

COLLIER COUNTY

BOARD OF COUNTY COMMISSIONERS

and

COMMUNITY REDEVELOPMENT AGENCY BOARD (CRAB)



AGENDA

May 26, 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 21, 2009 - BCC/RLSA Meeting**
- C. April 28, 2009 - BCC/Regular Meeting**

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

- A. 20 Year Attendees**
 - 1. Emmanuel Augustin, Road Maintenance**
 - 2. Jeffrey Walker, Risk Management**
- B. 25 Year Attendees**
 - 1. Bill Finch, Parks & Recreation**
 - 2. Patricia Lehnhard, Transportation Administration**
 - 3. Steven Donovan, EMS**
- C. 30 Year Attendees**
 - 1. David Gige, Road Maintenance**

4. PROCLAMATIONS

- A. Proclamation designating the week of June 10 to June 15, 2009 as World Elder Abuse Awareness Week. To be accepted by Vicki-Jo Letchworth, Elder Abuse Advocate, The Shelter for Abused Women & Children.**
- B. Proclamation recognizing Hendry Correctional Institution staff for immediate assistance in a clean-up effort at Eagle Lakes Community Park after an exotic algae killed the fish in the lake causing air and environmental pollution. To be accepted by Assistant Warden of Programs Ben Mount and Major Sooy.**
- C. Proclamation designating June 1 through June 7, 2009 as The Kathy & Fritz Friday CPR & AED Awareness Week thanking them for the generous gift of funding to allow the equipping of the Collier County Sheriff's vehicles with the life saving Automatic External Defibrillators. To be accepted by Kathy and Fritz Friday, Sheriff Kevin Rambosk, Danielle Broderick and Debbie Duncan from the American Heart Association.**

5. PRESENTATIONS

- A. Presentation by Michael Sole, Secretary, Florida Department of Environmental Protection regarding Comprehensive Everglades Restoration Plan.**
- B. Report to the Board of County Commissioners regarding information obtained in response to Chairman Fiala's Public Records Request to the Clerk of the Circuit Court dated April 7, 2009 concerning legal fees and expenses.**
- C. Update from Clarence S. Tears, Jr., Director of the Big Cypress Basin, on the Lake Trafford Restoration Project.**

6. PUBLIC PETITIONS

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

9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of members to the Bayshore/Gateway Triangle Local Redevelopment Advisory Board.
- B. Appointment of member to the Habitat Conservation Plan Ad Hoc Committee.
- C. Recommendation to declare a vacancy on the Affordable Housing Advisory Committee.

10. COUNTY MANAGER'S REPORT

- A. Recommendation that the Board of County Commissioners approves the Clam Bay Advisory Committee Mission Statement as required in the Clam Bay Advisory Committee Ordinance No. 2008-48. (Gary McAlpin, Coastal Zone Management)
- B. Recommend approval from the Board of County Commissioners of the Clam Pass Maintenance Dredging Permit Application that is required to perform tidal flushing of Clam Bay Estuary and is necessary to re-open the pass in the event of storm closure. (Gary McAlpin, Coastal Zone Management)
- C. Recommend approval from the Board of County Commissioners to install Navigational Markers in Outer Clam Bay for USACE permit compliance and recommendation to move forward with permitting and installation. (Gary McAlpin, Coastal Zone Management)
- D. Report of Collier County 2009 State Legislative Priorities and Collier County Legislative Delegation 2009 Priorities. (Debbie Wight, Assistant to the County Manager)
- E. For the Board of County Commissioners to consider revising the name of the Code Enforcement Department to Code Compliance Department. (Diane Flagg, Director, Code Enforcement, CDES)
- F. This item to be heard at 4:30 p.m. Recommendation that the Board of County Commissioners (BCC) consider the following information regarding the Public Petition presented to the BCC on 14 April 2009 by Mr. Edward Bakay. (Stan Chrzanowski, Sr. Engineer, Engineering & Environmental Services Dept., CDES)
- G. Recommendation that the Board of County Commissioners provide policy direction concerning the acceptance of a private donation offer of \$10,529 from the Pelican Bay Property Owners Association, Inc. to open the Vanderbilt Beach Branch Library on Fridays, from June 1, 2009 through September 30, 2009. (Marla Ramsey, Public Services Administrator)

- H. This item to be heard at 10:30 a.m. To receive guidance from the Board of County Commissioners on a request from the Collier County Leadership Council on Aging to use the old Golden Gate Library site for a Senior Resource Center. (Marla Ramsey, Public Services Administrator)
- I. Recommendation to approve an Agreement for Sale and Purchase with the Naples Lodge 2010 Benevolent and Protective Order of the Elk's of the USA, Inc., for the purchase of the Elk's Lodge Property. (Len Price, Administrative Services Administrator)
- J. This item to be heard at 1:00 p.m. That the Board of County Commissioners provide staff guidance as to whether to implement a mandatory code inspection of vacant and foreclosed residential properties in the unincorporated area of Collier County prior to sale and whether the program should incorporate a Certificate of Use certification to document and disclose to the potential buyer the extent to which the residential property (i.e. single-family, condominium, townhouse, or duplex) complies with all applicable building and zoning codes, and in considering this proposal that the Board provide any additional guidance whether to implement a voluntary or mandatory code inspection of residential properties prior to sale. (Joseph K. Schmitt, Administrator, CDES)

11. PUBLIC COMMENTS ON GENERAL TOPICS

12. COUNTY ATTORNEY'S REPORT

- A. Status Report to the Board of County Commissioners regarding the 2003 Agreement and promises made by the South Florida Water Management District with respect to the County's vacating approximately 287 miles of roads in the Southern Golden Gate Estates.

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 Professional Village at Northbrooke.
- 2. Recommendation to grant final approval of the drainage improvements for the final plat of Pine Air Lakes Unit Five with the drainage improvements being privately maintained. There are no roadway improvements associated with this final plat.
- 3. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Jasmine Lake-A (Cypress Woods PUD) with the roadway and drainage improvements being privately maintained.

4. Recommendation that the Board of County Commissioners approve a resolution, establishing a Vehicle for Hire Administrative Manual, providing definitions and exemptions, and establishing regulatory guidelines and requirements consistent with the Collier County Vehicle for Hire Ordinance. (This item is a companion to 17E)
5. Recommendation to approve final acceptance of the water utility facilities for Heritage Bay Affordable Housing.
6. Recommendation to approve final acceptance of the water utility facility for Heritage Bay, Unit 2 A - Phase 1.
7. Recommendation to approve final acceptance of the water and sewer utility facilities for Heritage Bay, Phase 1B-2 (Lion's Bay Court).
8. Recommendation to approve final acceptance of the water and sewer utility facilities for Heritage Bay Commons, Phase 1.
9. Recommendation to approve final acceptance of the water and sewer utility facilities for Heritage Bay Commons, Phase 2.
10. Recommendation to approve final acceptance of the water utility facility for Heritage Bay, Phase 2A-Phase 2.
11. Recommendation to approve final acceptance of the water and sewer utility facilities for Heritage Bay, Phase 2A.
12. Recommendation to approve final acceptance of the water and sewer utility facilities for Heritage Bay, Phase 2B.

B. TRANSPORTATION SERVICES

1. Recommendation that the Board of County Commissioners approves a Resolution authorizing the Chairman of the Board of County Commissioners to execute a Local Agency Program Agreement with the Florida Department of Transportation (FDOT) in which Collier County would be reimbursed up to \$233,000 for street lighting installation in Everglades City along CR29 (Collier Avenue) and along Broadway from the Town Center east to CR29 (FDOT Project #420885-1-58-01).
2. Recommendation that the Board of County Commissioners approves and authorize its Chairman to sign a Resolution, Two Separate Memorandums of Agreement pertaining to establishing an escrow account to deposit funds pertaining to the relocation of utilities and installation of an Intelligent Traffic System in connection with the Florida Department of Transportations (FDOT) improvements to I-75/Immokalee Road Interchange that includes required modifications to Immokalee Road, county project 66042, allowing for an 8-lane section from the Strand Blvd east through the interchange to Tarpon Bay Blvd (the Road Project), and a Locally Funded Agreement and a Second Amendment to that Locally Funded Agreement executed on March 20, 2007, all pertaining to the Road Project.
3. Recommendation to approve an Amendment to Agreement allowing the former owners of a now County owned property located within the Vanderbilt Beach Road Extension Project the option to extend their occupancy for an additional period not to exceed two months. Project No. 60168 (Fiscal Impact: May have a positive fiscal impact in the amount of \$2,000 which would be credited to the gas tax and impact fee account).
4. Recommendation that the Board of County Commissioners approve two (2) Adopt-A-Road Program Agreements with four (4) roadway recognition signs at a total cost of \$300.00.
5. 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.

6. Recommendation that the Board of County Commissioners approves a Contractual Agreement with the Florida Department of Transportation (FDOT) for the Demonstration of Technologies Project consisting of the use of a Hybrid ParaTransit Bus for the period of June 15 through June 26, 2009.
7. Recommendation to award Bid #09-5200 for construction of Magnolia Pond Drive Stormwater Improvements, Project No. 51007.1, to Douglas N. Higgins, Inc., in the amount of \$78,900.00 plus a ten percent contingency (\$7,890.00) for a total amount of \$86,790.00, and to approve the necessary budget amendment.
8. Recommendation to approve the Collier Metropolitan Planning Organizations (MPO) Operating Budget for FY 2009/10, including a \$5,000 County match for Federal Highway Administration Planning.
9. Recommendation to award Bid #09-5228 "CR 951 South of Jolley Bridge Landscape and Irrigation Installation" to Vila & Son Landscaping Corp., in the amount of \$441,019.93. Project 60086.
10. Recommendation to approve the Amended and Restated Developer Contribution Agreement between Marbella Lakes Associates, LLC, herein referred to as "Developer, and Collier County, herein referred to as County, for the conveyance of right-of-way within the Green Boulevard Extension corridor and also approve a modification to the prior agreement.

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 1995 and 1996 Solid Waste Collection and Disposal Services Special Assessment. Fiscal impact is \$38.00 to record the Satisfactions of Lien.
2. Recommendation to award Bid Number 09-5238 West Wind Mobile Home Park Water Distribution Improvements in the amount of \$845,328.01 to Guymann Construction of Florida, Inc., to complete the rehabilitation of the water distribution system to service the West Winds Subdivision, Project 71010.4.
3. Recommendation to amend the Franchise Agreement Between Collier County (County) and Choice Environmental Services of Collier County, Inc. (CES) to implement single stream recycling in District II enhancing recycling and waste reduction; approve a necessary budget amendment in the amount of \$250,000; and authorize the Chairman of the Board to execute the amendment to the Franchise Agreement.
4. Recommendation to approve a Work Order in the amount of \$980,000.00 to Youngquist Brothers, Inc., for the repair and replacement of a mechanical failure of the North County Regional Water Treatment Plant Deep Injection Well No. 2. Steel Injection Tubing, Project 70008.1.

D. PUBLIC SERVICES

1. Recommendation to approve and authorize the Chairman to sign an amendment between Collier County Board of County Commissioners and the Area Agency on Aging of Southwest Florida, Inc., which reflects additional grant funding in the amount of \$77,999 for the Older Americans Act Program for 2009.
2. Recommendation for the Board of County Commissioners to approve after-the-fact funding under the American Recovery and Reinvestment Act (ARRA) of 2009 to increase congregate and home delivered meals to seniors in Collier County.

3. Recommendation to approve and authorize the Chairman to sign an amendment between Collier County Board of County Commissioners and the Area Agency on Aging of Southwest Florida, Inc., which reflects additional grant funding in the amount of \$23,265 for the Community Care for the Elderly (CCE) Program for 2009.
4. Recommendation to approve and authorize the Chairman to sign an amendment between Collier County Board of County Commissioners and the Area Agency on Aging of Southwest Florida, Inc., which reflects a net decrease in grant funding in the amount of \$4,800 for the Home Care for the Elderly (HCE) Program for 2009.
5. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, twelve (12) 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 approves TDC Category A Grant Applications from the City of Naples, The City of Marco Island and Collier County for FY-09/10 in the amount of \$4,377,336.00 and authorize the Chairman to sign grant agreements after County Attorneys approval.
8. Recommendation to approve the Summer Food Service Program Grant in the amount of \$588,400 for FY 2009.
9. Recommendation that the Board of County Commissioners provide after-the-fact approval for a Hazard Mitigation Grant Program (HMGP) application submitted to the Florida Department Community Affairs for the Golden Gate Community Center and Immokalee Sports Complex in the amount of \$146,260.
10. Recommendation that the Board of County Commissioners approve and authorize the Director of Housing and Human Services to electronically submit the attached Senior Corps Retired and Senior Volunteer Program (RSVP) application for grant renewal, to the Corporation for National and Community Service, for the continuation of the Collier County-sponsored RSVP program, that, if awarded, will provide grant funds in the amount of \$66,167.
11. Recommendation that the Board of County Commissioners provide after-the-fact approval for the attached Health Care and Other Facilities Special Congressional Initiative grant application that was submitted to the United States Health Resources & Services Administration in the amount of \$141,570 and, if awarded, to serve as the Fiscal Agent and to authorize staff to negotiate agreements with the participating agencies.
12. Recommendation to approve a budget amendment recognizing \$6,000 in revenue from an insurance reimbursement and appropriating funds for purchase of a mower.
13. Recommendation that the Board of County Commissioners award Bid #09-5233 in the amount of \$159,193 to Heatherwood Construction Company, Inc., for the North Collier Regional Park Boardwalk Addition.

E. ADMINISTRATIVE SERVICES

1. Recommendation to award Bid No. 09-5215, Temporary Laborers, to Able Body Labor, Balance Staffing, and Tradeforce Staffing for temporary labor services.
2. Recommendation to award Protective Footwear Bid# 09-5178 to Vics Boot and Shoe and Uniforms Unlimited as co-vendors.

3. Recommendation to award BID# 09-5192 to Summit Training Corporation for Online Safety Training services in the amount of \$49,875.
4. To gain approval from the Board of County Commissioners for a Budget Amendment to Fund 516, Property and Casualty Insurance, to fund the payment of claims expenditures related to Tropical Storm Fay and to recognize anticipated reinsurance recoveries.
5. Recommendation to authorize the Chairman to accept a grant of contractor services from the Florida Fish and Wildlife Conservation Commission (FWC) to remove invasive exotic vegetation within Conservation Collier property adjacent to Rookery Bay National Estuarine Research Reserve (NERR).
6. To obtain approval for the transfer of funds from the Courthouse Annex Project 52533.1 to Facilities Management Operating account within the General Fund in the amount of \$138,673.20 to reimburse the operating account for the electric power and potable water consumed by the general contractor (Kraft Construction) during the construction of the Courthouse Annex.
7. Recommendation to approve a Budget Amendment to the Workers Compensation Fund (518), for the funding of three large claims in the amount of \$622,797.
8. Recommendation to approve budget amendments providing sufficient funding to operate and maintain the Countys Intergovernmental 800 MHz Radio System for the remainder of Fiscal Year 2009
9. Recommendation that the Board of County Commissioners approves and authorizes the Chairman to sign the Second Amendment to the Collier County Emergency Services Medical Consultant Contract with Robert Boyd Tober, Inc. for authorized County business related expenses and ratifies payment of such business related expenses since the inception of the contract on September 1, 2001.
10. Recommendation that the Board direct staff to draft a Resolution for a burial and cremation policy for unclaimed and indigent deceased in Collier County.

F. COUNTY MANAGER

1. Request that the Board of County Commissioners approves a temporary waiver of the conditional use requirement, and authorize a temporary location, for the Ochopee Fire Control and Rescue District at Port of the Islands Hotel, and authorize the Chairman to sign a lease to effect such approval.
2. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2008-09 Adopted Budget.
3. Recommendation that the Board of County Commissioners approves a grant application and authorizes electronic submittal by the Grants Office and the Emergency Management Department for the United States Department of Justice, Office of Community Oriented Policing Services (COPS) Technology Program in the amount of \$350,000.
4. Request that the Board of County Commissioners repeal Resolution No.2009-124, which established limitations on outdoor burning due to extreme drought conditions, thereby ending the Burn Ban, effective immediately.

G. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

1. Recommendation to reject all proposals received under RFP #09-5154 for updating the Bayshore Gateway Triangle CRA Redevelopment Plan and mixed use overlays and to authorize staff to re-solicit proposals.

H. BOARD OF COUNTY COMMISSIONERS

- 1. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended on May 04, 2009 National Day of Prayer at Everglades City Hall. \$5.00 to be paid from Commissioner Coletta's travel budget.**
- 2. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended Eagle Scout Court of Honor for Jacob Kocses on May 3, 2009 in Naples, FL. \$5.00 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 inform the Board of final disposition of funds collected by the Court system to fund the Juvenile Assessment Center. The Clerk of the Circuit Court is acting in a ministerial capacity for the administration of the contract with the David Lawrence Center.**
- 2. To obtain Board approval for disbursements for the period of May 2, 2009 through May 8, 2009 and for submission into the official records of the Board.**
- 3. To obtain Board approval for disbursements for the period of May 9, 2009 through May 15, 2009 and for submission into the official records of the Board.**

K. COUNTY ATTORNEY

- 1. Recommendation to authorize the Office of the County Attorney to initiate foreclosure proceedings pursuant to Section 162.09, Florida Statutes, in relation to a \$401,921.45 code enforcement lien, arising from Code Enforcement Special Magistrate Case No. OSM 2006-080472, entitled Board of County Commissioners, Collier County, Florida vs. Jean Claude Martel.**
- 2. Recommendation to authorize the County Attorney to file a lawsuit on behalf of the Collier County Board Of County Commissioners, against Patricia L. Galloway and Athena A. Galloway in County Court Small Claims Division in and for Collier County, Florida, to recover damages in the amount of \$2,616.66.**
- 3. Recommendation to approve a Stipulated Final Judgment in the amount of \$110,000.00 for Parcel 124 in the lawsuit styled Collier County v. William Pilger, et al., Case No. 06-1125-CA (County Barn Road Project 60101). (Fiscal Impact \$49,670.00)**
- 4. Recommendation to authorize the Office of the County Attorney to initiate foreclosure proceedings pursuant to Section 162.09, Florida Statutes, in relation to ten (10) code enforcement liens, arising from Code Enforcement Special Magistrate Case Nos. 2006-081081, 2006-110049, 2007-020244, 2007-030057, 2007-040275, 2007-070378, 2007-070379, 2007-080081, 2007-080702, 2008-007987, entitled Board of County Commissioners, Collier County, Florida vs. Henry Tesno and Jill Weaver.**
- 5. Request that the Board of County Commissioners directs the County Attorney to advertise an ordinance amending the Collier County Planning Commission Ordinance by requiring that candidates for the Planning Commission must be nominated by the Commissioner of the District in which the candidate resides for both initial and subsequent terms. This request is contingent on the Board this date enacting the proposed ordinance which relocates the Collier County Planning Commission Ordinance from the Collier County Land Development Code to the Code of Laws and Ordinances. (Companion to Item 17G)**

6. Request that the Board of County Commissioners directs the County Attorney to advertise an ordinance amending the Environmental Advisory Council Ordinance by (1) reducing the membership from 9 to 5 regular members, and the alternate members from 2 to 1; (2) reducing the technical membership guideline from 6 to 3 for the regular members, (3) reducing the non-technical membership guideline from 3 to 2 for the regular members; and (4) reducing the quorum and voting requirement from 5 to 3 members. This request is contingent on the Board this date enacting the proposed ordinance which relocates the Environmental Advisory Council Ordinance from the Collier County Land Development Code to the Code of Laws and Ordinances. (Companion to Item 17J)

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 all participants be sworn in and ex parte disclosure be provided by Commission members. PUDZ-2008-AR-13048, Nadesha Ranasinghe represented by Richard Yovanovich of Goodlette, Coleman & Johnson, PA and Ronald Nino of Vanasse & Daylor, LLP are requesting a PUD rezone from the Estates (E) Zoning District to the Commercial Planned Unit Development (CPUD) Zoning District to allow a 45,000-square foot commercial development including retail, service and office uses to be known as Singer Park CPUD. The subject property, consisting of 5.15+/-acres, is located on the west side of Everglades Boulevard and is approximately 290 feet south of Immokalee Road (CR 846) in Tract 128 of Golden Gates Estates, Unit 47, in Section 30, Township 47 South, Range 28 East, Collier County, Florida. (CTS)
- B. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. PUDA-2008-AR-13792 Naples Botanical Gardens, Inc. and the Florida Gulf Coast University Foundation, Inc., represented by R. Bruce Anderson, Esq., of Roetzel and Andress; and Margaret Perry, AICP, of WilsonMiller, Inc., are requesting a PUD Amendment for the Naples Botanical Garden PUD (Ordinance 03-29). The approximately 171.2-acre subject property is located in Section 23, Township 50 South, Range 25 East, Collier County, Florida. (CTS)
- C. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. ABW-2009-AR-14359 The Mercato, LLP, represented by D. Wayne Arnold of Q. Grady Minor & Associates, P.A., requesting a waiver pursuant to Section 5.05.01 A.6. of the LDC to reduce the separation of 500 feet between establishments selling alcoholic beverages for on-premise consumption to 25.6 feet. The subject property is located at Unit 6160, Mercato MPUD, Section 34, Township 48 South, Range 25 East, Collier County, Florida.

- D. 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-2006-AR-10989, 191 Bayfront Drive, to disclaim, renounce and vacate the Countys and the Publics interest in a certain Conservation Easement, created by Collier County Resolution No. 90-416, and recorded in the Public Records of Collier County at O.R. Book 1551, Pages 2211 through 2221, over a portion of Lot 31, Bayfront Gardens, a subdivision as recorded in Plat Book 14, Pages 114 through 117, of the Public Records of Collier County, Florida, situated in Section 6, Township 48 South, Range 25 East, Collier County, Florida, and to accept a replacement Conservation Easement located on the same parcel.
- E. Recommendation that the Board of County Commissioners approve an ordinance deregulating taxicab and charter service rates, establishing a consumer advisory board, providing guidelines for obtaining vehicle for hire licenses, establishing penalties for non-compliance, removing industry protectionism, and thereby condensing the Public Vehicle For Hire Ordinance provisions, consistent with the Board of County Commissioners' previous direction. (This item is a companion to 16A4)
- F. Recommendation to adopt an Ordinance amending Ordinance No. 91-107 as amended, which created the Forest Lakes Roadway and Drainage Municipal Service Taxing Unit (MSTU), to include installation of sidewalks and related amenities, beautification and maintenance of areas within the MSTU as determined by the Advisory Committee.
- G. Recommendation that the Board of County Commissioners adopts an Ordinance relocating the Planning Commission Ordinance from the Collier County Land Development Code to the Collier County Code of Laws and Ordinances while concurrently repealing Section 8.03.00 of the Collier County Land Development Code.
- H. Recommendation that the Board of County Commissioners adopts an Ordinance relocating the Board of Zoning Appeals Ordinance from the Collier County Land Development Code to the Collier County Code of Laws and Ordinances while concurrently repealing Section 8.04.00 of the Collier County Land Development Code.
- I. Recommendation that the Board of County Commissioners adopts an Ordinance relocating the Building Board of Adjustments and Appeals Ordinance from the Collier County Land Development Code to the Collier County Code of Laws and Ordinances while concurrently repealing Section 8.05.00 of the Collier County Land Development Code.
- J. Recommendation that the Board of County Commissioners adopts an Ordinance relocating the Environmental Advisory Council Ordinance from the Collier County Land Development Code to the Collier County Code of Laws and Ordinances while concurrently repealing Section 8.06.00 of the Collier County Land Development Code.
- K. Recommendation that the Board of County Commissioners adopts an Ordinance relocating the Historic/Archaeologic Preservation Board Ordinance from the Collier County Land Development Code to the Collier County Code of Laws and Ordinances while concurrently repealing Section 8.07.00 of the Collier County Land Development Code.
- L. This item has been continued from the April 28, 2009 BCC meeting. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. VA-2008-AR-13977 Tim Chess of McDonalds USA, LLC, represented by Jeffrey Satfield of CPH Engineers, Inc., is requesting a Variance from the landscape requirements of Land Development Code Subsection 4.06.02, Buffer Requirements, in the General Commercial (C-4) and Gateway Triangle Mixed Use Subdistrict (GTMUD-MXD), to allow a modification of the required 7.5-foot wide buffer on the western side of the property; and to reduced buffer widths on the propertys northern side from 15 feet to ten feet, the eastern side from 7.5 feet to five feet, and the southern side from 10 feet to five feet. The 0.86-acre subject property is located at 2886 Tamiami Trail East, in Section 11, Township 50 South, Range 25 East, Collier County, Florida. (CTS)

M. Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the Fiscal Year 2008-09 Adopted Budget.

18. ADJOURN

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