

COLLIER COUNTY

BOARD OF COUNTY COMMISSIONERS

and

COMMUNITY REDEVELOPMENT AGENCY BOARD (CRAB)



AGENDA

April 14, 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 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

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. March 10, 2009 - BCC/Regular Meeting
- C. March 11, 2009 - District 1 Town Hall Meeting

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

A. Advisory Committee Service Awards

1. 5 Years

Public Vehicle Advisory Committee Russell Berghuis Tony Marino

2. 10 Years –

Educational Facilities Authority Ross P. Obley John Agnelli Barbara Minch-Rosenberg
Alice J. Carlson

4. PROCLAMATIONS

- A. Proclamation designating April 22, 2009 as Earth Day in Collier County. To be accepted by Dan Rodriguez, Solid Waste Director, Joe Bellone, Revenue Services Manager, Utility Billing and Customer Service and Ray Smith, Pollution Control Director.
- B. Proclamation designating April 22, 2009 as Conservancy of Southwest Florida Green Campus Day. To be accepted by Keith Callaghan, Development Director, Conservancy of Southwest Florida.
- C. Proclamation encouraging each and every Collier County parent and adult to be called upon to BE THE WALL between their teen and alcohol; to be clear, be firm, and be consistent when talking about alcohol. To be accepted by Marla Ramsey, Helen Athan and Maribel De Armas on behalf of Drug Free Collier.
- D. Proclamation designating April, 2009 as Sexual Assault Awareness Month. To be accepted by Dana MacMillan, Director of Advocacy, Gissa Infante, Advocate/Prevention Educator and Shaina Hicks, Legal Advocate/Counselor.
- E. Proclamation designating April 12, 2009 through April 18, 2009 as Collier County Animal Control Officer's Week. To be accepted by Amanda Townsend, DAS Director, and Collier County Animal Control Officers.
- F. Proclamation designating April 19, 2009 through April 25, 2009 as National Volunteer Week In Collier County. To be accepted by Brian Kelly, RSVP Project Director, the volunteer coordinators of the Public Services Division and their volunteers.
- G. Proclamation designating the week of April 12, 2009 through April 18, 2009 as National Telecommunicator's Week In Collier County. To be accepted by Chief Greg Smith and Commander Bill Rule from the Collier County Sheriff's Office.

5. PRESENTATIONS

- A. Recommendation to recognize Claudine Auclair, Principal Planner, Transportation Planning, as Employee of the Month for March 2009.
- B. Presentation of Platinum Safety Award to Collier County MedFlight Division.

6. PUBLIC PETITIONS

- A. Public petition request by Michael Schuman to discuss SCORE's services to support small business facing economic difficulties.
- B. Public petition request by Todd Strausbaugh to discuss stormwater management system requirements at 20 Pelican Street East.
- C. Public petition request by Barry Goldmeier to discuss impact fee deferral for affordable apartment development in Immokalee.
- D. Public petition request by Edward Bakay to discuss unsafe vehicular traffic on Frangipani Avenue and Dove Tree.
- E. Public petition request by William McDonough, Esq. to discuss the Palm River Estates Unit No. 5 North/South Stormwater Improvements. (This item to be heard in conjunction with Item 10B.)

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 anyone who wishes to participate shall be sworn in. ZLTRA-2009-AR-14174 Mario Castenada represented by Dwight Nadeau of RWA, Inc., is requesting an appeal of ZLTR-2008-AR-13025. The applicant proposed to open a retail clothing store in the Mir Mar PUD (Ordinance No. 98-72) but the Directors found the use was not allowable per the Golden Gate Area Master Plan and the Mir Mar PUD. The subject property is located in Section 27, Township 48 South, Range 27 East, Collier County, Florida.

8. ADVERTISED PUBLIC HEARINGS

9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of member to the Immokalee Enterprise Zone Development Agency.
- B. Appointment of member to the Parks and Recreation Advisory Board.
- C. Appointment of members to the Contractors Licensing Board.
- D. Discussion regarding the recommendation of the Productivity Committee that the Board of County Commissioners explore Charter Government to achieve significant cost-savings through the consolidation of major functions (Commissioner Coyle).

10. COUNTY MANAGER'S REPORT

- A. Recommendation that the Board of County Commissioners (BCC) direct staff on the preferred process to be used to administratively extend the sunseting date for all PUDs that have sunsetted or that are approaching its established sunseting date. (Joseph K. Schmitt, Administrator, CDES)
- B. Recommendation to award Bid #09-5199 including Alternate No. 1 for construction of Palm River Estates Unit 5 N-S Stormwater Improvements, Project No. 510301, to Stahlman - England Irrigation, Inc. in the amount of \$348,269.11 plus a ten percent contingency and approve necessary budget amendment. (Jerry Kurtz, Principal Project Manager)
- C. This item to be heard at 11:30 a.m. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. Recommendation to approve a Developers Contribution Agreement (DCA) between Kite Eagle Creek II, LLC, KRG Eagle Creek IV, LLC, KRG 951 & 41, LLC, ABC Liquors, Inc., RealtyNet Real Estate, LLC and Habitat for Humanity of Collier County, Inc., (The Developers) and Collier County to fund construction improvements to the intersection of US-41 and SR/CR-951. (Nick Casalanguida, Transportation Planning Manager)
- D. This item to be heard at 10:30 a.m. Recommendation that the Board of County Commissioners approve budget amendments associated with proposed midyear FY 2009 budget reductions totaling \$7,235,800 within the General Fund (001) due to anticipated reductions in actual property tax receipts, state shared revenues and sales tax revenue.
- E. Recommendation to approve the Report and Recommendations of the Productivity Committee relating to their study and evaluation of the methodology, reasonableness, and competitiveness of the invoices received from the Clerk. (Len Price, Administrative Services Administrator)

11. PUBLIC COMMENTS ON GENERAL TOPICS

12. COUNTY ATTORNEY'S REPORT

- A. This item to be heard at 12:00 noon. 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 14, 2009, 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 Jeffrey A. Klatzkow, Litigation Section Chief Jacqueline Hubbard, and outside counsel Theodore L. Tripp, Jr., Esq., will be in attendance. The Board in executive session will discuss: Settlement negotiations in the pending litigation case of Board of County Commissioners v. Dwight E. Brock, Clerk of Courts, Case No. 07-1056-CA, now pending in the Twentieth Judicial Circuit in and for Collier County, Florida.
- B. This item to be heard at 1:00 p.m. For the Board of County Commissioners to provide direction to the County Attorney regarding strategy related to settlement negotiations in the pending litigation case of Board of County Commissioners v. Dwight E. Brock, Clerk of Courts, Case No. 07-1056-CA, now pending in the Twentieth Judicial Circuit in and for Collier County, Florida.

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 final acceptance of the water and sewer utility facilities for Players Cove.
2. To accept final and unconditional conveyance of the water and utility facility for Alden Woods.
3. Recommendation to approve final acceptance of the water and sewer utility facility for Moorgate Point.
4. To accept final and unconditional conveyance of the water utility facility for Omni II.
5. To accept final and unconditional conveyance of the water utility facility for Millers Alehouse at The Promenade at Naples Centre.
6. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Bristol Pines, Phase I 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 Bellagio at Fiddlers Creek with the roadway and drainage improvements being privately maintained.
8. 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. Recommendation to approve for recording the final plat of Alligator Alley Commerce Center Phase Two.
9. Recommendation that the Board of County Commissioners (Board) approve a Stormwater Management Release statement to fulfill a requirement of the Youth Haven SDP approval.
10. 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 Cortile at Mediterra Parcel 118 Replat.
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 Heritage Bay, Lions Bay Court Replat.
12. Recommendation that the Board of County Commissioners endorse recommended amendments to the Code Enforcement Boards Rules and Regulations.
13. Recommendation to accept a proposed settlement offer providing for Compromise and Release of Lien in the Code Enforcement Action relating to property located at 2946 45th Avenue NE, Collier County, Florida.

B. TRANSPORTATION SERVICES

- 1. Recommendation to approve an Easement Agreement for the purchase of a Road Right-of-Way, Drainage and Utility Easement (Parcel 1626RDUE) required for the Vanderbilt Beach Road Extension Project. (Project No. 60168 - Phase II.) Estimated Fiscal Impact: \$8,600.00.**
- 2. Recommendation that the Board of Collier County Commissioners approve award of Bid #09-5161, Purchase and Delivery of Metal and Polyethylene Pipe to Ferguson Waterworks, Coast Pump and Supply Co., Contech Construction Products, Inc., HD Supply Waterworks Inc. and Metal Culverts, Inc. for an estimated annual expenditure of \$50,000.**
- 3. Recommendation to recognize and accept revenue for Collier Area Transit in the amount of \$23,900.00 and to approve needed budget amendments.**
- 4. Recommendation to approve a budget amendment in the amount of \$57,349.72 for Traffic Accident Reimbursements, project #60076.1, and to recognize revenues for future repairs.**
- 5. Recommendation that the Board of County Commissioners reject Bid #09-5218 Golden Gate Overpass (Bears Paw Trail to Livingston Road) Landscape Maintenance.**
- 6. Recommendation to award Bid #09-5089 "Lely Golf Estates MSTU Roadway Grounds Maintenance" to Florida Land Maintenance, Inc. d/b/a Commercial Land Maintenance, Inc. in the estimated annual amount of \$75,233.00.**
- 7. Recommendation to award Bid #09-5189 Forest Lakes MSTU Projects F45/F50 Drainage Swale Repair & Restoration to Earth Tech Enterprises, Inc. in the amount of \$122,450.00**
- 8. Recommendation to approve the purchase of 5 acres of unimproved property which is required for the construction of a stormwater retention and treatment pond for Phase II of the Vanderbilt Beach Road Extension Project. (\$150,950)**
- 9. Recommendation to Award Bid #09-5185 for Preparation and Delivery of Title Commitments and Real Estate Closing Services.**
- 10. Recommendation that the Board of Collier County Commissioners approve award of Bid #09-5173, Landcare Services for Road and Bridge to Caribbean Lawn & Garden of SW Naples FL, Inc. and M&B Lawn Maintenance Services, Inc. for an estimated annual expenditure of \$300,000.**
- 11. Request for authorization for staff to bring to the Board a proposed amendment to Ordinance No. 92-40, as amended, which created the Immokalee Beautification Municipal Service Taxing Unit, to expand the boundaries to match the urban boundary within current Immokalee Community Redevelopment Agency (ICRA) boundaries.**
- 12. Recommendation for the Board of County Commissioners to approve expenditures for capital improvements within the Naples Production Park and Pine Ridge Industrial Park Municipal Service Taxing Units (MSTUs).**
- 13. Recommendation to approve Amendment to February 24, 2009, Memorandum of Agreement between Florida Department of Environmental Protection (FDEP), through its Office of Coastal and Aquatic Managed Areas (CAMA), and Collier County; and to approve an initial work order for \$299,012.00 on a project to not exceed \$500,000.00 in available grant funds to be reimbursed to the County by FDEP to make hydrologic restoration improvements on Shell Island Road.**

C. PUBLIC UTILITIES

- 1. Recommendation to approve a Work Order under Contract 07-4088 Trenchless Sewer System Rehabilitation Contracting Services in the amount of \$692,225.00 to Miller Pipeline Corporation to complete the rehabilitation of the sewer lines in North Naples (Area I-4); Project 73050.**
- 2. Recommendation that the Board of County Commissioners approve an amendment to the Florida Innovative Waste Reduction and Recycling Grant, School Beverage Container Recycling Challenge Program grant agreement IG8-07, from the Florida Department of Environmental Protection (Grant Agreement) to recognize the signature of the current Chairman of the Collier County Board of County Commissioners (BCC).**
- 3. Recommendation that the Board of County Commissioners approve an amendment to the Florida Innovative Waste Reduction and Recycling Grant, Collier County Seasonal and Year Round Business How to Recycle Videos grant agreement IG8-09, from the Florida Department of Environmental Protection to recognize the signature of the current Chairman of the Collier County Board of County Commissioners (BCC).**
- 4. Recommendation to approve a Resolution of the Board of County Commissioners, expressing opposition to proposed Florida House Bill 5121, which would impose a new solid waste disposal "tipping fee" of \$1.25 per ton on any owner of a permitted solid waste facility for solid waste disposed at the disposal site.**

D. PUBLIC SERVICES

- 1. Recommendation for the Board of County Commissioners to accept funding from South Florida Water Management District (SFWMD) in the amount of \$20,000.00 for the Florida Yards & Neighborhood Program managed by the Collier County University of Florida/IFAS Extension Department, and approve a budget amendment in the amount of \$20,000.00.**
- 2. Recommendation that the Board of County Commissioners approves and authorizes the Chairman to sign, five (5) Developer lien agreements for deferral of 100% of Collier County impact fees for owner-occupied affordable housing units located in Collier County.**
- 3. Recommendation to authorize acceptance of the conveyance of a Sovereignty Submerged Lands Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the Collier Boulevard Boating Park at a total cost not to exceed \$129,000, Project 800711.**
- 4. Recommendation that the Board of County Commissioners approves and authorizes its Chairman to sign a modification to Disaster Recovery Grant Initiative Agreement #08DB-D3-09-21-01-A03 between the Florida Department of Community Affairs (DCA) and Collier County for hurricane hardening projects.**
- 5. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, eight (8) owner-occupied lien agreements for deferral of 100% of Collier County impact fees for owner-occupied affordable housing dwelling units located in Collier County.**
- 6. Present to the Board of County Commissioners a summary of the Impact Fee Deferral Agreements recommended for approval in FY09, including the total number of Agreements approved, the total dollar amount deferred and the balance remaining for additional deferrals in FY09.**
- 7. Recommend that the Board of County Commissioners approve and authorize the Chairman to sign an Interlocal Agreement for Beach Maintenance between Collier County, the City of Marco Island, and Hideaway Beach District.**

8. Recommendation that the Board of County Commissioners award bid # 09-5221, Modular Homes for Housing and Human Services Department, to Idyll Construction, Inc. in the amount of \$344,259.00 to provide replacement homes using Disaster Recovery Initiative funds to four (4) citizens whose homes were severely damaged as a result of Hurricane Wilma.
9. Recommendation for the Board of County Commissioners to award RFP No. 08-5128 for the provision of Pharmacy Services for the Social Services Program to Sunshine Pharmacy, Inc. and Collier Health Services.
10. Recommendation that the Board of County Commissioners approves and authorizes its Chairman to sign a modification to Disaster Recovery Grant Initiative Agreement #07DB-3V-09-21-01-Z01 between the Florida Department of Community Affairs (DCA) and Collier County for hurricane hardening projects delayed due to permitting issues. This modification will update work schedules on file with the DCA for each project with this grant.
11. Recommendation for the Board of County Commissioners to approve the award of Bid #09-5163 to the lowest qualified and responsive bidder Professional Building Systems, for the construction contract of the Conner Park parking lot Expansion Project #90039.1 for \$180,419.00.

E. ADMINISTRATIVE SERVICES

1. Recommendation that the BCC recognize the receipt of \$11.89 from Nationwide Retirement Solutions and authorize the Human Resources Department to accept future similar settlement checks.
2. Recommendation that the Board of County Commissioners adopt a resolution supporting the creation of a specialty license plate that would recognize the contributions of West Point graduates and enlighten others with an awareness of the educational and career opportunities that West Point offers.
3. Recommendation to approve the Milano Preserve Final Management Plan under the Conservation Collier Land Acquisition Program
4. Recommendation to approve a Resolution authorizing the Chairman of the Board of Collier County Commissioners (BCC) to execute a Statutory Deed for the conveyance of County-owned property (mobile home sites) within the Bayshore/Gateway Community Redevelopment area to the Collier County Community Redevelopment Agency (CRA); and waive any code enforcement penalties levied against the property that are not associated with costs incurred by the County Code Enforcement Department to abate the violations: Site Address 3155 & 3175 Karen Drive. (Companion to Item 16G5)
5. Report and Ratify Staff-Approved Change Orders and Changes to Work Orders to Board-Approved Contracts.
6. Correct Scrivener's Error in Purchasing Policy regarding the hiring of legal experts and consultants pertaining to on-going litigation.

F. COUNTY MANAGER

1. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2008-09 Adopted Budget.
2. Recommendation to approve a Resolution of the Board of County Commissioners of Collier County, Florida, in support of a Seminole Indian Gaming Compact which includes a revenue sharing agreement with affected local governments that would provide five (5) percent of casino revenues directly to affected local governments to offset impacts to infrastructure.

3. For the Board of County Commissioners to approve the submittal of a Grant Application to Visit Florida in the amount of \$5,000 to offset some of the cost of a Cultural Arts brochure for Collier County and authorize the Tourism Director to sign the grant application.

G. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

1. Recommend the Collier County Community Redevelopment Agency Board review and approve the Bayshore Gateway Triangle CRA Goals and Objectives for 2009.
2. Recommendation that the Board of Collier County Commissioners acting as the governing body of the Bayshore Beautification Municipal Services Taxing Unit (MSTU) approve a Resolution accepting the donation of plant materials from American Farms for the beautification of public right-of-ways within the Bayshore Beautification Municipal Service Taxing Unit Area.
3. Request that the Collier County Redevelopment Agency Board approve the attached Commitment of Funds Agreement for the reimbursement of \$300,000.00 for infrastructure development costs to Florida Non Profit Services, Inc. for the rental housing portion (176 rental units) of the affordable housing project known as Esperanza Place, located in the Immokalee Community Redevelopment Area at 2702 Immokalee Drive, Immokalee.
4. Request that the Collier County Redevelopment Agency Board approve the attached Commitment of Funds Agreement for the reimbursement of \$300,000.00 for infrastructure development costs to Empowerment Alliance of Southwest Florida Community Development Corporation for the homeownership portion (62 owner occupied units) of the affordable housing project known as Esperanza Place, located in the Immokalee Community Redevelopment Area at 2702 Immokalee Drive, Immokalee.
5. Recommendation that the Community Redevelopment Agency (CRA) accept the conveyance of County-owned property (mobile home sites) within the boundaries of the Bayshore/Gateway Triangle Redevelopment area to enact the residential infill provision of the CRAs Master Redevelopment Plan; direct CRA staff to record an executed Statutory Deed from the County; and approve payment and authorize the CRA Executive Director to make payment from the Bayshore Gateway Triangle CRA Fund 187 for all cost and expenses necessary to close the transaction and insure clear title of same: Site address 3155 & 3175 Karen Drive. (Companion to Item 16E4)

H. BOARD OF COUNTY COMMISSIONERS

1. Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended an Event Honoring Jonathan Green on March 23, 2009 at the Naples Bay Resort Yacht Club in Naples, FL. \$50.00 to be paid from Commissioner Fiala's travel budget.
2. Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended the Know Your County Government Luncheon on March 24, 2009 at the East Naples United Methodist Church in Naples, FL. \$10.00 to be paid from Commissioner Fiala's travel budget.
3. Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Will attend the Junior Deputies Barbeque on April 18, 2009 at the East Naples United Methodist Church in Naples, FL. \$35.00 to be paid from Commissioner Fiala's travel budget.
4. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a valid public purpose. Attended the Project Innovation Initiatives luncheon meeting on Wednesday, March 18, 2009 at the Economic Development Council(EDC)office in Naples, Florida \$6.00 to be paid from Commissioner Coletta's travel budget.

5. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a valid public purpose. Attended the Annual Meeting of the Everglades Society for Historic Preservation on Tuesday, March 3, 2009, at the Seafood Depot in Everglades City, Florida. \$12.49 to be paid from Commissioner Coletta's travel budget.
6. Commissioner Halas requests Board approval for reimbursement regarding attendance at a function serving a valid public purpose. Attended the celebration of The Gordon River Greenway on Wednesday, April 8, 2009, at The Plaza on Third Street South in Naples, Florida. \$50.00 to be paid from Commissioner Halas' travel budget.
7. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a valid public purpose. Attended the 2009 Gala & Auction for the Foundation for the Developmentally Disabled on Saturday, February 21, 2009, at the Naples Beach Hotel & Golf Club in Naples, Florida. \$125.00 to be paid from Commissioner Coletta's 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 March 14, 2009 through March 20, 2009 and for submission into the official records of the Board.
2. To obtain Board approval for disbursements for the period of March 21, 2009 through March 27, 2009 and for submission into the official records of the Board.
3. Recommend that the Board of County Commissioners approve the use of Confiscated Trust Funds for Drug Abuse Education and Prevention.
4. Recommend that the Board of County Commissioners designate the Sheriff as the Official Applicant and Program Point-of-Contact for the United States Department of Justice (DOJ), Office of Justice Programs', Bureau of Justice Assistance (BJA), American Recovery and Reinvestment Act of 2009 (The "Recovery Act") Edward Byrne Memorial Justice Assistance Grant (JAG) Program, accept the grant when awarded, approve applicable budget amendments, and approve the Collier County Sheriff's Office to receive and expend the \$547,316 payment of Recovery Act JAG Grant Funds.
5. Recommendation that the Board of County Commissioners of Collier County approve a Budget Amendment for Election Services pertaining to services and voting equipment used by the Golden Gate Fire Control and Rescue District in connection with a special election to be held on May 12, 2009.
6. To obtain Board approval for disbursements for the period of March 28, 2009 through April 3, 2009 and for submission into the official records of the Board.

K. COUNTY ATTORNEY

1. Recommendation to approve a Stipulated Final Judgment in the amount of \$154,900 for Parcels 110 & 710 in the lawsuit styled Collier County v. Regions Bank, et al., Case No. 07-3641-CA (Collier Boulevard Project #60001). (Fiscal Impact \$.00.)
2. Recommendation to approve a Stipulated Final Judgment in the amount of \$75,000 for Parcels 123 and 823 in the lawsuit styled Collier County v. John J. Yaklich, et. al., Case No. 03-2259-CA (Golden Gate Parkway Project No. 60027). (Fiscal Impact \$115,825.)

3. The Office of the County Attorney submits for the Boards review Jerry Blocker and Kimberlea Blockers Offer of Judgment in Case No. 08-9355-CA, pending in the Twentieth Judicial Circuit in and for Collier County. The County Attorney recommends that the Board take no action on this Offer.
 4. Recommendation that the Board of County Commissioners accepts a Settlement Offer in the sum of \$840,125.04, and authorize the Chairman to execute a Settlement Agreement, Release and Satisfaction, a Release of Lis Pendens, and a Conveyance of Contract Rights with and to LEHMAN HOUSING TAX CREDIT FUND VII, L.P., that settles in full the litigation styled as Board of County Commissioners v. CEI/Kensington, et al. 08-07625-CA, now pending in the Circuit Court for the Twentieth Judicial Circuit in and for Collier County, Florida, direct all the documents to be recorded in the Official Records of Collier County, Florida, and direct the County Attorney to take whatever additional action is necessary to implement this Settlement.
 5. Request that the Board of County Commissioners review and approve the County Attorneys recommendation to waive any potential ethics conflict for a Parks and Recreation Advisory Board member based on Ch. 112, Florida Statutes.
- 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 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-2008-AR-14016, Fiddlers Creek Phase 4, Unit 2, to disclaim, renounce and vacate the Countys and the Publics interest in two 15-foot wide drainage easements along the lot lines of Lots 7 & 8 and Lots 13 & 14 in Block A, of Fiddlers Creek Phase Four, Unit Two as filed in Plat Book 45, Pages 40-47 of the Public Records of Collier County, Florida, being more specifically depicted and described in Exhibit A and to accept three replacement drainage easement areas over Lots 6 & 7 and 14 & 15 and Lot 22, Block A as shown on Exhibit B, all being situated in Section 11 and 14, Township 51 South, Range 26 East, Collier County, Florida.
 - B. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. SV-2008-AR-13664 Port of the Islands Community Improvement District, represented by Robert L. Duane, AICP, of Hole Montes, Inc., is requesting three (3) sign variances. The first sign variance is from Land Development Code (LDC) Subsection 5.06.04 C.16.b.i. which allows a maximum sign area of 12 square feet for an off-premise directional sign to allow a 32 +/-1 square foot off-premise sign. The second variance is from LDC Subsection 5.06.04 C.16.b.v. which requires a sign to be located within 1,000 lineal feet of the intersection of the road serving the use to allow greater distances of up to 6,000 lineal feet for up to 10 uses. The third sign variance is from LDC Subsection 5.06.04 C.16.c which requires a sign to be located to no closer than 50 feet from a residentially zoned district to allow a lesser distance of 23 feet. The subject property is located on the north side of U.S. 41 in Section 9, Township 52 South, Range 28 East, Collier County, Florida.

- C. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. SV-2008-AR-13665 Port of the Islands Community Improvement District, represented by Robert L. Duane, AICP, of Hole Montes, Inc. is requesting a Sign Variance from LDC Subsection 5.06.04 C.16.b.i. which allows a maximum sign area of 12 square feet to allow a 64-square foot off-premise sign at the Port of the Islands. The subject property is located in the Port of the Islands at the intersection of Tamiami Trail East (U.S. 41) and Newport Drive in Section 9, Township 52 South, Range 28 East, Collier County, Florida. (CTS)
- D. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. Petition: SV-2008-AR-13960 Port of the Islands Community Improvement District, represented by Robert L. Duane, AICP, of Hole Montes, Inc., is requesting a Sign Variance from LDC Subsection 5.06.04 C.16.b.i., which allows a maximum sign area of 12 square feet, to allow an 18-square foot off-premise sign at the Port of the Islands in the median of Cays Drive (south of U. S. 41) 18 S.F. in area with sign copy and logo designation the Port of the Islands Cays Drive. The subject property is located in the Port of the Islands at the intersection of Tamiami Trail East (U. S. 41) and Cays Drive in Section 9, Township 52 South, Range 28 East, Collier County, Florida. (CTS)
- E. Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the Fiscal Year 2008-09 Adopted Budget.
- F. Recommendation that the Board of County Commissioners adopts an Ordinance amending Ordinance No. 2001-55, as amended (the Advisory Board Ordinance), by eliminating term limits and the restrictions on simultaneous service on more than two County Boards, and in addition, deleting the provision entitled "Review of Boards" in its entirety.

18. ADJOURN

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