

**COLLIER COUNTY**  
**Board of County Commissioners**  
**Community Redevelopment Agency Board (CRAB)**  
**Airport Authority**



**AGENDA**

Board of County Commission Chambers  
Collier County Government Center  
3299 Tamiami Trail East, 3rd Floor  
Naples, FL 34112

**October 11, 2022**

**9:00 AM**

**Commissioner William L. McDaniel, Jr., District 5; – Chair – CRAB Co-Chair**  
**Commissioner Rick LoCastro, District 1; – Vice Chair**  
**Commissioner Andy Solis, District 2**  
**Commissioner Burt Saunders, District 3**  
**Commissioner Penny Taylor, District 4; – CRAB Co-Chair**

**NOTICE:** All persons wishing to speak on Agenda items must register *prior* to presentation of the Agenda item to be addressed. All registered speakers will receive up to three minutes unless the time is adjusted by the chairman. Additional minutes may be ceded to the speaker by other registered speakers who must be present at the time the speaker is heard. No public speakers will be heard for Proclamations, Presentations and Public Petitions. Speakers on Presentations are limited to 10 minutes, unless extended by the chairman. All persons wishing to speak on a Consent Item must register prior to the Board's Approval of the day's Consent Agenda, which is heard at the beginning of the meeting following the Pledge of Allegiance.

Anyone wishing to address the Board on Public Petition must submit the request in writing to the County Manager at least 13 days prior to the date of the meeting. The request shall provide detailed information as to the nature of the Petition. The Public Petition may not involve a matter on a future Board agenda, and must concern a matter in which the Board can take action. Public petitions are limited to a single presenter, with a maximum time of ten minutes, unless extended by the chairman. Should the petition be granted, the item will be placed on a future agenda for a public hearing.

Anyone wishing to address the Board on general topics not on this agenda or a future agenda must register to speak prior to the Public Comment portion of the agenda being called by the chairman. Speakers will be limited to three minutes, and no additional minutes may be ceded to the speaker. At the chairman's discretion, the number of public speakers may be limited to 5 for that meeting.

Any person who decides to appeal a decision of this Board will need a record of the proceeding 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.

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.

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, the provision of certain assistance. Please contact the Collier County Facilities Management Division located at 3335 East Tamiami Trail, Suite 1, Naples, Florida, 34112-5356, (239) 252-8380; assisted listening devices for the hearing impaired are available in the Facilities Management Division.

*Lunch Recess scheduled for 12:00 Noon to 1:00 P.M*

- 1. INVOCATION AND PLEDGE OF ALLEGIANCE**
  - 1.A. Invocation by Reverend Edward Gleason of Trinity By The Cove Episcopal Church**
- 2. AGENDA AND MINUTES**
  - 2.A. APPROVAL OF TODAY'S REGULAR, CONSENT AND SUMMARY AGENDA AS AMENDED (EX PARTE DISCLOSURE PROVIDED BY COMMISSION MEMBERS FOR CONSENT AGENDA.)**
  - 2.B. September 8, 2022 BCC Budget Meeting Minutes**
- 3. AWARDS AND RECOGNITIONS**
  - 3.A. EMPLOYEE**
  - 3.B. ADVISORY BOARD MEMBERS**
  - 3.C. RETIREES**
  - 3.D. EMPLOYEE OF THE MONTH**
- 4. PROCLAMATIONS**
- 5. PRESENTATIONS**
- 6. PUBLIC PETITIONS**
- 7. PUBLIC COMMENTS ON GENERAL TOPICS NOT ON THE CURRENT OR FUTURE AGENDA**
- 8. BOARD OF ZONING APPEALS**
- 9. ADVERTISED PUBLIC HEARINGS**
- 10. BOARD OF COUNTY COMMISSIONERS**
- 11. COUNTY MANAGER'S REPORT**
  - 11.A. Update on the Status of Hurricane Ian recovery efforts in Collier County.**
  - 11.B. Recommendation to approve additional FY 2023 budget amendments in the amount of \$95,263,800 covering post Hurricane Ian clean up and recovery for debris removal, the storm-water network, water & wastewater, road & bridge, parks, beaches and governmental facilities repairs and other storm related costs, including additional funding for the Sheriff. (Ed Finn, Interim Deputy County Manager) (All Districts)**
- 12. COUNTY ATTORNEY'S REPORT**
- 13. OTHER CONSTITUTIONAL OFFICERS**

**14. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY**

**14.A. AIRPORT**

**14.B. COMMUNITY REDEVELOPMENT AGENCY**

**15. STAFF AND COMMISSION GENERAL COMMUNICATIONS**

**15.A. PUBLIC COMMENTS ON GENERAL TOPICS NOT ON THE CURRENT OR FUTURE AGENDA BY INDIVIDUALS NOT ALREADY HEARD DURING PREVIOUS PUBLIC COMMENTS IN THIS MEETING**

**15.B. 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.

**16.A. GROWTH MANAGEMENT DEPARTMENT (CONSENT)**

**16.A.1. Recommendation to direct staff to advertise an Ordinance establishing Milestone Inspections of aging condominium and cooperative buildings in unincorporated Collier County and bring back for public hearing an ordinance establishing a mandatory inspection of aging condominium and cooperative building. (All Districts)**

**16.A.2. Recommendation to approve a request to advertise a proposed amendment to Collier County Ordinance No. 86-72, the Sabal Palm Road Extension Municipal Service Taxing and Benefit Unit, to amend the geographical boundaries of the MSTU to remove three hundred thirty-two properties that no longer derive benefit from the MSTU's stated purpose. (District 1)**

**16.A.3. Recommendation to hear a Land Development Code amendment at two regularly scheduled daytime hearings and waive the nighttime hearing requirement. (All Districts)**

**16.A.4. Recommendation to approve final acceptance of the potable water, irrigation quality water, and sewer facilities and accept the conveyance of the potable water, irrigation quality water, and sewer facilities for SkySail - Phase 1, PL20220000858. (District 5)**

**16.A.5. Recommendation to approve a Resolution for final acceptance of the private roadway and drainage improvements for the final plat of Isles of Collier Preserve Phase 8, Application Number PL20160000515, and authorize the release of the maintenance security in the amount of \$260,682.12. (District 4)**

- 16.A.6. Recommendation to approve final acceptance of the potable water and sewer utility facilities and accept the conveyance of a portion of the potable water and sewer utility facilities for the Songbird at Whippoorwill (minor changes to PL2020000840), PL20220002993. (District 4)**
- 16.A.7. 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 for recording the final plat of Groves at Orange Blossom, Phase 3 (Application Number PL20210003325) approval of the standard form Construction and Maintenance Agreement and approval of the performance security in the amount of \$2,758,860.50. (District 5)**
- 16.A.8. Recommendation to authorize the Clerk of Courts to release a Performance Bond in the amount of \$74,600 which was posted as a development guaranty for an Early Work Authorization (EWA) (PL20220000820) for work associated with Randall at Orangetree. (District 5)**
- 16.A.9. Recommendation to authorize the Clerk of Courts to release a Performance Bond in the amount of \$19,960 which was posted as a development guaranty for an Early Work Authorization (EWA) (PL20210000882) for work associated with Valencia Golf and Country Club - Phase 1B. (District 5)**
- 16.A.10. Recommendation to authorize the Clerk of Courts to release a Performance Bond in the amount of \$55,136.84 which was posted as a guaranty for Excavation Permit Number PL20200000596 for work associated with Argo Livingston. (District 2)**
- 16.A.11. Recommendation to approve Change Order No. 1 to Agreement No. 20-7735, Design-Build Whippoorwill Lane and Marbella Lakes Drive Connection, with Quality Enterprises USA, Inc., to provide additional time under the contract due to delays in obtaining required permit approval, as well as labor and material shortages affecting production. (County Project Number 60219) (District 3)**
- 16.A.12. Recommendation to approve Agreement #22-029-NS “Work & Asset Management System Software Licenses and Annual Maintenance” with Cartegraph Systems, LLC for the work management system software licenses and the annual maintenance; to continue the Transportation Management Services Department and the Facilities Division’s enterprise asset management strategic vision in alignment with Collier County Government’s goals and to approve expenditures under the Agreement and approved Sole Source Waiver. (All Districts)**
- 16.A.13. Recommendation to award Request for Proposal (“RFP”) No. 22-7948, “Planning and Regulation Staffing,” to NOVA Engineering and Environmental, LLC, to provide temporary staffing and services to the Growth Management Community Development Department, and authorize the Chairman to sign the attached agreement. (All Districts)**

- 16.A.14. Recommendation to approve a resolution indicating the Collier County Board of County Commissioners' desire to be re-designated as the Community Transportation Coordinator ("CTC") for Collier County. (All Districts)**
- 16.A.15. Recommendation to provide after-the-fact approval for the submittal to closeout a grant award from the US Department of Treasury under the RESTORE Direct Component (Pot 1) for the preliminary development, design and permitting of the Collier County Comprehensive Watershed Improvement Plan in the amount of \$77,760.26. (Project 33554) (All Districts)**
- 16.B. COMMUNITY REDEVELOPMENT AGENCY (CONSENT)**
- 16.C. PUBLIC UTILITIES DEPARTMENT (CONSENT)**
  - 16.C.1. Recommendation to award Invitation to Bid ("ITB") No. 22-8007, "Tamiami Well 25 Generator Replacement," to Zabatt Engine Services, Inc., d/b/a Zabatt Power System, Inc., in the amount of \$300,111.55, and authorize the Chairman to sign the attached Construction Services Agreement. (Water User Fee Capital Fund (412), Project Number 70069) (District 5)**
  - 16.C.2. Recommendation to award Construction Invitation to Bid ("ITB") No. 22-7960 "Collier County Emergency Service Center East Bay Enclosure Construction," to Waypoint Contracting Inc., in the amount of \$2,083,623.30 and authorize the Chairman to sign the Agreement. (Surtax Fund (318), Project 50390) (District 2)**
- 16.D. PUBLIC SERVICES DEPARTMENT (CONSENT)**
  - 16.D.1. Recommendation to approve and authorize the Chairman to sign the First Amendment to clarify language in the State Housing Initiatives Partnership Sponsor Agreement for new construction assistance with Habitat for Humanity of Collier County, Inc. (Grant Fund 791) (All Districts)**
  - 16.D.2. Recommendation to approve and authorize the Chairman to sign the First Amendment to the U.S. Housing and Urban Development Emergency Solutions Grants Program subrecipient agreement between The Shelter for Abused Women & Children, Inc. and Collier County adding rapid rehousing activities and additional funding in the amount of \$15,000. (Housing Grant Fund 705) (All Districts)**
  - 16.D.3. Recommendation to approve and authorize the Chairman to sign the Ninth Amendment to the Development Agreement between Habitat for Humanity of Collier County, Inc. and Collier County to extend the project expenditure deadline for the Neighborhood Stabilization Program 3. (Grant Fund 705) (All Districts)**

- 16.D.4. Recommendation to approve a substantial amendment to Collier County's U.S Department of Housing and Urban Development FY2019-2020 Annual Action Plan, and authorize the Chairman to execute an Amendment to the Youth Haven agreement, reallocating \$1,000,000 CDBG-CV funding from the reconstruction of the Golden Gate Senior Center to the Youth Haven Intake Center project in the amount of \$708,321 and to a still to be determined Public Facilities project in the amount of \$291,679, and approve budget amendments in the amount of \$1,000,000 from General Fund (001) to Community & Human Services Grant Support Fund (123) to restore funding for the Golden Gate Senior Center reconstruction project. (All Districts)**
- 16.E. ADMINISTRATIVE SERVICES (CONSENT)**
- 16.F. COUNTY MANAGER OPERATIONS (CONSENT)**

  - 16.F.1. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions, or insurance proceeds) to the FY22-23 Adopted Budget. (All Districts)**
- 16.G. AIRPORT AUTHORITY (CONSENT)**
- 16.H. BOARD OF COUNTY COMMISSIONERS (CONSENT)**

  - 16.H.1. Recommendation to authorize routine and customary budget amendments appropriating carry forward budget in the amount of \$7,198,985.64 for approved open purchase orders and \$3,182,280.13 for closed POs for Fiscal Year 2023. (All Districts)**
- 16.I. MISCELLANEOUS CORRESPONDENCE (CONSENT)**
- 16.J. OTHER CONSTITUTIONAL OFFICERS (CONSENT)**

  - 16.J.1. To record in the minutes of the Board of County Commissioners, the check number (or other payment method), amount, payee, and purpose for which the referenced disbursements were drawn for the periods between September 15, 2022 and September 28, 2022 pursuant to Florida Statute 136.06. (All Districts)**
  - 16.J.2. Request that the Board approve and determine valid public purpose for invoices payable and purchasing card transactions as of October 5, 2022. (All Districts)**
- 16.K. COUNTY ATTORNEY (CONSENT)**

  - 16.K.1. The Annual Performance Appraisal for the County Attorney (All Districts)**
  - 16.K.2. Recommendation that the Board of County Commissioners extends the County Attorney Employment Agreement to September 30, 2025. (All Districts)**

- 16.K.3. Recommendation to reappoint a member to the Immokalee Beautification Advisory Committee. (District 5)**
- 16.K.4. Recommendation to appoint two members to the Golden Gate Beautification Advisory Committee. (District 3)**
- 16.K.5. Recommendation to reappoint one member to the Lely Golf Estates Beautification Advisory Committee. (District 1)**
- 16.K.6. Recommendation to approve the Interlocal Agreement between the City of Marco Island and Collier County relating to the expenditure of certain settlement funds received from the State of Florida regarding In Re: National Prescription Opioid Litigation in furtherance of the Florida Attorney General’s Memorandum of Understanding and Resolution 2021-136. (All Districts)**
- 16.K.7. Recommendation to approve the litigation settlement between Collier County and Pelican Lake Property Owners Association of Collier County (“Pelican Lake”) and recommendation to approve the acceptance of \$11,320 from Pelican Lake Property Owners Association of Collier County in exchange for a release of lien with a value of \$60,000 in the code enforcement action entitled Board of County Commissioners v. Pelican Lake Property Owners Association of Collier County, Case No. CELU20190011289. (All Districts)**

**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.

- 17.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 an Ordinance amending Ordinance Number 2004-41, as amended, the Collier County Land Development Code, which established the comprehensive zoning regulations for the unincorporated area of Collier County, Florida, by amending the appropriate zoning atlas map or maps by changing the zoning classification of the herein described real property from Estates (E) Zoning District within special treatment wellfield zone W-3 to a Commercial Planned Unit Development (CPUD) Zoning District within special treatment wellfield zone W-3 for the project to be known as Ariva Plaza CPUD, to allow the development of up to 30,000 square feet of commercial uses. The subject 5.46± acre property is located at the southwest corner of the intersection of Golden Gate Boulevard East and Everglades Boulevard South in Section 6, Township 49 South, Range 28 East, Collier County; and by providing an effective date. (District 5)**

**18. ADJOURN**

Inquiries concerning changes to the Board’s Agenda should be made to the County Manager’s Office at



252-8383.