

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS
and
COMMUNITY REDEVELOPMENT AGENCY BOARD (CRAB)



AGENDA

October 13, 2009

9:00 AM

Donna Fiala, BCC Chairman Commissioner, District 1; CRAB Vice Chairman

Fred W. Coyle, BCC Vice- Chairman Commissioner, District 4

Jim Coletta, BCC Commissioner, District 5; CRAB Chairman

Frank Halas, BCC Commissioner, District 2

Tom Henning, BCC Commissioner, District 3

NOTICE: ALL PERSONS WISHING TO SPEAK ON AGENDA ITEMS MUST REGISTER PRIOR TO SPEAKING. SPEAKERS MUST REGISTER WITH THE COUNTY MANAGER *PRIOR* TO THE PRESENTATION OF THE AGENDA ITEM TO BE ADDRESSED. ALL REGISTERED SPEAKERS WILL RECEIVE UP TO THREE (3) MINUTES UNLESS THE TIME IS ADJUSTED BY THE CHAIRMAN.

COLLIER COUNTY ORDINANCE NO. 2003-53, AS AMENDED BY ORDINANCE 2004-05 AND 2007-24, REQUIRES THAT ALL LOBBYISTS SHALL, BEFORE ENGAGING IN ANY LOBBYING ACTIVITIES (INCLUDING, BUT NOT LIMITED TO, ADDRESSING THE BOARD OF COUNTY COMMISSIONERS), REGISTER WITH THE CLERK TO THE BOARD AT THE BOARD MINUTES AND RECORDS DEPARTMENT.

REQUESTS TO ADDRESS THE BOARD ON SUBJECTS WHICH ARE NOT ON THIS AGENDA MUST BE SUBMITTED IN WRITING WITH EXPLANATION TO THE COUNTY MANAGER AT LEAST 13 DAYS PRIOR TO THE DATE OF THE MEETING AND WILL BE HEARD UNDER "PUBLIC PETITIONS." PUBLIC PETITIONS ARE LIMITED TO THE PRESENTER, WITH A MAXIMUM TIME OF TEN MINUTES.

ANY PERSON WHO DECIDES TO APPEAL A DECISION OF THIS BOARD WILL NEED A RECORD OF THE PROCEEDINGS PERTAINING THERETO, AND THEREFORE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE COLLIER COUNTY FACILITIES MANAGEMENT DEPARTMENT LOCATED AT 3301 EAST TAMiami TRAIL, NAPLES, FLORIDA, 34112, (239) 252-8380; ASSISTED LISTENING DEVICES FOR THE HEARING IMPAIRED ARE AVAILABLE IN THE COUNTY COMMISSIONERS' OFFICE.

LUNCH RECESS SCHEDULED FOR 12:00 NOON TO 1:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. AGENDA AND MINUTES

- A. Approval of today's regular, consent and summary agenda as amended (Ex Parte Disclosure provided by Commission members for consent and summary agenda.)
- B. September 10, 2009 - BCC/Budget Hearing
- C. September 15, 2009 - BCC/Regular Meeting

3. SERVICE AWARDS: (EMPLOYEE AND ADVISORY BOARD MEMBERS)

4. PROCLAMATIONS

- A. Proclamation designating October 21 through October 31, 2009 as Red Ribbon Week. To be accepted by Major Scott L. Salley, Corrections Chief, Collier County Sheriffs Office; Marla Ramsey, Collier County Public Services Administrator and Ken Baginski, Prevention Coordinator for Drug Free Collier.
- B. Proclamation designating October 30, 2009 as the tenth anniversary of the Red Walk in Collier County. To be accepted by Karey Stewart, Principal, Lely Elementary School.
- C. Proclamation recognizing United Way of Collier County Agency for their outstanding contributions to the community and wishing them yet another year of great success as they kick off their 2009/2010 season. To be accepted by Ernie Bretzmann, Executive Director, United Way of Collier County.

5. PRESENTATIONS

6. PUBLIC PETITIONS

- A. This item was continued from the September 29, 2009 BCC meeting. Public petition request by Mark Teaters to discuss non-financial support of a new program called "Golden Gate Estates as a World Class Rural Community".
- B. Public petition request by Duane Billington to discuss the Fire/Rescue/EMS Surtax.
- C. Public petition request by Michele Antonia to discuss change to Collier County's Animal Control Ordinances to permit TNR Program (Trap/Neuter/Return).

Item 7 and 8 to be heard no sooner than 1:00 p.m., unless otherwise noted.

7. BOARD OF ZONING APPEALS

- A. This item continued from the September 29, 2009 BCC Meeting. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. CUR-PL2009-44 SR 846 Land Trust, represented by R. Bruce Anderson of Roetzel and Andress LPA; and Margaret Perry, AICP, of Wilson Miller, Inc., requesting a Conditional Use Re-review (CUR) of the property commonly referred to as Jones Mine. The conditional use (CU-2004-AR-6904) was approved on September 25, 2007 and in accordance with condition #3, the Conditional Use approval shall be reviewed by staff and brought back to the BZA on the first anniversary of approval and again one year after the first anniversary review. The subject property is located at 16000 Immokalee Road, Sections 35 & 36, Township 47 South, Range 27 East; and Sections 1 & 2, Township 48 South, Range 27 East, Collier County, Florida.**

8. ADVERTISED PUBLIC HEARINGS

- A. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. Petition: PUDZ-2008-AR-12773, Collier Rattlesnake Inc., represented by D. Wayne Arnold, AICP, of Q. Grady Minor Inc. and Rich Yovanovich, of Coleman, Yovanovich & Koester, P.A., is requesting a PUD Rezone from Rural Agricultural (A) to Mixed-Use Planned Unit Development (MPUD) to be known as the Good Turn Center MPUD. The MPUD proposes a maximum of 100,000 square feet of commercial land uses and/or a variety of skilled nursing care facilities uses with a maximum of 200 units on 9.5 acres. The subject property is located on the east side of Collier Boulevard, approximately 660 feet north of Rattlesnake Hammock Road Section 14, Township 50 South and Range 26 East, Collier County, Florida. (CTS)**

9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of member to the Black Affairs Advisory Board.**
- B. Appointment of members to the Hispanic Affairs Advisory Board.**
- C. Appointment of member to the Immokalee Beautification Advisory Committee.**
- D. Appointment of member to the Clam Bay Advisory Committee.**

10. COUNTY MANAGER'S REPORT

- A. Recommendation to review and approve the proposed Collier County 2010 State Legislative Priorities. (Debbie Wight, Assistant to the County Manager)**
- B. Recommendation that the Board of County Commissioners (Board) approve Change Order 1 to Contract # 08-5122 with Post, Buckley, Schuh & Jernigan at a cost of \$1,303,397.38 to implement Phase 2 of the Watershed Management Plans required by the Growth Management Plan. (Mac Hatcher, Sr. Environmental Specialist, Engineering & Environmental Services Dept., CDES)**
- C. To report to the Board of County Commissioners (Board) on the status of the Rental Registration late fee rebate program that was initiated at the direction of the Board and to request that the Board of County Commissioners provide guidance to the County Manager or his designee affirming staffs recommendation to eliminate the Rental Registration program and in doing so direct staff to amend the Property Maintenance Ordinance to eliminate the Rental Registration Program as set forth in Section 22-264 of the Collier County Code of Laws and Ordinances and as established by Section Seven of Ordinance 04-58, as amended. (Joe Schmitt, Community Development Administrator)**

- D. Recommendation to approve a budget amendment appropriating \$6,131,486.28 of carry forward for open purchase orders for operating budget funds. (John Yonkosky, Director, Management and Budget Office)

11. PUBLIC COMMENTS ON GENERAL TOPICS

12. COUNTY ATTORNEY'S REPORT

13. OTHER CONSTITUTIONAL OFFICERS

14. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

15. STAFF AND COMMISSION GENERAL COMMUNICATIONS

16. CONSENT AGENDA - All matters listed under this item are considered to be routine and action will be taken by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately.

A. COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES

1. Recommendation to approve an Encroachment Agreement for Lot 12, Candlewood.
2. This item requires that ex parte disclosure be provided by Commission Members. Should a hearing be held on this item, all participants are required to be sworn in. This is a recommendation to approve for recording the final plat of Marbella Lakes, Unit One, approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security.
3. This item requires that ex parte disclosure be provided by Commission Members. Should a hearing be held on this item, all participants are required to be sworn in. This is a recommendation to approve for recording the final plat of Wing South Airpark Extension, approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security.
4. Recommendation to approve Releases relating to two (2) Orders of the Special Magistrate against properties owned by Roberto Bollt, Trustee, Orange Tree Association.
5. Recommendation to approve final acceptance of the water utility facility for Hooters of Florida.

B. TRANSPORTATION SERVICES

1. Recommendation to approve the purchase of 2.73 acres of unimproved property which is required for the construction of a stormwater detention and treatment pond for Phase II of the Vanderbilt Beach Road Extension Project. Project No. 60168, Phase II (Fiscal Impact: \$68,700.00).
2. Recommendation that the Board of County Commissioners approves the Supplemental Agreement for the Sale of Fill with Ave Maria Development, LLLP and authorizes the Chairman to sign the document. Project #60044.

3. Recommendation to approve selection of PBS&J under Invitation to Negotiate (ITN) #07-3947 Professional Construction Engineering and Inspection (CEI) Services SR 84 (Radio Road to CR 951), and award a contract for Project No. 60073 in the amount of \$1,363,917 with reimbursement from the Florida Department of Transportation.

C. PUBLIC UTILITIES

1. Recommendation to approve Amendment Two to the Franchise Agreement between Collier County and Waste Management Inc., of Florida, for Solid Waste, Recyclable Materials, and Yard Trash Collection Services to provide for administrative changes, and Amendment Two to the Franchise Agreement between Collier County and Choice Environmental Services of Collier, Inc., to provide for administrative changes and to update the Agreement to align billing and rates which meet Federal Emergency Management Agency debris removal guidelines for equipment and labor reimbursements; and, to provide for best weighing practices for accurate measuring and monitoring.
2. Recommendation that the Board terminate the contract with Douglas N. Higgins, Inc., Bid #08-5078 Master Pump Station 302 Rehabilitation for convenience.

D. PUBLIC SERVICES

1. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, a contract amendment for a Disaster Recovery Initiative (DRI) subrecipient agreement between Immokalee Helping Our People in Emergencies, Inc. (IHOPE) and Collier County. This contract amendment will update the current project work schedule and define methods of payment.
2. Recommend that the Board of County Commissioners approves and authorizes the County Manager or his designee to execute a Work Order Addition #1 to Work Order 45-108308 with Coastal Planning & Engineering for the Physical Monitoring of the South County Beaches under County/Naples Physical Monitoring Project (No. 90536.1) in the amount of \$65,511.36 on a time & material not-to-exceed basis. The net contractual value of services will total a not to exceed amount of \$227,635.
3. Recommendation to approve Naples Wholesale Bait as a sole source supplier of live bait for resale at Caxambas Park, Port of the Islands Marina, Goodland Boating Park, and Cocohatchee River Park Marina with an estimated Fiscal Year 2010 expenditure of approximately \$207,000, and approve a seven day payment schedule.
4. Recommendation that the Board of County Commissioners approves and authorizes the Chairman to sign a subrecipient agreement with Collier County Hunger and Homeless Coalition (CCHHC) providing for a \$102,155 Housing and Urban Development (HUD) Continuum of Care (CoC) grant to support the Homeless Management Information System (HMIS).
5. Recommendation to support the Parks and Recreation Department in seeking national accreditation as a valid and proper public purpose and adopt a resolution authorizing the expenditure of budgeted funds to host the Accreditation Commission not to exceed \$4,150.
6. Recommendation that the Board of County Commissioners approves, and authorizes staff to develop and advertise, an ordinance establishing policies, procedures and standard forms to be used by the Board of County Commissioners when selling and conveying real property acquired under the Neighborhood Stabilization Program or another State or Federal grant program.

7. Recommendation that the Board of County Commissioners approve and authorize the Chairman to sign the attached Interlocal Agreement which provides for services and education via multi-county agricultural Extension Agents of the University of Florida Institute of Food and Agricultural Sciences Extension and authorize \$27,386.23 as Collier Countys proportionate share of this Agreement.

E. ADMINISTRATIVE SERVICES

1. Recommendation to award Bid # 09-5253 Purchase and Installation of Floor Covering to Wayne Wiles Floorcoverings, Inc., Acousti Engineering Co. of FL., and Cianos Tile and Marble for floor covering services.
2. Recommendation to approve and authorize the Chairman to sign a modification of Contract #08-5009 with Sire Technologies in the amount of \$189,575 using existing SAP capital project funds for the purpose of extending the Countys Electronic Content Management (ECM) system for the implementation of an Agenda Automation application.
3. Recommendation that the Board of County Commissioners (BCC) direct staff to credit all surplus sales net revenues from the Information Technology (IT Fund 505) inventory to that fund.
4. Recommendation to award Bid #09-5254 and contracts for Grounds Maintenance of Collier County Government Facilities to Hannula Landscaping & Irrigation, Inc. as primary, and Florida Land Maintenance, Inc. d/b/a Commercial Land Maintenance as secondary for the estimated annual amount of \$393,366.
5. Award Bid #09-5191R Court Reporting Services to Gregory Court Reporting Service, Inc., for estimated annual expenditure of \$100,000.00.
6. Report and Ratify Staff-Approved Change Orders and Changes to Work Orders to Board-Approved Contracts.
7. Recommendation to award Bid #09-5260, Janitorial Services to ABM Janitorial Services-Southeast, LLC in the amount of \$1,383,053.94 to provide janitorial services to County owned and operated facilities.
8. Recommendation to obtain approval to enter into a License Agreement with Kmart Corporation on behalf of the Health Department for the use of vacant space for the H1N1 vaccination campaign and to approve a Budget Amendment at an estimated cost of \$50,000.

F. COUNTY MANAGER

1. Recommendation to accept an awarded Volunteer Fire Assistance Matching (50/50) Grant from the Florida Division of Forestry for the purchase of VHF radios and approval of necessary budget amendments.
2. Recommendation to recognize and appropriate insurance proceeds in the amount of \$197,726.00 and to approve a Budget Amendment to fund the replacement of a damaged ambulance for the Emergency Medical Services Department in the amount of \$199,816.00.
3. Recommendation that the Board of County Commissioners approve the Agreement for Management Services with The Pelican Bay Foundation, Inc. in the amount of \$103,262.
4. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2009-10 Adopted Budget.

G. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

1. Recommendation that the Bayshore Gateway Triangle Community Redevelopment Agency (CRA) direct staff to draft a resolution for BCC approval to designate the property located at 4315 Bayshore Drive and the three adjacent parcels owned by the CRA as a Brownfields Area, and to direct staff to ensure public hearings are conducted in accordance with Florida Statutes in order to achieve Brownfields Area designation.

H. BOARD OF COUNTY COMMISSIONERS

1. Commissioner Halas requests Board approval for reimbursement regarding attendance at a function serving a valid public purpose. Attended the 27th Annual Freedom Fund Dinner and Awards Ceremony and Celebration of the 100th Anniversary of the NAACP on Saturday, October 3, 2009, at the Naples Hilton. \$65.00 to be paid from Commissioner Halas' travel budget.

I. MISCELLANEOUS CORRESPONDENCE

1. Miscellaneous items to file for record with action as directed.

J. OTHER CONSTITUTIONAL OFFICERS

1. To obtain board approval for disbursements for the period of September 19, 2009 through September 25, 2009 and for submission into the official records of the board.
2. To obtain board approval for disbursements for the period of September 29, 2009 through October 2, 2009 and for submission into the official records of the Board.

K. COUNTY ATTORNEY

1. Authorize the making of an Offer of Judgment to Respondent, C & T Properties Unlimited, for Parcel Nos. 126FEE and 126TCE in the amount of \$437,975 in the lawsuit styled Collier County, Florida v. Alexander G. Christou, et al., Case No. 07-4923-CA (Santa Barbara Boulevard Extension Project No. 60091) (Fiscal Impact \$53,175).
2. Recommendation to approve a Partial Stipulated Final Judgment in the amount of \$90,000 for Parcel 124 in the lawsuit styled Collier County v. William Pilger, et al., Case No. 06-1125-CA (County Barn Road Project Number 60101). (Fiscal Impact \$47,170)
3. Recommendation that the Board of County Commissioners considers a request made by the Collier County Emergency Medical Services Policy Advisory Board to revise the terms of the advisory board members as established by Resolution No. 2009-37.

- 17. SUMMARY AGENDA - THIS SECTION IS FOR ADVERTISED PUBLIC HEARINGS AND MUST MEET THE FOLLOWING CRITERIA: 1) A RECOMMENDATION FOR APPROVAL FROM STAFF; 2) UNANIMOUS RECOMMENDATION FOR APPROVAL BY THE COLLIER COUNTY PLANNING COMMISSION OR OTHER AUTHORIZING AGENCIES OF ALL MEMBERS PRESENT AND VOTING; 3) NO WRITTEN OR ORAL OBJECTIONS TO THE ITEM RECEIVED BY STAFF, THE COLLIER COUNTY PLANNING COMMISSION, OTHER AUTHORIZING AGENCIES OR THE BOARD, PRIOR TO THE COMMENCEMENT OF THE BCC MEETING ON WHICH THE ITEMS ARE SCHEDULED TO BE HEARD; AND 4) NO INDIVIDUALS ARE REGISTERED TO SPEAK IN OPPOSITION TO THE ITEM. FOR THOSE ITEMS, WHICH ARE QUASI-JUDICIAL IN NATURE, ALL PARTICIPANTS MUST BE SWORN IN.**
- A. This item requires that ex parte disclosure be provided by Commission Members, should a hearing be held on this item all participants are required to be sworn in. Recommendation to approve Petition VAC-PL2009-651, to disclaim, renounce and vacate the Countys and the Publics interest in a drainage easement over Tract CO2, as designated, and according to the Plat thereof known as Silver Lakes, Phase Two-F, a subdivision as recorded in Plat Book 33, Pages 37 & 38 of the Public Records of Collier County, Florida, situated in Section 10 & 15, Township 51 South, Range 26 East, Collier County, Florida, and being more specifically described in Exhibit A.**
 - B. This item requires that ex parte disclosure be provided by Commission Members, should a hearing be held on this item all participants are required to be sworn in. Recommendation to approve Petition VAC-PL2009-570, to disclaim, renounce and vacate the Countys and the Publics interest in a 5-foot wide Utility Easement along the southwesterly line of Site #57, Pelican Bay Unit Ten, according to the Plat thereof as recorded in Plat Book 15, Pages 64 through 67, inclusive, of the Public Records of Collier County, Florida, situated partly in Section 33, Township 48 South, Range 25 East and partly in Section 4, Township 49 South, Range 25 East, Collier County, Florida, and being more specifically described in Exhibit A.**
 - C. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. CU-2009-AR-14231 Peace Lutheran Church of Naples, Inc., represented by Margaret Perry, AICP of Wilson Miller, Inc., and R. Bruce Anderson of Roetzel & Andress, LPA, request a conditional use for a church, child care center, and private school in the Rural Agriculture (A) zoning district pursuant to subsection 2.03.01.A.1.c. of the LDC. The subject property is located at 9824 Immokalee Road, in Section 25, Township 48 South, Range 26 East, Collier County, Florida. (CTS)**
 - D. Recommendation that the Board of County Commissioners adopts an Ordinance amending Ordinance No. 2004-03, the Collier County Airport Authority Ordinance, to provide for the appointment of an alternate member.**
 - E. Recommendation that the Board of County Commissioners adopts an Ordinance amending Ordinance No. 91-65, as amended, relating to the Affordable Housing Advisory Committee, so as to remove the requirement for Committee review of all rezoning petitions.**
 - F. Recommendation that the Board of County Commissioners adopts an Ordinance amending Ordinance No. 75-16, as amended, relating to the conduct of meetings of the Board of County Commissioners, to modify the procedure for calling a meeting to order in the absence of the Chairman and Vice Chairman.**
 - G. Recommendation that the Board of County Commissioners adopts an Ordinance amending Section Five, Penalties, of Ordinance 2008-22, the Collier County Intersection Safety Ordinance, in order to establish a tiered civil fine structure for initial and subsequent violations.**
 - H. Recommendation that the Board of County Commissioners adopts an Ordinance amending Ordinance No. 1975-16, as amended, relating to the procedure for reconsideration of matters by the Board of County Commissioners.**

- I. Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the Fiscal Year 2009-10 Adopted Budget.**
- J. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. Recommendation to approve a resolution of the Board of County Commissioners of Collier County, Florida, which designates the Close-Out of twenty (20) adopted Planned Unit Developments (PUDs) which have fully completed development pursuant to their development orders constructing to the authorized density and/or intensity and have been found by county staff to be compliant with their specific developer commitments.**

18. ADJOURN

INQUIRIES CONCERNING CHANGES TO THE BOARD'S AGENDA SHOULD BE MADE TO THE COUNTY MANAGER'S OFFICE AT 252-8383.