

June 9, 2008

MINUTES OF THE MEETING OF THE CONSERVATION
COLLIER LAND ACQUISITION ADVISORY COMMITTEE

Naples, Florida, June 9, 2008

LET IT BE REMEMBERED, that the Conservation Collier Land
Acquisition Advisory Committee, in and for the County of Collier, having
conducted business herein, met on this date at 9:00 A.M. in REGULAR
SESSION at Administrative Building "F" 3rd Floor, Collier County
Government Complex Naples, Florida with the following members present:

CHAIRMAN: Bill Poteet
VICE CHAIRMAN: Will Kriz
Marco Espinar
Wayne Jenkins
Michael Delate (excused)
Tony Pires
Jeffrey Curl
Mimi Wolok (excused)

ALSO PRESENT: Jennifer Belpedio, Assistant County Attorney
Cindy Erb, Real Property Management
Alexandra Sulecki, Conservation Collier Coordinator
Melissa Hennig, Principal Environmental Specialist
Christal Segura, Conservation Collier Land Manager
Claudine Auclair, Transportation Department
Mike Bosi, Comprehensive Planning
Kevin Dugan, Transportation Department

June 9, 2008

I. Roll Call

Chairman Poteet called the meeting to order at 9:01AM. Roll call was taken and a quorum was established.

Committee members and Staff paid tribute to Kevin Kacer, member of the Conservation Collier Land Acquisition Committee who passed away unexpectedly on May 20, 2008.

Mr. Curl noted that at a recent subcommittee meeting, Mr. Kacer was not in favor that the Panther logo, (one of the five proposed for Conservation Collier Land Acquisition Committee) and out of respect to Mr. Kacer recommend it be removed from the list of considerations.

II. Approval of Agenda

Mr. Espinar moved to approve the agenda. Second by Mr. Jenkins. Motion carried unanimously 6-0.

III. Approval of May 12, 2008 Minutes

Mr. Jenkins moved to approve the minutes of the May 12, 2008 meeting subject to the following change:

Page 6, paragraph 3, line 2 – “individual scattered parcel” to “individual isolated parcel”

Second by Mr. Kriz. Carried unanimously 6-0.

IV. Old Business:

A. Real Property Management Update - A - list properties

Cindy Erb, Real Property Management provided the following updates:

Fleischmann North (Freedom Park) - approved by the Board of County Commissioners and is proceeding to closing. Purchase price is \$56,300 for 12.5 acres.

Winchester Head - waiting on a new market update; closed on 32 parcels for a total of 43.04 acres to date; O'Rourke parcel scheduled to close on July 14, 2008.

Golden Gate Unit 53 (Red Maple Swamp Preserve) - Board of County Commissioners approved 4 agreements; Devisse to close on Friday and Berman Trust scheduled to close on June 30, 2008. Two properties remaining with “Quiet Title” suits.

GAC Trust - agreed to sell parcel to Conservation Collier.

Hamilton - appraisal received, awaiting Pepper Ranch appraisal before making offer

RJS, LLC - Appraisal received, awaiting Pepper Ranch appraisal before making offer; Phase I Environmental underway.

Freitas - closing documents being prepared.

Kaye Homes - closing documents being prepared.

River Road, Trinh 1, Camp Keais - awaiting Pepper Ranch appraisal, Phase II Environmental ordered.

Roosevelt Leonard, County Appraiser noted that the Pepper Ranch appraisal has been completed and under review. The final results should be available for the next meeting.

B. Contracts

Cindy Erb presented the following Executive Summaries:

“Approve an Agreement for Sale and Purchase for 1.14 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$18,700 (Stiffler Specialties, Inc.)” dated June 9, 2008.

Mr. Espinar moved to approve the Executive Summary “Approve an Agreement for Sale and Purchase for 1.14 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$18,700 (Stiffler Specialties, Inc.)” Second by Mr. Kriz. Carried unanimously 6-0.

“Approve the acquisition of approximately 7.38 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$117,000. (GAC Parcel)”, dated June 9, 2008.

Mr. Curl stated he is a member of the GAC Land Trust Committee and would not be voting. He also abstained from voting at the GAC Land Trust Committee.

Mr. Pires moved to approve the Executive Summary “Approve the acquisition of approximately 7.38 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$117,000. (GAC Parcel)”. Second by Mr. Jenkins. Carried unanimously 5-0 with 1 abstention. Mr. Curl abstained.

C. Due Diligence Issues for A-Category Properties – update

1. Pepper Ranch and Hamilton Properties

Alex Sulecki, Conservation Collier Coordinator, provided an Executive Summary entitled “Due Diligence Updates – Pepper Ranch, Hamilton” dated June 9, 2008. She noted it was to bring any items forward found during the “due diligence” period for the properties.

Pepper Ranch

Discussion ensued regarding the following items:

- Who should bear the cost of the Cattle Dipping Vat station cleanup and associated level of cleanup as referenced in the “Recommended Course of Action” section
- Whether the oil wells should be severed from the property to be conveyed to the Collier County Land Acquisition Program
- Under Recommended Course of Action, that any clean up associated with the 500 gallon diesel AST be completed within 30 to 60 days after closing; or it should be completed before closing due to potential liability issues

Speaker

Tom Taylor, representing Pepper Ranch stated that there is no legal requirement to clean up a Cattle Dipping Vat station. It should be left to negotiations at the point of sale and would object to a requirement to clean it up prior to sale unless there is an agreement with Conservation Collier to purchase the property. He indicated that there are no problems with the oil well sites, which were installed around 1986. He is willing to demolish any of the structures at closing and would agree to escrow funds to be utilized after closing for any items associated with the Cattle Dipping Vat stations.

The Committee determined the following:

1. That the Cattle Dipping Vat station cleanup be completed after the closing with possibly contracting the work for a known price before closing and the seller being responsible for any additional unforeseen expenses that may occur as the work is completed.
2. Any clean up associated with the 500 gallon diesel AST be completed after closing
3. That the property be acquired with the oil wells in place, subject to the existing oil and gas lease (as long as the leases do not adversely affect the Conservation Collier Program) and rely on Department of Environmental Protection to regulate the operation.
4. To allow removal of the structures after closing. A Subcommittee should determine the fate of the various structures.

Hamilton Property

Mr. Pires noted he would be abstaining from any discussions on the Hamilton property.

Discussion ensued on whether this property should be addressed at this time as the United States Fish and Wildlife Service may purchase the property. It was noted the Service does not have available funds at this time and it is an important piece of property that should be considered for acquisition by the Conservation Collier Program.

Alex Sulecki noted that there is potential for a North America Wetlands Conservation Act Grant that could provide \$1M toward the purchase of the property.

The Board determined to accept the "Recommended Course of Action" outlined in the Executive Summary and noted that the Alligator Pens may need to be removed, however this could be completed after the closing.

D. Annual Program Report

Alex Sulecki provided a draft of the Annual Program Report. The Committee made real time changes to the document. Following the changes:

Mr. Kriz moved to move the Annual Program Report forward to the Board of County Commissioners. Second by Mr. Jenkins. Carried unanimously 6-0.

E. Reading of Conflict of Interest Forms (Tony Pires)

Mr. Pires stated he has a conflict of interest in the Kaye Homes property and is filing the necessary forms.

F. TDR Conveyances: clarification regarding Exceptional Benefits (EB) ordinances and general discussion. Clarification: Purpose of Trans attorney reviewing EB ordinance is not to change it but so see if concept of TDR conveyances can be added (may required LDC change also)/Staff going to BCC in June to request guidance.

Discussion: Kris Van Lengen (Bonita Bay Properties) and Mike Bosi (Comprehensive Planning) Possible conveyance of Picayune in-holding parcels to Conservation Collier

Alex Sulecki noted the item is for general discussion and information for moving forward on the TDR conveyances. She provided an Executive Summary entitled "Recommendation that the Board of County Commissioners provide staff direction related to the County's ability to process conveyance bonus credit applications specified by the Rural Fringe Mixed-Use Sub-District to the Florida Department of Environmental Protection (FDEP), while retaining the County's ability to address transportation improvements designated within the County's 2030 Long Range Transportation Plan (LRTP)."

Claudine Auclair, Transportation Department addressed the Committee noting that the Study for the Wilson Blvd Extension/Benfield Road re-alignment is moving forward and the Department is attempting to eliminate some of the lands involved in the study that are affecting the ability of landowners to transfer the parcels to any possible entities (FDEP, Conservation Collier, State of Florida, etc.).

Alex Sulecki noted that Conservation Collier potential holdings are not affected because of the Exceptional Benefits Ordinance, however Conservation Collier may be asked to hold lands temporarily until the road re-alignment is determined with a subsequent conveyance to another outside Agency.

Mr. Pires noted that the Florida Department of Environmental Protection (FDEP) policy for acquiring land, requires all encumbrances to be removed from properties deeded to them (i.e. Conservation Easements, etc), and questioned why the State would have this type of policy.

It was noted this has created an inability for a landholders to convey land to the FDEP.

Speakers

Kris Van Lengen of Bonita Bay Properties addressed the Committee stating he has provided input to Mike Bosi of Comprehensive Planning on this issue of potential receivers for these types of lands. He noted that an individual at FDEP stated the policy is in place for the States ability deal with a potential "surplus" of land 100 years in the future. He noted the goal is to have the Board of County

June 9, 2008

Commissioners reduce the study area of the road re-alignment as to not encumber all the properties currently in the study area.

Mr. Pires noted that it might be in order to send a letter to the FDEP regarding the County's concerns regarding the policies for land acquisition.

Speakers

Nancy Payton, Florida Wildlife Federation noted transportation issues seem to delay a lot of decisions and there needs to be more interaction between various Departments and/or Agencies.

Brad Cornell, Collier County Audubon Society agreed with Nancy Payton on the coordination issues between Agencies. He recommended Conservation Collier move ahead with the acquisition process of the Benfield properties and not cause further delays to the landowners.

Mr. Pires moved to proceed ahead with acquiring the property and to work with the State with an interim management agreement and recommend the Conservation Collier Land Acquisition Advisory Committee send a letter to the Board of County Commissioners requesting them to send a letter to Florida Department of Environmental Protection (or Governor/ Cabinet) to ensure they are still on track with the Collier County Land Acquisition Committee Program and TDR acquisition Program (and not to hold up the acquisitions program with the encumbrances). Second by Mr. Espinar. Carried unanimously 6-0.

V. New Business

A. Starnes Interim Management Plan to include a Panther Habitat Unit Mitigation Credit Reimbursement Discussion and Recommendation

Melissa Hennig, Principal Environmental Specialist presented the "Conservation Collier: Starnes Interim Management Plan" dated June 2008 and the Executive Summary entitled "To update the Conservation Collier Land Acquisition Advisory Committee regarding potential Panther Habitat Unit mitigation credits (PHU's) associated with the Starnes property and; to discuss the appropriate dollar reimbursement amount of reach PHU" dated June 9, 2008. She noted that there is no mention of the mineral, oil and gas rights on the property and will incorporate them into the report.

Melissa Hennig stated that the on June 6, 2007 Board of County Commissioners directed Staff to seek mitigation for County projects through lands acquired by the Conservation Collier Program. Subsequent to this Staff has been working with the Transportation Department on Panther Habitat Unit mitigation credits on the Starnes property and noted a policy and rate schedule (\$313 per PHU) has been determined for the procedure and is included in the Executive Summary. Further, after research has determined that the price of acquired lands does not legally have to be included in the price of a mitigation credit.

June 9, 2008

Mr. Pires stated the original intent of the Conservation Collier Program was not to provide mitigation opportunities for County projects. He recommended that the fee structure include the present fair market value of the land in addition to the parameters proposed.

Mr. Espinar agreed with Mr. Pires and noted that the Program should welcome partnerships but the responsibility should be equitably distributed between the involved parties.

Chairman Poteet stated the direction of the Board of County Commissioners has been promoting shared benefits activities between County Departments and noted this proposal will actually save taxpayers money.

Mr. Pires noted the Transportation Department would have to pay acquisition costs for land if they were not able to utilize the Starnes property. With this proposal, they are ultimately reducing potential lands to be mitigated under the PHU program.

Mr. Kriz noted that with the proposal, the mitigation credits remain within Collier County as opposed to the Transportation Department purchasing them outside the County.

Speakers

Kevin Dugan, Transportation Department stated that mitigation costs associated with projects are on a case-by-case basis and figured into the final costs of a particular road project. By utilizing the credits on the Starnes property it will save taxpayers money as well as keep the credits within Collier County. Further, with this proposal, any Department with a proposed County project could use the credits.

Mr. Pires noted the impact fee analysis developed by the Transportation Department includes mitigation costs and the impact fee rates are applied to developers, etc., and with this proposal; they are paying a lower cost for mitigation, with a higher cost used to calculate impact fees.

Brad Cornell, Collier County Audubon Society stated that Conservation Collier acquisition mission is not to aid in road construction and he objects to the proposal. There are other mitigations that could be proposed by the Transportation Department such as road underpasses, etc.

Chairman Poteet noted the proposal is a side benefit to the Program; the property was not primarily acquired for mitigation credits.

Nancy Payton, Florida Wildlife Federation stated that the objective of the taxpayers was for the Conservation Collier Program to compliment the existing mitigation that is currently required by the various entities. She noted that a recent low bid obtained by the Transportation Department was \$1500 per PHU.

Amber Crooks, Conservancy of Southwest Florida, stated the Conservancy's position is that PHU's should not be granted on land that is in protected or preserved status.

Mr. Pires moved to recommend to the Board of County Commissioners that the appropriate dollar amount per PHU's be greater of either \$1500/PHU or a PHU cost formula that takes into account the land acquisition costs of the property. Second by Mr. Espinar. Carried 5 yes – 1 no. Chairman Poteet voted no.

He noted the motion was in reference to the Executive Summary.

B. New Cycle 6 Applications

None

C. ICSR Presentations (Proposed Conveyances)

1. Benfield Road Properties

Alex Sulecki provided the Initial Criteria Screening Report, which had a total score of 270 of possible 400. Among other things, the following was noted:

- The parcels are under the TDR conveyance program
- There are 17 individual parcels in total
- The properties are located within the study area for the re-alignment of the Wilson Blvd./Benfield Road project
- There is no formal application for the Leher parcel at this point, however she has spoke to Mr. Leher and he is interested in conveyance
- A funding endowment for management may be required within the Program
- A Phase I Environmental Site Assessment may be required within the Program
- Funding for listed species management may be required within the Program

A discussion ensued regarding the ramifications of the funding endowment and if costs could be allocated proportionately among landowners. It was noted that the amount of the endowment may be negotiated on an ad-hoc basis, so it does provide for some flexibility.

Speakers

Nancy Payton, Florida Wildlife Federation spoke in support of the endowment concept.

Tom Levangie, landowner noted the landowners purchased the properties to build homes on. They are not developers. This became unfeasible and they are just trying to re-coup on a poor investment at this time. He requested the Committee take this into account in their decision-making.

June 9, 2008

Mr. Kriz moved to accept the Levangie parcels (3 parcels for conveyance. Second by Mr. Espinar. Carried unanimously 6-0.

Mr. Kriz moved to accept the Russell parcels (2 parcels) for conveyance. Second by Mr. Jenkins. Carried unanimously 6-0.

Mr. Kriz moved to accept the Bullard parcels (6 parcels) for conveyance. Second by Mr. Pires. Carried unanimously 6-0.

Mr. Pires moved to accept the Reardon parcels (4 parcels) for conveyance. Second by Mr. Espinar. Carried unanimously 6-0.

Mr. Kriz moved to accept the Ickes parcel for conveyance. Second by Mr. Espinar. Carried unanimously 6-0.

Mr. Kriz moved to accept the Leher parcel for conveyance subject to an application being received within 6 months. Second by Mr. Pires. Carried unanimously 6-0.

Mr. Espinar moved that the previously approved parcels (Levangie, Russell, Bullard, Reardon, Ickes and Leher) be subject to a management endowment with the amounts to be negotiated and brought back to the Committee for approval. Second by Mr. Pires. Carried unanimously 6 - 0.

Mr. Espinar moved that the previously approved parcels (Levangie, Russell, Bullard, Reardon, Ickes and Leher) be subject to a listed species management plan as negotiated and brought back to the Committee for approval.

Without a second the motion was not considered.

Mr. Pires moved that if a listed species management plan is required and if the management actions require funding, the funding be part of the negotiations for the minimum funding endowment (for the previously approved properties Levangie, Russell, Bullard, Reardon, Ickes and Leher). Second by Mr. Kriz. Carried unanimously 6-0.

Mr. Kriz moved to require a Phase I Environmental Site Assessment (for the previously approved properties Levangie, Russell, Bullard, Reardon, Ickes and Leher) Second by Mr. Curl. Carried unanimously 6-0.

*Break – 11:40AM
Reconvened 11:46AM*

D. Logan Woods Preserve Final Management Plan

Christal Segura, Conservation Collier Land Manager presented the Plan to the Committee for approval.

Mr. Kriz moved to approve the "Logan Woods Preserved 2nd Draft Land Management Plan." Second by Mr. Jenkins. Carried unanimously 6-0.

E. Outstanding Advisory Committee Member Program

Alex Sulecki presented an "Advisory Committee Outstanding Member Nomination Form for Kevin Kacer, posthumously.

Mr. Espinar moved to recommend the Board of County Commissioners approve Kevin Kacer, posthumously as an Outstanding Advisory Committee Member. Second by Mr. Jenkins. Carried unanimously 6-0.

F. Coordinator Communications

None

VI. Sub-Committee Meeting Reports

A. Outreach – Tony Pires, Chair

A meeting was held discussing the Conservation Collier brochures.

B. Lands Evaluation and Management – Marco Espinar, Chair

A meeting was held discussing the Logan Woods Management Plan. There is no meeting scheduled at this time.

C. Ordinance Policy and Procedures – Will Kriz

The Committee met on May 15, 2008 for drafting the off-site vegetation requirements.

VII. Chair Committee Member Comments

Mr. Espinar suggested naming the Starnes property the Kevin Kacer Memorial Preserve or placing a Park Bench, Plaque and Tree at Railhead Preserve to honor Mr. Kacer.

Mr. Kriz stated he is opposed to naming preserve sites after individuals.

Chairman Poteet stated he is not opposed to naming preserves after persons who are deceased. He recommended a Subcommittee make a recommendation on this issue.

Mr. Pires agreed with Chairman Poteet.

Jennifer Belpedio, Assistant County Attorney stated that Public Notice is not required for members attending Mr. Kacer's Memorial Service.

VIII. Public General Comments

None

IX. Staff Comments

Alex Sulecki stated that Mr. Kacer's Memorial Service is on June 14, 2008 at the Conservancy of Southwest Florida.

June 9, 2008

Melissa Henning, Principal Environmental Specialist noted that the Committee did not provide a decision on the proposed "Conservation Collier: Starnes Property Interim Management Plan", dated June 2008 discussed under item V.A

Mr. Kriz moved to approve the "Conservation Collier: Starnes Property Interim Management Plan", dated June 2008 subject to the removal of Section 4.8 "Mitigation". Second by Mr. Pires. Carried unanimously 6-0.

- X. **Adjourn** - There being no further business for the good of the County, the meeting was adjourned by order of the chair at 12:01 P.M.

**Conservation Collier Land Acquisition Advisory
Committee**



Bill Poteet, Chairman

These minutes approved by the Board/Committee on _____
as presented or as amended _____.

July 14, 2008