

# COLLIER COUNTY

BOARD OF COUNTY COMMISSIONERS

and

COMMUNITY REDEVELOPMENT AGENCY BOARD (CRAB)



## AGENDA

June 9, 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. May 12, 2009 - BCC/Regular Meeting**
- C. May 13, 2009 - BCC/Strategic Planning Workshop**

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

### **A. Advisory Committee Service Awards**

#### **1. 5 Years:**

**Victor L. Brittain, Bayshore Beautification MSTU Advisory Committee**

**Rayburn Cadwallader, Housing Finance Authority**

**Byron J. Meade, Airport Authority**

**Judith M. Hushon, Environmental Advisory Council**

#### **2. 10 Years:**

**Robert H. Jones, Forest Lakes Roadway & Drainage Advisory Committee**

## **4. PROCLAMATIONS**

- A. Proclamation designating July 20, 2009 as Colombian Flag Day to recognize the efforts of the Colombian community in promoting cross-cultural understanding throughout Southwest Florida by way of concerts, seminars, public forums, and events related to Colombian and American History. To be accepted by Ernesto Velasquez.**
- B. Proclamation for the Waste Reduction Awards Program recipient "The Club & Spa at Fiddlers Creek" for their outstanding green business practices and continued efforts to promote waste reduction and recycling. To be accepted by Mr. Ron Albeit, General Manager and Mr. Phil Brougham, Chairman, Fiddler's Creek CDD 1.**
- C. Proclamation recognizing June 20, 2009 as World Refugee Day. As we see exponential growth in the number of refugees and displaced people around the world with over eighty percent being women and children their tenacity and strength is honored with this day of recognition of their plight and we welcome the many who have been assimilated into our society. To be accepted by Sharon Kirkpatrick and Bob Saunders, District 3 Director, Catholic Charities of Collier County.**

## **5. PRESENTATIONS**

- A. This item continued from the May 26, 2009 BCC Meeting. Presentation by Michael Sole, Secretary, Florida Department of Environmental Protection regarding Comprehensive Everglades Restoration Plan.**
- B. Recommendation to recognize Heidi Fahnstock, Nutrition Program Leader, Housing and Human Services, as Employee of the Month for May 2009.**
- C. Contractor Presentation: Santa Barbara Boulevard 6 Lane from Davis Boulevard (SR-84) to Copper Leaf Lane and Radio Road 4 Lane from Santa Barbara Boulevard to Davis Boulevard.**

## 6. PUBLIC PETITIONS

- A. Public petition request by Adam Oosterbaan to discuss median cut at entrance to Camden Cove/Brittany Bay Communities.
- B. Public petition request by Naomi McFarland to discuss back sewer charges for residents of Tall Oaks.
- C. Public petition request by Brian Ohlis to discuss beer sales in Sugden Park for the F1 Champ Boat Grand Prix Event.

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 continued to the June 23, 2009 BCC Meeting. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. Petition: SV-2009-AR-14140 Red Roof Inn, represented by Brent Forte of Site Enhancement Services, Inc. is requesting four Sign Variances from LDC Section 5.06.04. The first variance is from Subsection 5.06.04 C.1. which requires a minimum separation of 1,000-foot between signs to allow 262 feet between signs. The second variance is from Subsection 5.06.04 C.1.a. which allows a 15-foot high sign to allow a 23-foot high sign. The third variance is from Subsection 5.06.04 C.1.c. which allows a sign area of 80 square feet to allow a sign area of 96 square feet. The fourth variance is from Subsection 5.06.04 C.4 which permits one wall sign to allow an additional wall sign. The subject property is located at 1925 Davis Boulevard, in Section 2, Township 50 South, Range 25 East, Collier County, Florida.

## 8. ADVERTISED PUBLIC HEARINGS

## 9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of members to the Collier County Coastal Advisory Committee.
- B. Appointment of members to the Contractor's Licensing Board.
- C. Appointment of members to the Hispanic Affairs Advisory Board.

## 10. COUNTY MANAGER'S REPORT

- A. Discussion on Fence Height Waivers per request of the Board of County Commissioners. (Susan Istenes, AICP, Director, Zoning & Land Development Review, CDES)
- B. This item was continued from the May 26, 2009 BCC meeting, and at the request of Commissioner Halas and the stakeholders, is further continued to the June 23, 2009 BCC meeting. 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 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**

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

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**A. COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES**

- 1. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Runaway Bay at Fiddlers Creek with the roadway and drainage improvements being privately maintained.**
- 2. Recommendation to approve final acceptance of the water utility facility for Grevillius Building.**
- 3. Recommendation to award Bid # 09-5075, Collection Agency Services for Collier County to MINTEX, Inc.**

**B. TRANSPORTATION SERVICES**

- 1. Recommendation to approve a budget amendment in the amount of \$108,719.05 for Traffic Accident Reimbursements, Fund 112 Project #60076.1, and to recognize revenues for future repairs.**
- 2. Recommendation that the Board of County Commissioners approves the transfer of administrative duties and services for the Haldeman Creek Maintenance Dredging Municipal Service Taxing Unit (MSTU) from Alternative Transportation Modes to Bayshore Gateway Triangle Community Redevelopment Agency (CRA) staff; directs the Budget Office to discontinue the annual transfer of funds from the Road and Bridge Maintenance (Fund 101) to the Bayshore Beautification MSTU (Fund 163) as of FY10.**
- 3. Recommendation to accept the FY09-10 Federal Transit Administration Section 5310 Grant award in the amount of \$75,080 and to approve the purchase of one (1) paratransit vehicle utilizing those funds.**
- 4. Recommendation to approve a Resolution approving and authorizing the Chairman of the Board of County Commissioners to execute a Local Agency Program Agreement with the Florida Department of Transportation, which Agreement implements up to \$280,000 for the construction of a SCOOT (Split Cycle Offset Optimization Technique) System on Airport Road by Collier County, with reimbursement by the Florida Department of Transportation.**

5. Recommendation to accept the FY08-09 grant award under the Federal Transit Administration (FTA) Section 5311 American Recovery and Reinvestment Act (ARRA) Program in the amount of \$495,090.00 and to execute the Joint Participation Agreement (JPA) between Florida Department of Transportation (FDOT) and Collier County. (Paratransit vehicle, bus shelters, electronic fareboxes and related equipment)
6. Recommendation to award Bid #09-5241 for construction of Lely Area Stormwater Improvement Project (LASIP) Mitigation Park Restoration Project No. 60084.1, to EarthBalance in the amount of \$60,053.00 plus a ten percent contingency.
7. Recommendation to accept the Immokalee Stormwater Master Plan as commissioned by the Big Cypress Basin of the South Florida Water Management District and approve staffs approach to update the plan.

### C. PUBLIC UTILITIES

1. Recommendation to authorize a budget amendment of \$633,362.96 from Reserves for Capital to Project Number 73969, South County Water Reclamation Facility Technical Support. (Odor Control System improvements)
2. Recommendation to authorize a budget amendment of \$270,396.00 from Reserves for Capital to Project Number 71066, North County Regional Water Treatment Plant Technical Support. (Power distribution upgrades, chemical tank upgrades, degasifier upgrades)
3. Recommendation to authorize a budget amendment of \$599,280.00 from Reserves for Capital to Project Number 73968, North County Water Reclamation Facility Technical Support. (Chemical piping spill containment, bleach system pump improvement, aeration blower controller replacements, flow meter replacements)
4. Recommendation to authorize a budget amendment to reallocate funds in the amount of \$85,000 from Reserves to the Irrigation Quality Water Source Integration Project, 74405. (System distribution and inter-connection upgrades)
5. Recommendation to approve a budget amendment in the amount of \$100,000.00 for the Collier County Inflow & Infiltration Implementation Program for the continuance of the Flow Meter Assessment phase of the project, 72500.
6. Recommendation to approve a budget amendment of \$82,227.00 from Reserves for Capital to Project Number 73964, Wastewater Supervisory Control and Data Acquisition System Improvements. (NCWRF SCADA system upgrades)
7. Recommendation to approve a budget amendment in the amount of \$215,000.00 from Reserves for Capital to Project Number 73974.2, South County Water Reclamation Facility Deep Injection Well Surge and Pressure Relief System Rehabilitation.
8. Recommendation to approve a Budget Amendment in the amount of \$100,000 to complete the design and permitting of the IQ Water Booster Station and to provide engineering services during its construction, Project 74076.
9. Recommendation to authorize a budget amendment of \$93,388.00 from Reserves for Capital to Project Number 73922 Wastewater Collections SCADA (Supervisory Control & Data Acquisition System) Improvements. (Acquisition/installation of power restoration monitoring devices)
10. Recommendation to approve a Work Order under Contract 08-5011 Underground Utilities Contracting Services in the amount of \$573,362.70 to Quality Enterprises USA, Inc.; Projects 73307 and 73972. (Modifications to wastewater pumping stations in Wyndemere and Kings Lake)

11. Recommendation to authorize a budget amendment of \$500,000.00 from Reserves for Capital to Project Number 70009, Cross Connection Program. (Acquisition/installation of backflow prevention devices)
12. Recommendation to authorize a budget amendment of \$489,853.00 from Reserves for Capital to Project Number 71010, Distribution System Renewal and Replacement. (Replacement of obsolete water mains and meters)
13. Recommendation to authorize a budget amendment of \$124,435.00 from Reserves for Capital to Project Number 71050, Primary Transmission System Rehabilitation. (Water main interconnection projects)
14. Recommendation to approve a Purchase Agreement with Russell Willis Holaway and Nancy Holaway for 2.5 acres for the Solid Waste Management Departments proposed Resource Recovery Park, at a total cost not to exceed \$72,000; PROJECT 59007.
15. Recommendation to authorize a budget amendment of \$400,000.00 from Reserves for Capital to Project Number 70010, Meter Renewal and Replacement; approve the sole source purchase of 3 and above water meters from Sunstate Meter & Supply, Inc.
16. Recommendation for Board approval for County Staff to Attend the June 19, 2009 Florida Public Service Commission Meeting to Challenge the Florida Power and Light Company (FPL) Rate Review and Proposed Rate of Return on Investment (ROI) of 12.5 percent, and to Support the Proposed Electric Service Prepayment Concept.
17. Recommendation to approve a budget amendment of approximately \$2,400,000 to transfer a Master Pump Station Mechanical Improvement project from the wastewater capital projects fund to the 2006 Revenue Bond Proceeds Fund to segregate the project funded by the 2006 Revenue Bond.
18. Recommendation to approve an early pay off of a State Revolving Fund (SRF) Preconstruction Loan in the amount of \$1,162,787.08 and approve necessary budget amendments.

#### **D. PUBLIC SERVICES**

1. Recommendation to approve a resolution to support the concept of a 1,600-acre recreation area within the Dade-Collier Training and Transition Airport which would support a variety of recreational activities inclusive of Off Highway Vehicles (OHV) use and trails with Miami Dade County.
2. Recommendation to approve an agreement with the District School Board of Collier County for transporting school-age summer recreation program participants at an estimated cost of \$50,000.
3. Recommendation to approve a budget amendment in the amount of \$100,615 to ensure continuous funding of the Alzheimers Disease Initiative grant in the Services for Seniors program from the Area Agency on Aging and authorize eligible expenditures prior to the execution of the agreement.
4. Recommendation to approve a budget amendment in the amount of \$672,993 to ensure continuous funding of the Community Care for the Elderly grant for the Services for Seniors program from the Area Agency on Aging and authorize eligible expenditures prior to the execution of the agreement.
5. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, six (6) 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. Recommend approval from the Board of County Commissioners to contract for the engineering, design and permitting for Wiggins Pass Improvements as outlined in the April 6, 2009 Coastal Planning and Engineering Proposal for \$160,717 on a time and materials, not to exceed price basis.
7. Recommendation to approve and sign a limited use license agreement between the Board of County Commissioners and the Naples Junior Chamber of Commerce, Inc., approving use of specified county-owned property for conducting a July 4th Fireworks Festival.
8. Recommendation that the Board of County Commissioners approve and authorize the Chairman to sign an Interlocal Agreement with Everglades City for improvements to McLeod Community Park in the amount of \$60,000.
9. Recommendation that the Board of County Commissioners approves a Florida Fish and Wildlife (FWCC) grant funding in the amount of \$80,000, together with a \$10,000 match by the County to the University of Florida for a boater characterization study.
10. Recommendation for the Board of County Commissioners to approve the award of Bid #09-5167 to the lowest qualified responsive bidder BCBE Construction Co., Inc., for the construction contract for Sugden Park Water Ski & Sailing Centers Project #80007.1 in the amount of \$612,539.00.
11. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, an agreement with the Area Agency on Aging for Southwest Florida, Inc. in the amount of \$68,901.84. These federal funds are provided by the United States Department of Health and Human Services under the American Recovery and Reinvestment Act of 2009 and will be used to increase congregate and home delivered meals for seniors in Collier County.
12. Recommend that the Board of County Commissioners approve and authorize the Chairman to sign Change Order #1 to Work Order C3TS-FT-4153-08-02 for design consultant C3TS for the Manatee Park Project (#80122.1) design in the amount of \$50,000.00 on a time & material, not-to-exceed basis to provide the Site Development Plan and the required SFWMD permits. The net contractual value of services will total \$243,950.00.
13. 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.
14. Recommendation to award Contract #09-5242, Naples Station Museum Phase IV to Wall Systems Inc. of SWFL, d/b/a Professional Building Systems, in the amount of \$98,238 to complete the installation of a fire suppression sprinkler system in the Naples Depot Museum.
15. Recommendation to approve a budget amendment in the amount of \$6,191 to ensure continuous funding of the Home Care for the Elderly grant for the Services for Seniors program from the Area Agency on Aging and authorize eligible expenditures prior to the execution of the agreement.

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

1. Affirm the applicability of the current Purchasing Policy to all County contracts.
2. Recommendation to award Bid #09-5187 On-Call Mechanical Contractor to Piping Unlimited and Retro, Inc.; Conditioned Air Corporation; Hill York Corporation; and Page Mechanical Group, Inc., for mechanical contractor services.
3. Recommendation to approve a Budget Amendment to recognize and appropriate Building Maintenance Special Service and other Building Maintenance revenues totaling \$185,866.40 for reimbursement of personnel and operating expenses in Fiscal Year 2009.

4. Recommendation to Award Bid #09-5250, Furniture Relocation Services for the New Collier County Courthouse Annex, to Office Furniture and Design Concepts, Inc. in the amount of \$64,100.00.
5. Report and Ratify Staff-Approved Change Orders and Changes to Work Orders to Board-Approved Contracts.
6. Recommendation that the Board of County Commissioners approves the submittal of United States Department of Energy (DOE) Energy Efficiency and Conservation Block Grant application for American Recovery and Reinvestment Act of 2009 (ARRA) funding in the amount of \$3,036,000.

#### **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 that the Board of County Commissioners approves using tourist tax dollars to fund the Tourism Department summer marketing campaign up to \$414,836 from Emergency Advertising Fund 196.
3. Recommendation to award Bid # 09-5217 for the purchase of emergency medications to Henry Schein Matrix Medical, Kentron Health Care, Inc., Midwest Medical Supply Company, Bound Tree Medical, LLC and Alliance Medical DBA Allmed for the Emergency Medical Services Department for an estimated cost for FY 09 of \$100,000.
4. A resolution of the Board of County Commissioners of Collier County, Florida amending Resolution No. 91-185; appointing representatives to the Florida Local Government Finance Commission; and providing an effective date.
5. Recommendation to approve expenses not to exceed \$600 for Collier County to provide bus service for conference participants from other counties to two locations scheduled June 25, 2009, during the Florida Association of Counties 2009 Annual Conference in Collier County at the Marriott Marco Island Resort.
6. Recommendation that the Board of County Commissioners authorizes an offering of the Voluntary Separation Incentive Program pursuant to Collier County Ordinance No. 09-13, empowers the County Manager to implement the program, and authorizes the Chairman to sign the enabling Resolution.

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

1. Recommendation for the Community Redevelopment Agency to adopt a Resolution amending CRA Resolution 2001-98 as it relates to the Bylaws of the Bayshore/Gateway Triangle Local Redevelopment Advisory Board.
2. Recommendation for the Community Redevelopment Agency to adopt a Resolution amending the terms of office of three members of the Bayshore/Gateway Triangle Local Redevelopment Advisory Board.
3. Recommend approval of the award of RFP #09-5184 and Professional Services Agreement between Collier County Community Redevelopment Agency and Pizzuti Solutions, LLC for Phase I planning/professional pre-development services for a mixed use development on CRA-owned land in an estimated annual amount of \$527,252.



4. Request that the Collier County Redevelopment Agency approve the application and recipient agreement for the Immokalee Community Redevelopment Agency (CRA) Commercial Faade Improvement Grant Program for reimbursement of \$18,457 for B&B Cash Grocery Stores, Inc. for improvements to the Handy Food Store #50 located at 417 New Market Road in Immokalee, Florida.
5. Request that the Collier County Redevelopment Agency approves the application and recipient agreement for the Immokalee Community Redevelopment Agency (CRA) Commercial Faade Improvement Grant Program for reimbursement of \$20,000 for B&B Cash Grocery Stores, Inc. for improvements to the Handy Food Store #65 located at 501 North 15th Street in Immokalee, Florida.
6. Request that the Collier County Redevelopment Agency approves the application and recipient agreement for the Immokalee Community Redevelopment Agency (CRA) Commercial Faade Improvement Grant Program for reimbursement of \$12,222 for B&B Cash Grocery Stores, Inc. for improvements to the Handy Food Store #77 located at 1812 Lake Trafford Road in Immokalee, Florida.
7. Request that the Collier County Redevelopment Agency approves the application and recipient agreement for the Immokalee Community Redevelopment Agency (CRA) Commercial Faade Improvement Grant Program for reimbursement of \$20,000 for B&B Cash Grocery Stores, Inc. for improvements to the Handy Food Store #91 located at 820 West Main Street in Immokalee, Florida.
8. Request that the Collier County Redevelopment Agency approves the application and recipient agreement for the Immokalee Community Redevelopment Agency (CRA) Commercial Faade Improvement Grant Program for reimbursement of \$6,838 for B&B Cash Grocery Stores, Inc. for improvements to their property located at 415 New Market Road in Immokalee, Florida which is currently being leased by Haydens Coin Laundry.
9. Request that the Collier County Redevelopment Agency approves the application and recipient agreement for the Immokalee Community Redevelopment Agency (CRA) Commercial Faade Improvement Grant Program for reimbursement of \$17,420 for B&B Cash Grocery Stores, Inc. for improvements to their property located at 507 North 15th Street in Immokalee, Florida which is currently being leased by Zachs Clothing Store.
10. Request that the Collier County Redevelopment Agency approves the application and recipient agreement for the Immokalee Community Redevelopment Agency (CRA) Commercial Faade Improvement Grant Program for reimbursement of \$12,866 for TriQuest, Inc. for improvements to their commercial property located at 212 & 214 South First Street in Immokalee, Florida.

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

1. Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended the Glory of the Grape Wine Tasting Event on June 7, 2009 at the Marco Island Yacht Club on Marco Island, FL. \$40.00 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 Boater's Night Dinner on June 3, 2009 at the Marco Island Yacht Club on Marco Island, FL. \$15.00 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. Attended the Naples Event Divas on May 13, 2009 at Trilogy in Naples, FL. \$25.00 to be paid from Commissioner Fiala's travel budget.

4. Commissioner Coletta requests approval for reimbursement for attending a function serving a valid public purpose. Commissioner paid in advance to attend the Project Innovation Neighborhood America presentation on June 4, 2009 and is requesting reimbursement in the amount of \$10.00 to be paid from his 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 May 16, 2009 through May 22, 2009 and for submission into the official records of the Board.
2. To obtain Board approval for disbursements for the period of May 23, 2009 through May 29, 2009 and for submission into the official records of the Board.
3. To present to the Board of County Commissioners the State Revenue Sharing Application for Fiscal Year 2009-2010 and to obtain approval for the Chairman to sign the application.
4. To obtain Board approval of year three of Contract #07-4152, Auditing Services for Collier County, with Ernst and Young LLP, in the amount of \$639,400 and authorize execution of an official engagement letter and budget amendment for audit services.

#### **K. COUNTY ATTORNEY**

1. Recommendation to approve a Stipulated Final Judgment in the amount of \$13,600 for Parcel 156RDUE in the lawsuit styled Collier County v. Michael J. Crouch, et al., Case No. 07-3691-CA (Oil Well Road Project 60044). (Fiscal Impact None.)
2. Recommendation to approve a Stipulated Final Judgment in the amount of \$600,000 for Parcel 133 in the lawsuit styled Collier County v. West Coast Development Corporation of Naples, Inc., et al., Case No. 06-0708-CA (Santa Barbara Boulevard Project 62081). (Fiscal Impact \$397,700.)

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: CU-2003-AR-3725: Close Up Creatures, Inc., in reference to NGALA, represented by Robert J. Mulhere, AICP of RWA, Inc. and Richard D. Yovanovich, Esquire, of Goodlette, Coleman, Johnson, Yovanovich & Koester, P.A., is requesting Conditional Uses pursuant to the Land Development Code Section 2.03.01.A.1.C. The Conditional Uses being requested are as follows: Number 5, to allow aquaculture for non-native or exotic species subject to Florida Fish and Wildlife Conservation Commission permits; Number 23, to allow a Cultural, Ecological or Recreational Facility; and Number 25, commercial production, raising or breeding of exotic animals. The subject property which has a Rural Agriculture zoning district designation and consists of 21 acres, is located on Inez Road S.W., at the northwestern corner of the intersection of Inez Road and Kearney Avenue, approximately mile south of Keene Avenue, in Section 30, Township 49 South, Range 27 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-13801: William L. Hoover, President of Catalina Land Group, Inc. the Manager of Wolf Creek Estates LLC and Buckstone Estates LLC; and Larry Mayer Abbo, Vice President of Prime Homes at Portofino Falls, Ltd., all of which are represented by William L. Hoover, AICP of Hoover Planning and Development, Inc. and Richard Yovanovich, of Goodlette, Coleman et al and Josh Fruth of Davidson Engineering, Inc. are requesting a PUD Amendment for Wolf Creek RPUD to revise traffic stipulations. The applicant is proposing to change Section 5.7, Paragraph N and Paragraph O of the RPUD Document. Subject property is located on 167.96 acres in Section 34, Township 48 South, Range 26 East, Collier County, Florida. (CTS)
- C. SE-2009-AR-14297 A resolution amending Resolution 08-373 (the KOVAC Conditional Use) to correct a scrivener's error resulting from the inclusion of an incorrect legal description in Exhibit B. The subject property is located at 1995 Elsa Street, in Section 11, Township 49 South, Range 25 East, Collier County, Florida.
- D. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members. PE-2008-AR-14071 Sandbanks LLC, represented by Michael R. Fernandez, AICP of Planning Development Incorporated is requesting a Parking exemption pursuant to Land Development Code Subsection 4.05.02.K, to allow 63 parking spaces of a proposed 195-space parking lot to be placed off-site on property with a Residential Single-Family (RSF-4) zoning designation. The proposed off-site parking lot would serve the Midtown Point commercial development located on the east side of US-41 North and the north side of Rosemary Lane, in Section 22, Township 49 South, Range 25 East, Collier County, Florida.
- E. Recommendation that the Board of County Commissioners adopts an Ordinance amending Ordinance No. 2009-29, the Collier County Planning Commission Ordinance, by requiring that candidates for the Planning Commission be nominated by the Commissioner of the District in which the candidate resides for both initial and subsequent terms and eliminating term limits.
- F. Recommendation that the Board of County Commissioners adopts an Ordinance amending Ordinance No. 2009-32, 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.

## 18. ADJOURN

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