

# COLLIER COUNTY

BOARD OF COUNTY COMMISSIONERS

and

COMMUNITY REDEVELOPMENT AGENCY BOARD (CRAB)



## AGENDA

April 22, 2008

9:00 AM

Tom Henning, BCC Chairman Commissioner, District 3

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

Jim Coletta, BCC Commissioner, District 5; CRAB Vice-Chairman

Frank Halas, BCC Commissioner, District 2

Fred W. Coyle, BCC Commissioner, District 4

**NOTICE: ALL PERSONS WISHING TO SPEAK ON ANY AGENDA ITEM 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."**

**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**

- A. Reverend Mary Jane Wallace, Everglades Community Church

**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. February 29, 2008 - BCC/SFWMD Workshop
- C. March 18, 2008 - BCC/Fire Review Task Force Workshop
- D. March 25/26, 2008 - BCC/Regular Meeting
- E. April 1, 2008 - BCC/Airport Authority Workshop

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

- A. 20 Year Attendees
  - A. This item to be heard on Wednesday, April 23, 2008. Lynn Evans, Fleet Management

**4. PROCLAMATIONS**

- A. This item to be heard on Wednesday, April 23, 2008. Proclamation designating the week of May 4, 2008 through May 10, 2008 as Drinking Water Quality Week. To be accepted by Paul Mattausch, Water Department Director.
- B. This item to be heard on Wednesday, April 23, 2008. Proclamation designating April 20th through April 26th, 2008 as Administrative Professionals Week. To be accepted by Sandra Lockwood, Member of the Naples Chapter of International Association of Administrative Professionals (IAAP).
- C. This item to be heard on Wednesday, April 23, 2008. Proclamation recognizing April, 2008 as Harmony Month. To be accepted by Ron Timmerman. Immediately following the presentation of the proclamation, the National Anthem will be performed by the Paradise Coastmen.
- D. This item to be heard on Wednesday, April 23, 2008. Proclamation recognizing James A. McTague for his civic and business leadership in Collier County. To be accepted by Mr. McTague's daughters: Jo Atkinson, Suzy Goldman and Jeanne Manuri.
- E. This item to be heard on Wednesday, April 23, 2008. Proclamation designating the week of April 27, 2008 through May 3, 2008 as National Volunteer Week In Collier County. To be accepted by Marcy Krumbine, Director of Housing and Human Services; Sharon Downey, RSVP Project Coordinator; Anna Galdames, 4H Extension Agent/University of Florida IFAS Extension; Mary Margaret Gruszka, Volunteer Coordinator/Collier County Museum; Joann Wannemacher, Volunteer Coordinator/Collier County Public Libraries; Meryl Rorer, Volunteer Coordinator/Parks and Recreation; Kathleen Drewe, Volunteer Coordinator/Domestic Animal Services and volunteers for Collier County.
- F. This item to be heard on Wednesday, April 23, 2008. Proclamation to recognize April 2008 as Sexual Assault Awareness Month. To be accepted by Maria LaRocco, Executive Director of Project Help, Inc.
- G. This item to be heard on Wednesday, April 23, 2008. Proclamation to recognize May, 2008 as Mental Health Awareness Month. To be accepted by Petra Jones, Executive Director of The Mental Health Association of Southwest Florida.

- H. This item to be heard on Wednesday, April 23, 2008. Proclamation to recognize May 11-17, 2008 as Tourism Week in Collier County. To be accepted by Jack Wert, Executive Director Tourism Department.

#### 5. PRESENTATIONS

- A. This item to be heard on Wednesday, April 23, 2008. Presentation of the Advisory Committee Outstanding Member Award to John F. Barlow, Jr. of the County Government Productivity Committee.
- B. This item to be heard on Wednesday, April 23, 2008. Presentation of the Waste Reduction Awards Program (WRAP) award to the Ivey House Bed and Breakfast, The Doubletree Guest Suites, The Inn at Pelican Bay, and their common management company Guest Services, Inc.
- C. This item to be heard on Wednesday, April 23, 2008. Presentation of awards to the winners of the Recycling Art Contest; Rachael Doty, Palmetto Ridge High School; Angela Vasquez, Manatee Middle School; and Tiffany Shadden, Corkscrew Elementary School.
- D. This item to be heard on Wednesday, April 23, 2008. An update by Paul Mattausch, Water Department Director, on the return to South Florida Water Management District-imposed Phase II Water-use Restrictions effective April 18, 2008.

#### 6. PUBLIC PETITIONS

- A. This item was continued from the April 8, 2008 BCC Meeting. Public petition request by James Walker to discuss impact fees for a commercial site in Immokalee, FL.
- B. Public petition request by Carl Kuehner to discuss PUD rezone for Esperanza Place, Immokalee, Florida.
- C. Public petition request by Markus Weatherwax to discuss sign permits for Athletic Club of Naples.
- D. Public petition request by Nancy Colina to discuss construction and warranty issues with Designers Home Group, Inc.

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 requires that all participants be sworn in and ex parte disclosure be provided by Commission members. ADA-2007-AR-12714, Sandra Clancy-Koendarfer, represented by Ben Nelson of Nelson Marine Construction, Inc., is requesting an appeal of BD-2007-AR-12154 denied by the Collier County Planning Commission on December 6, 2007. Subject property is located in Section 5, Township 48, Range 25, Collier County, Florida.

- B. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. VA-2007-AR-12477, Gregory W. and Beverly J. Schuelke, represented by Christopher J. Thornton, of Cheffy, Passidomo, Wilson, and Johnson, Attorneys at Law, LLP, are requesting variances for a project to be known as the Schuelke Variance. The variance petition seeks approval of a side yard setback for encroachment of a pool deck/wall, pool screen cage, and concrete pair of stairs. The subject property is located at 496 Flamingo Avenue, in the Connor's Vanderbilt Beach Estates, Unit 3, Lot 1, Block U on 0.27 acres, Section 29, Township 48 South, Range 25 East, Collier County, Florida.
- C. This item to be heard at 2:00 p.m. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. CUR-2008-AR-12955 SR-846 Land Trust Earth Mine, Mining Venture, LLC., represented by R. Bruce Anderson of Roetzel & Andress, is requesting a review of the approved Conditional Use Resolution 2007-274 for earth mining in the A-MHO Agricultural zoning district. The subject property, consisting of 2,576 acres, is located east of Immokalee Road (CR-846), approximately 2 miles north of Oil Well Road (CR-858) in Sections 35 & 36, Township 47 South, Range 27 East, and all of Sections 1 & 2, Township 48 South, Range 27 East, Less Road Right-of-Way for County Road 846, Collier County, Florida.

#### 8. ADVERTISED PUBLIC HEARINGS

- A. Recommendation that the Board of County Commissioners approve the Collier County Intersection Safety Ordinance to authorize use of unmanned cameras at road intersections and to enforce Ordinance violations of vehicles running red traffic lights.
- B. This item to be heard at 4:30 p.m. This item was continued from the April 8, 2008 BCC Meeting. Recommendation that the Board of County Commissioners reconsider the Land Development Code Amendment addressing the calculation of the maximum number of wet slips when a shoreline is in a Conservation Easement. (William D. Lorenz, Engineering & Environmental Services Director, CDES)

#### 9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of a member to the Collier County Water and Wastewater Authority.
- B. Appointment of members to the Bayshore/Gateway Triangle Local Redevelopment Advisory Board.
- C. To adopt a resolution authorizing preliminary alternatives of the "Addition Lands" general management, wilderness designation and off-road vehicle plans being developed by the National Park Service (NPS) for the management of the "Addition Lands" annexed to the Big Cypress National Preserve. (Commissioner Coletta)
- D. Recommendation that the Board of County Commissioners approve the County Attorney Employment Agreement with Jeffrey A. Klatzkow and authorize the Chairman to execute same. (Commissioner Henning)

#### 10. COUNTY MANAGER'S REPORT

- A. Recommendation that the Board approve a Resolution adopting the Collier County HUD One Year Action Plan for FY 2008 - 2009 for Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), American Dream Downpayment Initiative (ADDI) and Emergency Shelter Grant (ESG) Programs and authorize transmittal to the United States Department of Housing and Urban Development (HUD). (Marcy Krumbine, Director, Housing and Human Services)

- B. This item to be heard at 10:30 a.m. Recommendation from the Pelican Bay Services Division that the Board of County Commissioners authorize the Pelican Bay Services Division to prepare, sign and submit the Clam Bay Management Plan to the Federal and State Agencies. (John Petty, Pelican Bay Services Division)
- C. Recommendation to accept the Federal Transit Administration (FTA) FY08 5307 grant in the amount of \$1,978,706.00. (Diane Flagg, Director, Alternate Transportation Modes)
- D. That the Board of County Commissioners provide direction regarding a request by the Economic Development Council of Collier County to amend the Fee Payment Assistance Program to help defray the cost of impact fees for an existing Collier County company which is considering relocating and expanding their manufacturing facility from Western Collier County to Eastern Collier County. (Tammie Nemecek, EDC Executive Director; Amy Patterson, Impact Fee/EDC Manager, CDES)
- E. This item to be heard at 10:00 a.m. Recommendation that the Board of County Commissioners approve changes to a current interlocal agreement with the City of Naples for funds earmarked for Pulling Boat Ramp; give direction considering a funding policy for capital improvements and operations/ maintenance at municipalities for Parks and Recreation programs. (Barry Williams, Director, Parks and Recreation)
- F. Recommendation to approve an Administrative Plan for the distribution of funds for the Collier County Single Family Rehabilitation Program funded by the Florida Department of Community Affairs Disaster Recovery Initiative grant program. (Marcy Krumbine, Director, Housing and Human Services)

#### 11. PUBLIC COMMENTS ON GENERAL TOPICS

#### 12. COUNTY ATTORNEY'S REPORT

- A. This item to be heard at 11:15 a.m. Recommendation that the Board of County Commissioners sitting as the Board of Zoning Appeals reject the recommendations of the Special Magistrate pursuant to the alternate dispute resolution process resulting from the denial of the conditional use for the expansion of a church. (Petition CU-2004-AR-6384 - Golden Gate Congregation of Jehovahs Witnesses, Inc.)
- B. Notice is hereby given that pursuant to Section 286.011(8), Fla. Stat., the County Attorney desires advice from the Board of County Commissioners in closed attorney-client session on TUESDAY, APRIL 22, 2008, at a time certain of 12:00 noon in the Commission conference room, 3rd Floor, W. Harmon Turner Building, Collier County Government Center, 3301 East Tamiami Trail, Naples, Florida. In addition to Board members, County Manager James Mudd, County Attorney David C. Weigel, Chief Assistant County Attorney Jeffrey A. Klatzkow, and Assistant County Attorney Jacqueline Williams Hubbard will be in attendance. The Board in executive session will discuss: Settlement negotiations and strategy related to litigation expenditures in the pending litigation cases of Bonita Media Enterprises, LLC. v. Collier County Code Enforcement Board, Collier County Board of County Commissioners, Case No.: 2:07-cv-411-FtM-29DNF, now pending in the United States District Court, Middle District of Florida, Fort Myers Division and Bonita Media Enterprises, LLC., Brennan, Manna & Diamond (Reg. Agent) v. Board of County Commissioners, Collier County, Florida, Appeal Case No.: 07-2035-CA, Lower Tribunal CEB No.: 2007-35, now pending in the Twentieth Judicial Circuit in and for Collier County, Florida, in the Administrative Appeal Division of the Circuit Court.

- C. For the Board of County Commissioners to provide direction to the County Attorney's Office as to settlement negotiations and strategy related to litigation expenditures in the pending litigation cases of Bonita Media Enterprises, LLC. v. Collier County Code Enforcement Board, Collier County Board of County Commissioners, Case No.: 2:07-cv-411-FtM-29DNF, now pending in the United States District Court, Middle District of Florida, Fort Myers Division and Bonita Media Enterprises, LLC., Brennan, Manna & Diamond (Reg. Agent) v. Board of County Commissioners, Collier County, Florida, Appeal Case No.: 07-2035-CA, Lower Tribunal CEB No.: 2007-35, now pending in the Twentieth Judicial Circuit in and for Collier County, Florida, in the Administrative Appeal Division of the Circuit Court.

**13. OTHER CONSTITUTIONAL OFFICERS**

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

**15. STAFF AND COMMISSION GENERAL COMMUNICATIONS**

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**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.**

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**A. COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES**

1. To accept final and unconditional conveyance of the water utility facility for Del Mar Retail Center.
2. Recommendation to approve final acceptance of the water and sewer utility facilities for Fiddler's Creek - Phase 3, Unit 2.
3. Recommendation to approve final acceptance of the water and sewer utility facility for Fiddler's Creek - Phase 3, Unit 2 - Stage 3.
4. Recommendation to approve final acceptance of the water and sewer utility facilities for Fiddler's Creek, Phase 2A, Unit 3.
5. This item was continued indefinitely from February 26, 2008 BCC meeting. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Augusta at Pelican Marsh (Pelican Marsh PUD) with the roadway and drainage improvements being privately maintained.
6. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Saturnia Lakes Plat One (Rigas PUD) with the roadway and drainage improvements being privately maintained.
7. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Saturnia Lakes Plat Two (Rigas PUD) with the roadway and drainage improvements being privately maintained.
8. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Sussex Place, (Lely Resort PUD), the roadway and drainage improvements will be privately maintained.

9. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Tuscany Cove with the roadway and drainage improvements being privately maintained.
10. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Saturnia Lakes Plat Three (Rigas PUD) with the roadway and drainage improvements being privately maintained.
11. 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 Artesia Naples Unit One.
12. 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 Cameron Commons Unit One, approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security.
13. 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 Tract 5, Golden Gate Estates Unit 44 Replat, approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security.
14. 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 Tract 6, Golden Gate Estates Unit 44 Replat, approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security.
15. Recommendation that the Board of County Commissioners adopts a Resolution to formally dissolve the Collier County Fire Review Task Force as established by Resolution No. 2007-105.
16. To obtain approval for the annual expenditure of funds, if necessary, beyond the \$50,000 dollar limit contained in the Purchasing Policy for the required legal advertising placed in the Naples Daily News.
17. Recommendation that the Board of County Commissioners approve a Job Creation Investment Program Agreement with the March Group, LLC, d/b/a March Performance, Incorporated, consistent with the provisions of the Job Creation Investment Program and the companys approved incentive application.
18. Recommendation that the Board of County Commissioners approve a Job Creation Investment Program Agreement with Advocate Aircraft Taxation Company consistent with the provisions of the Job Creation Investment Program and the companys approved incentive application.
19. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Reflection Lakes at Naples Phase 1A (Walnut Lakes PUD) with the roadway and drainage improvements being privately maintained.
20. Recommendation to grant final approval of the landscape and irrigation improvements for the final plat of Reflection Lakes at Naples Phase 1C (Walnut Lakes PUD) with the landscape and irrigation improvements being privately maintained.
21. Recommendation to approve the Release and Satisfactions of Lien for payments received for the following Code Enforcement actions.
22. Recommendation to approve South Florida Water Management District Local Government Agreement No. 4600001351 for partial funding of the County's LiDAR acquisition through the Florida Department of Emergency Management contract.

23. 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 Classics Plantation Estates, Phase Three Replat of Lots 18 through 45.

## **B. TRANSPORTATION SERVICES**

1. Recommendation to approve a Hazard Mitigation Grant Program (HMGP) agreement between the State of Florida Division of Emergency Management and the County for a Wind Protection project and approve the associated budget amendment. (\$29,997.00)
2. Recommendation that the Board of County Commissioners approve one (1) Adopt-A-Road Program Agreement with two (2) roadway recognition signs at a total cost of \$150.00.
3. Recommendation that the Board of County Commissioners approve budget amendments to recognize revenue from a developer contribution for Split Cycle Offset Optimization Technique (SCOOT) system expansion, Project 601724 Fund (313), and permanent count stations, Project 601727 Fund (313), in the amount of \$90,000.
4. Recommendation to authorize the Chairman of the Board to execute the attached Shirley Conroy Rural Area Capital Equipment Support Grant and the applicable documents. (\$66,000)
5. Recommendation that the Board of County Commissioners approve a Resolution superseding Resolution No. 2007-230 and Florida Department of Transportation (FDOT) Local Agency Program (LAP) Agreement FPN: 422165-1-58-01, which Agreement was unexecuted by FDOT following BCC approval on September 11, 2007, as Agenda Item 16B11, and approve a new agreement superseding and replacing the aforementioned unexecuted agreement that increases FDOT's share of funding, for the construction of a sidewalk on Roberts Avenue and North 9th Street from \$704,375 in the original agreement to \$732,268 in the proposed agreement.
6. Recommendation that the Board of County Commissioners approve a Resolution superseding Resolution No. 2007-231 and Florida Department of Transportation (FDOT) Local Agency Program (LAP) Agreement FPN: 422164-1-58-01, which Agreement was unexecuted by FDOT following BCC approval on September 11, 2007, as Agenda Item 16B12, and to approve a new agreement superseding and replacing the aforementioned unexecuted agreement that increases FDOT's funding for the construction of a sidewalk on 1st Street North from \$170,625 in the original agreement to \$177,381 in the proposed agreement.
7. Recommendation to approve the purchase of improved property (Parcel No. 142) which is required for the construction of the Vanderbilt Beach Road Extension Project. Project No. 60168 (Fiscal Impact: \$607,475.00 )
8. Recommendation to approve an Easement Agreement for 0.12 acres of unimproved property for a non-exclusive easement for Pathways and Public Utilities along Immokalee Road. (\$55,000)
9. Recommendation to recognize farebox revenues collected from October 1, 2007 through April 10, 2008 for Collier Area Transit and to approve budget amendments.
10. Recommendation to approve a First Amendment to the October 22, 2002 Sabal Bay Development Contribution Agreement for Road Impact Fee Credits extending the duration for five (5) years and approval of the Second Amendment to the October 14, 2003 Companion Agreement providing for a change in land conveyance means for portions of the Lely Area Stormwater Improvement Project. (Project No. 511011)



### **C. PUBLIC UTILITIES**

- 1. Recommendation to adopt a Resolution to approve the Satisfactions of Lien for Solid Waste residential accounts wherein the County has received payment and said Liens are satisfied in full for the 1992, 1993, 1994, 1995, and 1996 Solid Waste Collection and Disposal Services Special Assessment. Fiscal impact is \$88.50 to record the Satisfactions of Lien.**
- 2. Recommendation to approve as ex-officio the governing Board of the Collier County Water-Sewer District, to enter into a Memorandum of Understanding/Charter, establishing the Lower West Coast Utility Council.**
- 3. Recommendation to approve the addition of \$100,000 to increase the annual limit to \$600,000 for the existing fixed term contract 05-3792 "Fixed Term Utility Specialized Legal Services" for de la Parte & Gilbert, P.A. Attorneys at Law, representing the interests of Collier County, a Political Subdivision of the State of Florida, in utility specific litigation and regulatory matters, and approve all the necessary budget amendments in the amount of \$400,000.**

### **D. PUBLIC SERVICES**

- 1. Recommend approval of a Resolution of the Board of County Commissioners of Collier County, Florida, to formally oppose allowing access to a Federal Sand Source off the coast of Sanibel Island to any counties other than those counties adjacent to Sanibel Island, specifically Collier and Lee Counties.**
- 2. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, a lien agreement with Andres Mateo and Maria Mateo (Owners) for deferral of 100% of Collier County impact fees for an owner-occupied affordable housing unit located at Lot 107, Liberty Landing, Immokalee.**
- 3. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, a lien agreement with Ritha Mercure (Owner) for deferral of 100% of Collier County impact fees for an owner-occupied affordable housing unit located at Lot 41, Liberty Landing, Immokalee.**
- 4. This item was continued from the April 8, 2008 BCC Meeting. Recommendation to approve and execute a Lease Agreement with Goodwill Industries of Southwest Florida, Inc. for space to accommodate the Housing and Human Services Senior Nutrition Program at the Roberts Center, located at 905 Roberts Avenue in Immokalee for an annual cost of \$12,000. The cost of this rental will be paid from Older Americans Act grant funding.**
- 5. Recommendation to approve the Summer Food Service Program Grant in the amount of \$588,400 for FY2008.**
- 6. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, a lien agreement with Carmeta Prime (Owner) for deferral of 100% of Collier County impact fees for an owner-occupied affordable housing unit located at Lot 110, Liberty Landing, Immokalee.**
- 7. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, a lien agreement with Kristy Brodbeck (Owner) for deferral of 100% of Collier County impact fees for an owner-occupied affordable housing unit located at Vista III at Heritage Bay, Unit 1403, North Naples.**
- 8. Recommendation to authorize the Chairman to sign the amendment between Collier County Board of County Commissioners and the Area Agency on Aging of Southwest Florida, Inc. and approve budget amendments to reflect the actual award amount for the Older Americans Act for 2008.**

9. Recommendation to approve a budget amendment in the amount of \$200,000 from the Park and Recreation Impact Fee Reserves to pay for an impact fee study update and the refund of impact fees to various developers.
10. Present to the Board of County Commissioners a summary of the Impact Fee Deferral Agreements recommended for approval in FY08, including the total number of Agreements approved, the total dollar amount deferred and the balance remaining for additional deferrals in FY08.
11. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, a lien agreement with Monica Newhouse (Owner) for deferral of 100% of Collier County impact fees for an owner-occupied affordable housing unit located at Vista III at Heritage Bay, Unit 1408, North Naples.

#### **E. ADMINISTRATIVE SERVICES**

1. Recommendation to ratify an addition to, a modification of and a deletion from the 2008 Fiscal Year Pay and Classification Plan made from January 1, 2008 through March 31, 2008.
2. Recommendation to approve a Statutory Deed for the conveyance of GAC Land Trust Reserved Land required for a pond site for the Oil Well Road Expansion Project that will provide revenue in the amount of \$200,000 for the GAC Land Trust Fund.
3. Report to the Board of County Commissioners concerning the sale and donation of items associated with the County surplus auction held on March 29, 2008, resulting in gross revenues of \$487,526.50.

#### **F. COUNTY MANAGER**

1. Recommendation to approve the after-the-fact submittal of the attached Assistance to Firefighters Grant application to the Federal Emergency Management Agency for the purchase of 30 evacuation (stair) chairs for Emergency Medical Services in the amount of \$62,850.
2. Review of quarterly report on activities in the Collier County Tourism industry.
3. Obtain approval for an \$11,000,000 prepayment on the Caribbean Gardens Commercial Paper Loan Number A-32-2.

#### **G. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY**

1. Approve a budget amendment for \$628,800 to increase budgeted revenues and budgeted expenses for the sale and purchase of aviation fuel at Marco Island Executive Airport.
2. Recommendation to approve and authorize the Boards Chairman to execute an amendment for a time extension to the Rural Infrastructure Grant Agreement # OT-05-136 from the Florida Office of Tourism, Trade, and Economic Development for the Immokalee Regional Airport/Florida Tradeport Storm Water Management/Retention Pond Project.

#### **H. BOARD OF COUNTY COMMISSIONERS**

1. Commissioner Coletta requests Board approval for reimbursement serving a valid public purpose. Will attend the Coalition of Immokalee Workers "Human Rights Heroes in our Backyard" on April 11, 2008. \$50 to be paid from Commissioner Coletta's travel budget.
2. Commissioner Coletta requests Board approval for reimbursement serving a valid public purpose. Will attend the Collier County Medical Society Annual Dinner Meeting, May 3, 2008. \$100 to be paid from Commissioner Coletta's travel budget.

3. Commissioner Coletta requests Board approval for reimbursement serving a valid public purpose. Attended the PLAN Steering Committee breakfast, April 3, 2008. \$5 to be paid from Commissioner Coletta's travel budget.
4. Commissioner Fiala requests Board approval for reimbursement for attending a function serving a valid public purpose. She will be attending the Youth Haven 4th Annual Frances Pew Hayes Child Advocate Of The Year Award Luncheon on Thursday, May 8, 2008 at the Naples Sailing and Yacht Club. \$75.00 to be paid from Commissioner Fiala's travel budget.
5. Commissioner Coletta requests Board approval for reimbursement serving a valid public purpose. Will attend the Leadership Collier Class of '08 Graduation on May 9, 2008. \$50 to be paid from Commissioner Coletta's travel budget.
6. Commissioner Coletta requests Board approval for reimbursement serving a valid public purpose. Will participate as guest speaker at Golden Gate Kiwanis Club Breakfast on April 30, 2008. \$7 to be paid from Commissioner Coletta's travel budget.
7. Proclamation thanking The Honorable Mario Diaz-Balart for his extraordinary service to Collier County.

#### I. MISCELLANEOUS CORRESPONDENCE

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

#### J. OTHER CONSTITUTIONAL OFFICERS

1. Recommend that the Board of County Commissioners approve a document for Twelfth Year State Criminal Alien Assistance Program (SCAAP) Grant Funds.
2. To obtain Board approval for the disbursements for the period of March 29, 2008 through April 4, 2008 and for submission into the official records of the Board.
3. To obtain Board approval for disbursements for the period of April 05, 2008 through April 11, 2008 and for submission into the official records of the Board.
4. Recommendation to approve a request by Sheriff Don Hunter to officially recognize the name, the "William J. McNulty Communications Center" for the Sheriff's Office Communications Center located within the new Collier County Emergency Services Complex.

#### K. COUNTY ATTORNEY

1. Recommendation to approve the proposed Agreement for Delivery and Reuse of Irrigation Quality (IQ) Water between the Collier County Water-Sewer District and the Pelican Marsh Community Development District.
2. Recommendation that the Board of County Commissioners Approve the Proposed Joint Motion for an Agreed Order Awarding Costs Relating to Parcel 143 in the Collier County v. Charles R. Wilson, et al., Case No. 02-5164-CA, Immokalee Road Project #60018. (Fiscal Impact: \$4,000.00).
3. Recommendation to approve a Stipulated Final Judgment for Parcel Nos. 135/40, 135/40.1, 136/41, 136/41.1 in the lawsuit styled CC v. Timothy Maloney, et al, Case No. 92-1508-CA. (Golden Gate Wellfield Expansion Project) (Fiscal Impact \$3,600)
4. Recommendation to Approve a Stipulated Final Judgment for Parcels 862, 962 and 963 in the Lawsuit Styled Board of County Commissioners of Collier County v. Grand Cypress Communities, et al., Case No. 05-1053-CA. (South County Regional Water Treatment Plant Reverse Osmosis Wellfield Expansion Project #70892)(Fiscal Impact: \$43,070.00).

5. Recommendation to approve a Stipulated Final Judgment for Parcel 170RDUE in the lawsuit styled CC v. Jorge A. Romero, et al, Case No. 07-2681-CA (Oil Well Road Project No. 60044). (Fiscal Impact \$15,830)
  6. Recommendation to Approve a Stipulated Final Judgment in the Amount of \$43,850.00 for the Acquisition of Parcel 157RDUE in the Lawsuit Styled Collier County, Florida v. Christopher Link, et al., Case No. 07-4218-CA (Oil Well Road Project #60044). (Fiscal Impact: \$9,100.00)
  7. Recommendation to approve a Stipulated Final Judgment for Parcel No. 159A in the lawsuit styled CC v. H.A. Street, et al, Case No. 03-2873-CA (Immokalee Road Project # 60018). (Fiscal Impact \$6,900)
  8. Recommendation to Approve a Mediated Settlement Agreement and a Stipulated Final Judgment to be drafted incorporating the same terms and conditions as the Mediated Settlement Agreement in the amount of \$130,000.00 for the acquisition of Parcels 121FEE and 121TDRE in the Lawsuit styled Collier County, Florida v. Christopher Link, et al., Case No. 07-4218-CA (Oil Well Road Project #60044). (Fiscal Impact: \$82,317.50)
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 continued from the March 25, 2008 BCC Meeting. Recommendation that the Board of County Commissioners consider approving a Settlement Agreement and Release with Lodge Abbott Associates, LLC (owner of the Cocohatchee Bay Planned Unit Development) to settle alleged claims, including an alleged Bert Harris Act claim purportedly arising from denial of an amendment to the Cocohatchee Bay PUD to modify the Bald Eagle Management Plan, and Lodge Abbott Associates, LLC v. Collier County, Case No. 05-967-CA, now pending in the Twentieth Judicial Circuit in and for Collier County, Florida, as well as amended Cocohatchee Bay PUD Document with attached Bald Eagle Management Plan.
  - 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 AVESMT-2007-AR-12562, to disclaim, renounce and vacate the Countys and the Publics interest in an access easement over, along and across the north 30 feet and the west 15 feet of the property described in Official Record Book 4014, Page 0235 of the Public Records of Collier County, Florida being located within Section 26, Township 48 South, Range 26 East, Collier County, Florida being more specifically shown in Exhibit A.
  - C. Recommendation to adopt an Ordinance repealing Collier County Ordinance No. 89-69, as amended, which created the Lethal Yellowing Disease suppression program.

- D. This item was continued from the March 11, 2008 BCC Meeting. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. CU-2007-AR-11394, The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints, represented by Bruce Anderson of Roetzel and Andress, is proposing a Conditional Use of the Commercial Professional and General Office (C-1) Zoning District with a SR29 Commercial Subdistrict Overlay (C-1-SR29-COSD) and the RSF-3 (Residential Single-Family) Zoning District for a Church/Place of Worship, pursuant to LDC Section 2.04.03, Table 2. The 16.8-acre site is located at 635 State Road 29, in Section 32, Township 46 South, Range 29 East, Immokalee, Collier County, Florida.
- E. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. CU-2006-AR-9337 Barron Collier Partnership, LLLP, represented by George L. Varnadoe, Esquire, of Cheffy, Passidomo, Wilson & Johnson, LLP; and Agnoli, Barber & Brundage, are requesting a Conditional Use of an earth mining operation and related processing and production of material within a Rural Agriculture with a Mobile Home Overlay (A-MHO) Zoning District, a portion of which is located in a Stewardship Sending Area 9 (BCI/BCP-SSA-9), pursuant to Section 2.04.03 of the LDC, for a project to be known as South Grove Lake. The subject property, consisting of 169.57 acres, is located in Sections 17 and 18, Township 48 South, Range 29 East, Collier County, Florida.
- F. Request that the Collier County Board of County Commissioners, Naples, Florida, approve Sheriff Hunters recommended Offender Registration Fee Ordinance to establish a policy for the collection of administrative registration fees for the initial registration and re-registration of individuals required by Florida Statute to register with the Sheriff as a career offender, convicted felon, sex offender or sexual predator.
- G. Recommendation to adopt an ordinance amending Collier County Ordinance No. 97-82, as amended, which created the Bayshore Avalon Beautification Municipal Service Taxing Unit; Amending section two (2) to delete the word Avalon from the name of the MSTU; Amending section six (6) to increase the membership of the Advisory Committee from five (5) members to seven (7) members and to delete the word Avalon therein; Amending section eight (8) to reflect an increase to the number of advisory committee members necessary to constitute a quorum; Providing for conflict and severability; Providing for inclusion in the Code of Laws and Ordinances; and Providing for an effective date.
- H. Recommendation that the Board of County Commissioners (BCC) approve and adopt CPSS-06-01 Small Scale Growth Management Plan Amendment (GMPA) petition to the county wide Future Land Use Map for the purpose of expanding Activity Center # 18 by an additional 7.3 acres.
- I. Recommendation that the Board of County Commissioners consider adopting an Ordinance amending the Collier County Consolidated Impact Fee Ordinance, which is Chapter 74 of the Collier County Code of Laws and Ordinances, by incorporating the directed changes to the Charitable Organization Impact Fee Deferral Program.

## 18. ADJOURN

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