

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



AGENDA

December 15, 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. November 3, 2009 - BCC/AUIR Meeting
- C. November 10, 2009 - BCC/Regular Meeting

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

- A. 20 Year Attendees
 - 1. George Yilmaz, Wastewater

4. PROCLAMATIONS

- A. Proclamation congratulating the Collier County Public Utilities Division's Water Department for the receipt of WaterReuse Award of Merit. To be accepted by Paul Mattausch, Water Department Director.

5. PRESENTATIONS

- A. Presentation on building more disaster resistant community by Jeff Johnson, Executive Director of Retrofit Southwest Florida, Inc.
- B. Presentation of National Association of Counties (NaCO) Achievement Award to the Collier County Code Enforcement Department for their Blight Prevention Program.
- C. Presentation of the posthumous Advisory Committee Outstanding Member Award for the month of November 2009 to Charlie Abbott. To be accepted by Mrs. Linda Abbott.
- D. BCBE Construction Co., Inc. presentation on Goodland Boat Park Project.

6. PUBLIC PETITIONS

- A. Public petition request by Patrick White to discuss GMPA CP-2008-3, for Naples Christian Academy and Goodwill Industries.
- B. Public petition request by Roberto Millet to discuss permit for car wash on property located at 4990 Golden Gate Parkway.
- C. Public petition request by Jean Benoit to discuss paving of S.E. 30th Avenue on Everglades Boulevard.
- D. Public petition request by Ervin Garriga to discuss paving of S.E. 30th Avenue on Everglades Boulevard.

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

7. BOARD OF ZONING APPEALS

8. ADVERTISED PUBLIC HEARINGS

- A. Recommendation to 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 Trip Characteristics Study Mine Land Use, amending Schedule One of Appendix A to reflect the new Mine/Commercial Excavation land use category and impact fee rate and providing for a delayed effective date of March 16, 2010 in accordance with the notice period requirements of Section 163.31801(3)(d) Florida Statutes; this action is in furtherance to the direction provided by the Board of County Commissioners on June 23, 2009.**
- B. This item requires that all participants be sworn in, and ex parte disclosure be provided by Commission members. County Attorney report on the Town Market property located at 7770 Preserve Lane in the Olde Cypress PUD and whether the U-Haul business operated at the site is comparable in nature to other C-3 uses allowed in the PUD and whether there is sufficient parking to accommodate this use.**

9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of members to the Isles of Capri Fire Control District Advisory Committee.**
- B. Appointment of members to the Development Services Advisory Committee.**
- C. To discuss Section 8 of the Collier County Ethics Ordinance No. 2004-5 regarding Collier County Post-Employment Restrictions. Due to the existing economic climate, consider either temporary suspension of Section 8 of the Ordinance for a defined period of time or consider permanent removal of Section 8. For review of the full Ordinance please go to <http://apps.collierclerk.com/BMR/docview.aspx?id=14976> (Commissioner Henning)**

10. COUNTY MANAGER'S REPORT

- A. Recommendation to establish the schedule of impact fee update studies for Calendar Year 2010 in accordance with prior direction of the Board of County Commissioners. (Amy Patterson, Impact Fee Manager)**
- B. Recommendation to award a construction contract in the amount of \$34,977,999.18 to Mitchell & Stark Construction Corporation and reserve \$4,207,000.00 on the purchase order for funding allowances, for a total of \$39,184,999.18 for Bid No. 09-5287 Oil Well Road Immokalee Road to Camp Keais Road, Project No. 60044. (Norman Feder, Transportation Services Administrator)**
- C. Report to the Board detailing the status of FY 2010 capital project funding. (Mark Isackson, Corporate Financial and Management Services, County Managers Office.)**

- D. This item to be heard at 11:30 a.m. Recommendation to adopt a resolution authorizing the condemnation of a fee simple interest parcel and a temporary construction easement parcel required for the construction of redesigned improvements to the intersection of Collier and Davis Boulevards. (Collier Boulevard Project No. 60092 and Davis Boulevard Project No 60073). Estimated fiscal impact: \$285,500. (Norman Feder, Transportation Services Administrator)
- E. Award of Contract No. 10-5366 to Stevens and Layton Inc., for the Gateway Triangle Area Drainage Improvements Project Phase 2, Project #51803 in the total amount of \$2,694,473.35 plus a ten (10%) contingency totaling \$2,963,920.69, and approve necessary budget amendment of \$350,000. (Norman Feder, Transportation Services Administrator)
- F. This item to be heard at 2:30 p.m. Recommendation to approve actions required to complete the development of a comprehensive management plan for the Clam Bay Estuary. (Gary McAlpin, Coastal Zone Management Director)

11. PUBLIC COMMENTS ON GENERAL TOPICS

12. COUNTY ATTORNEY'S REPORT

- A. This item to be heard at 12:00 noon. Notice is hereby given that pursuant to Section 286.011(8), Fla. Stat., the County Attorney desires advice from the Board of County Commissioners in closed attorney-client session on TUESDAY, DECEMBER 15, 2009, at a time certain of 12:00 noon in the Commission conference room, 3rd Floor, W. Harmon Turner Building, Collier County Government Center, 3301 East Tamiami Trail, Naples, Florida. In addition to Board members, County Manager Leo Ochs, County Attorney Jeffrey A. Klatzkow, and Assistant County Attorney Steven T. Williams will be in attendance. The Board in executive session will discuss: Settlement negotiations in the pending litigation cases of Craig Grider and Amber Grider v. Collier County, Case No. 08-7794-CA and Craig Grider and Amber Grider v. Collier County, Case No. 09-3164-CA, both which are now pending in the Twentieth Judicial Circuit in and for Collier County, Florida.
- B. This item to be heard at 1:00 p.m. For the Board of County Commissioners to provide direction to the County Attorney regarding strategy related to settlement negotiations in the pending litigation cases of Craig Grider and Amber Grider v. Collier County, Case No. 08-7794-CA and Craig Grider and Amber Grider v. Collier County, Case No. 09-3164-CA, both which are now pending in the Twentieth Judicial Circuit in and for Collier County, Florida.

13. OTHER CONSTITUTIONAL OFFICERS

14. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

- A. A Resolution of the Board of County Commissioners of Collier County, Florida, sunsetting the Immokalee Master Plan and Visioning Committee, and recognizing and memorializing the automatic repeal of Ordinance No. 04-62, as Amended.

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. This item requires that all participants be sworn in, and ex parte disclosure be provided by Commission members. Recommendation to authorize the Chairman to sign a Resolution of the Collier County Board of County Commissioners designating 7,414.0 Acres in the Rural Lands Stewardship Area Zoning Overlay District as a Stewardship Sending Area with a designation as BCI/BCP/SI SSA 13 pursuant to the terms set forth in the Escrow Agreement, Stewardship Sending Area Credit Agreement for BCI/BCP/SI SSA 13, and Stewardship Easement Agreement for BCI/BCP/SI SSA 13; approving a Stewardship Sending Area Credit Agreement for BCI/BCP/SI SSA 13; approving a Stewardship Easement Agreement for BCI/BCP/SI SSA 13; approving an Escrow Agreement for BCI/BCP/SI SSA 13; and establishing the number of stewardship credits generated by the designation of said Stewardship Sending Area.**
- 2. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Mediterra Parcel 110, with the roadway and drainage improvements being privately maintained.**
- 3. Recommendation to direct the County Manager or his designee to provide a refund in the amount of \$1,052.28 for a portion of the petition fee received for a recently withdrawn 2007-2008 Cycle Growth Management Plan Amendment petition.**
- 4. Recommendation to approve final acceptance of the water and sewer utility facilities for Mediterra Maintenance Facility.**
- 5. Recommendation to approve the request by the Economic Development Council of Collier County to allow Atomic Machine and EDM, Inc. to participate in the Fast Track Program for the building permit required for their tenant improvement at the Market Center project.**
- 6. Recommendation to develop and advertise for Board consideration an amendment to Ordinance No. 2004-58, known as the Property Maintenance Ordinance, and to bring back an amendment in conjunction with removal of rental registration provisions.**
- 7. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Quail West Unit One, Replat Block C Second Addition with the roadway and drainage improvements being privately maintained.**
- 8. Request to approve the proposed Letter of Understanding that delineates Growth Management Plan (GMP) major issues that will be addressed in the Countys Evaluation and Appraisal Report (EAR) as required by Section 163.3191 of the Florida Statutes and direct the County Manager or his designee to enter into a formal agreement with the Florida Department of Community Affairs (DCA).**

B. TRANSPORTATION SERVICES

- 1. Recommendation to recognize FY 2009/2010 Federal Transit Administration Section 5311 additional revenue in the amount of \$301,817.00 to Collier Area Transit Fund (426) and authorize all necessary budget amendments.**
- 2. Recommendation to recognize FY 2009-2010 State Public Transit Block Grant additional revenue in the amount of \$8,876.00 to Collier Area Transit Fund (426) and authorize all necessary budget amendments.**

3. Recommendation that the Board of County Commissioners approves a Resolution authorizing the execution and submittal of the Federal Transit Administration Section 5310 FY2010/2011 grant application and applicable document and to accept the grant if awarded.
4. Recommendation that the Board of County Commissioners approves a Resolution authorizing the execution and submittal of the Federal Transit Administration Section 5311 FY2010/2011 grant application and applicable document and to accept the grant if awarded.
5. Recommendation to approve the purchase of a Perpetual, Non-exclusive Road Right-of-Way, Drainage and Utility Easement which is required for the construction of the proposed four-laning improvements to Golden Gate Boulevard from just west of Wilson Boulevard to just east of DeSoto Boulevard. Project No. 60040 (Fiscal Impact: \$3,100.00).
6. Recommendation to approve the purchase of a Perpetual, Non-exclusive Road Right-of-Way, Drainage and Utility Easement which is required for the construction of the proposed four-laning improvements to Golden Gate Boulevard from just west of Wilson Boulevard to just east of DeSoto Boulevard. Project No. 60040 (Fiscal Impact: \$2,122.00).
7. Recommendation to approve an Amendment to Agreement allowing former owners of a property purchased by Collier County for the Vanderbilt Beach Road Extension Project (Parcel 133) the option to further extend their post-closing occupancy of the property for an additional three month period. Project No. 60168 (Fiscal Impact: Revenue in the amount of \$4,500 will be credited to the gas tax and/or impact fee accounts).
8. Recommendation to approve a Purchase Order for payment of invoices totaling \$52,206, submitted by Precision Contracting Services, Inc. for Traffic Operations Ethernet Conversion performed in FY 07/08 with reimbursement from the Florida Department of Transportation.
9. Recommendation to award ITB 09-5310 Motorola Central Control Irrigation Supplies & Services to Ag-Tronix Inc. for an estimated annual amount of \$65,000.
10. Recommendation to ratify an emergency purchase order previously approved by the County Manager for electrical services under annual contract 07-4083, On-Call Electrical Repairs and New Installation to E. B. Simmonds Electrical Inc., Naples, FL, in the amount of \$127,760.90.

C. PUBLIC UTILITIES

1. Recommendation to approve Amendment No. 1 to South Florida Water Management District Agreement No. OT061098 to monitor ground water in Collier County. (Estimated Revenue \$116,000 annually.)
2. 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 1994, 1995, and 1996 Solid Waste Collection and Disposal Services Special Assessment. Fiscal impact is \$48.00 to record the Satisfactions of Lien.
3. Recommendation to approve and authorize the Chairmen to sign a Pre-award Cost Request Form requesting a pre-award credit of \$121,290.99 in staff time and emergency repair expenditures as an update to the grant application to the Florida Department of Community Affairs for the Hazard Mitigation Grant Program for up to \$320,000 to construct a six-inch High Density Polyethylene leachate pipe at the Collier County Landfill.
4. Recommendation to award RFP 09-5201, an annual contract for Underground Utilities Supplies to Ferguson Waterworks, Inc.

D. PUBLIC SERVICES

- 1. Recommendation to approve and authorize the Chairman to sign an agreement with Collier Health Services (CHS), and an agreement with the Agency for Health Care Administration (AHCA) to participate in the Low Income Pool Program. Participation in this program will require the County to send \$207,127 to AHCA, which will generate an additional \$432,944 in Federal matching funds to be paid directly to Collier Health Services for medical services for the most medically needy in Collier County. Collier Health Services will receive a total distribution of \$640,071 from the State.**
- 2. Recommendation to approve the FY05 and FY06 Annual Reports to the Florida Department of Highway Safety Motor Vehicles for the Choose Life Specialty License plate.**
- 3. Recommendation to provide after the fact approval for the submittal of the 2010 Continuum of Care (CoC) Grant application to the U.S. Department of Housing and Urban Development (HUD) for CoC programs assisting and benefiting the homeless population in Collier County.**
- 4. Recommendation to approve and authorize the Chairman to sign an agreement with the Collier County Child Advocacy Council, Inc. (CCCAC) to provide for State mandated services identified under Florida Statute 39.304(5). Fiscal impact of \$70,000.**
- 5. Recommendation to approve and authorize the Chairman to sign an agreement with the State of Florida, Department of Children and Families accepting a Challenge Grant in the amount of \$96,000; and authorize the necessary budget amendments associated with this action. The non-profit subrecipients: Saint Matthews House, The Shelter for Abused Women and Children, National Alliance on Mental Illness, The Collier County Hunger and Homeless Coalition and Youth Haven, Inc.**
- 6. Recommendation to authorize Disaster Recovery Initiative awards in excess of fifty-thousand dollars and authorize the Purchasing Director to issue purchase orders in excess of fifty-thousand dollars, for site preparation activities required to replace homes severely damaged by Hurricane Wilma. These activities will benefit three (3) income-qualified households in Collier County. (Fiscal impact \$178,142.75)**
- 7. Recommendation to repeal Resolution No. 2007-190 and adopt the attached revised Resolution No. 2010-_____ that lists new fines and fees for Collier County Public Library.**

E. ADMINISTRATIVE SERVICES

- 1. Recommendation to award ITB 09-5325 On-Call Electrical Repairs and New Installation to AC Electric of SW Florida, Inc., Bentley Electric Company of Naples, FL, Inc., E. B. Simmonds Electrical Inc., Gulf States Electric, Inc., and Professional Highway Maintenance, Inc. (\$230,000)**
- 2. Recommendation to approve the purchase of Group Health Reinsurance coverage for calendar year 2010 in the amount of \$1,018,777 which equates to a reduction of 19.9% over prior year's premium.**
- 3. Recommendation to authorize the on-line auction of Collier County surplus property.**
- 4. Recommendation to approve payment of \$3,666.66 which is 2/12ths of the IRS allowable annual contribution amount, to the deferred compensation account of former County Manager, James V. Mudd, in accordance with his contract, to be processed January 2010.**
- 5. Recommendation to approve an Agreement for Sale and Purchase with Frank J. Fisiorek, Jr. and Kathleen E. Zielinski for 1.14 acres under the Conservation Collier Land Acquisition Program at a cost not to exceed \$19,300.**
- 6. Recommendation to award Bid No. 09-5323 On-Call Plumbing Contractors to Shamrock Plumbing and Mechanical, Inc. as primary, Precision Plumbing Services, Inc. as secondary, and Four Star Plumbing Contractors, Inc. as tertiary at an estimated annual cost of \$210,000.**

7. Recommendation to authorize an offering of the Voluntary Separation Incentive Program pursuant to Collier County Ordinance No. 09-13 for two employees not previously notified of eligibility in July 2009.
8. Report and Ratify Staff-Approved Change Orders and Changes to Work Orders to Board-Approved Contracts.
9. Recommendation to approve an Agreement not to exceed \$10,000 between the GAC Land Trust Committee and the Big Corkscrew Island Fire Control and Rescue District for the purchase of the BullEx Fire Extinguisher Training System.

F. COUNTY MANAGER

1. Recommendation to approve a fiscal year 2010 budget amendment establishing dedicated appropriations covering anticipated contractor and administrative expenses associated with the Intersection Safety Program. Fiscal Impact \$841,000.
2. Approve budget amendments.
3. Recommendation to approve use of all interest earnings on Tourist Tax Funds for destination advertising, marketing and promotion for a period of three fiscal years and approve all necessary budget amendments.
4. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2009-10 Adopted Budget.
5. Recommendation to adopt a Resolution #2010-_____ and approve and authorize the Chairman to sign a lease-purchase agreement and all accompanying documents with Government Capital Corporation for the replacement of one (1) ambulance for Emergency Medical Services for five (5) annual payments of \$41,575.74 for a total of \$207,878.70.

G. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

1. To approve and execute 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 (2800 Davis Boulevard).
2. To approve and execute a Site Improvement Grant Agreement(s) between the Collier County Community Redevelopment Agency and a Grant Applicant(s) within the Bayshore Gateway Triangle Community Redevelopment area (2445 A-B Thomasson Drive).
3. To approve and execute a Sweat Equity Grant Agreement(s) between the Collier County Community Redevelopment Agency and a Grant Applicant(s) within the Bayshore Gateway Triangle Community Redevelopment area (2938 Cypress Street).
4. Recommendation that the Community Redevelopment Agency approve an Event Policy and Procedures Manual to govern all event activities for the Bayshore Gateway Triangle.
5. Recommendation for the CRA to approve the sale and consumption of alcoholic beverages (beer and wine) during the CRA Board approved Bayshore Cultural Festival of the Arts event on January 23, 2010 on the CRA owned parcels.
6. Request that the Collier County Redevelopment Agency approve the application and recipient agreement for the Immokalee Community Redevelopment Agency (CRA) Commercial Facade Improvement Grant Program for reimbursement of \$20,000 for facade improvements to Little Caesars Pizza located at 525 North 15th 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 East Naples Civic Association Luncheon on November 19, 2009 at Hamilton Harbor in Naples, FL. \$23.00 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 Marco Island Area Chamber of Commerce Christmas Gala on December 6, 2009 at the Old Marco Inn on Marco Island, FL. \$75.00 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 Marco Island Historical Society Holiday Luncheon on December 8, 2009 at the First Baptist Church on Marco Island, FL. \$20.00 to be paid from Commissioner Fiala's travel budget.**
- 4. Commissioner Henning requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended the EDC Pre-Legislative Luncheon on November 24, 2009 at the Club at the Strand in Naples, Florida. \$25.00 to be paid from Commissioner Henning's travel budget.**

I. MISCELLANEOUS CORRESPONDENCE

- 1. Miscellaneous items to file for record with action as directed.**

J. OTHER CONSTITUTIONAL OFFICERS

- 1. Recommendation to approve the return of funds for the 911 Microwave Circuits Grant, #S-08-07-31 to the State of Florida on behalf of the Collier County Sheriff's Office.**
- 2. To obtain board approval for disbursements for the period of November 21, 2009 through November 27, 2009, and for submission into the official records of the Board.**
- 3. To obtain board approval for disbursements for the period of November 28, 2009 through December 4, 2009, and for submission into the official records of the Board.**

K. COUNTY ATTORNEY

- 1. Authorize the making of an Offer of Judgment to Respondent, Platinum Coast Financial Corp., for Parcel No. 825 in the amount of \$79,250 in the lawsuit styled Collier County v. Myrtle Cove, Inc., et al., Case No. 07-5038 (Lely Area Stormwater Improvement Project # 51101.1) (Fiscal Impact \$21,350).**
- 2. Recommendation to authorize a Stipulated Final Judgment in the amount of \$375,000 for Parcels 104 and 604 in the lawsuit styled Collier County, Florida v. Highland Properties of Lee and Collier, Ltd., et al., Case No. 06-0563-CA (Santa Barbara Boulevard Project #62081) (Fiscal Impact \$304,542).**
- 3. Authorize an Offer of Judgment to Respondent, Luis Pineros, for Parcel No. 204RDUE in the amount of \$20,832 in the lawsuit styled Collier County v. Joseph Noel, et al., Case No. 07-3200-CA (Oil Well Road Project # 60044) (Fiscal Impact \$12,432).**
- 4. Recommendation to authorize the County Attorney to advertise and bring back for Board consideration an Ordinance establishing the Habitat Conservation Plan Advisory Committee to assist the Board of County Commissioners in determining the feasibility of developing and implementing a Habitat Conservation Plan to protect red-cockaded woodpeckers in the North Belle Meade Overlay area.**

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

- A. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve Petition VAC-PL-2009-1023, Nature Point Lot 8, to disclaim, renounce and vacate the Countys and the Publics interest in that portion of a 25-foot wide drainage easement along the rear of Lot 8, Nature Point, as filed in Plat Book 20, Pages 20-22 of the Public Records of Collier County, Florida, situated in Section 35, Township 49 South, Range 25 East, Collier County, Florida, the vacated portion being more specifically depicted and described in Exhibit A and accept the replacement drainage easement shown on Exhibit B.**
- B. Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the Fiscal Year 2009-10 Adopted Budget.**
- C. Recommendation to adopt an Ordinance amending Ordinance No. 2001-43, as amended (The Vanderbilt Beach Beautification Municipal Service Taxing Unit), per the Boards December 1, 2009 direction under Agenda Item 16B5 to incorporate provisions to facilitate the ongoing conversion of overhead utility distribution facilities to underground service within the MSTU boundaries.**

18. ADJOURN

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