

COLLIER COUNTY

BOARD OF COUNTY COMMISSIONERS

and

COMMUNITY REDEVELOPMENT AGENCY BOARD (CRAB)



AGENDA

May 12, 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. April 14, 2009 - BCC/Regular Meeting**

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

A. Advisory Committee Service Awards

1. 5 Years

Sergeant David Estes, Animal Services Advisory Board

William Thomas Kepp, Jr., Animal Services Advisory Board

Robert Vigliotti, Collier County Planning Commission

Murray H. Hendel, Tourist Development Council and Coastal Advisory Committee

4. PROCLAMATIONS

- A. Proclamation designating May 25, 2009 as National Missing Children's Day. To be accepted by Amelia Vasquez, Program Manager, National Center for Missing & Exploited Children/Collier County.**
- B. Proclamation designating May 17 through May 23, 2009 as Emergency Medical Services Week. To be accepted by Jeff Page, EMS Chief.**
- C. Proclamation designating May, 2009 as Older American's Month. To be accepted by Leigh Shield, Executive Director of the Area Agency on Aging for SW Florida.**
- D. Proclamation designating May, 2009 as Mental Health Awareness Month in Collier County. To be accepted by Petra Jones, Executive Director, The Mental Health Association of Southwest Florida and Brian Follweiler.**
- E. Proclamation designating May 16 through May 22, 2009 as Safe Boating Week. To be accepted by Andy Evva, U.S. Coast Guard Auxiliary.**
- F. Proclamation designating May 15, 2009 as National Bike to Work Day and the month of May, 2009 as National Bike Month. To be accepted by Joe Bonness, Collier MPO Pathway Advisory Committee Chairman; David Buchheit, Collier County Community Traffic Safety Team Chairman; and Nancy Frye, Collier County Community Traffic Safety Team Secretary/Coordinator.**

5. PRESENTATIONS

- A. Presentation by John Dunnuck, SFWMD, Everglades Restoration Staff Department Director, on the Proposed ATV Park.**
- B. Recommendation to recognize Sam Frye, Administrative Assistant, Information Technology, as Employee of the Month for April 2009.**

6. PUBLIC PETITIONS

- A. Public petition request by Randy Johns to discuss off premise sign variance at the Florida Sports Park.
- B. Public petition request by Dominick Amico, on behalf of St. John Neumann High School, to discuss deviation from LDC requirements involving perimeter walls, landscaping and sidewalks.

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

7. BOARD OF ZONING APPEALS

8. ADVERTISED PUBLIC HEARINGS

- A. This item to be heard at 10:30 a.m. Recommendation that the Board of County Commissioners adopt an Ordinance amending Chapter 74 of the Collier County Code of Laws and Ordinances (The Collier County Consolidated Impact Fee Ordinance) providing for the incorporation by reference of the impact fee study entitled the The Collier County Correctional Facilities Impact Fee Update Study, dated April 21, 2009; amending Schedule Four to reflect the revised rates set forth in the impact fee study and providing for a delayed effective date of August 11, 2009, in accordance with the 90-day notice period required by Section 163.31801 (3)(d), Florida Statutes.

9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of member to the Hispanic Affairs Advisory Board.
- B. Appointment of members to the Environmental Advisory Council.

10. COUNTY MANAGER'S REPORT

- A. Request that the Board of County Commissioners consider a request by the Bureau of Emergency Services, Division of Forestry, Collier County Fire Chiefs Association, and the Collier County Sheriffs Office to enact a burning ban ordinance and direct staff to publish a Public Notice regarding the burning ban ordinance to be heard at the May 26, 2009 meeting. (Dan Summers, Emergency Services Bureau.)
- B. Recommendation that the Board of County Commissioners provide staff direction on whether to defer impact fees for a proposed 140 unit affordable rental apartment development located in Immokalee, Florida. (Marcy Krumbine, Housing & Human Services Director.)
- C. Recommendation that the Board approve a policy for future landscape expansion projects initiated by Developers, Municipal Service Taxing Unit (MSTU), or Homeowner Association (HOA) for inclusion into the Collier County Landscape Beautification Master Plan. (Michelle Arnold, ATM Director)

11. PUBLIC COMMENTS ON GENERAL TOPICS

12. COUNTY ATTORNEY'S REPORT

13. OTHER CONSTITUTIONAL OFFICERS

14. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

15. STAFF AND COMMISSION GENERAL COMMUNICATIONS

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

A. COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES

- 1. Recommendation that the Board of County Commissioners (Board) approve an Easement Use Agreement for the existing drainage easement at 158 San Rafael Lane.**
- 2. To accept final and unconditional conveyance of the water utility facility for Waterside Shops.**
- 3. Recommendation that the Board of County Commissioners rescind the award of Contract ITB# 08-5075, Collection Agency Service for Collier County to United Adjustment Corporation for failure to comply with bid requirements.**
- 4. Recommendation to accept a proposed settlement agreement providing for Release and Satisfaction of Lien in the Code Enforcement Action entitled Collier County v. Haldeman Creek Enterprise, LLC, CEB No. 2003-023, relating to property located at 2891 Bayview Drive, Collier County, Florida.**

B. TRANSPORTATION SERVICES

- 1. Recommendation to approve an Easement Agreement for a ten foot (10) slope easement which is required for the Collier Boulevard Project. Project No. 68056, Parcel No. 172 (Fiscal Impact: \$2,335.00).**
- 2. Recommendation to adopt a resolution authorizing the purchase of fee simple interests necessary for the construction of the interchange improvements and additional traffic lanes on Immokalee Road to support the interchange at I-75. (Capital Improvement Element Nos. 42.2 and 43.1, Project No. 60171). Estimated fiscal impact for right of way acquisition: \$250,000.**
- 3. Recommendation to approve a Conveyance and Maintenance Agreement providing for the conveyance of county land (Parcels 132FEE and 132FEE2) and the maintenance of a noise attenuation wall for the Santa Barbara Boulevard Extension Project. (Project No. 60091.) Estimated Fiscal Impact: \$100.00.**
- 4. Recommendation for the Board of County Commissioners to approve a budget amendment to recognize revenue for the Countywide Pathways Program, TIS Review, PUD Monitoring/Traffic Counts PIL, and PUD Monitoring/Fair Share Projects within the Transportation Supported Gas Tax Fund (313) in the amount of \$234,959.77.**
- 5. Recommendation to award RFP 08-5130 for Design and Related Services to be provided by CME Associates, Inc., for the Development of Accelerated Bridge Construction Standards and Pilot Bridge Construction (White Boulevard Bridge and 23rd Street Southwest), in the amount of \$395,012 Project 66066.**

6. Recommendation for the Board of County Commissioners to recognize FY 2008/2009 Federal Transit Administration Section 5311 additional revenue in the amount of \$242,405.00 to Collier Area Transit Fund (426) and approve the necessary budget amendments.
7. Recommendation to execute a Joint Participation Agreement between the Florida Department of Transportation (FDOT) and Collier County for the Collier Area Transit (CAT) Intermodal Transfer facility at the Government Center, in an estimated amount of \$1,300,000, allocated over three fiscal cycles.
8. Recommendation to approve submitting a Section 319 Nonpoint Source Management Program grant application to the Florida Department of Environmental Protection (FDEP) in the amount of \$721,737 to construct the Griffin Road Stormwater Improvement Project.
9. Recommendation to approve a Resolution of the Collier County Board of County Commissioners (BCC) authorizing the submission of the Transportation Disadvantaged Trust Fund Trip/Equipment Grant Application with the Florida Commission for the Transportation Disadvantaged, in the amount of \$571,781. (CTD)

C. PUBLIC UTILITIES

1. Recommendation to approve Amendment A02 to the existing Agreement No. ML070554 between Collier County and the South Florida Water Management District for water quality monitoring work that will modify the scope of work to include newly approved Florida Department of Environmental Protection quality control criteria.
2. Recommendation to approve AshBritt Environmental Inc. (contract 05-3661) and Solid Resources, Inc. (contract 05-3831) as the initial debris removal and monitoring contractors in operational readiness for the upcoming 2009 hurricane season.
3. Recommendation to grant a Deed of Conservation Easement to the South Florida Water Management District (SFWMD) for the Manatee Road 6 Million Gallon (MG) above ground water storage tank at a site located at 1300 Manatee Road in Collier County, Florida and at a cost not to exceed \$61.00, Project No. 70157.
4. Recommendation to approve acquisition of a Utility Easement and a Right of Entry required for the replacement and rehabilitation of the water distribution system serving the West Wind Estates Condominium at an estimated cost not to exceed \$37.00, Project Number 71010.

D. PUBLIC SERVICES

1. Recommendation that the Board of County Commissioners approve and authorize the Chairman to sign an Interlocal Agreement for Collier County Sherriffs Office (CCSO) to take Coastal Zone Management (CZM) staff out to artificial reef sites to conduct monitoring of artificial reef sites in exchange for one (1) permanent vessel slip at Goodland Park.
2. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, four (4) Owner Occupied lien agreements for deferral of 100% of Collier County impact fees for owner-occupied affordable housing dwelling units located in Collier County.
3. 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.

4. Recommendation for the Board of County Commissioners to approve the Homeless Prevention and Rapid Re-Housing Program (HPRP) amendment to the 2008-09 HUD One Year Action Plan and authorize the Chairman to sign the necessary certifications and documents for submission to Housing and Urban Development (HUD) by May 18, 2009.
5. Recommendation that the Board of County Commissioners approves the conceptual plan for replacement of the Vanderbilt Beach restrooms and authorize staff to proceed with design and permitting.
6. Recommendation that the Board of County Commissioners approve the after-the-fact submittal of the attached Coastal and Marine Habitat Restoration, through the American Recovery And Reinvestment Act (ARRA) grant application to the US Department of Commerce/National Oceanic Atmospheric Administration (NOAA) for marine debris removal on natural and artificial reefs, bridges and passes throughout the County in the amount of \$623,355.

E. ADMINISTRATIVE SERVICES

1. Recommendation that the Board of County Commissioners give after-the-fact approval for the attached South Florida Coastal Ecosystem Program grant application that was submitted to the U.S. Fish and Wildlife Service (USFWS) for \$534,900 (of which \$258,700 will be reimbursable) to fund invasive, exotic plant removal within the Pepper Ranch Preserve SSA-7.
2. Report and ratify Property, Casualty, Workers Compensation and Subrogation Claims settled and/or closed by the Risk Management Director pursuant to Resolution # 2004-15 for the second quarter of FY 09.
3. Recommendation to terminate the existing Contract #08-5017 for the Annual Contract for County Wide Exotic Vegetation Removal and award ITB #09-5225 for the Annual Contract for County Wide Exotic Vegetation Removal to the lowest responsive bidders by category, in an annual estimated amount of \$350,000.
4. Recommendation that the Board of County Commissioners provides after-the-fact approval for the attached Water Savings Incentive Program (SIP) grant applications that were submitted to the South Florida Water Management District for water conservation projects in the amount of \$450,342.
5. Recommendation to award Bid No. 09-5213, for the construction of the Administration Building (Bldg. F) Security Lobby Addition, Project 52525.1, in the amount of \$453,042 to Boran Craig Barber Engle Construction Company Inc. (BCBE).
6. Report and Ratify Staff-Approved Change Orders and Changes to Work Orders to Board-Approved Contracts.
7. Recommendation that the Board of County Commissioners awards RFP 09-5126, Annual Contract for Purchasing, Leasing, Renting and/or Cleaning All Collier County Uniforms, to various vendors in the estimated annual amount of \$350,000.

F. COUNTY MANAGER

1. Recommendation that the Board of County Commissioners approve the submittal of a Federal Emergency Management Agency Assistance to Firefighter's Grant in the amount of \$223,000 for the purchase of a Pumper Tanker for the Ochopee Fire Control District and authorize on-line submittal of the application.
2. Recommendation to adopt a resolution approving amendments (appropriating grants, donations or insurance proceeds) to the Fiscal Year 2008-09 Adopted Budget.

3. Recommendation that the Board of County Commissioners approves and authorizes the Chairman to accept the Volunteer Fire Assistance Grant awarded to Ochopee Fire Control District in the amount of \$11,716 for the purpose of refurbishing two 6X6 five ton vehicles.
4. Approve budget amendments.
5. Review the first quarter calendar year 2009 report on tourism activities on behalf of Collier County by the Tourism Department and the Naples, Marco Island, Everglades Convention & Visitors Bureau.

G. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

H. BOARD OF COUNTY COMMISSIONERS

1. Commissioner Halas requests Board approval for reimbursement regarding attendance at a function serving a valid public purpose. Attended the dedication of the Kokomis Historic Keewaydin boat on Friday, April 17, 2009, at the Collier County Museum in Naples, Florida. \$15.00 to be paid from Commissioner Halas' travel budget.
2. Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended a Fiddler's Creek Luncheon on April 17, 2009 at the the Club & Spa at Fiddler's Creek in Naples, FL. \$17.98 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 7th Annual Paradise Coast Tourism Star Awards Luncheon on May 13, 2009 at Fleming's Prime Steakhouse & Wine Bar in Naples, FL. \$35.00 to be paid from Commissioner Fiala's travel budget.
4. Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended the Collier County Arts Forum Luncheon on April 24, 2009 at Hamilton Harbor in Naples, FL. \$14.00 to be paid from Commissioner Fiala's travel budget.
5. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a valid public purpose. Attended the Economic Development Council (EDC) Project Innovation luncheon meeting on Wednesday, April 15, 2009, at the EDC offices in Naples, Florida. \$7.50 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 April 18, 2009 through April 24, 2009 and for submission into the official records of the Board.
2. To obtain Board approval for disbursements for the period of April 25, 2009 through May 01, 2009 and for submission into the official records of the Board.
3. Recommend that the Board of County Commissioners serve as the Local Coordinating Unit of Government in the Florida Department of Law Enforcement's Edward Byrne Memorial Justice Assistance Grant (JAG) Program (American Recovery and Reinvestment Act of 2009) and designate the Sheriff as the official applicant, the Sheriff's office staff as Grant Program and Financial Managers of Sheriff's Office Applications, and execute the Certificate of Participation.

K. COUNTY ATTORNEY

- 1. Recommendation to approve a Stipulated Final Judgment in the amount of \$157,000 for Parcel 109 in the lawsuit styled Collier County v. Regions Bank, et al., Case No. 07-3641-CA (Collier Boulevard Project #60001). (Fiscal Impact \$9,800.)**
- 2. Recommendation to authorize the County Attorney to file a lawsuit on behalf of the Collier County Board of County Commissioners against Gabriel Leyva, individually and as agent for Compass Auto Transport, Inc. and Compass Auto Transport, Inc., in County Court, Small Claims Division in and for Collier County, Florida to recover damages in the amount of \$3,058.84, plus costs of the action.**
- 3. Request that the Board of County Commissioners directs the County Attorney to advertise five ordinances for the sole purpose of relocating the advisory board ordinances relating to the Planning Commission, the Board of Zoning Appeals, the Building Board of Adjustments and Appeals, the Environmental Advisory Council, and the Historic/Archaeologic Preservation Board, from the Collier County Land Development Code to the Collier County Code of Laws and Ordinances, and to waive the requirement, if any, to implement this relocation through a Special LDC Cycle**

17. SUMMARY AGENDA - THIS SECTION IS FOR ADVERTISED PUBLIC HEARINGS AND MUST MEET THE FOLLOWING CRITERIA: 1) A RECOMMENDATION FOR APPROVAL FROM STAFF; 2) UNANIMOUS RECOMMENDATION FOR APPROVAL BY THE COLLIER COUNTY PLANNING COMMISSION OR OTHER AUTHORIZING AGENCIES OF ALL MEMBERS PRESENT AND VOTING; 3) NO WRITTEN OR ORAL OBJECTIONS TO THE ITEM RECEIVED BY STAFF, THE COLLIER COUNTY PLANNING COMMISSION, OTHER AUTHORIZING AGENCIES OR THE BOARD, PRIOR TO THE COMMENCEMENT OF THE BCC MEETING ON WHICH THE ITEMS ARE SCHEDULED TO BE HEARD; AND 4) NO INDIVIDUALS ARE REGISTERED TO SPEAK IN OPPOSITION TO THE ITEM. FOR THOSE ITEMS, WHICH ARE QUASI-JUDICIAL IN NATURE, ALL PARTICIPANTS MUST BE SWORN IN.

- A. This item requires that ex parte disclosure be provided by Commission Members. Should a hearing be held on this item, all participants are required to be sworn in. Petition: SNR-2008-AR-14115, (AC) GBP Development LTD, represented by Michael Herrera, P.E. of Q. Grady Minor & Associates, P.A., is requesting a street name change from Chiasso Bend Court to Vadala Bend Court. Subject property is located in Fiddlers Creek Phase 4, Unit 2, Sections 11 and 14, Township 51 South, Range 26 East, Collier County, Florida.**
- B. Recommendation that the Board of County Commissioners adopt an ordinance declaring a state of local economic emergency; tolling to May 12, 2011 the Planned Unit Development (PUD) time limits and time limit extension requirements as found in Section 10.02.13.D of the Collier County Land Development Code (LDC)**
- C. This item continued to the June 23, 2009 BCC Meeting. An Ordinance amending the Code of Laws and Ordinances of Collier County, Florida, as adopted by Ordinance Number 02-49, as amended, The Collier County Fire Prevention and Protection Code, by amending Chapter 58, "Fire Prevention and Protection," Article II, "Fire Safety Standards", by amending Section 58-26, pertaining to adopted standards and codes of the National Fire Codes published by the National Fire Protection Association (NFPA); Amending Section 58-27, pertaining to amendments to adopted fire codes, specifically NFPA 1, 2006 edition; Amending Section 58-28, pertaining to amendments to the adopted life safety code, specifically NFPA 101, 2006 edition; Providing for the inclusion in the Code of Laws and Ordinances; Providing for conflict and severability; and providing for an effective date.**

18. ADJOURN

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