

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS
and
COMMUNITY REDEVELOPMENT AGENCY BOARD (CRAB)



AGENDA

October 27, 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 AGENDA ITEMS 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." PUBLIC PETITIONS ARE LIMITED TO THE PRESENTER, WITH A MAXIMUM TIME OF TEN MINUTES.

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. September 24, 2009 - BCC/Budget Hearing
- C. September 29, 2009 - BCC/Regular Meeting
- D. October 9, 2009 - Value Adjustment Board Meeting

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

4. PROCLAMATIONS

- A. Proclamation designating November 9, 2009 as World Orphans Day 2009. To be accepted by Tom Scott, President/COO, Sky Angel U.S. LLC, and Karole Davis, Director - Public Relations, Sky Angel U.S. LLC.
- B. Proclamation congratulating Collier County Solid Waste Management Department for the receipt of the 2009 Special Waste Gold Excellence Award. To be accepted by Dan Rodriguez, Solid Waste Management Director and Danette Huff, Recycling Coordinator.
- C. Proclamation designating November 9 - 13, 2009 as Accounts Payable Week. To be accepted by Connie Murray, General Operations Manager, Clerks Finance Department.
- D. Proclamation designating November 9, 2009 as Collier County Foreclosure Task Force Workshop Day. To be accepted by Jeff Ahren and Kathleen Passidomo.

5. PRESENTATIONS

- A. Presentation of a check to the Board of County Commissioners for the unused fees distribution. Presented by Larry Ray, Collier County Tax Collector.

6. PUBLIC PETITIONS

- A. Public petition request by Marcia Breithaupt to discuss Domestic Animal Services Mission Statement.
- B. Public petition request by Maggie McGall to discuss establishment of a canine beach in Naples.
- C. Public petition request by James Guerrero to discuss outstanding invoices for SHIP 09-025R and DRI-05-113, Bowersox Project.
- D. Public petition request by Randy Johns to discuss a request by Swamp Buggy, Inc., for exemption from the current Noise Ordinance.

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 is being re-scheduled to the November 10, 2009 BCC meeting. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members: CU-2008-AR-13245 Collier County through its Solid Waste Management Department, represented by David Deans of PBS & J, is requesting Conditional Uses within the Rural Agricultural Zoning District within the North Belle Meade Overlay and Rural Fringe Mixed Use District (RFMU) Overlay for Sending Areas to allow 1) a Collection and Transfer Site for Resource Recovery, pursuant to Collier County Land Development Code (LDC) Section 2.03.01.A.1.c.12; and 2) Public Facilities, including Solid Waste and Resource Recovery Facility and Public Vehicle and Equipment Storage and Repair Facilities pursuant to LDC Section 2.03.08.A.4.a.(3)(b) of the RFMU District for a project to be known as the Resource Recovery Park. The subject property, consisting of approximately 344 acres, is located approximately 1.5 miles east of Collier Boulevard and 1 mile north of White Lake Boulevard, in Section 25, Township 49 South, Range 26 East, Collier County, Florida.(CTS)**

8. ADVERTISED PUBLIC HEARINGS

- A. 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) by providing for the incorporation by reference of the impact fee study entitled, Collier County Parks and Recreation Impact Fee Update Study, dated June 26, 2009; amending Schedule Three of Appendix A to reflect the revised rates set forth in the impact fee study and providing for an effective date of November 1, 2009 for the Regional Parks Impact Fee rates and a delayed effective date of February 1, 2010 for the Community Parks Impact Fee rates in accordance with the notice period requirements of Section 163.31801(3)(d) Florida Statutes; the cumulative results of the rate changes being an overall decrease in Parks Impact Fees.**
- B. This item is being re-scheduled to the November 10, 2009 BCC meeting. 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 consider adoption of an ordinance establishing the City Gate Community Development District (CDD) pursuant to Section 190.005, Florida Statutes.**

9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of members to the Radio Road East of Santa Barbara Boulevard to Davis Boulevard Advisory Committee.**
- B. Appointment of members to the Historical/Archaeological Preservation Board.**
- C. Recommendation that the Board of County Commissioners approve the County Manager Employment Agreement with Leo E. Ochs, Jr., and authorize the Chairman to execute same.**

10. COUNTY MANAGER'S REPORT

- A. This item to be heard at 10:30 a.m. Recommendation that the Board of County Commissioners reviews the TDC Subcommittee recommendations as approved by the Tourist Development Council and provides direction to the County Manager or his designee for further action including the authorization to process all necessary budget amendments covering direction that involves the movement or use of TDC funds. (Jack Wert, Tourism Director)**

- B. This item to be heard immediately following Item 10A. Recommendation that the Board of County Commissioners reviews and approves the Fiscal Year 2010 Strategic Plan for the Naples, Marco Island, Everglades Convention & Visitors Bureau (CVB) and approve all necessary budget amendments. (Jack Wert, Tourism Director)**
- C. Recommendation that the Board of County Commissioners approves the Wilson Boulevard Extension/Benfield Road Corridor Study (Study). Due to the size of the draft Final Report and the appendices, a copy is available at the County Managers office for review. (Claudine Auclair, Transportation Planning)**
- D. This item to be heard at 3:00 p.m. Recommendation and consideration to (1) grant the Solid Waste Management Department the authority to pursue an amendment to Ordinance 05-46 to rezone Bembridge PUD Tract "A" from Residential PUD to Community Facility PUD to be processed by CDES on an expedited or fast track basis; and, (2) contingent upon the rezone approval, approve a transfer of 5.11 acres, Bembridge PUD Tract "A", from the Collier County Emergency Medical Services Department (EMS) to the Solid Waste Management Department for the relocation of the Naples Recycling Center, at a cost not to exceed \$450,000; and, (3) approve a budget amendment to transfer funds in the amount of \$419,734 from the Collier County Solid Waste Management Fund (474), Solid Waste Capital Projects, Project 70013, Santa Barbara Recycling Center to the EMS Fund 350. (Dan Rodriguez, Solid Waste Director)**

11. PUBLIC COMMENTS ON GENERAL TOPICS

12. COUNTY ATTORNEY'S REPORT

- A. This item to be heard at 2:00 p.m. Recommendation that the Board adopts the attached standard form Lease and Ground Lease for all future leases with Not-For-Profit Entities, and to direct staff to review each of the County's Not-For-Profit Leases and, where appropriate, offer the Lessees the opportunity to convert their current lease to the standard form, subject to Board approval.**
- B. This item to be heard immediately following Item 12A. Report to the Board with respect to the Naples Zoo Lease, with a discussion on whether the Board wishes to reduce or eliminate the rent.**

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 utility facility for Turner Water Main.**
- 2. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Mediterra Parcel 105 with the roadway and drainage improvements being privately maintained.**
- 3. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Mediterra Parcel 106 with the roadway and drainage improvements being privately maintained.**
- 4. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Mediterra Parcel 118, with the roadway and drainage improvements being privately maintained.**
- 5. Request approval by the Board of County Commissioners of the change in the scheduled meetings for the 2007-2008 Growth Management Plan Amendment Cycle.**
- 6. Recommendation to approve the Release and Satisfactions of Lien for payments received for the following Code Enforcement actions.**
- 7. Recommendation to approve Proposed Settlement providing for Compromise and Release of Liens in the Code Enforcement Action entitled Deutsche Bank Trust Co., CEB No. 2007080008 relating to property located at 2414 58th Avenue NE, Naples, Florida.**
- 8. Recommendation that the Board of County Commissioners approves the proposal by staff to develop and advertise for Board consideration an ordinance adopting the Florida Building Code 2007 Edition, and pursuant to the authority granted by section 553.80(3), Florida Statutes, adding certain exemptions to permitting requirements pursuant to Section 105.2 of the 2007 Florida Building Code relating to addition, alterations, or repairs performed by a property owner on his or her property, and providing for repeal of Ordinance No. 2002-01 in its entirety.**
- 9. Recommendation that the Board of County Commissioners approves the proposal by staff to develop and advertise for Board consideration an amendment to Ordinance No. 82-3, as codified in Section 14-2 of the Collier County Code of Laws and Ordinances, to remove the prohibition against the possession, sale, importation or release (into County waters) of Tilapia.**
- 10. Request that the Board of County Commissioners (Board) approve the waiver of the applicable time constraints and fees for a Temporary Use (TU) permit for the placement of temporary banners and on-site/off-site directional signs to announce the location of immunization centers in response to the federally declared pandemic (H1N1 Virus) as a national public health emergency.**

B. TRANSPORTATION SERVICES

- 1. Recommendation to approve an Agreement for the conveyance of right-of-way and other easement parcels necessary for the construction of Oil Well Road (Fiscal Impact: \$2,146).**
- 2. Recommendation to terminate the contract awarded to Big Tree, Inc., for Bid #09-5194 Collier County Right-of-Way (ROW) and Median Mowing and Maintenance Annual Contract in the amount of \$124,240.00.**

3. Recommendation to approve the purchase of a fee simple road right-of-way parcel and a temporary construction easement which are required for construction of the Collier Boulevard widening project. Project No. 68056 (Fiscal Impact: \$32,250.00)
4. Recommendation to approve a Third Amendment to the October 14, 2003, Companion Agreement to the October 22, 2002, Sabal Bay Development Contribution Agreement for Road Impact Fee Credits providing for a change in land conveyance means for portions of the Lely Area Stormwater Improvement Project (Project No. 51101).
5. Recommendation to approve the payment of attorney fees and expert witness fees incurred by Dr. Gerald and Mrs. Rosemary Brown in defense of the taking of a portion of their property for the Collier Boulevard six-laning project (from Green Boulevard to Golden Gate Boulevard). Project No. 68058, Parcel Nos. 170FEE and 170TCE (Fiscal Impact: \$22,879.25.)
6. Recommendation to approve a Temporary Right of Entry to construct a connecting sidewalk for a bus shelter on a .004 acre portion of land along the existing right of way on U.S. 41 at the Waterside Shops on Pine Ridge Road. Project No. 60083 (Fiscal Impact: \$0)
7. Recommendation to approve a work order in the amount of \$269,010.00 to Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) under contract #06-3969 Fixed Term Professional Engineering Services utilizing the Best Value Offer (BVO #06-3969-9) for design and permitting of the Lely Area Stormwater Improvement Project (LASIP) Naples Manor Ditch and US 41 Ditch Design (Project No. 51101).
8. Recommendation to approve amendments to the Staff Services Agreement by and between the Collier Metropolitan Planning Organization (MPO) Board and the Collier County Board of County Commissioners and to authorize the chairman to sign the amended agreement.
9. Recommendation to approve the payment of attorney fees and expert witness fees incurred by Tania Cantin and Miguel Del Pozo in defense of the taking of a portion of their property for the Collier Boulevard six-laning project (from Green Boulevard to Golden Gate Boulevard). Project No. 68056, Parcel Nos. 161FEE and 161TCE (Fiscal Impact: \$4,980)

C. PUBLIC UTILITIES

1. Recommendation to adopt a Resolution to approve the Satisfactions of Liens for Solid Waste residential accounts wherein the County has received payment and said Liens are satisfied in full for the 1993, 1994, 1995 and 1996 Solid Waste Collection and Disposal Services Special Assessment. Fiscal impact is \$68.50 to record the Satisfactions of Liens.
2. Recommendation to approve the Satisfaction for a certain Water and/or Sewer Impact Fee Payment Agreement. Fiscal impact is \$18.50 to record the Satisfaction of Lien.
3. Recommendation to approve Agreement No. 4600001904 with the South Florida Water Management District for the Continued Collection of Surface Water Quality Samples in Collier County in the Amount of \$210,000.
4. Recommendation to approve an amendment to the Florida Innovative Waste Reduction and Recycling Grant Agreement IG8-09, the Collier County Seasonal and Year Round Business "How to Recycle" Videos Grant, from the Florida Department of Environmental Protection to provide portable recycling containers.

D. PUBLIC SERVICES

- 1. Recommendation that the Board of County Commissioners approves and authorizes the Chairman to sign a subrecipient agreement providing for a \$111,802.00 Housing and Urban Development (HUD) grant to the City of Naples for improvements to the River Park Community Center.**
- 2. Recommendation to approve an Access Easement Agreement with Caribbean Venture of Naples, LLC extending an existing easement over county property to construct a dual purpose public access road extending from an existing easement to the proposed county park and private development for a total revenue of \$1,480.00.**
- 3. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, twelve (12) lien agreements for deferral of 100% of Collier County impact fees for owner occupied affordable housing dwelling units located in Collier County.**
- 4. Recommendation to approve the FY 10 contract between Collier County and the State of Florida Department of Health for operation of the Collier County Health Department in the amount of \$1,720,100.**
- 5. Recommendation that the Board of County Commissioners approves and authorizes the Chairman to sign a subrecipient agreement with St. Matthews House, Inc. providing for a \$110,424 Housing and Urban Development (HUD) Continuum of Care (CoC) grant to support Wolfe Apartments.**
- 6. Recommendation that the Board of County Commissioners approves and authorizes the Chairman to sign a subrecipient agreement with the Shelter for Abused Women & Children (SAWCC) providing for a \$113,000 Housing and Urban Development (HUD) Continuum of Care (CoC) grant to aid with their day to day operations and supportive services of SAWCC.**
- 7. Present to the Board of County Commissioners a summary of the Impact Fee Deferral Agreements recommended for approval in FY10, including the total number of Agreements approved, the total dollar amount deferred and the balance remaining for additional deferrals in FY10.**
- 8. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, the amended Neighborhood Stabilization Program Administrative Plan. The amended plan modifies certain policies and procedures to improve grant performance and incorporates changes enacted by the U.S. Department of Housing and Urban Development.**
- 9. Recommendation to approve and authorize the Chairman to sign the agreement between Collier County Board of County Commissioners and the Area Agency on Aging of Southwest Florida, Inc. and approve budget amendments to reflect an overall increase of \$100,416 in the Older Americans Act program.**
- 10. Recommendation to accept the Safe Havens: Supervised Visitation and Safe Exchange Grant in the amount of \$350,000 between Collier County Board of County Commissioners and the United States Department of Justice, Office on Violence Against Women and approve the necessary budget amendment to recognize the revenue.**
- 11. Recommendation that the Board of County Commissioners approves a Real Estate Conveyance Agreement between Collier County and the David Lawrence Mental Health Center, Inc., to convey a portion of County owned land located at 425 1st Street North, Immokalee, at no cost to the David Lawrence Center.**
- 12. Recommendation that the Board of County Commissioners approves, and authorizes the Chairman to sign, a contract amendment for a Disaster Recovery Initiative (DRI) Subrecipient Agreement between the Housing Development Corporation of Southwest Florida Inc. (f.k.a. Collier County Housing Development Corporation) and Collier County. This contract amendment will update the current project work schedule and add a previously approved item to the projects budget.**

13. Recommendation to approve Change Order #3 to Contract #09-5114, Naples Station Museum Phase III to White General Constructors, Inc., in the amount of \$129,820 to complete historical restoration and renovation of the Naples Depot Museum.
14. Recommend approval of the award of RFP 09-5247 and agreement between Collier County and Recreation Facilities of America, Inc., for Food & Beach Concessions at Tigertail Beach.
15. Present to the Board of County Commissioners changes to grant funded, owner-occupied affordable housing programs administered by the Housing and Human Services Department. These changes will modify program documents, expand eligibility criteria and amend program procedures.

E. ADMINISTRATIVE SERVICES

1. Recommendation that the Board of County Commissioners approves and authorizes the Chairman to sign a contract with the Southwest Florida Workforce Development Board, Inc. to allow the reimbursement of training expenses through the Employed Worker Training Program in an amount not to exceed \$54,550 and approves the necessary Budget Amendment for the Public Utilities Division.
2. Recommendation that the Board of County Commissioners approve and execute an Agreement to provide the All Kids Play Foundation of Corkscrew Community Inc., a Florida non-profit organization, a maximum expenditure of \$5,000.00 from the GAC Land Trust for the reimbursement of Site Development expenses that arose during the construction of the Boundless Playground located at Big Corkscrew Elementary School and approve necessary Budget Amendment.
3. Recommendation to approve budget amendments to appropriate funds carried forward from FY 2009 for the completion of Information Technology purchases in the amount of \$82,741.50.
4. Recommendation to approve a Resolution revising the Board of County Commissioners Policy for Operation of Lake Trafford Memorial Gardens, by adding a Cremation Policy for unclaimed and indigent deceased in Collier County.
5. Recommendation that the Board of County Commissioners approves and authorizes the Chairman to sign a Subrecipient Agreement with the Childrens Museum of Naples providing American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) funding in the amount of \$250,000 for energy savings and renewable energy projects.
6. Recommendation to rescind the award of Bid # 09-5170 "Purchase and Deliver Chemicals for Public Utilities" to Key Chemical Inc. and King Lee Chemicals Inc. due to the companies' inability to fulfill required contractual Pollution Liability Insurance requirements.

F. COUNTY MANAGER

1. Approve budget amendments.
2. Recommendation for the Board of County Commissioners to approve and authorize the Chairman to sign an Agreement between Collier County and the Florida Division of Emergency Management accepting a Grant award for \$105,806 for Emergency Management Program Enhancement and approve the associated budget amendment.
3. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2009-2010 Adopted Budget.

4. Recommendation to approve a Memorandum of Agreement between Collier County and the Collier County Health Department to coordinate their collective efforts in providing adult and childhood H1N1 immunizations, medical direction and enhancement of community emergency response capabilities.

G. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

1. To approve and execute a Commercial Building Improvement Grant Agreement(s) between the Collier County Community Redevelopment Agency and a Grant Applicant(s) within the Bayshore Gateway Triangle Community Redevelopment area (3248 Bayshore Drive).
2. To approve and execute a Commercial Building Improvement Grant Agreement(s) between the Collier County Community Redevelopment Agency and a Grant Applicant(s) within the Bayshore Gateway Triangle Community Redevelopment area (1695 Commercial Drive).
3. To approve and execute a Landscape Improvement Grant Agreement(s) between the Collier County Community Redevelopment Agency and a Grant Applicant(s) within the Bayshore Gateway Triangle Community Redevelopment area (2957 Orange Street).
4. Recommendation that the Bayshore Gateway Triangle Community Redevelopment Agency (CRA) approve the submittal of the attached Pre-Disaster Mitigation grant application to the Federal Emergency Management Agency for a project to improve stormwater drainage along Shadowlawn Drive and Francis Avenue; to authorize the CRA Executive Director, or his designee, to electronically submit the grant application requesting an amount of \$305,906.25 to the Federal Emergency Management Agency.

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 Council for Hispanic Business Professionals Gala Hispanos Unidos on October 24, 2009 at the Naples Beach Club in Naples, FL. \$75.00 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 Military Officers Association Dinner on October 27, 2009 at the Royal Palm Country Club in Naples, FL. \$28.00 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 National Society Daughters of the American Revolution Fundraiser on November 20, 2009 at the Country Club of Naples in Naples, FL. \$25.00 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 Seacrest Key Club Induction of Charter Members on October 14, 2009 at Seacrest Country Day School in Naples, FL. \$10.00 to be paid from Commissioner Fiala's travel budget.
5. Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Will attend the Shells Club of Naples Business Meeting on November 5, 2009 at the Players Club and Spa in Naples, FL. \$21.00 to be paid from Commissioner Fiala'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 October 5, 2009 through October 9, 2009 and for submission into the official records of the board.**
- 2. Recommendation that the Collier County Board of County Commissioners approves a budget amendment for \$1,520.89 and recognizes interest earned in Supervisor of Elections Voter Education grant.**
- 3. Pursuant to Florida Statute 318.18(13)(b) the Clerk of the Circuit Court is required to file the amount of traffic infraction surcharges collected under Florida Statute 318.18(13)(a)(1) with the Board of County Commissioners.**
- 4. To obtain board approval for disbursements for the period of October 12, 2009 through October 19, 2009 and for submission into the official records of the board.**
- 5. Recommendation that the Board of County Commissioners adopts and supports the attached position paper as part of Collier Countys 2010 State Legislative Priorities as requested by the Supervisor of Elections.**

K. COUNTY ATTORNEY

- 1. Recommendation that the Board of County Commissioners Approve an Agreed Order Awarding Expert Fees for Parcel 125 in the condemnation action styled Collier County v. Robert J. Derr, et al., Case No. 03-2196-CA, Golden Gate Parkway Project No. 60027. (Fiscal Impact: \$6,942.50).**
- 2. Recommendation to approve a Stipulated Final Judgment in the amount of \$10,700 for Parcel 168 in the lawsuit styled Collier County v. Thomas F. Salzmann, et al., Case No. 03-2550-CA (Golden Gate Parkway Project 60027). (Fiscal Impact \$9,507.80)**
- 3. Recommendation to approve a Stipulated Final Judgment in the amount of \$9,545 for Parcel 172 in the lawsuit styled Collier County v. Beverly J. Gatti, et al., Case No. 03-2551-CA (Golden Gate Parkway Project 60027). (Fiscal Impact \$6,781.25)**
- 4. Recommendation to approve a Stipulated Final Judgment in the amount of \$98,865.00 for Parcels 110FEE/TCE1/TCE2/DE in the lawsuit styled Collier County v. Robbie L. Rayburn, et. al., Case No. 07-4268-CA (Santa Barbara Boulevard Extension Project #60091) (Fiscal Impact \$48,810.45).**
- 5. Recommendation that the Board of County Commissioners Approve the Proposed Joint Motion for Agreed Order Taxing Attorneys Fees and Costs for Parcels 737R, 937R, 738R, 838, 938R, 746R, and 946R in the condemnation action styled Collier County v. Chris A. Stoneburner and Joseph D. Bonness III, as Trustees of the Willow Run Land Trust, et al., Case No. 05-1036-CA, South County Regional Water Treatment Plant (SCRWTP) 20 MGD Wellfield Expansion Project #70892 (Fiscal Impact: \$45,000).**
- 6. Request by staff for authorization to advertise and bring back for the Boards consideration a proposed amendment to Ordinance No. 08-47, which addresses requirements for non-consent law enforcement towing of vehicles, private property towing of vehicles, storage of vehicles and maximum chargeable fees by tow truck companies, to include provisions concerning the immobilization of vehicles (booting) on private property and to further clarify language in the ordinance.**
- 7. Report to the Collier County Board of County Commissioners regarding the legal effect and application of Florida Statute 212.055(8) (Senate Bill No. 1000, the Emergency Fire Rescue Services and Facilities Surtax).**

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 was continued from the October 13, 2009 BCC meeting. 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 Petition VAC-PL2009-651, to disclaim, renounce and vacate the Countys and the Publics interest in a drainage easement over Tract CO2, as designated, and according to the Plat thereof known as Silver Lakes, Phase Two-F, a subdivision as recorded in Plat Book 33, Pages 37 & 38 of the Public Records of Collier County, Florida, situated in Section 10 & 15, Township 51 South, Range 26 East, Collier County, Florida, and being more specifically described in Exhibit A.**
- B. Recommendation that the Board of County Commissioners adopts an Ordinance amending Chapter 74 of the Collier County Code of Laws and Ordinances (The Collier County Consolidated Impact Fee Ordinance) by providing for the incorporation, by reference, of the impact fee study entitled Collier County Trip Characteristics Study Mine Land Use, amending Schedule One of Appendix A to reflect the new Mine land use category and impact fee rate and providing for a delayed effective date of February 1, 2010 in accordance with the notice period requirements of Section 163.31801(3)(d) Florida Statutes; this action is in follow-up to the direction provided by the Board of County Commissioners on June 23, 2009.**
- C. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members: PE-PL2009-260: Collier County Airport Authority represented by D. Wayne Arnold of Q. Grady Minor and Associates, P.A., is requesting a Parking Exemption pursuant to the Collier County Land Development Section 4.05.02.K.3. The parking exemption seeks approval to allow construction of a new parking lot within the residential PUD known as the Marco Shores PUD to serve employees and patrons of the Marco Island Executive Airport. Subject property is located on a 1 acre tract within Section 26, Township 51 South, Range 26 East, Collier County, Florida.(CTS)**
- D. This item was continued from the September 29, 2009 BCC meeting. To adopt revisions to the Land Development Code (Ordinance No. 04-41) to correct a scrivener's error relating to temporary signs, to complete the recent revisions to the Collier County Sign Code (Ordinance No. 09-43) adopted by the Board of County Commissioners at a public hearing on July 28, 2009.**
- E. Recommendation that the Board of County Commissioners adopt an Ordinance to amend Ordinance No. 2004-50, the Collier County Non-Residential Recycling Ordinance.**

18. ADJOURN

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