-FL-DR-1545/PW #630
4. Monthly Capital Projects' Status Reports

**City Manager's Matters**

- A) Vision Implementation Plan Program Update

**COUNCIL AGENDA REPORT**  
**MEETING OF JANUARY 19, 2010**

**TO:** The Honorable Mayor and Members of the City Council

**FROM:** James M. Gabbard, City Manager

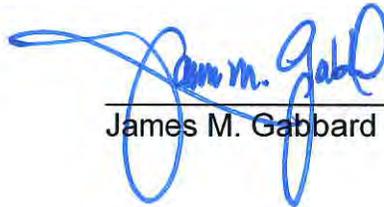
**DATE:** January 11, 2010

**SUBJECT: AWARD OF BID NO. 460-08/JO – PROFESSIONAL CONTINUING SERVICES CONTRACTS FOR THE WATER AND SEWER DEPARTMENT**

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Attached is a memorandum from Rob Bolton, dated January 11, 2010, which provides background information and a recommendation on the above-referenced award of bid.

**It is the recommendation of the City Manager's Office that Council approve the Award of Bid #460-08/JO, for firms to provide Professional Continuing Services for the Water and Sewer Department, according to the ranking of firms provided in the attached back-up information.**

  
James M. Gabbard

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Attachments

xc: Rob Bolton  
Stephen Maillet

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**DEPARTMENTAL CORRESPONDENCE**  
**WATER AND SEWER DEPARTMENT**



To: James M. Gabbard  
Dept: City Manager

From: Robert J. Bolton, P.E., Director *RJB*

Date: January 11, 2010

**RE: Recommendation of Award  
Professional Continuing Services Contracts**

**Background:**

On December 11, 2008, a Request for Qualifications (RFQ), number 460-08/JO, was issued to solicit proposals from firms for professional services. On April 29, 2009, the City interviewed the following firms for projects that were on a fast track schedule for this fiscal year:

**Administration Building – (CANCELLED)**

First – Donadio and Associates, (Vero Beach)  
Second – Edlund , Dritenbas, and Binkley, (Vero Beach)

**Floridan Aquifer Model**

First – Camp Dresser & McKee, Inc. (CDM), (Vero Beach)  
Second – ARCADIS US, Inc. (West Palm Beach)

**Surficial Aquifer Model**

First – ARCADIS US, Inc. (West Palm Beach)  
Second – Camp Dresser & McKee, Inc. (CDM), (Vero Beach)

On June 8 and 12, 2009, the remaining firms were interviewed and ranked in the following order:

**Water and Sewer Plant Work**

First - Camp Dresser & McKee, Inc. (CDM), (Vero Beach)  
Second - ARCADIS US, Inc. (West Palm Beach)

**Water Treatment Plant Master Plan**

First - Camp Dresser & McKee, Inc. (CDM), (Vero Beach)  
Second - Baskerville-Donovan, Inc. (BDI), (Melbourne)

Nano Filtration

First - Camp Dresser & McKee, Inc. (CDM), (Vero Beach)

Second – Tied between ARCADIS US, Inc. (West Palm Beach) and Hazen and Sawyer, (Fort Pierce)

Reverse Osmosis

First - Baskerville-Donovan, Inc. (BDI), (Melbourne)

Second - Camp Dresser & McKee, Inc. (CDM), (Vero Beach)

Mechanical Integrity Testing Deep Injection Well

First - ARCADIS US, Inc. (West Palm Beach)

Second – Kimley-Horn and Associates (Vero Beach)

Engineering Service for Design Build Wastewater Treatment Plant - **(CANCELLED)**

First - Camp Dresser & McKee, Inc. (CDM), (Vero Beach)

Second - Baskerville-Donovan, Inc. (BDI), (Melbourne)

Sanitary Sewer Evaluation Study

First - Hazen and Sawyer, (Fort Pierce)

Second - Camp Dresser & McKee, Inc. (CDM), (Vero Beach)

Ground Storage Tank

First - ARCADIS US, Inc. (West Palm Beach)

Second - Camp Dresser & McKee, Inc. (CDM), (Vero Beach)

Water and Sewer Line Work

First – Morgan and Associates, Inc., (Melbourne)

Second – Masteller and Mohler, In., (Vero Beach)

**Funding**

These projects correlate with the Five Year Plan and will be funded through the fiscal budget process each year. The City will negotiate task orders with the firms in accordance with Florida Statutes. For the Water and Sewer Plant Work and Water and Sewer Line Work both firms will be retained with the second firm used to handle overflow.

**Recommendation**

Please place this item on the January 19, 2010 agenda for consideration. Recommend approval of this list, with the two (2) CANCELLED projects, by City Council. Please contact me at ext. 5228 if you have any questions.

xc: John O'Brien, Purchasing Manager  
Carol Shoaf, Contract Administrator

**ENGINEERING SERVICES FOR PUBLIC WORKS DEPARTMENT AND  
WATER AND SEWER DEPARTMENT MINUTES  
MONDAY, APRIL 13, 2009 2:00 P.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Purchasing Manager, John O'Brien

**PUBLIC WORKS DEPARTMENT:** Public Works Manager, Don Dexter; Assistant City Engineer, Bill Messersmith; and Assistant Chief Surveyor, Bill Moody

**WATER AND SEWER DEPARTMENT:** Water and Sewer Director, Rob Bolton (arrived at 2:08); Manager of Environmental and Plant Operations, John TenEyck; Water Plant Supervisor, Roy Kain; Supervisor of Process Engineering, Tim Bond; and Utility Engineer II, Jerry Gilbert

**ALSO PRESENT:** City Clerk, Tammy Vock; and Senior Administrative Assistant, Rita Hawkins

**1. CALL TO ORDER**

Mr. O'Brien called today's meeting to order at 2:00 p.m.

**2. APPROVAL OF MARCH 25, 2009 MINUTES**

**A) March 25, 2009**

Mr. TenEyck made a motion to approve the minutes of the March 25, 2009 Engineering Services for Public Works Department and Water and Sewer Department meeting. Mr. Dexter seconded the motion and it passed unanimously.

**3. DISCUSS THE EVALUATION PROCESS OF THE FAST TRACK PROJECTS**

Mr. O'Brien said they would start by going over the short listing of the Lateral E Storm Water Treatment Facility. He mentioned that Mr. Messersmith, Mr. Moody and Mr. Dexter have been chosen for the evaluation of the Public Works projects. He stated that Mr. Dexter already turned in his evaluation form for the fast track project. (Copies of all the evaluation forms are on file in the City Clerk's office).

Mr. Messersmith said that Carter & Associates was his first choice, Kimley-Horn was second, PBSJ was third, Masteller & Mohler was fourth, CDM was fifth, URS Corp was sixth, Knight McGuire & Associates was seventh, Mil Corp Group was eighth, Sustainable Engineering Design was ninth, and CPH Engineering was tenth.

Mr. Moody said that Carter & Associates was his first selection, CDM was second, Masteller & Mohler was third, CPH Engineering was fourth, URS Corp was fifth, Hazen & Sawyer was sixth, PBSJ was seventh, Neel-Schaffer was eighth, Knight McGuire & Associates was ninth, and Baskerville Donovan was tenth.

Mr. Messersmith asked what Mr. Dexter's choices were.

Mr. O'Brien said that Mr. Dexter's first choice was Carter & Associates, CDM was second, Masteller & Mohler was third, Kimley-Horn was fourth, and Neel-Schaffer was fifth.

Mr. O'Brien said that based on all their ratings, the top three firms were Carter & Associates, CDM, and Masteller & Mohler.

Mr. O'Brien said that he would verify the Committee member's schedules and set up interviews with these three firms.

Mr. O'Brien said that the Water & Sewer Department chose three projects to fast track. They selected the Florida Aquifer Model, Surficial Aquifer Model and the Architectural Services Administration Building. He asked the Committee members to list their top five companies for each project.

Mr. TenEyck said that for the Florida Aquifer Model his first choice was CDM, Arcadis was second, Calvin Giordano & Associates was third, Carter & Associates was fourth, and PBSJ was fifth. For the Surficial Aquifer Model he chose Arcadis as his first choice, Carter & Associates was second, CDM was third, Calvin Giordano & Associates was fourth, and PBSJ was fifth. For the Administration Building he selected both CDM and Edlund Dritenbas as his first choice, Baskerville Donovan and Donadio & Associates were tied for second, JMWA Architects was third, Calvin Giordano & Associates was fourth, and URS Corp was fifth.

Mr. Kain said that for the Florida Aquifer Model he selected CDM as his first choice, Kimley-Horn was second, Arcadis was third, Hazen & Sawyer was fourth and CPH Engineering was fifth. For the Surficial Aquifer Model, CDM was his first choice, Kimley-Horn was second, Arcadis was third, Hazen & Sawyer was fourth, and CPH Engineering was fifth. For the Administration Building he chose Edlund Dritenbas as his first choice, CDM was second, Baskerville Donovan was third, PBSJ was fourth, and fifth was CPH Engineering Inc.

Mr. Bond said that for the Florida Aquifer Model he selected Arcadis as his first choice, CDM was second, PBSJ was third, Baskerville Donovan was fourth, and URS Corp was fifth. For the Surficial Aquifer Model he made the same selections as the Florida Aquifer Model. For the Administration Building he selected Edlund Dritenbas as his first selection, Donadio & Associates was second, CDM was third, Baskerville Donovan was fourth, and PBSJ was fifth.

Mr. Gilbert said that his selections for the Florida Aquifer Model and the Surficial Aquifer Models were the same. He had a tie between Arcadis and CDM as his first choice, PBSJ was second, URS Corp was third, Carter and Associates was fourth, and Calvin Giordano & Associates was fifth.

Mr. Bolton said that his first selection for the Florida Aquifer Model was a tie between CDM & PBSJ, Arcadis was second, Carter & Associates, CPH Engineering and URS Corp were all tied for third, Kimley-Horn and Calvin Giordano & Associates were fourth, and Baskerville Donovan and Neel-Schaeffer were both fifth. For the Surficial Aquifer Model he selected Arcadis and CDM as his first choice, Baskerville Donovan, Carter & Associates, URS Corp, and CPH Engineering were all second, PBSJ, and Kimley-Horn were third, Neil Schaefer, and Calvin Giordano & Associates were fourth, and Frazier Engineering was fifth. For the Administration Building he selected Donadio & Associates as his first choice, CDM and Edlund Dritenbas were tied for second, URS Corp and PBSJ were third, CPH Engineering and Frazier Engineering were fourth, and Calvin Giordano & Associates was fifth.

Mr. O'Brien said for the first project, Florida Aquifer Model, that Arcadis, CDM and PBSJ were the top three picks. For the Surficial Aquifer Model he said that Arcadis, CDM, and Carter & Associates were the highest ranked companies. The top three selections for the Administration Building were CDM, Donadio & Associates, and Arcadis. He said that they would be interviewing six companies for these three projects.

Mr. O'Brien said that they will allow the Committee more time to interview the companies that were selected for more than one project. He asked the Committee members to rank the companies based on what they know and what they learn from the interview. He said that he will check their schedules and try to get the interviews all done in one day.

Mr. O'Brien said that the next meeting is set for May 4<sup>th</sup>. They need to have the interviews done before then. He said that if that date is going to be a problem for anyone to please send him an e-mail.

#### 4. ADJOURNMENT

Today's meeting adjourned at 2:45 p.m.

/rh

**ENGINEERING SERVICES FOR PUBLIC WORKS DEPARTMENT AND WATER  
AND SEWER DEPARTMENT MEETING  
WEDNESDAY, APRIL 29, 2009 9:00 A.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Purchasing Manager, John O'Brien

**PUBLIC WORKS DEPARTMENT:** Public Works Manager, Don Dexter; Assistant City Engineer, Bill Messersmith; and Assistant Chief Surveyor, Bill Moody

**WATER AND SEWER DEPARTMENT:** Water and Sewer Director, Rob Bolton; Manager of Environmental and Plant Operations, John Ten Eyck; Water Plant Supervisor, Roy Kain; Supervisor of Process Engineering, Tim Bond; and Utility Engineer II, Jerry Gilbert

**Also Present:** Senior Administrative Assistant, Rita Hawkins

**1. CALL TO ORDER**

Mr. O'Brien called today's meeting to order at 9:00 a.m.

**2. APPROVAL OF MINUTES**

**A) APRIL 13, 2009**

Mr. Bolton made a motion to approve the minutes of the April 13, 2009 Engineering Services for Public Works Department and Water and Sewer Department meeting. Mr. Kain seconded the motion and it passed unanimously.

**3. INTERVIEWS**

**A) DONADIO & ASSOCIATES, ARCHITECTS, P.A.**

Mr. Anthony Donadio, Principal-in-charge Project Manager, introduced their representatives that were present at today's meeting.

Mr. Haydn Curtis, Sr. Project Manager, began with a Power Point presentation on the Architectural Services for the Water & Sewer Administrative Building (on file in the City Clerk's office). He discussed their vision statement, their organizational team, and their goals.

Mr. Donadio continued with the Power Point presentation by going over the site conditions, project specifics, and similar projects they have completed in the past.

Mr. Ten Eyck asked if they have administered any construction contracts that had Davis Bacon Act requirements in them.

Mr. Donadio said that he is somewhat familiar with this act. When the County was building their fire stations he worked with the Fire District, Indian River County and the construction company to make sure they all complied with the Davis Bacon Act.

Mr. Brian Stall, Civil Engineer with Baskerville-Donovan, said that through their funding assistance some of their team members have done this type of work.

Mr. Ten Eyck said that some portions of the building or the utilities might fall within a well field protection area. He asked if they have ever dealt with this type of situation.

Mr. Donadio replied yes. This may certainly affect their decision whether they go with a one or two story building. It will depend on how much they have to apply for setbacks.

Mr. Bolton asked if they need to meet all the criteria to be LEED certified.

Mr. Donadio said that they use a LEED checklist to determine what items they can use in the project that will earn them points to be certified. They will need about thirty-two points to be certified. The checklist will help to determine what best fits their needs to meet the green requirements.

Mr. William McCain, President with W.R. McCain & Associates, suggested sitting down and doing a LEED analysis to see what point structure they meet especially if they are looking at receiving some grant money.

Mr. Stall said that if the project meets the required percentage of LEED then that will increase their likelihood of receiving the grant funding.

Mr. Donadio said that there are several items that they put into almost every project that would get them certified. Using a white roof, allowing daylight to come into the building, and concrete paving are just a few of these items.

#### **B) CARTER & ASSOCIATES, INC.**

Mr. Steve Snowberger, Project Manager with Carter & Associates, introduced the team members who were present at today's meeting. They will be giving presentations on two projects.

Mr. George Simons, President of Carter & Associates, gave a brief introduction and the history of Carter & Associates. He began with a Power Point presentation on the Lateral "E" project (on file in the City Clerk's office).

Mr. Snowberger continued with the presentation and discussed the technical aspects of the Vortex system.

Mr. Simons passed out three handouts on the continuous deflection separation (CDS) system, the vortex site and the vortex unit details (on file in the City Clerk's Office).

Mr. Snowberger continued by discussing all three handouts and proceeded with the Power Point presentation.

Mr. Messersmith asked if it was because of financial reasons that the County decided to not go with this Vortex system.

Mr. Snowberger replied yes.

Mr. Messersmith said they looked at using multiply precast units, because a single unit would be too wide. He asked if three units would be better.

Mr. Snowberger said that they could use the two precast units if they are able to get them transported here, but three might be better.

Mr. Messersmith asked if there would be a conflict between the work they would be doing for City versus the work they do for the farms.

Mr. Simons said that since they work with Indian River Farms they know their policies and even help them with some of their projects. Their knowledge of what they will be looking for may even help expedite the process.

Mr. Messersmith asked if there was a possibility of putting the majority of the facility in the right of way of the main canal.

Mr. Snowberger said if they could fit the facility in where they showed it in their presentation, it would eliminate any concerns about future use of the right of way.

Mr. Dexter asked if there were any other maintenance friendly systems they could look at, or is there a way of redesigning this one to make the maintenance easier.

Mr. Snowberger said that they looked at other vortex units but they were either too large or required even more maintenance, so that is why they chose the CDS model.

Mr. Bolton asked if the three units would be installed at different levels so that they would get better treatment on the lower flows.

Mr. Snowberger replied yes. They have been discussing a flow splitter box. As the water goes up in the splitter box it would flow into the next unit and continues on depending on how many units are installed. It was recommended to use a 2400-micron screen on all of the units, but they could use a smaller screen on the lowest unit to get better filtration.

Mr. Messersmith asked if they have looked at any type of self-contained pump to clean the units out.

Mr. Snowberger replied yes, it will have a submergible pump.

Mr. Snowberger continued on with the Power Point presentation and discussed the Aquifer Model.

Mr. Jack Garbade, Vice-President with The Colinas Group, Inc., gave a brief introduction and history on the company. He continued with the Power Point presentation and discussed the Floridan Aquifer Model.

Mr. Ten Eyck asked if The Colinas Group was a smaller firm.

Mr. Garbade replied yes, they are smaller, but they are a tight knit group.

Mr. Ten Eyck said that the St. Johns River Water Management District (SJRWMD) is working on its own model of the Surficial Aquifer for this area.

Mr. Garbade said that was correct. He spoke with their modeling group and they indicated that it would be at least another month or longer before it is complete. Their model is going to be a MODFLOW based design which is a universal model.

Mr. Simons gave a closing statement for both projects and explained why they were the right company for the jobs. He said that they are familiar with the policies and that they have a good rapport with the officials. They have surveys already completed and have experience with vortex design work.

Mr. Ten Eyck asked how would they develop their modeling if there is not a lot of existing information.

Mr. Garbade said that for the existing Vero Beach model they had pumping and drawdown data that was used to obtain the information they needed. The records from numerous wells in Indian River County can also provide them with a lot of good information.

Mr. Messersmith asked if they have ever installed any CDS systems.

Mr. Garbade replied no.

### **C) CAMP DRESSER & MCKEE, INC. (CDM)**

Mr. Eric Grotke, Principal Engineer, introduced CDM and the project team. He started with a Power Point presentation and talked about the company's history (on file in the City Clerk's Office). They do not do surveying in-house, so they would utilize local surveyors to handle that piece.

Mr. Michael Alford, Architectural Support, continued on with the Power Point presentation and discussed the Architectural Services Administration Building project.

Mr. Tom Young, Civil Engineer with CDM, discussed the management of the Lateral E storm water project and continued with the Power Point presentation.

Mr. Mike Schmidt, a CDM representative, continued with the Power Point presentation and discussed their experience with Lateral E Storm water projects.

Mr. Lee Wiseman, Water Resource Engineer with CDM, continued with the Power Point presentation and discussed the Floridan and Surficial Aquifer Model projects.

Mr. Grotke said that they have several staff members that are LEED certified and are committed to meeting the City's goals and schedules. They are very involved in the community and have worked on many projects along the Treasure Coast. They have an excellent reputation with the regulatory agencies and are actively involved with the Department of Environmental Protection Agency (DEP) and what is required.

Mr. Messersmith asked if they have any experience with the Department of State Division of Historic Preservation and Historic Resources.

Mr. Schmidt replied yes. Their most recent experience was with the Lake Okeechobee fast track project. There were six historical sites located that they had to work around.

Mr. Dexter asked if the vortex system was the correct choice to use in such a confined area.

Mr. Schmidt said yes. It is an excellent choice and the vortex system works very well.

Mr. Messersmith asked if they have ever installed any vortex units.

Mr. Schmidt replied yes.

Mr. Bolton asked if they were looking at some type of pumping and storage facility for the treated water.

Mr. Schmidt said they have discussed several options. It is a good opportunity to take the treated water and turn it into another useful benefit if possible. They can't put the treated water into the Floridan well but they may be able to infiltrate it into the Surficial well.

Mr. Dexter asked if there were any grant opportunities to supplement that type of project.

Mr. Schmidt replied possibly yes. Through the State Revolving Fund, communities that have innovative and intergraded water resources definitely get recognized and assisted.

Mr. Bolton asked if they took into consideration the Indian River County well fields when they figured the withdrawal rate.

Mr. Wiseman replied yes. They took all of Indian River County into account.

Ms. Jill Grimaldi, Program Manager, said that about 12 years ago they developed their own MODFLOW model for St. Lucie County. The St. Lucie County model would be a valid starting point and it was reviewed and signed off on by St. Johns River Water Management District.

Mr. Ten Eyck asked if they had ever designed any buildings that were close to wells or in well field protection areas.

Mr. Alford said yes. They just finished the administration building in Margate that had some wells that were close.

Mr. Ten Eyck asked if any of their past projects had Davis Bacon Act Provisions in them.

Mr. Grotke replied yes.

Mr. Messersmith asked if they were within the budget for the civil work for the Lateral E project.

Mr. Schmidt said that by what they can tell they are in line with the budget, but they have not looked at all of the site data yet.

#### **D) ARCADIS**

Mr. Bill Reese, a representative from ARCADIS, gave a brief introduction and background on the company. He introduced the experts from their team; Mr. Dave Smith and Mr. Tom Tessier (spelling may not be correct).

Mr. Dave Smith, a representative from ARCADIS, gave a Power Point presentation on the Aquifer Models (on file in the City Clerk's office). He passed out a 2005 aerial photo of the City of Vero Beach (on file in the City Clerk's office).

Mr. Tom Tessier, a representative with ARCADIS, continued with the Power Point Presentation and discussed the Surficial and Floridan Aquifer projects.

Mr. Smith closed their presentation and said that they have the experience to work with the regulators. They are about earning their clients trust, satisfying the client's needs, and not doing more than what is necessary.

Mr. Bolton asked how long does it takes to build a Floridan Model.

Mr. Smith said that it depends on what their objectives are. If they want something simple they could put it together in a few weeks, but if they are looking at a sophisticated model they could spend a lot more money and time. He said that he believes in spending the least amount of time and money to get the desired result.

Mr. Ten Eyck said that SJRWMD is working on a regional model of the Floridan Aquifer. He asked if their regional model would meet the minimums for what the City will need to support a CUP.

Mr. Reese replied yes.

Mr. Ten Eyck asked if there is enough reliable data out there to further the SJRWMD modeling efforts.

Mr. Reese replied yes.

**E) EDLUND DRITENBAS BINKLEY (EDB)**

Mr. Paul Dritenbas, Architect with Edlund Dritenbas Binkley Architects, thanked the Committee for this opportunity. He introduced John Binkley, Architect with EDB; Michael Lue, Structural Engineer with ML Engineering, Inc.; Jason Smith, Engineer with OCI; and Andy Kirbach, Engineer with Morgan & Associates.

Mr. Dritenbas briefly discussed the history of EDB. He gave a Power Point presentation on the Administration Building project (on file in the City Clerk's office) and discussed the design approach.

Mr. Smith spoke about the technology systems for the project and continued with the Power Point presentation.

Mr. Binkley continued with the Power Point presentation and discussed the budget and schedules.

Mr. Dritenbas continued with the Power Point presentation and spoke about the technology and designs they used in some of their other projects.

Mr. Bolton asked if they have ever designed a buildings with Emergency Operation Center (EOC) specifications. Could any of their projects be used as an EOC during a storm.

Mr. Dritenbas said that all of their structures meet the 140 mile per hour wind requirements.

Mr. Lue said that they could design their main control area to withstand a higher rated storm and not build the entire structure using EOC requirements.

Mr. Smith said they have designed full EOC projects. They are very experienced with the requirements.

Mr. Ten Eyck asked if any of their projects had Federal Wage Requirements involved with them.

Mr. Dritenbas replied yes. They are familiar with wage requirements as well.

**F) PBS&J**

Mr. Bob Morrell, Principal-in-charge with PBS&J, introduced the project team for the Floridan Aquifer Well project and gave a Power Point presentation (on file in the City Clerk's office).

Mr. Mike Micheau, Senior Program Manager, continued with the Power Point presentation and discussed their experience with groundwater models.

Mr. Tom Farkas, Program Manager, discussed their past projects and continued with the Power Point presentation.

Mr. Micheau closed the presentation with a summary of their qualifications and opened the meeting for questions.

Mr. Bolton asked which Modeler worked on the Indian River County project.

Mr. Micheau said that they have all been actively involved in the projects they discussed.

Mr. Bolton asked if they took into consideration the City wells being on when they did the model for Indian River County.

Mr. Kevin Dorsey, Senior Hydrogeologist, replied yes. He said all of the wells in the Districts database were included.

Mr. Bolton asked if they are more interested in free flowing wells than pump wells.

Mr. Dorsey replied yes.

#### **G) MASTELLER & MOLER, INC.**

Mr. Stephen Moler, Vice President of Masteller & Moler, introduced the team members and gave a brief outline of the presentation.

Mr. John Boyer, Project Engineer, gave a Power Point presentation on the Lateral E project (on file in the City Clerk's office). He discussed the regulations of the project.

Mr. Moler continued with the Power Point presentation and covered the specifications of the Lateral E project.

Mr. Messersmith asked if they have ever dealt with the Department of State Division of Historical Resources and Preservation.

Mr. Moler replied yes. They do not do this type of work themselves, but they are aware that there may be times that they need to bring in a specialist in that area.

Mr. Dexter said that their plan proposes using some of the farm property. Is there a way to modify the design in order to keep it within the Lateral E.

Mr. Moler said absolutely. They will work out any issues with David Gunter and the District so that what they put in the plan gets approved.

Mr. Moody asked if they anticipate any problems working with the County and gaining access to the site.

Mr. Moler said that there is access from a parking lot to the Districts main canal right of way. They would work with the County to if this access could be used for this project.

Mr. Dexter asked if the conveyers listed in the project were electric.

Mr. Moler replied yes. If this item was installed in the project they would need electric.

Mr. Messersmith asked if the budget was sufficient.

Mr. Moler said that the budget is tight and they will look at some of the components. They may not need the conveyer system and bar screen up front. This would save on cost and electric. They know what the budget is so they would tailor the project to fit the budget unless other funding is found.

Mr. Messersmith asked if they have any experience finding other funds.

Mr. Moler said that their only experience in working with a funding agency was with the Farmers Home Administration. They were able to successfully obtain funding for the project.

Mr. Moody said that without the conveyer the system it would need to be cleaned more often, because the unit would be collecting everything.

Mr. Dexter said the advantage of the conveyer is that it would get the bigger debris out of the way.

Mr. Moler said they are discussing this issue with the CDS box manufacturer. They want to know if the conveyer is absolutely necessary.

Mr. Moody asked if they offer any type of pump to empty the box.

Mr. Moler said that it would be nice to have a pumping system that would lift the materials from the box into the dumpster. Based on the budget though, they will probably have to have a vacuum truck remove the materials.

Mr. Moody asked if the pump out area would be easily accessible.

Mr. Moler replied yes. The structure will have multiple access points. There is the ability to shut off the CDS system while it is being pumped out. This will allow them to pump out the contents with the least amount of water.

Mr. Messersmith asked if they could get 50 cfs precast chamber.

Mr. Moler said he thought so, but he would check on this. If they need to go with three 30 cfs precast chambers, they will modify the design.

Mr. Messersmith asked if they thought about using a fixed weir versus an adjustable weir to cut down on the cost.

Mr. Moler said that they are not against this idea but they needed to be prepared to demonstrate that they are not interfering with the flow. In the future they could install an automated system that measures the water and if it gets to a certain level the gate would drop down and release water. If they go with a fixed weir it could not be placed in the middle of the Lateral E. If they prefer a fixed weir, they can redesign it to fit everyone's needs.

**4. DISCUSSION AND POSSIBLE SELECTION**

Mr. O'Brien asked the Public Works Committee for their ratings.

<b>Lateral "E" Project</b>	<b>Carter &amp; Associates</b>	<b>CDM</b>	<b>Masteller &amp; Moler, Inc.</b>
Bill Messersmith	2	1	1
Bill Moody	3	2	1
Don Dexter	3	2	1

Mr. O'Brien said that Masteller & Moler was selected for the Lateral E project. He suggested they could negotiate a contract and present it to Council, but state that it is contingent upon funding. No work would be done until the contract is fully executed and the Committee gives them permission to move forward.

Mr. Dexter asked if the grant covers the design costs.

Mr. Messersmith replied no. They do have money budgeted in the project for design, but they were hoping to do the design in-house.

Mr. O'Brien asked the Water and Sewer Committee for their scores.

<b>FL Aquifer Model</b>	<b>CDM</b>	<b>ARCADIS</b>	<b>PBSJ</b>
Rob Bolton	2	1	3
John Ten Eyck	1	3	2
Tim Bond	1	2	3
Roy Kain	1	2	3
Gerry Gilbert	1	1	1

Mr. O'Brien said that CDM was selected for the Floridan Aquifer Model.

<b>Surficial Aquifer Model</b>	<b>Carter &amp; Assoc.</b>	<b>CDM</b>	<b>ARCADIS</b>
Rob Bolton	2	3	1
John Ten Eyck	2	3	1
Tim Bond	3	1	2
Roy Kain	3	1	2
Gerry Gilbert	1	1	1

Mr. O'Brien said that ARCADIS was selected as the top choice for the Surficial Aquifer Model.

Administration Building	Donadio & Assoc.	CDM	Edlund Dritenbas
Rob Bolton	1	2	3
John Ten Eyck	1	3	2
Tim Bond	2	3	1
Roy Kain	1	3	2
Gerry Gilbert	1	2	1

Mr. O'Brien said that the top firm for the Administration Building project was Donadio & Associates.

Mr. O'Brien said they could do a master contract and have the work order be the project. The master agreement establishes the relationship with the City and the contract. The work order just establishes the scope of work.

Mr. Bolton said they already have master agreements with ARCADIS and CDM. These master agreements were signed by City Council and they followed Florida Statutes. He would like to ask the Attorney's office if they could do a task order and have it be part of master agreement that they already have.

Mr. O'Brien said that he would check with the Attorney's Office. If they can have an agreement made up in time for the May 19<sup>th</sup> Council meeting then they would not want to go to Council asking for authorization to negotiate.

## 5. ADJOURNMENT

Today's meeting adjourned at 3:57 p.m.

/rh

April 29, 2009 Results

INTERVIEW RESULTS FOR FAST TRACK PROJECTS

1. FLORIDA AQUIFER MODEL *second* *First*

	Arcadis	CDM	PBSJ
Rob B	1	2	3
John T	3	1	2
Roy C	2	1	3
Jerry G	1	1	1
Tim B	2	1	3

2. SURFICIAL AQUIFER MODEL *First* *second*

	Arcadis	Carter & Assoc	CDM
Rob B	1	2	3
John T	1	2	3
Roy C	2	3	1
Jerry G	1	1	1
Tim B	2	2	1

3. ARCHITECTURAL SERVICES ADMIN BLDG *First* *second*

	CDM	Donadio & Assoc.	EDB
Rob B	2	1	3
John T	3	1	2
Roy C	3	1	2
Jerry G	2	1	1
Tim B	3	2	1

LATERAL E STORMWATER

	Carter & Assoc	CDM	Masteller Moler
Bill Moody	3	2	1
Bill Messersmith	2	1	1
Don Dexter	3	2	1

**Selected**

**ENGINEERING SERVICES  
WATER AND SEWER DEPARTMENT MINUTES  
FRIDAY, JUNE 12, 2009 9:00 A.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Water and Sewer Director, Rob Bolton; Manager of Environmental and Plant Operations, John TenEyck; Water Plant Supervisor, Roy Kain; Supervisor of Process Engineering, Tim Bond; Utility Engineer II, Jerry Gilbert; Purchasing Manager, John O'Brien and Deputy City Clerk, Sherri Philo

**1. CALL TO ORDER**

Mr. O'Brien called today's meeting to order at 9:10 a.m.

**2. APPROVAL OF MUNUTES**

**A) June 8, 2009**

**Mr. Bolton made a motion to approve the minutes of the April 29, 2009 Engineering Services for Public Works Department and Water and Sewer Department meeting. Mr. TenEyck seconded the motion and it passed unanimously.**

**3. INTERVIEWS**

**A) CDM**

The Representatives of CDM gave a Power Point presentation on the CDM Team, CDM Exceptional Client Service and Long-Term Relationships, Overall Project Management Ensuring Responsive Service to Vero Beach, Continuing Services Contracts, Water and Sewer Plant Work - Continuing Services, City of Vero Beach Objectives, **Master Plan:** Florida Master Planning Experience, Master Plan, Master Planning Project Experience, Water and Sewer Master Plan Must Consider Future WTP Process Options, Preliminary Process Alternatives – Carrabelle, Evaluation of Alternatives, MIEX Process Schematic, MIEX is Very Viable as a Lime Softening Process Add-On, Pilot Study Results – TTHMFP, Pilot Study Results – HAA5FP, Pilot Study Results – True Color, Pilot Study Results – Total Iron, Anionic Exchange Resin Effective at Organic Carbon Removal and is Non-proprietary Process, **Surficial Aquifer Nanofiltration WTP:** Our Process Expert, Donald Thompson, PH.D., P.E. Experience, CDM's Membrane Experience in Florida Provides Unparalleled Knowledge, Successfully Completed Several Membrane Facilities within the Past Five Years, CDM is Fully Aware of the Issues when Blending Lime Softened and Membrane Permeate Waters, Nanofiltration is a One-Stop Process to Accomplish Softening and Organic Carbon Removal, Deerfield Beach West WTP, Deerfield Beach Membrane WTP, Water Quality, Summary, Boca Raton 40-MGD Membrane Process Addition, Glades Road Water Treatment Plant, Required Permeate Quality, Design Parameters: Full-Scale Plant, Primary and Convertible

Membrane Units, Performance Test Analytical Results, Direct Annual Cost Savings, Conclusions, Membrane Plant Innovations, **Reverse Osmosis:** WTP Expansion, Indian River County WTP Expansion, Animation Fly Through – IRC North County, **Ground Storage Tank:** Ground Storage Tanks and Pumps, GST Experience, Mechanical Integrity Testing, **Deep Injection Well:** CDM Leads the way in Florida Deep Injection Well Experience, Mechanical Integrity Testing, Design Build WWTP Engineering Services, Design-Build Project Approach in Florida, Drivers for Design-Build Project Approach, CDM Design/Build Experience, How did Okaloosa County Comply with the CCNA, What Design-Build Approach did Okaloosa County use, Step 1 – Issue an RFQ to Interested Teams, Step 2 – Issue an RFP to Shortlisted Teams, Step 3 – Review Cost Proposals and Negotiate Final Price and Contract, Design Criteria Engineer – Services During Construction, **Sanitary Sewer Evaluation:** Sanitary Sewer Evaluation I&I Experience, Sanitary Sewer Evaluation, CDM is a Leader in Obtaining Project Funding from Numerous Sources, and Selecting CDM Assures Quality - Cost Savings and meeting Schedule in a Collaborative Delivery Environment for Vero Beach (on file in the City Clerk's office).

At this time, a three-minute question and answer session took place.

The Presentation ended at 10:35 a.m. and the Committee took a ten-minute break.

#### **B) Baskerville Donovan**

The Representatives of Baskerville Donovan gave a Power Point presentation on the BDI Team, Team Organization, Order of Presentation, **Engineering Services Design Build WWTP:** Current Facility, Operating Limits, WWTP Relocation Goals, Representative Experience, Relevant WWTP Experience, Knowledge + Experience = Cost Savings, Project Approach, The BDI Team Advantage, - **Water Treatment Plant Master Plan:** Relevant Master Plan Experience, Project Approach, Regulatory Considerations, TTHM Compliance Study Seminole County, Treatment Options and Considerations, Lime Softening-RO THM Reduction Evaluation, Port St. Lucie, MIEX Process Review and Pilot Testing, St. Cloud, Treatment Options and Considerations, Cosme Water Quality and Blending Evaluation, St. Petersburg, The BDI Team Advantage, **Reverse Osmosis:** Current RO Treatment Facility, RO Facility Expansion Goals, Relevant RO Experience, Project Approach, Membrane Screening, Skid Capacity, The BDI Team Advantage

At this time, a seven-minute question and answer session took place.

The presentation ended at 11:35 a.m. and the Committee took a five-minute break.

#### **C) URS**

The Representatives of URS gave a Power Point presentation on the Presentation Outline, URS Overview, Project Team, Project Staff Key Team Member, Project Staff, Experience with Similar Projects, Project Understanding, Project Approach,

Desk Top Analysis, Field Work, Modeling – Force Mains, Modeling – Gravity System, Develop Recommendations, and Why URS.

At this time, a two-minute question and answer session took place.

The presentation ended at 12:00 p.m. and the Committee took a one hour and 15 minute break.

Mr. O'Brien called the meeting back to order at 1:15 p.m. He said that the next presentation would not begin until 1:30 p.m. and they would be presenting on Water and Sewer line work. He said that the Committee members could rank the firms for all categories with the exception of the Water and Sewer line work.

At this time the Committee members ranked the firms as follows:

#### **Water and Sewer Plant Work**

Mr. Kain ranked CDM first, Arcadis second and Kimley-Horn third.

Mr. Bond ranked CDM first, Arcadis second and Kimley-Horn third.

Mr. Gilbert ranked CDM first, Arcadis second and Kimley-Horn third.

Mr. TenEyck ranked CDM first, Arcadis second and Kimley-Horn third.

Mr. Bolton ranked CDM first, Arcadis second and Kimley-Horn third.

#### **Water Treatment Plant Master Plan**

Mr. Kain ranked Baskerville and Donovan first, CDM second, Hazen and Sawyer third and Arcadis fourth.

Mr. Bond ranked CDM first, Arcadis second, Baskerville and Donovan third and Hazen and Sawyer fourth.

Mr. Gilbert ranked CDM first, Arcadis second, Baskerville and Donovan third and Hazen and Sawyer fourth.

Mr. TenEyck ranked CDM first, Baskerville and Donovan second, Arcadis third and Hazen and Sawyer fourth.

Mr. Bolton ranked Baskerville and Donovan first, CDM second, Arcadis third and Hazen and Sawyer third.

#### **Nano Filtration**

Mr. Kain ranked Hazen and Sawyer first, CDM second, and Arcadis third.

Mr. Bond ranked CDM first, Arcadis second and Hazen and Sawyer third.

Mr. Gilbert ranked CDM first, Hazen and Sawyer second and Arcadis third.

Mr. TenEyck ranked CDM first, Arcadis second and Hazen and Sawyer third.

Mr. Bolton ranked CDM first, Arcadis second and Hazen and Sawyer third.

### **Reverse Osmosis**

Mr. Kain ranked Baskerville and Donovan first, Hazen and Sawyer second, CDM third and Arcadis fourth.

Mr. Bond ranked Baskerville and Donovan first, CDM second, Arcadis third and Hazen and Sawyer fourth.

Mr. Gilbert ranked Baskerville and Donovan first, CDM second, Arcadis third and Hazen and Sawyer fourth.

Mr. TenEyck ranked Baskerville and Donovan first, CDM second, Hazen and Sawyer third and Arcadis fourth.

Mr. Bolton ranked Baskerville Donovan first, CDM second, Hazen and Sawyer third and Arcadis fourth.

### **Ground Storage Tank**

Mr. Kain ranked CDM first, Arcadis second and Hazen and Sawyer third.

Mr. Bond ranked Arcadis first, CDM second and Hazen and Sawyer third.

Mr. Gilbert ranked Arcadis first, CDM second and Hazen and Sawyer third.

Mr. TenEyck ranked Arcadis first, CDM second and Hazen and Sawyer third.

Mr. Bolton ranked Arcadis first, CDM second and Hazen and Sawyer third.

### **Mechanical Integrity Testing Deep Injection Well**

Mr. Kain ranked Arcadis first, CDM second and Kimley-Horn third.

Mr. Bond ranked Arcadis first, CDM second and Kimley-Horn third.

Mr. Gilbert ranked Arcadis first, CDM second and Kimley-Horn third.

Mr. TenEyck ranked Arcadis first, CDM second and Kimley-Horn third.

Mr. Bolton ranked Arcadis first, CDM second and Kimley-Horn third.

**Engineer Design Build**

Mr. Kain ranked Baskerville and Donovan first, CDM second and Arcadis third.

Mr. Bond ranked Arcadis first, CDM second and Baskerville and Donovan third.

Mr. Gilbert ranked CDM first, Baskerville and Donovan second and Arcadis third.

Mr. TenEyck ranked CDM first, Baskerville and Donovan second and Arcadis third.

Mr. Bolton ranked CDM first, Baskerville and Donovan second and Arcadis third.

**Sanitary Sewer Evaluation**

Mr. Kain ranked Hazen and Sawyer first, CDM second and URS third.

Mr. Bond ranked CDM first, URS second and Hazen and Sawyer third.

Mr. Gilbert ranked CDM first, Hazen and Sawyer second and URS third.

Mr. TenEyck ranked Hazen and Sawyer first, URS second and CDM third.

Mr. Bolton ranked Hazen and Sawyer first, URS second and CDM third.

At this time, Mr. O'Brien went through the Committee's top choices as follows:

**Water and Sewer Plant Work** – CDM first and Arcadis second.

**Water Treatment Plant Master Plan** – CDM first and Baskerville and Donovan second.

**Nano Filtration** – CDM first and their second choice was tied between Arcadis and Hazen and Sawyer.

After a brief discussion, the Committee members agreed that Arcadis would be their second choice and Hazen and Sawyer their third choice.

**Reverse Osmosis** – Baskerville and Donovan first and CDM second.

**Mechanical Integrity Testing Deep Injection Well** – Arcadis first, CDM second and Kimley-Horn third.

**Engineer Service Design Build Wastewater Treatment Plant** – CDM first, Baskerville and Donovan second and Arcadis third.

**Sanitary Sewer Evaluation Study** – Hazen and Sawyer first, CDM second and URS third.

**Ground Storage Tank** – Arcadis first, CDM second and Hazen and Sawyer third.

At this time, the Committee took a 15-minute break.

#### **D) Carter & Associates**

The Representatives of Carter and Associates gave a Power Point presentation on Basic Disciplines of C.A.I., Professional Staff, Consulting Services Contracts, **Water and Sewer Line Work:** Typical Projects, Water and Indian River Estates – New 10 Acre Complex, Miscellaneous Utility Retrofits, John’s Island 16” Raw Water Main Restoration, **Storage Tanks and Pumping:** Atypical Project Methodology, 5MG Prestressed Composite Tank, Economical Vertical Turbine pumping System, I.R.C. South County Reuse Transmission, S.W. Gifford Master Lift Station, Tamarac 2.0 MG Remote Storage, **Sanitary Sewer Evaluation Study:** Project Approach, Ocean Resorts - Sanitary Collection and Transmission System, John’s Island Property Owner’s Association – Stormwater Management System, Personal Business Contacts and Applying our Expertise (on file in the City Clerk’s office).

The presentation ended at 2:26 p.m.

#### **4. DISCUSSION AND POSSIBLE SELECTION**

Mr. O’Brien explained that Carter and Associates were shortlisted for Water and Sewer line work only.

##### **Water and Sewer Line Work**

Mr. Kain ranked Morgan and Associates first, Masteller and Mohler second and Carter and Associates third.

Mr. Bond ranked Morgan and Associates first, Masteller and Mohler second and Carter and Associates third.

Mr. Gilbert ranked Morgan and Associates first, Masteller and Mohler second and Carter and Associates third.

Mr. TenEyck ranked Morgan and Associates first, Carter and Associates second and Masteller and Mohler third.

Mr. Bolton ranked Morgan and Associates first, Carter and Associates second and Masteller and Mohler third.

Mr. O'Brien reported that for Water and Sewer line work, Morgan and Associates were first, Masteller and Mohler were second and Carter and Associates were third.

Mr. Bolton explained that for the Water and Sewer Plant work and line work, they would be selecting the top two firms.

## **5. ADJOURNMENT**

Today's meeting adjourned at 2:30 p.m.

/sp

**COUNCIL AGENDA REPORT**  
**MEETING OF JANUARY 19, 2010**

**TO:** The Honorable Mayor and Members of the City Council

**FROM:** James M. Gabbard, City Manager

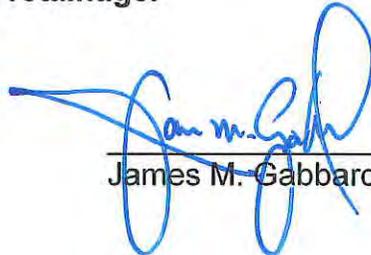
**DATE:** January 11, 2010

**SUBJECT:** **FINAL PAYMENT REQUEST: CONTRACT #1481 (BID #200/09/CSS) – FEMA ROOF DAMAGE MITIGATION PROJECT – BUILDING 78/3120 AVIATION BOULEVARD; JURIN ROOFING SERVICES, INC.; FEMA-DR-1545/PW #630**

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Attached is a memorandum from Ericson Menger, Airport Director, dated January 11, 2010, which provides background information and a recommendation on the above-referenced project.

**It is the recommendation of the City Manager's Office that Council approve Final Payment to Jurin Roofing Services, Inc., for the above-referenced project, in the amount of \$4,935.09, including retainage.**

  
\_\_\_\_\_  
James M. Gabbard

:jav  
Attachments

xc: Ericson Menger  
Stephen Maillet

N:\AGENDA\AIRPORT\2010\FEMA ROOF DAMAGE MITIGATION PROJECT - FP.DOC

## MEMORANDUM

**TO:** James M. Gabbard, City Manager  
**VIA:** Charles Vitunac, City Attorney  
**FROM:** Ericson W. Menger, Airport Director  
**DATE:** January 11, 2010  
**SUBJECT:** FINAL PAYMENT REQUEST: CONTRACT #1481 (BID #200-09/CSS) – FEMA ROOF DAMAGE MITIGATION PROJECT – BUILDING 78/3120 AVIATION BOULEVARD; JURIN ROOFING SERVICES, INC.; FEMA-FL-DR-1545 / PW # 630

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Attached for your review and approval is the Final Application from Jurin Roofing Services, Inc., and Certification for Payment from William L. Bergeron, of Professional Roof Services, Inc., the project engineer.

### **BACKGROUND:**

On August 12, 2009, the City of Vero Beach entered into a contract with Jurin Roofing Services, Inc. for the installation of an additional roof coating and repairs, eaves trough and downspouts. The project is funded by a 90% grant from FEMA, 5% grant from the State of Florida, and 5% from Airport funds, intended to add additional roofing protection to mitigate against future storm damages. The existing roof was installed after the 2004 hurricanes and this project strengthens the existing roof against any future storms thereby minimizing potential future costs to FEMA.

On December 1, 2009, the final inspection was completed with the Contractor, Professional Roof Services, Inc., and airport staff. All deficient items from the final inspection have now been satisfactorily completed, and the construction project is finished.

### **RECOMMENDATION:**

I respectfully request that this item be included on the January 19, 2010, City Council agenda for consideration. The project is complete and all of the invoices submitted by Jurin Roofing Services, Inc. have been thoroughly reviewed and certified by Professional Roof Services, Inc., and airport staff. Therefore, I recommend approval of payment of the final invoice to Jurin Roofing Services, Inc., in the amount of \$4,935.09 (including retainage).

EWM:rls

Attachments (3)

cc: Airport Commission Members  
Steve Maillet, Finance Director  
John O'Brien, Purchasing Manager  
Jurin Roofing Services, Inc.



**Jurin Roofing Services, Inc.**

2150 Rosedale Rd  
Quakertown PA 18951  
215 536-1886

f: 215-536-2661  
www.jurinroofing.com

**Invoice**

Invoice#: 2737

Date: 11/16/2009



**Billed To:** Vero Beach  
PO Box 1389  
Vero Beach FL 32961

**Project:** 3120 Aviation Bldg Coating  
1725 17th Avenue  
Vero Beach FL 32960

**Due Date:** 12/16/2009

**Terms:** 30DY

**PO#:**

**Job #:** 1862

Description	Amount
Final Billing	4,935.09

**Notes:**

- \$51,522.00 Original contract
- 2,171.00 Previously billed on invoice 2708
- 42,195.10 Previously billed on invoice 2734
- 2,220.81 Previously billed on invoice 2736
  
- \$ 4,935.09 Contract sub-total
- \$ 4,935.09 Amount due this invoice

*A service charge of 12% per annum will be charged on all amounts overdue on regular statement dates.*

*Thank you for your prompt payment!*

Non-Taxable Amount:	4,935.09
Taxable Amount:	0.00
Sales Tax:	0.00
<b>Amount Due</b>	<b>4,935.09</b>

# APPLICATION AND CERTIFICATE FOR PAYMENT

CJM Document 702

**TO OWNER:** Vero Beach  
 Attn: Dottie Wallace  
 PO Box 1389  
 Vero Beach FL 32961

**PROJECT #** 1862  
**PROJECT LOCATION:** 3120 Aviation Bldg Coating  
 1725 17th Avenue  
**CLIENT PO #** Vero Beach FL 32960

**APPLICATION DATE:** 11/16/2009  
**APPLICATION NO:** 4  
**PERIOD TO:** 11/16/2009

Distribution to:

OWNER  
 ARCHITECT  
 CONTRACTOR

**ARCHITECT'S PROJECT NO:**

**VIA ARCHITECT:** Professional Roof Services Inc  
 11304 Mighty Oak Court  
 Orlando FL 32821  
 407-963-1170

**FROM CONTRACTOR:**  
 Jurin Roofing Services, Inc.  
 2150 Rosedale Rd  
 Quakertown PA 18951  
 215 536-1886

**CONTRACT FOR:** Contract 1481

**CONTRACT DATE:** 07/21/2009

## Application For Payment On Contract

Original Contract Amount..... 51,522.00  
 Net Change by Change Orders..... 0.00  
 Contract Sum to Date..... 51,522.00  
 Total Completed & Stored to Date..... 51,522.00  
 Retainage:  
 a. 0.00 % of Completed Work 0.00  
 b. 0.00 % of Stored Material 0.00  
**Total Retained**..... 0.00  
**Total Earned Less Retained**..... 51,522.00

**Less Previous Certificates for Payment..** 46,586.91  
**Current Payment Due**..... 4,935.09  
**Balance on Contract**..... 0.00

**Terms: Invoices are due and payable. Thank you for your prompt payment.**

Change Order Summary	Additions	Deductions
Total changes approved in previous months	0.00	0.00
Total approved this month	0.00	0.00
<b>TOTALS</b>	0.00	0.00
<b>NET CHANGES by Change Order</b>	0.00	0.00

## Contractor's Certification of Work

I, the undersigned contractor certify that, to the best of the contractor's knowledge, the work on the above named job has been completed in accordance with the plans and specifications to the level of completion indicated on the attached schedule of completion, and the current payment shown herein is now due.

**CONTRACTOR:** Jurin Roofing Services, Inc.

**Date:** 11/16/2009

**By:** *Clayton Jurin* President

State of: Pennsylvania  
 Subscribed and sworn to before me this 16 day of November, 2009

County of: Bucks  
 COMMONWEALTH OF PENNSYLVANIA

Notary Public:  
 My Commission expires: *Yvonne Beck*  
 YVONNE BECK, Notary Public  
 Quakertown Boro., Bucks County  
 My Commission Expires December 20, 2010

## Architect's Certificate For Payment

In accordance with the Contract Documents, the Architect certifies to the Owner that to the best of the Architect's knowledge, the Work has progressed as indicated and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

**AMOUNT CERTIFIED:**

**ARCHITECT:** *William L. Truog* Date: 12/1/09

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

**CONTINUATION SHEET**  
CJM Document 703

**PROJECT# 1862**  
3120 Aviation Bldg Coating

**APPLICATION NO: 4**  
**APPLICATION DATE:**  
**PERIOD TO: 11/16/2009**

**ARCHITECT'S PROJECT NO:**

Schedule of Work Completed

Description of Work	Scheduled Value	Changes	Contract	COMPLETED WORK		Current Stored Mat.	Total Complete & Stored to Date	% Complete	Balance to Finish	Retained
				Previous Applications	Current Period					
1200.000 Mobilization	4,129.40		4,129.40	4,129.40			4,129.40	100.00		
1202.000 Payment/Performa	2,171.00		2,171.00	2,171.00			2,171.00	100.00		
1250.000 Demolition	2,520.70		2,520.70	2,520.70			2,520.70	100.00		
1300.000 Carpentry	190.32		190.32	190.32			190.32	100.00		
1500.000 Roofing	39,806.32		39,806.32	39,806.32			39,806.32	100.00		
1600.000 Sheet Metal	275.93		275.93	275.93			275.93	100.00		
1650.000 Gutter Work	2,428.33		2,428.33	2,428.33			2,428.33	100.00		
<b>Totals:</b>	<b>51,522.00</b>		<b>51,522.00</b>	<b>51,522.00</b>			<b>51,522.00</b>	<b>100.00</b>		

CITY OF VERO BEACH MUNICIPAL AIRPORT

WAIVER AND RELEASE OF ALL CLAIMS UPON FINAL PAYMENT

Project: Roof Restoration  
Date of Contract: July 30, 2009

Project No. JRS 1862  
Contract No. 1481

The undersigned contractor for the above-referenced contract, in consideration of final payment in the sum of \$ 4,935.09, the receipt and sufficiency of which is acknowledged, hereby waives and releases any and all claims and right to make any claim for any and all labor, services, materials, and equipment furnished to the City of Vero Beach ("City") and arising under or by virtue of the above-referenced contract and changes thereto and hereby agrees to indemnify and hold harmless the City from any and all claims of any subcontractor having an interest in the contract. The term "subcontractor," as used herein, shall include any and all persons and firms furnishing labor, materials, services, or equipment incorporated into or supplied for the work under the contract, stockpiled for the project, or arising under any equipment-rental agreements.

This waiver and release of all claims is executed by the contractor for itself and its representatives, assigns and successors and covers all past and existing claims for work under the contract. In executing this waiver and release of all claims, I represent and certify to the City that I possess the authority and capacity to execute this waiver and release of all claims for the contractor, its representatives, assigns and successors, and to thereby bind them, and I agree to personally indemnify and hold harmless the City from any and all liabilities and costs, including attorney's fees, as may be imposed upon or incurred by the City because of any defect in or lack of my authority or legal capacity to execute this waiver and release of all claims for the contractor, its representatives, assigns and successors.

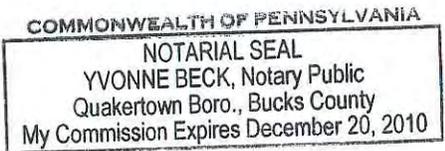
Jurin Roofing Services Inc  
Contractor

By: [Signature]  
Print Name: Christopher Jurin  
Title: President

STATE OF Pennsylvania  
COUNTY OF Bucks

Sworn to and subscribed before me this 16th day of November, 2009, by Christopher Jurin, who X is personally known to me OR      produced      as identification.

[Signature]  
Notary Public  
Print Name: Yvonne Beck  
My Commission Expires:

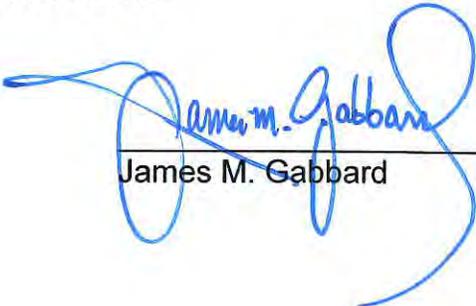


**COUNCIL AGENDA REPORT**  
**MEETING JANUARY 19, 2010**

**TO:** The Honorable Mayor and Members of the City Council  
**FROM:** James M. Gabbard, City Manager  
**DATE:** January 11, 2010  
**SUBJECT: MONTHLY CAPITAL PROJECTS' STATUS REPORTS**

---

The Monthly Capital Projects' Status Reports are prepared and presented to Council at the second meeting of each month for all capital construction projects over \$100,000. They are for review and discussion, if so desired.

  
James M. Gabbard

:jav  
Attachments

xc: Rob Bolton  
Monte Falls  
Ted Fletcher  
Ericson Menger  
Jackie Mitts  
Carol Shoaf

## CAPITAL PROJECTS REPORT – AIRPORT

### **FAA PAPI Test Project:**

The Vero Beach Airport has been selected as a national test bed for state-of-the-art LED Precision Approach Path Indicators (PAPI). This test project is entirely funded by the Federal Aviation Administration (FAA).

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### **Part 77 Survey:**

Staff is currently preparing data necessary to determine existing natural and man-made obstructions to flight paths in the vicinity of the airport. Aerial and ground surveys have been completed and data is now being consolidated for submittal to FAA and to the City Council for approval. The final data package is expected to be completed by early 2010, with obstruction removal to be requested as Phase 2 of this project in late 2010.

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### **ARFF Vehicle:**

The Airport Rescue and Fire Fighting (ARFF) vehicle manufacturer has ordered the truck chassis and other components for the new vehicle. The chassis should be delivered in February 2010 for final equipment installation, and the Airport should receive the completed vehicle by spring 2010.

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### **Runway 11L/29R and Taxiway F Rehabilitation**

Storm water management permits were received November 23, 2009. Bid documents are currently being prepared, and the City expects to advertise for bids on or about December 31, 2009. The project should be under construction in early 2010, pending City Council approval of a contractor.

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### **Airport Operations Facility**

Conceptual design work has been completed in preparation for obtaining cost estimates for construction. No further work is anticipated until funding is offered by the Florida Department of Transportation and accepted by the City Council.

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### **Building 78 Re-Roofing**

City Council awarded the contract for this FEMA-funded roof restoration project (at 3120 Aviation Boulevard) on July 21, 2009. The project was delayed until November in order to obtain a time extension from FEMA. Notice-to-Proceed was issued on November 3, 2009. The contractor has completed the project and a final inspection was held on December 7, 2009. Final payment is pending City Council approval in January 2010.

*Updated 17 DEC 2009*

# CITY BID #240-07-PW - 69/13.8 kV DISTRIBUTION TRANSFORMERS FOR SUBSTATION 8

## CITY OF VERO BEACH ELECTRICAL ENGINEERING DEPARTMENT

<b>Engineer:</b>	Joe DeMarzo	<b>Purchase Order Date:</b>	02/22/2008
<b>Contractor:</b>	Delta Star, Inc	<b>Funding From:</b>	403.5410.531.673362
<b>Council Approval:</b>	02/19/2008		

<b>PURPOSE:</b>			
Due to the hurricane damage of 2004, replacement was necessary of major components of Substation #8. This is the replacement for (2) transformers, located at 700 1st Place.			
THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:			
ORIGINAL CONTRACT AMOUNT	\$2,349,332.00		
CHANGE ORDERS TO DATE (APPROVED)	\$0.00		
ADJUSTED CONTRACT AMOUNT TO DATE	\$2,349,332.00		
PAID-TO-DATE	\$2,349,332.00		
% of WORK PAID	100%	<a href="#">Final Payment Approved July, 21, 2009 Agenda</a>	
			
Prepared: Jan 2010			

**CITY BID #240-07-PW - 69/13.8 kV DISTRIBUTION TRANSFORMERS FOR  
SUBSTATION 8  
SOUTH SUBSTATION UPGRADE PROJECT -  
CITY WORK ORDER #1345-3**

**CITY OF VERO BEACH ELECTRICAL ENGINEERING DEPARTMENT**

<b>Engineer:</b>	Joe DeMarzo	<b>Purchase Order Date:</b>	06/20/2007
<b>Contractor:</b>	Black & Veatch	<b>Funding From:</b>	403.5410.531.673362
<b>Council Approval:</b>	07/17/2007		

**PURPOSE:**  
To replace damaged switchgear and upgrade of Substation #8, located on 1<sup>st</sup> Place

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

ORIGINAL CONTRACT AMOUNT	\$1,702,500.00		
CHANGE ORDERS TO DATE (APPROVED)	\$0.00		
ADJUSTED CONTRACT AMOUNT TO DATE	\$1,702,500.00		
PAID-TO-DATE	\$1,663,765.04	<b>This project under budget by \$38,734.96</b>	
% of WORK PAID	100.00%		



Prepared: Jan 2010

# TELVENT MINER & MINER-ARCFM IMPLEMENTATION WITH DATA COLLECTION SERVICES

## CITY OF VERO BEACH ELECTRICAL ENGINEERING DEPARTMENT

**Engineer:** Joe DeMarzo  
**Contractor:** Telvent Miner & Miner  
**Council Approval:** 08/19/2008

**Purchase Order Date:**  
**Funding From:** 403.5410.531.669391  
 403.5400.531.668370

**PURPOSE:**

This contract will give the City Electric Utility an accurate account of "foreign" attachments to our facilities and also will enable our department to analyze various system operations, limiting the need to obtain consultants for certain tasks.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

ORIGINAL CONTRACT AMOUNT	\$420,525.00		
CHANGE ORDERS TO DATE (APPROVED)	\$0.00		
ADJUSTED CONTRACT AMOUNT TO DATE	\$20,569.98		
PAID-TO-DATE	\$441,095.08		
% of WORK PAID	100%	Final Payment Approved 01/05/10	



# SOUTHEAST POWER CORPORATION - SUBSTATION #1 UPGRADES #370-08-PW

CITY OF VERO BEACH ELECTRICAL ENGINEERING DEPARTMENT

**Engineer:** Joe DeMarzo  
**Contractor:** Southeast Power Corp.  
**Council Approval:** 10/21/2008

**Purchase Order Date:** 11/12/2008  
**Funding From:** 403.5410.531.675362

**PURPOSE:**  
 Overhead transmission line for Substation #1. Upgrade of the transmission line between our Substation #8 and the Power Plant.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

ORIGINAL CONTRACT AMOUNT	\$1,101,868.00		
CHANGE ORDERS TO DATE (APPROVED)	\$0.00		
ADJUSTED CONTRACT AMOUNT TO DATE	\$0.00		
PAID-TO-DATE	\$1,101,868.00		
% of WORK PAID	100.0%	Final Payment	06-Oct-09



Prepared: Jan 2010



## SR A1A LANDSCAPE IMPROVEMENTS FROM TULIP LANE TO PAINTED BUNTING LANE

Prepared By:  
CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS  
Contractor: H&D Construction Co., Inc.

PROJECT NO. 2002-12

For Period: 6/29/09 through 1/08/10

**NOTES:**

Roadway shoulder reconstruction is complete.

Median curbs have been installed.

Brick paver installation complete.

Approval from FDOT was obtained for all requested changes.

Installation of irrigation system is proceeding.

Installation of landscape materials should be complete by end of January.

Request to modify shoulder curbs is scheduled for completion by the end of January

THE FOLLOWING IS A SUMMARY OF COSTS TO DATE:		THE FOLLOWING IS SUMMARY OF PROGRESS TO DATE:	
ORIGINAL CONTRACT AMOUNT	\$254,609.87	CONTRACT DATE:	06/15/09
CHANGE ORDERS TO DATE (TOTAL)	\$0.00	NOTICE TO PROCEED:	06/29/09
ADJUSTED CONTRACT AMOUNT TO DATE	\$254,609.87	TIME OF COMPLETION	90 Days
TOTAL COST OF WORK PERFORMED TO DATE	\$153,202.50	CONTRACT DAY:	
% OF WORK COMPLETE	60.17%	% OF CONTRACT TIME COMPLETE:	0.00%



12/11/2009

Landscape bed on SR A1A

## 18TH STREET PAVING, DRAINAGE & SIDEWALK IMPROVEMENTS COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

Prepared By:  
 CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS  
 Contractor: SPS Contracting., Inc.

PROJECT NO. 2004-11

For Period: 6/29/09 through 1/08/10

**NOTES:**

Change Order 1 - Water main construction is complete and FDEP approval has been received. New water meter set.

Change Order 2 - Removal of abandoned 8" force main; and Change Order 3 - Replacement of a small section of sanitary sewer line are complete.

Sidewalk is complete from 20th Avenue to 27th Avenue. Balance of sidewalk should be complete by end of November.

Drainage system installation is complete.

Paving is complete. Contractor working on punch list items.

Change order No. 4 for sidewalk on 25th Avenue. Work is in progress.

THE FOLLOWING IS A SUMMARY OF COSTS TO DATE:		THE FOLLOWING IS SUMMARY OF PROGRESS TO DATE:	
ORIGINAL CONTRACT AMOUNT	\$411,057.25	CONTRACT DATE:	07/02/09
CHANGE ORDERS TO DATE (TOTAL)	\$126,442.50	NOTICE TO PROCEED:	07/13/09
ADJUSTED CONTRACT AMOUNT TO DATE	\$537,499.75	TIME OF COMPLETION	120 Days
TOTAL COST OF WORK PERFORMED TO DATE	\$552,771.40	CONTRACT DAY:	180
% OF WORK COMPLETE	102.84%	% OF CONTRACT TIME COMPLETE:	150.00%



30-Dec-09

Completed roadway looking west from 24th Avenue



30-Dec-09

Completed sidewalk meandering around oak trees

## Bay Drive and River Drive Bridge Replacements

Prepared By:  
 CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS  
 Contractor: Misener Marine Construction, Inc.

PROJECT NO. 2005-24

For Period: 11/24/09 through 1/08/10

**NOTES:**

Demolition of the north half of the Bay Drive bridge is complete.

New pilings for the north half of the Bay Drive bridge have been installed.

THE FOLLOWING IS A SUMMARY OF COSTS TO DATE:		THE FOLLOWING IS SUMMARY OF PROGRESS TO DATE:	
ORIGINAL CONTRACT AMOUNT	\$1,699,671.30	CONTRACT DATE:	09/18/09
CHANGE ORDERS TO DATE (TOTAL)		NOTICE TO PROCEED:	11/24/09
ADJUSTED CONTRACT AMOUNT TO DATE	\$1,699,671.30	TIME OF COMPLETION	90 Days
TOTAL COST OF WORK PERFORMED TO DATE	\$129,209.50	CONTRACT DAY:	30
% OF WORK COMPLETE	7.60%	% OF CONTRACT TIME COMPLETE:	25.00%



14-Dec-09

Demolition of north half of Bay Drive bridge



30-Dec-09

Piles set for new north half of Bay Drive bridge

## Humiston Park Stormwater System Improvements

Prepared By:  
 CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS  
 Contractor: Sunshine Land Design, Inc.

PROJECT NO. 2008-08

For Period: 1/04/10 through 1/08/10

**NOTES:**

Contractor has submitted shop drawings for approval.

Gravity outfall pipe has been grouted for abandonment.

THE FOLLOWING IS A SUMMARY OF COSTS TO DATE:		THE FOLLOWING IS SUMMARY OF PROGRESS TO DATE:	
ORIGINAL CONTRACT AMOUNT	\$310,144.49	CONTRACT DATE:	12/18/09
CHANGE ORDERS TO DATE (TOTAL)		NOTICE TO PROCEED:	01/04/10
ADJUSTED CONTRACT AMOUNT TO DATE	\$310,144.49	TIME OF COMPLETION	45 Days
TOTAL COST OF WORK PERFORMED TO DATE		CONTRACT DAY:	4
% OF WORK COMPLETE	0.00%	% OF CONTRACT TIME COMPLETE:	3.33%



21-Jul-09  
 Existing Deteriorated Outfall at Humiston Park



21-Jul-09  
 Existing Deteriorated Outfall

# WATER TREATMENT PLANT INJECTION WELL SYSTEM

STATUS REPORT AS OF 11/1/09  
CITY OF VERO BEACH DEPARTMENT OF WATER AND SEWER

Prepared By: Jerry A. Gilbert, P.E.  
 Consultant: ARCADIS US  
 Contract Date: 10/01/09  
 Notice to Proceed Date: 10/07/09  
 Time of Completion: 270 Calendar Days  
 Substantial Completion Date: 06/04/10

PROJECT NO: 290-09/JV  
 FOR PERIOD: 10/25/09 - 1/10/10

Director's Signature



**PROJECT DESCRIPTION:**

**THE WORK TO BE PERFORMED UNDER THIS CONTRACT CONSISTS OF CONSTRUCTING ONE CLASS I INJECTION WELL THAT MAY BE PERMITTED TO ACCEPT AN INJECTION RATE OF 9.7 MILLION GALLONS PER DAY, ONE DUAL ZONE DEEP MONITOR WELL, AND REQUIRED OPERATIONAL TESTING.**

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

DIVISION			
CONTRACTOR		Youngquist Brothers, Inc.	
ORIGINAL CONTRACT AMOUNT		\$4,684,434.00	
CHANGE ORDERS TO DATE (APPROVED)		\$0.00	
ADJUSTED CONTRACT AMOUNT TO DATE		\$4,684,434.00	
TOTAL COST OF WORK PERFORMED TO DATE		\$1,142,562.00	
% OF WORK PAID		24.39%	
TOTAL WORK COMP.		\$1,028,305.80	



After approval from FDEP drilling continued, additional casing is being installed in the above left picture. The operator's instrument panel is shown above right, which is used not only to control the work being performed, but also recording the information for the contractor, consulting engineer, environmental agencies, and the City of Vero Beach.

# WASTEWATER TREATMENT PLANT CLARIFIER REHABILITATION

STATUS REPORT AS OF 1/10/10  
CITY OF VERO BEACH DEPARTMENT OF WATER AND SEWER

Prepared By: Jerry A. Gilbert, P.E.  
 Consultant: CDM  
 Contract Date: 16-Oct-07  
 Notice to Proceed Date: 15-Apr-08  
 Time of Completion: 579 Calendar Days  
 Substantial Completion Date: 15-Oct-09

PROJECT NO: 070-07/JV  
 FOR PERIOD: 10/25/09 - 12/25/09

Director's Signature 

**PROJECT DESCRIPTION:**

The Work to be performed under this Contract includes the furnishing of all labor, materials, equipment, services and incidentals for the rehabilitation, startup and testing of Clarifiers 1 and 2 at the City of Vero Beach Wastewater Treatment Plant.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

DIVISION			
CONTRACTOR	Interstate Engineering Corp.		
ORIGINAL CONTRACT AMOUNT	\$1,447,000.00		
CHANGE ORDERS TO DATE (APPROVED)			
ADJUSTED CONTRACT AMOUNT TO DATE	\$1,447,000.00		
TOTAL COST OF WORK PERFORMED TO DATE	\$1,321,001.12		
% OF WORK PAID	91.29%		
TOTAL WORK COMP.	\$1,467,779.02		



One of the last items to be performed in the rehabilitation of the clarifiers was to install new butterfly valves between the clarifiers. As it turned out, a new connecting pipe from the clarifier to the valve was also required on each clarifier. Above left, the new pipe and valve being installed, above right shows the finished installation. Both clarifiers are now in operation and working well.

# WATER TREATMENT MAINTENANCE BUILDING AND FIELD SERVICES COMPLEX

STATUS REPORT AS OF 1/10/10  
CITY OF VERO BEACH DEPARTMENT OF WATER AND SEWER

Prepared By:	Jerry A. Gilbert, P.E.	PROJECT NO:	150-09/JV
Consultant:	Edlund, Dritenbas, Binkley Architects	FOR PERIOD:	12/10/09- 1/10/10
Contract Date:	08/19/09		
Notice to Proceed Date:	12/04/09		
Time of Completion:	300 Calendar Days		
Scheduled Completion Date:	09/30/10		

Director's Signature

**PROJECT DESCRIPTION:**

The Work to be performed under this Contract includes the furnishing of all labor, materials, equipment, services and incidentals for the construction of a Water Treatment Maintenance Building and Field Services Complex for the City of Vero Beach, Florida.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

DIVISION			
CONTRACTOR	Summit Construction Management, Inc.		
ORIGINAL CONTRACT AMOUNT	\$1,924,000.00		
CHANGE ORDERS TO DATE (TOTAL)	\$141,800.10		
ADJUSTED CONTRACT AMOUNT TO DATE	\$2,065,800.10		
TOTAL COST OF WORK PERFORMED TO DATE	\$167,000.00		
% OF WORK PAID	8.08%		
TOTAL WORK COMP.	\$150,300.00		



Floor slab construction and drainage construction is underway at the site, as shown in the above pictures.

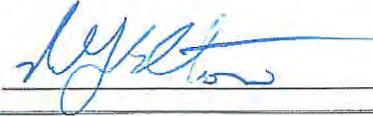
# STORAGE RESERVOIR AND INJECTION WELL PUMP STATION

STATUS REPORT AS OF 11/1/09  
CITY OF VERO BEACH WATER AND SEWER DEPARTMENT

Prepared By: Jerry A. Gilbert, P.E.  
 Consultant: Arcadis, Inc.  
 Contract Date: 30-Sep-2009  
 Notice to Proceed Date: 13-Oct-2009  
 Time of Completion: 395 Calendar Days  
 Scheduled Completion Date: 12-Nov-2010

PROJECT NO: 280-09/JV  
 FOR PERIOD: 11/1/09 - 1/1/10

Director's Signature



**PROJECT DESCRIPTION:**

The Work to be performed under this Contract includes the furnishing of all labor, materials, equipment, services and incidentals for the construction, startup and testing of a three million gallon pre-stressed concrete storage reservoir, injection well pump station and related appurtenances.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

DIVISION			
CONTRACTOR	Florida Design Contractors, Inc.		
ORIGINAL CONTRACT AMOUNT	\$2,694,375.00		
CHANGE ORDERS TO DATE (TOTAL)	\$763,461.00		
ADJUSTED CONTRACT AMOUNT TO DATE	\$3,457,836.00		
TOTAL COST OF WORK PERFORMED TO DATE	\$194,351.25		
% OF WORK PAID	5.62%		
TOTAL WORK COMP.	\$174,916.12		



Formwork supports for the dome roof being placed, above left, and piping construction above right.

ORDINANCE NO. 2009- \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING THE DEFINITION OF “RESTRICTED SALES AND SERVICES” OF CHAPTER 60, APPENDIX, DEFINITIONS, OF PART III, TITLE VI, VERO BEACH CODE; LIMITING RETAIL AND PERSONAL SERVICE STORES TO 4,000 SQUARE FEET OF FLOOR AREA; EXCLUDING STORES WITH WAREHOUSING, HEALTH AND FITNESS CLUBS, AND STORES THAT SELL MOTOR VEHICLE PARTS; EXCLUDING HARDWARE STORES WITH OUTDOOR MERCHANDISE DISPLAYS AND LAUNDRY AND DRY CLEANING STORES WITH ON-SITE CLEANING AND CLOTHING REPAIR SERVICES; EXCLUDING STORES WITH DRIVE-IN, DRIVE-UP, OR DRIVE-THROUGH FACILITIES AND STORES THAT OFFER FOR SALE PREDOMINATELY PRE-PACKAGED FOOD PRODUCTS, BEVERAGES, AND OTHER FREQUENTLY OR RECURRING NEEDED HOUSEHOLD ITEMS BETWEEN THE HOURS OF 11:00 P.M. AND 6:00 A.M, INCLUDING DELIVERIES BETWEEN THIS SAME TIME PERIOD; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the permitted use category of “restricted sales and services,” which is a restrictive subset of the all inclusive “general retail sales and services” category, has created problems in its interpretation and application by the Planning and Development Department staff, property owners, and business owners; and

**WHEREAS**, the Planning and Development Department staff held workshops with the Planning and Zoning Board on October 1 and 15, 2009, to discuss the issues related to the definition of “restricted sales and services” and review proposed language to revise the definition; and

**WHEREAS**, the Planning and Zoning Board requested staff to move forward, provided guidance, and requested staff to move forward with preparation of an Ordinance to amend the definition of “restricted sales and services;” and

**WHEREAS**, the Planning and Zoning Board held a public hearing November 5, 2009, on the proposed text amendment and made a recommendation of approval to the City Council; and

**WHEREAS**, the City Council finds that the adoption of this Ordinance amending the definition of “restrictive sales and services” in Chapter 60, Appendix, Definitions of Part III, Title VI of the City of Vero Beach Code is in the public interest and is consistent with the criteria for text amendments to the City’s Land Development Regulations in Section 65.22(i)(3) of the Vero Beach Code that requires such amendments to be consistent with the goals, objectives, and policies of the comprehensive plan and internally consistent with the purposes, permitted uses, bulk regulations, and other standards of the Land Development Regulations;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:**

Section 1. Amendment of Chapter 60, Appendix, Definitions

The definition of “restrictive sales and services” in Chapter 60, Appendix, Definitions, is hereby amended as follows:

~~*Restricted sales and services:* Small limited shops and stores limited to retail sales of frequently needed small convenience items or services typically needed on a frequent and recurring basis such as barber and beauty care, small scale drugstores, dry cleaning pickup stations (excluding cleaning and repair services), small specialty food shops such as wine and cheese stores, imported food shops, or similar unique limited item shops (excluding general food market stores such as 7-11, Majik Market, Little General Store and similar stores); interior decorators and/or designers with retail sales and no warehousing; and home furnishing and accessory shops with no warehousing. This land use classification is intended to accommodate shops with limited inventory or goods directed expressly to a special market area including:~~

- ~~(1) A household market area in the immediate vicinity as opposed to city-wide or region;~~

- ~~(2) — A specialized market with customized service demand; or~~
- ~~(3) — A tourist-oriented market area in the immediate vicinity.~~

~~Seuba shops, repair shops, motor vehicle parts, health spas, wholesale, warehousing and discount stores and similar general sales are expressly excluded.~~

Restricted sales and services: Retail and personal service stores with a floor area of no greater than 4,000 square feet that are intended to primarily serve markets for specialty goods and services or tourist-oriented and neighborhood markets in the immediate vicinity. Such uses shall expressly exclude the following: hardware stores with outside merchandise displays; stores with warehousing; stores with drive-in, drive-up or drive-through facilities; laundry or dry cleaning stores with on-site cleaning and clothing repair services; health and fitness clubs; stores that sell motor vehicle parts; and stores that offer for sale predominately pre-packaged food products, beverages, and other frequently or recurring needed household items between the hours of 11:00 p.m. and 6:00 a.m., including deliveries during this same time period.

Section 2. Conflict and Severability.

In the event any provision of this ordinance conflicts with any other provision of this Code or any other ordinance or resolution of the City of Vero Beach on the subject matter of this ordinance, the more strict provision shall apply and supersede. If any provision of this article is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this article, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

Section 3. Effective Date.

This ordinance shall become effective upon final adoption by the City Council.

\*\*\*\*\*

This Ordinance was read for the first time on the \_\_\_\_ day of \_\_\_\_\_, 2009, and was advertised in the Indian River Press Journal on the \_\_\_\_ day of \_\_\_\_\_, 2009, as being scheduled for a public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_, 2009, and was also advertised in the Indian Press Journal on the \_\_\_\_ day of \_\_\_\_\_, 2009, as being scheduled for a second public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_, 2009, at the conclusion of which hearing it was

moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and adopted by the following vote:

<b>Mayor Kevin Sawnick</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Vice Mayor Sabin C. Abell</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Councilmember Thomas P. White</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Councilmember Brian T. Heady</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Councilmember Charles R. Wilson</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**ATTEST:**

**CITY OF VERO BEACH,  
FLORIDA**

\_\_\_\_\_  
Tammy K. Vock  
City Clerk

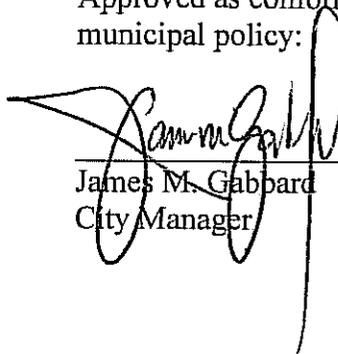
\_\_\_\_\_  
Sabin C. Abell  
Mayor

Approved as to form and legal sufficiency:

Approved as conforming to  
municipal policy:

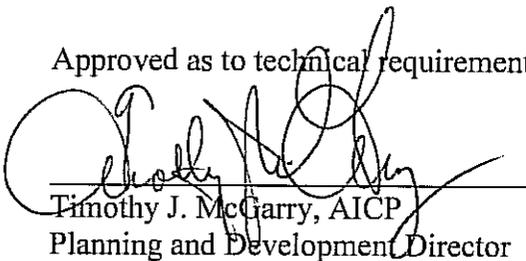


\_\_\_\_\_  
Charles P. Vitunac  
City Attorney



\_\_\_\_\_  
James M. Gabbard  
City Manager

Approved as to technical requirements:



\_\_\_\_\_  
Timothy J. McGarry, AICP  
Planning and Development Director

## EXHIBIT ONE

### **DEFINITIONS FOR RESTRICTED SALES AND SERVICES AND GENERAL RETAIL SALES AND SERVICES CHAPTER 60. APPENDIX. DEFINITIONS VERO BEACH CODE**

*Restricted sales and services:* Small limited shops and stores limited to retail sales of frequently needed small convenience items or services typically needed on a frequent and recurring basis such as barber and beauty care, small scale drugstores, dry cleaning pickup stations (excluding cleaning and repair services), small specialty food shops such as wine and cheese stores, imported food shops, or similar unique limited item shops (excluding general food market stores such as 7-11, Majik Market, Little General Store and similar stores); interior decorators and/or designers with retail sales and no warehousing; and home furnishing and accessory shops with no warehousing. This land use classification is intended to accommodate shops with limited inventory or goods directed expressly to a special market area including:

- (1) A household market area in the immediate vicinity as opposed to city-wide or region;
- (2) A specialized market with customized service demand; or
- (3) A tourist-oriented market area in the immediate vicinity.

Scuba shops, repair shops, motor vehicle parts, health spas, wholesale, warehousing and discount stores and similar general sales are expressly excluded.

*General retail sales and services:* Retail sale or rental from the premises of goods or both goods and services for personal, informational or instructional service; department stores; hardware stores (without lumberyards or major storage areas); supermarkets; pet shops; large specialty shops; furniture stores (without major warehousing); decorating services and sales; carpet stores; dry goods stores; and similar personal sales and services; household goods and services; Fire Prevention Code Class IV or Class V dry cleaning establishments using only nonflammable Class IV solvents such as perchlorethelene, except for spotting as provided in section 9.6(in) of the Fire Prevention Code; lawn and garden supplies; agricultural products and feed stores; office equipment and supplies; and other similar goods and services. These activities exclude the following: restaurants and food service establishments; sale or rental of motor vehicles, except small parts and accessories; sale of construction materials, except paint, fixtures, and hardware; vehicular service and maintenance activities, including filling stations.

**EXHIBIT TWO**

**FLOOR AREA STATISTICS  
ON EXISTING C-1A RETAIL AND SERVICES USES  
OCEAN DRIVE/CARDINAL DRIVE  
BUSINESS DISTRICT**

**Number of Retail and Service Establishments:** 52

**Total Estimated Floor Area:** 100,494 s.f.

**Average Floor Area Per Establishment:** 1,932 s.f.

**Median Floor Area of Establishments:** 1,225 s.f.

**Distribution of Establishments by Floor Area**

1,000 s.f. or less:	14
1,001 s.f. to 2,000 s.f.	20
2,001 s.f. to 3,000 s.f.	8
3,001 s.f. to 4,000 s.f.	7
4,001 s.f. to 5,000 s.f.	3

**Largest Floor Area of an Establishment:** 4,624 s.f.

Mr. Mucher said if we don't understand, he doubts they would.

Mr. Ryan asked Mr. McGarry to bring this up to the council.

Mr. McGarry said that he would bring this up to council as an item.

→ B. Issues with Restrictive Sales and Services Definition

Mr. McGarry spoke about the problems with the restrictive sales and service definition, which was discussed at the board's last meeting. He said there is a representative present who is interested in putting a small scale hardware store in this district. He handed out a Floor Area Fact Sheet detailing businesses and square footages in the Ocean Drive/Cardinal Drive District (attached) and suggested putting a limit on floor area of 3,500 square feet.

A discussion regarding the businesses on the fact sheet followed, including how this would affect Super Stop (nonconforming as it is now) and some examples of store, such as Sigfried of Germany with 4,400 square feet of floor area and some clothing stores with 3,000.

Mr. Andrew Kennedy, 3001 Ocean Drive, said John Talmadge and his wife Christian were here and would give an overall presentation and spoke of the many ways this use would benefit the tenant, landlord and employees working there.

Mr. John Talmadge, 2131 Stony Point Drive, Sebastian, gave a PowerPoint presentation (on file in Planning), which highlighted communities similar to Vero and that the one thing they all have in common is a community hardware store. He said Christian and he, along with our son Jackson, work together and that people hear of our name and think it's a corporate store. He said it's not; it's not a franchise. He said it's a cooperative and that it gives us access to good pricing and good products while allowing us the flexibility to do what we want with the inventory. He said we are looking at a 4,000 to 5,000 square foot store.

Mr. Mucher said the number we heard from Andrew [Kennedy] at the last meeting was 2,500 square feet.

Mr. Talmadge said 2,800 square feet and what he is providing here is to keep people from having to cross the island.

Mr. Mucher said you just heard us talking about a 3,300 to 3,500 square foot number unless you convince us to increase that number substantially.

Mr. Talmadge said the number he gave is our optimum and that the number Mr. Mucher gave was something they could do.

Mr. Mucher said he had gotten the idea last time there was a specific property in mind.

Mr. Terry Torres, 1555 Club Drive, representing the landlord of the property, Hale Family Trust, said the square footage is 3,975 to be more precise and that we currently have 2,800 square feet of the 3,975 available. He said it's always possible it could become a single tenant. He also said the Hale family supported this type of use with their property. He spoke about the differences between a typical 20,000 square foot hardware store and the small one being proposed that would fit in with the local aesthetics and would be in keeping with other neighboring uses, such as the Island Tile and the Designer Hardware stores. He felt a fairly good range as being up to 4,600 square feet.

Mr. McGarry suggested picking a number of 4,000 or 5,000.

Mr. Torres spoke of the convenience of not having to travel to Sewell's when you just need a screw or a washer. He said an additional convenience is that they could always have an item brought in on a day's notice from their main store on Oslo Road. He urged the board to support this request. He concluded saying it would be a very good thing to accommodate a business that he thinks would be an excellent business for our community.

Mr. Talmadge continued his presentation explaining that the merchandise would be specialized, such as stainless steel and brass, so they would last a long time on the island.

A discussion followed about the hours they planned to operate such a business, how the pricing would remain comparable to those on the mainland, how the site was actually the old Hale store that's been vacant, how part of the site was currently a beauty salon, and how there was adequate parking to support such a use.

Mr. Ryan was concerned with the aesthetics describing a similar store on Sanibel Island that had outdoor storage and how unattractive it appeared.

Mr. Talmadge said he completely understands and that is why this would be an outpost to our larger store and that he had no plans for external storage.

Mr. McGarry said we could put that in the definition.

In discussion, some members thought keeping the size 3,500 square feet would be appropriate while others said they wouldn't object to increasing it to 4,000.

Mr. Doty said in all fairness to the issue, when it was Hale, it was a drive-through and it was all one operation that goes back to the 70s and 80s.

Mr. McGarry said he would like to exclude that for drive throughs.

Mr. Mucher asked Mr. Talmadge, can you live without outside displays and storage?

Mr. Talmadge said they make very limited use of outdoor displays and that they couldn't put anything that stays overnight at their existing site and that he would expect they would have a monument sign.

Several of the members supported a store size of 4,000 square feet.

Mr. McGarry made sure they understood this would affect everybody, not just this site.

Mr. Mucher said he knows we're not spot zoning; he just didn't think that building is a huge size for a business of this type.

Mr. McGarry said he would amend the overlay district since they had come up with 5,000 square feet as a measure. He said he would bring it back to the board for further consideration.

#### **IV. PLANNING DEPARTMENT MATTERS**

None.

#### **V. CHAIRMAN'S MATTERS**

None.

#### **VI. ADJOURNMENT**

The meeting adjourned at 2:32 p.m.

gkb

10/01/09

**FLOOR AREA FACT SHEET ON  
C-1A RETAIL AND SERVICE USES  
OCEAN DRIVE/CARDINAL DRIVE  
BUSINESS DISTRICT**

**No. of Retail and Service Establishments:** 52

**Total Estimated Floor Area:** 100,494 square feet

**Average Floor Area:** 1,932 square feet

**Median Floor Area:** 1,225 square feet

**Distribution of Establishments by Floor Area**

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4,000 square feet or less:	7
5,000 square feet or less:	3

**Largest Floor Area:** 4,624 square feet

ATTACHMENT

**DEFINITIONS FOR  
RESTRICTED SALES AND SERVICES AND  
GENERAL RETAIL SALES AND SERVICES  
CHAPTER 60. APPENDIX. DEFINITIONS  
VERO BEACH CODE**

*Restricted sales and services:* Small limited shops and stores limited to retail sales of frequently needed small convenience items or services typically needed on a frequent and recurring basis such as barber and beauty care, small scale drugstores, dry cleaning pickup stations (excluding cleaning and repair services), small specialty food shops such as wine and cheese stores, imported food shops, or similar unique limited item shops (excluding general food market stores such as 7-11, Majik Market, Little General Store and similar stores); interior decorators and/or designers with retail sales and no warehousing; and home furnishing and accessory shops with no warehousing. This land use classification is intended to accommodate shops with limited inventory or goods directed expressly to a special market area including:

- (1) A household market area in the immediate vicinity as opposed to city-wide or region;
- (2) A specialized market with customized service demand; or
- (3) A tourist-oriented market area in the immediate vicinity.

Scuba shops, repair shops, motor vehicle parts, health spas, wholesale, warehousing and discount stores and similar general sales are expressly excluded.

*General retail sales and services:* Retail sale or rental from the premises of goods or both goods and services for personal, informational or instructional service; department stores; hardware stores (without lumberyards or major storage areas); supermarkets; pet shops; large specialty shops; furniture stores (without major warehousing); decorating services and sales; carpet stores; dry goods stores; and similar personal sales and services; household goods and services; Fire Prevention Code Class IV or Class V dry cleaning establishments using only nonflammable Class IV solvents such as perchlorethelene, except for spotting as provided in section 9.6(m) of the Fire Prevention Code; lawn and garden supplies; agricultural products and feed stores; office equipment and supplies; and other similar goods and services. These activities exclude the following: restaurants and food service establishments; sale or rental of motor vehicles, except small parts and accessories; sale of construction materials, except paint, fixtures, and hardware; vehicular service and maintenance activities, including filling stations.

Mr. Norris said he seconds that and has a question for the applicant.

Mr. Daniel Zink, Pastor of Vero Worship Center, 7055 29<sup>th</sup> Court. responding to Mr. Norris's request to tell the board a little bit about his organization, said the church began about a year and a half ago and explained a little of the church's background, including its affiliation with a group called the Master Builders and that it is a charismatic church. He said they believe in the bible as absolutely infallible and that they are main line Protestants and evangelical.

Mr. Norris asked if they would have to come back for a follow up.

Mr. McGarry said they are going to have a change of use, which might be an administrative approval because they probably have the parking they need in the shopping center.

The motion to recommend council approval was unanimously approved (6-0) on a roll call vote: Mr. Vogt, aye; Mr. Norris, aye; Ms. Pease, aye; Mr. Mucher, aye; Mr. McCracken, aye; Mr. Kennedy, aye.

#### IV. PLANNING DEPARTMENT MATTERS

→ A. Proposed Revised Definition of "Restricted Sales and Services" in Chapter 60, Appendix. Definitions

Mr. McGarry said this is one of the issues the Planning Department chose to take on to do and is a good example of somebody coming to us. He said there's a lot more going on than just the application. He said at the last minute he didn't realize he had enough time to advertise this for a public hearing. He said he did an outline of the proposed language for restricted sales and services (attached). He said he basically followed what was discussed at the last meeting and that it covers almost every establishment other than restaurants. He said he got rid of the ambiguous language and decided to incorporate the intent of the district. He reviewed the proposed changes and the reasons why.

Mr. Vogt said he was fine with the health spas, but was concerned with the proposed hours of operation saying 11 p.m. is too late and 5 a.m. is too early.

A brief discussion followed about the times different stores close and how people should be notified if the hours of operation are changed and how visitors would relish having a convenience store like that open for extended hours. Some members didn't object to the later hours and asked if staff checked hours of operation for existing businesses.

Mr. McGarry said they had not, but would.

There was a lengthy discussion about the existing drive-through dry cleaning business and how this would impact it.

Mr. Mucher understood that the dry cleaning would be grandfathered unless there was substantial damage. He asked why is it [the dry cleaning business] such a terrible thing? He said he would argue that it should be allowed and that his office is directly across the street from it and that he didn't see it as an evil.

Mr. McGarry said he's just following what was in the ordinance. He said this is for the C-1A and that only a few areas in the city have this. He said he would suggest he was getting too ambitious here and maybe he could exclude this. He said this fits all the C-1A and that he could address it to the overlay district, which is more pedestrian oriented.

A discussion followed about drive ins, drive ups, and drive throughs and whether they should be excluded. The issue of dry cleaners was revisited and whether actual on-site cleaning should be permitted as opposed to being a pick up location. The dry cleaning issue brought up laundromats and how they are different.

Mr. McGarry said it's a different process and that it's not a pick up station.

A discussion followed where it was noted that there used to be a laundromat that operated 24 hours a day. During this discussion, one member wondered why you would have to cross a bridge to get you clothes done. Another member suggested when this is brought back before the board to invite the operators of these facilities to come and comment on this.

In concluding, several alternatives were considered to modify the proposal with the end result being staff would bring this item back to the board as a public hearing and that changes could be made at that time.

#### **V. CHAIRMAN'S MATTERS**

None.

#### **VI. ADJOURNMENT**

The meeting adjourned at 2:25 p.m.

gkb

**MINUTES - APPROVAL PENDING - REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD – NOVEMBER 5, 2009, 1:30 P.M., COUNCIL CHAMBER, CITY HALL, VERO BEACH, FLORIDA**

PRESENT: Chairman Dennis Ryan; Ms. Connie Pease; Mr. Bob Sammons; Mr. Mark Mucher; Mr. Charles Vogt; Mr. Scott McCracken; Mr. Kevin Doty; Mr. Hank Flores, Current Planning Manager; Mr. Wayne Coment, Assistant City Attorney; Ms. Ginny Beigel, Secretary

EXCUSED ABSENCES: Mr. Richard Kennedy; Mr. Ed Llerena  
UNEXCUSED ABSENCE: Mr. Cliff Norris

**I. PRELIMINARY MATTERS**

A. Agenda Additions and/or Deletions

None. The excused absences of Mr. Kennedy and Mr. Llerena were noted.

**II. APPROVAL OF MINUTES**

A. Regular Meeting – October 1, 2009

Ms. Pease moved for approval of the minutes; Mr. Vogt seconded the motion and it was unanimously approved (7-0).

**III. PUBLIC HEARING**

**[LEGISLATIVE]**

→ A. Public Hearing on a Proposed Ordinance to Amend the Definition of "Restricted Sales and Services" in Chapter 60, Appendix. Definitions

Mr. Flores mentioned that this issue had been brought before the board several times, so he wasn't going to review the changes in the backup made based on those previous discussions (on file in Planning). He said if you have any questions, please ask.

Ms. Pease asked if there would be any property rights issues by limiting the square footage.

Mr. Coment said it actually makes it better because we have more definitive criteria instead of something nebulous.

Mr. Sammons asked could a hardware store have feed and things like that? He was concerned about it getting all over and wondered if it were possible to regulate such sales.

Mr. Ryan said to be careful with that because many hardware stores sell birdfeed and things along those lines.

Mr. Flores said hay and things like that need to be stored outside and said no outside storage would be permitted.

Mr. Vogt noted there would be no outside storage and the floor area would be limited to 4,000 square feet.

Mr. Mucher said he thought we were pretty much agreed last time. He asked why are we here?

Mr. Flores said because this is the public hearing.

As discussed at the board's previous meeting, the hours of operation were again considered and the majority favored 6 a.m. to 11 p.m. In addition, they chose to limit deliveries to the same schedule.

Mr. Vogt pointed out a minor correction to the Planning Department's name in the first whereas clause in the ordinance that staff will amend by replacing Zoning with Development.

No one wished to speak for or against the proposal.

Mr. Mucher said he would move staff recommendation with the exception of changing the hours of operation from 5 a.m. to 6 a.m. and of sales to operations or whatever our attorney feels is necessary. Mr. Coment said he would stick some language in it. Mr. Sammons seconded it and it was unanimously approved (7-0) on a roll call vote: Chairman Ryan, aye; Ms. Pease, aye; Mr. Sammons, aye; Mr. Mucher, aye; Mr. Vogt, aye; Mr. McCracken, aye; Mr. Doty, aye.

#### **IV. PLANNING DEPARTMENT MATTERS**

None.

#### **V. CHAIRMAN'S MATTERS**

None.

Mr. Doty said while he knows this is not on the agenda, he would like to throw this out and that he didn't know if this is something the this board should consider or something city council might want to consider. He spoke of how he is really tired of driving through the grass storm in traffic when landscapers blow all the grass cuttings into the street and that he doesn't understand it. He said it seems rude throwing it out there for somebody else to clean up. He said he thinks there should be an ordinance to say it should be kept on your property.

3-B

**DEPARTMENTAL CORRESPONDENCE**

TO: Mayor Kevin Sawnick and City Councilmembers

FROM: Timothy J. McGarry, AICP   
Director of Planning and Development

DATE: January 8, 2009

SUBJECT: **Proposed Revision to Draft Ordinance Amending Section 77.04(i)  
Requiring Design Materials to be Prepared by a Design Professional  
Licensed in the State of Florida**

Subsequent to the First Reading of the above referenced ordinance (attached), the City Attorney suggested that it would be desirable to tweak the proposed amendment language to improve its clarity. In response to this suggestion, the staff has prepared the following replacement language for new Section 77.04(i) in Section 1 of the draft ordinance:

“(i) *Preparation of application design materials.* If any provision of the Florida Statutes or the Florida Building Code requires that the construction plans and specifications for the proposed project be sealed by a design professional licensed in the State of Florida, then any building elevations, construction or site plans, design drawings, or similar materials prepared for a preliminary or final application shall be prepared by a design professional duly licensed to practice in the State of Florida. Notwithstanding the foregoing provision, the ARC strongly encourages all applicants to use the services of a licensed Florida architect to ensure a well designed project.”

The staff recommends that the City Council adopt the draft ordinance with amended language replacing the existing language proposed in Section 1 of the ordinance.

TJM/tf  
Attachment

**ORDINANCE NO. 2009 - \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING CHAPTER 77, ARCHITECTURAL REVIEW, SECTION 77.04 BY CREATING NEW PARAGRAPH (I); PROVIDING THAT BUILDING ELEVATIONS, CONSTRUCTION OF SITE PLANS, DESIGN DRAWINGS, OR SIMILAR MATERIALS SUBMITTED AS PART OF AN ARCHITECTURAL REVIEW APPLICATION BE PREPARED BY A STATE LICENSED DESIGN PROFESSIONAL, IF REQUIRED BY THE FLORIDA STATUTES OR FLORIDA BUILDING CODE FOR SUBMITTAL OF A BUILDING OR OTHER DEVELOPMENT PERMIT APPLICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 77, Architectural Review, requires that preliminary and/or final design applications for various projects be submitted to the Architectural Review Commission (ARC) for design review; and

**WHEREAS**, Section 77.04 of Chapter 77, which specifies the application requirements and procedures for processing and review of preliminary and final design applications, has no requirements that site plans, drawings, building elevations, or similar design materials submitted in the applications be prepared by an architect or engineer licensed to practice in the State of Florida; and

**WHEREAS**, a recent preliminary design review application was submitted to the ARC with site plan and drawings prepared by architects not licensed to practice in Florida; and

**WHEREAS**, the ARC was unable to review this application, because licensed architects serving on the commission stated any review of the application would constitute a violation of their professional standards;

**WHEREAS**, the site plan application for the project submitted for preliminary design review may now proceed through the development review process without any architectural review, which defeats the purposes of Chapter 77 to maintain the urban, small town character

and qualities of Vero Beach and improve the overall design and quality in the exterior appearance of buildings and structures; and

**WHEREAS**, the Planning and Development Department staff prepared this draft ordinance to address this problem, including language to encourage applicants for projects requiring architectural design review to use the services of a licensed Florida architect even if a building permit application does not require preparation by a licensed professional; and

**WHEREAS**, the ARC unanimously approved this proposed Ordinance on October 28, 2009, for submittal to the Planning and Zoning Board and City Council for eventual adoption; and

**WHEREAS**, the City Council finds that this amendment to Chapter 77 provided for in this ordinance is consistent with the requirements and criteria of Section 65.22(i) of the Code and is in the public interest;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:**

Section 1 - Amendment of Chapter 77, Architectural Review, Section 77.04, Design Review Applicability and Procedures.

Section 77.04, Design Review Applicability and Procedures, is hereby amended by creating new paragraph (i) that reads as follows:

(i) *Requirements for preparation by a Florida licensed design professional.* If required by the Florida Statutes or Florida Building Code for submittal of a building or other development permit application, any building elevations, construction or site plans, design drawings, or similar materials prepared for a preliminary or final design application shall be prepared by a design professional licensed to practice in the State of Florida. Even if not required by the Florida Statutes or Florida Building Code, the ARC strongly encourages all applicants to use the services of a licensed Florida architect to ensure a well designed project.

Section 2. Conflict and Severability.

In the event any provision of this ordinance conflicts with any other provision of this Code or any other ordinance or resolution of the City of Vero Beach on the subject matter of this

ordinance, the more strict provision shall apply and supersede. If any provision of this ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

Section 3 - Effective Date.

This Ordinance shall become effective upon final adoption by the City Council.

\*\*\*\*\*

This Ordinance was read for the first time on the \_\_\_\_ day of \_\_\_\_\_, 2010, and was advertised in the Indian River Press Journal on the \_\_\_\_ day of \_\_\_\_\_, 2010, as being scheduled for a public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_, 2010, at the conclusion of which hearing it was moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and adopted by the following vote:

<b>Mayor Kevin Sawnick</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Vice Mayor Sabin C. Abell</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Councilmember Thomas P. White</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Councilmember Brian Heady</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>[Vacant]</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**ATTEST:**

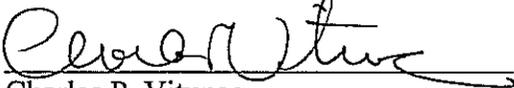
**CITY OF VERO BEACH, FLORIDA**

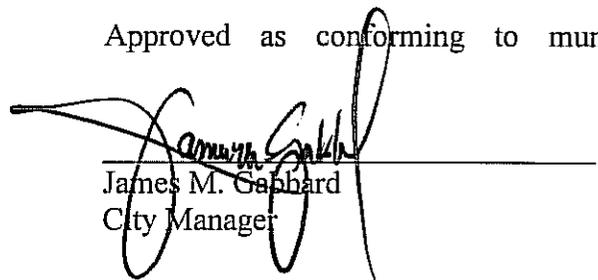
\_\_\_\_\_  
Tammy K. Vock  
City Clerk

\_\_\_\_\_  
Kevin Sawnick  
Mayor

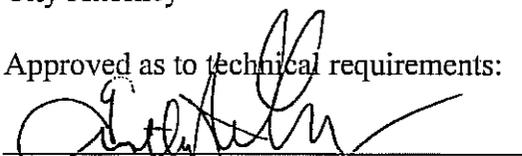
Approved as to form and legal sufficiency:  
policy:

Approved as conforming to municipal

  
\_\_\_\_\_  
Charles P. Vitunac  
City Attorney

  
\_\_\_\_\_  
James M. Gabbard  
City Manager

Approved as to technical requirements:

  
\_\_\_\_\_  
Timothy J. McGarry, AICP  
Planning and Development Director

5-A)

**ORDINANCE NO. \_\_\_-\_\_\_**

**A ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING CHAPTER 58 "PERSONNEL AND RETIREMENT," ARTICLE II, DIVISION 4 OF THE CODE OF ORDINANCES OF THE CITY OF VERO BEACH TO PROVIDE FOR COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 2009 Florida Legislature enacted Chapter 2009-97, Law of Florida, which mandates certain amendments to the City of Vero Beach Police Officers' Retirement Fund; and

**WHEREAS**, recent changes to State statutes require several amendments to the Plan in order to maintain eligibility for receipt of state premium tax revenues; and

**WHEREAS**, an amendment to the City code is necessary to permit such new obligations and conditions; and

**WHEREAS**, the trustees of the City of Vero Beach Police Officers' Retirement Fund have requested and approved the amendments provided herein as being in the best interests of the participants and beneficiaries and improving the administration of the plan, and

**WHEREAS**, the City Council has received and reviewed an actuarial impact statement related to this change and attached as such; and

**WHEREAS**, the City Council deems it to be in the public interest to provide this change to the pension plan for its police officer employees;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:**

**Section 1.** That the foregoing whereas clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2. Technical Amendments.**

The code sections below are amended as follows, all deletions are depicted by ~~striking over the language~~ and all additions are depicted by underlining.

**Section 3. Amendment.**

Section 58-99 of Chapter 58, Article II, Division 4 of the Code of Ordinances of the City of Vero Beach is hereby amended as follows:

Sec. 58-99. Administration of fund.

(1) The fund shall be administered and payment made therefrom as provided by F.S. ch. 185; provided, however, that the amount of monthly retirement income payable to a police officer who retires on or after his normal retirement date shall be an amount equal to the number of his years of credited service multiplied by three percent of his average final compensation. The average final compensation shall be based on the best five years of employment and disability benefits shall be based on benefits accrued to date of disability with a minimum of 50 percent of the final average compensation; provided further, that there shall be no eligibility restrictions period for in-line-of-duty disabilities.

(2) There is hereby created a board of trustees of the City of Vero Beach Police Officers' Retirement Fund, which shall be solely responsible for administering the trust fund. The membership of the board of trustees shall consist of five members, two of whom, unless otherwise prohibited by law, shall be legal residents of the City of Vero Beach, who shall be appointed by the City Commission, and two of whom shall be police officer participants of this Fund and shall be elected by a majority of the active police officers who are members of this Fund. The fifth member shall be chosen by a majority of the previous four members, and such person's name shall be submitted to the City Commission and shall, as a ministerial duty, be appointed to the board of trustees. The fifth member shall have the same rights as each of the other four members appointed or elected as herein provided, shall serve as trustee for a period of 4 years, and may succeed himself or herself in office. Each resident member shall serve as trustee for a period of 4 years, unless sooner replaced by the City Commission at

whose pleasure the member shall serve, and may succeed himself or herself as a trustee. Each police officer member shall serve as trustee for a period of 4 years, unless he or she sooner leaves the employment of the municipality as a police officer, whereupon a successor shall be elected in the same manner as an original appointment. Each police officer may succeed himself or herself in office

(3) The board of trustees may, upon written request by a retiree of the Fund, or by the retiree's beneficiary, authorize the plan administrator to withhold from the monthly retirement payment those funds that are necessary to pay for benefits being received through the city, the certified bargaining agent, alimony, child support or medical payments to a former spouse or minor child, and to pay for accident, health, and long-term care insurance premiums for the recipient, the recipient's spouse and the recipient's dependents. The Pension Fund shall not incur any liability for making or failing to make such withholdings.

#### **Section 4. Amendment.**

Section 58-105 of Chapter 58, Article II, Division 4 of the Code of Ordinances of the City of Vero Beach is hereby amended as follows:

Sec. 58-105. Distribution generally.

(a) Commencing with the first plan year beginning after December 31, 1986, the entire interest of a member shall be distributed to him not later than April 1 of the calendar year following the calendar year in which he attains age 70 1/2 even though the member has not retired.

(b) In the alternative, distribution shall commence no later than the commencement date set out in subsection (a) of this section and be distributable over a period of time not exceeding the limitations set forth in this section:

(1) Distributions to a member shall not extend beyond the life of the member or the lives of the member and his designated beneficiary, or over a period not extending beyond the life expectancy of the member and his designated beneficiary.

(2) If distribution has commenced to a member, and such member dies before receiving his entire interest, the remainder of such interest shall be distributed over a period at least as rapidly as under the method of distribution in effect prior to such member's death.

(3) If a member dies prior to the commencement of benefits, the entire remainder interest of such deceased member shall be distributed within five years of the member's death except to the extent that an election is or has been made to receive distributions per subsections (b)(3)a or b of this section:

a. If any portion of the member's interest is payable to a designated beneficiary, distributions may be made in substantially equal installments over the life expectancy of such beneficiary commencing no later than one year after the member's death;

b. If the designated beneficiary is the member's surviving spouse, the date distributions are required to begin in accordance with subsection (b)(3)a of this section shall not be earlier than the date on which the member would have attained age 70 1/2 and, if the spouse dies before payments begin, subsequent distributions shall be made as if the spouse had been the member.

c. In the event a Member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the Member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the Member had resumed employment and then died while employed.

## **Section 5. Amendment.**

Section 58-108 of Chapter 58, Article II, Division 4 of the Code of Ordinances of the City of Vero Beach is hereby amended as follows:

Sec. 58-108. Same--Investment guidelines.

(a) A maximum of 50 percent of the plan's assets, plus or minus 20 percent, may be invested in pooled common stock funds, other equity securities or convertible securities that may be converted to common stocks. Generally, but not exclusively, the assets will only be invested in major companies of high quality, have a current rating in one of the three highest classifications by a major rating service, with at least \$50,000,000.00 in market capitalization. The companies shall be in a leadership position in their market and have an established proven record for growth potential. The actual proportion of equities held at any one time will be based upon a professional determination of market conditions at the time such investment or reinvestment is made. In

selected conditions, equities of foreign corporations that are actively traded in American markets may be used where permitted by applicable regulations, as long as such corporations meet the quality standards established by American corporations. Foreign securities will not at any time amount to more than ten twenty-five percent of the equity investment portfolio at market value. No more than five percent of the portfolio may be invested in any one company.

(b) Publicly traded bonds, in a professionally managed pool, can be used as investments providing the combined pool of bond investments has an overall quality rating that would command a rating in one of the three highest classifications by a major rating service. Investments should be made generally in United States corporate and United States government and/or agency obligations. However, issues of foreign corporations and/or government obligations can be used as a minor (~~ten~~twenty-five percent or less of the bond portfolio) portion of this form of investment subject to similar quality ratings as domestic bonds. Maximum exposures to risk in bonds should be limited to no more than 25 percent in one industry or five percent in any single credit. Bond investments will be diversified among industries and among companies within industries.

(c) Private placement bonds or securities can be used to produce a higher rate of return than is obtainable through a fund composed of publicly traded bonds. Such private placements shall be with companies that have investment quality ratings from a major rating service on their outstanding debt. The aggregate pool of investments shall warrant a combined rating in one of the three highest classifications by a major rating service. No more than 25 percent of the funds allocated to private placements will be invested in any single industry. No more than 20 percent of the entire funds assets can be used for private placements. The average maturity of new private placements should generally not exceed 15 years.

(d) Short-term investments can be used to provide a relatively safe investment with emphasis on generating a level of current income consistent with capital preservation. Investment grade, short-term investment instruments such as: money market instruments with a maturity of less than two years, commercial paper, bank certificates of deposits, as well as banker's acceptances, may be used. Investments in commercial paper can be used, but will be generally those bearing a rating in one of the three highest classifications by a major rating service.

(e) The board shall identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in Florida Statutes,

Section 215.473, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in such company beginning January 1, 2010 and shall thereafter be prohibited from purchasing or holding such securities. The divestiture of any such security must be completed by September 30, 2010. In accordance with Ch. 2009-97, Laws of Florida, no person may bring any civil, criminal, or administrative action against the board or any employee, officer, director, or advisor of such board based upon the divestiture of any security pursuant to this paragraph.

## **Section 6. Amendment.**

Section 58-109 of Chapter 58, Article II, Division 4 of the Code of Ordinances of the City of Vero Beach is hereby amended as follows:

Sec. 58-109. Credited service; police pension plan.

"Credited service" means the aggregate number of years of service and fractional parts of years of service of any police officer, including unused paid medical leave days in excess of 120 days, omitting intervening years and fractional parts of years when such police officer may not have been employed by the city subject to the following conditions:

(1) No police officer shall receive credited service for years or fractional parts of years of service if they have withdrawn their contributions to the fund for those years or fractional parts of years of service, unless the police officer repays into the fund the contributions they have withdrawn, plus interest as determined by the board of trustees, within 90 days after reemployment with the city. Credited service shall not be granted for service for which the member is entitled to receive a benefit from another governmental or military retirement or pension system.

(2) Credited service under this section shall be provided for service as a police officer, as defined in F.S. § 185.02(11), for any law enforcement agency and for voluntary or involuntary military service in the Armed Forces of the United States.

(3) In determining the credited service of any police officer, credit for voluntary or involuntary time spent in the military service of the Armed Forces of the United States shall be added to the years of actual service with the city, in accordance with F.S. § 185.02(5) and the Uniform Services Employment and

Reemployment Rights Act (USERRA), 38 USC § 4301 et seq., as they may be amended.

(4) Election to purchase credited service, for prior service with the city, service with any other law enforcement agency or military service, shall be made in writing to the board of trustees within 30 days following the date on which the member attains ten years of credited service in the retirement fund; or for a member who has already attained ten years of credited service in the retirement fund within 30 days following notice of eligibility from the city. The cost of credited service purchased for prior service with the city or any other law enforcement agency shall be the full actuarial cost of all credited service purchased hereunder computed as a lump sum payment into the fund. The cost of credited service purchased for military service shall be computed as a lump sum payment into the fund at the rate of five percent of the member's current base salary for each year that is being purchased. Actual payment may, at the member's option, be extended over a period of time not to exceed five years. Provided that as permitted by federal law pretax trustee-to-trustee transfer of amounts in a member's deferred compensation account (Internal Revenue Code Sec. 457) for the purchase of such credited service shall be allowed. For purposes of determining credit for prior service as a police officer, in addition to service as a police officer in this state, credit may be given for federal, other state, or county service if the prior service is recognized by the Florida Department of Law Enforcement as provided under chapter 633, or the police officer provides proof to the board of trustees that his or her service is equivalent to the service required to meet the definition of a police officer under subsection 185.02(5)(c).

### **Section 7. Repeal of conflicting ordinances.**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

### **Section 8. Severability.**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

**Section 9. Codification.**

Authority is granted to codify provisions of this ordinance in the Code of City Ordinances.

**Section 10. Effective date.**

This ordinance shall take effect upon adoption.

This ordinance was ready for the first time on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, and was advertised in the Vero *Beach Press Journal* on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, for a public hearing to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at which time it was moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_ and adopted by the following vote:

Mayor Kevin Sawnick	_____
Vice Mayor Sabin Abell	_____
Councilmember Thomas P. White	_____
Councilmember Brian Heady	_____
Councilmember Charlie Wilson	_____

ATTEST:

CITY OF VERO BEACH, FLORIDA

\_\_\_\_\_  
Tammy K. Vock, City Clerk

\_\_\_\_\_  
Kevin Sawnick, Mayor

Approved as to form and legal sufficiency:

Approved as to technical requirements:

\_\_\_\_\_  
Charles P. Vitunac, City Attorney

\_\_\_\_\_  
James M. Gabbard, City Manager

Approved as to technical requirements:

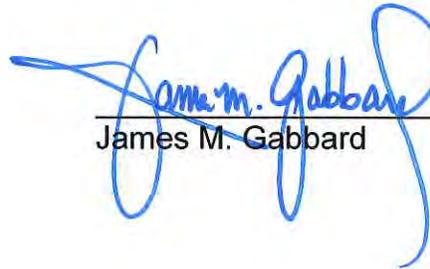
\_\_\_\_\_  
Steve Maillet, Finance Director

**COUNCIL AGENDA REPORT**  
**MEETING OF JANUARY 19, 2010**

**TO:** The Honorable Mayor and Members of the City Council  
**FROM:** James M. Gabbard, City Manager  
**DATE:** January 11, 2010  
**SUBJECT: VISION IMPLEMENTATION PLAN PROGRAM UPDATE**

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Planning Director Tim McGarry will be providing the City Council with an update on the above-referenced subject at the January 19, 2010 City Council Meeting.

  
\_\_\_\_\_  
James M. Gabbard

JMG:jav

xc: Tim McGarry

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