

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS
COMMUNITY REDEVELOPMENT AGENCY BOARD (CRAB)
AIRPORT AUTHORITY



AGENDA

October 12, 2010

9:00 AM

Fred W. Coyle, BCC Chairman Commissioner, District 4
Frank Halas, BCC Vice-Chairman Commissioner, District 2
Jim Coletta, BCC Commissioner, District 5, CRAB Vice-Chairman
Donna Fiala, BCC Commissioner, District 1, CRAB Chairman
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

- A. Reverend Charles McCracken - Naples Alliance Church

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 9, 2010 - BCC/Budget Meeting Minutes
- C. September 14, 2010 - BCC/Regular Meeting Minutes

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

4. PROCLAMATIONS

- A. Proclamation designating October 2010 as Domestic Violence Awareness Month. To be accepted by Linda Oberhaus, Executive Director, The Shelter for Abused Women and Children. Sponsored by Commissioner Fiala.
- B. Proclamation recognizing the United Way of Collier County for their outstanding contributions to the community and wishing them the greatest success in their 2010/2011 community fundraising campaign. To be accepted by Ernie Bretzmann and guests. Sponsored by Commissioner Henning.
- C. Proclamation designating October 10, 11, 12 and 13, 2010 as the Italian American Club Foundation Days. To be accepted by Dr. Charles Lomanto, President; Raymond LeCatta, Vice President; Marilyn Romeo, Secretary and Ren Morani, Treasurer. Sponsored by Commissioner Fiala.
- D. Proclamation designating October 16, 2010 as Collier County Branch NAACP 28th Annual Freedom Fund Day. To be accepted by Harold Weeks and Diane Haynes. Sponsored by Commissioner Coletta.
- E. Proclamation designating October 12, 2010 as State Representative David Rivera Appreciation Day. To be accepted by David Rivera. Sponsored by Commissioner Fiala.

5. PRESENTATIONS

- A. Distinguished Budget Presentation Award for the current fiscal year from the Government Finance Officers Association (GFOA) presented to the Office of Management and Budget. To be accepted by Mark Isackson, Director, Corporate Financial and Management Services.
- B. Recommendation to recognize James Sparks, Environmental Specialist, Pollution Control Department, as the Employee of the Month for September 2010.

6. PUBLIC PETITIONS

- A. *This item continued from the September 28, 2010 BCC Meeting.* Public Petition request from Mr. Harrison Hubschman regarding water detention area south of Michigan Avenue at 12th Street.
- B. Public Petition request from Ms. Monique Perez Marini requesting assistance for Chinese drywall remediation.
- C. Public Petition request from Chairman Thomas Cannon regarding East Naples Fire Control District fire code office building.

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 consider adopting an Ordinance amending Chapter 74 of the Collier County Code of Laws and Ordinances (The Collier County Consolidated Impact Fee Ordinance) by amending the Educational Facilities (School) Impact Fee rate schedule, which is Schedule Six of Appendix A, to provide for a reduction in rates, recommended by the District School Board of Collier County and providing for a retroactive effective date of October 8, 2010.

9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of members to the Golden Gate Beautification MSTU Advisory Committee.
- B. Appointment of members to the Lely Golf Estates Beautification Advisory Committee.
- C. Appointment of members to the Immokalee Beautification MSTU Advisory Committee.
- D. Appointment of members to the Collier County Citizens Corps.
- E. Discussion related to the application of reduced Road and School Impact Fee rates to building permits that have not been issued and are currently in Apply or Ready status. (Commissioner Coyle)

10. COUNTY MANAGER'S REPORT

- A. Report on the status of State and Local efforts connected with the potential location of a Florida Institute for Personalized Medicine operated by Jackson Laboratory and the proposed development of a regional biomedical research campus on surrounding acreage. (Mark Isackson, Director, Corporate Financial and Management Services, County Manager's Office)
- B. Recommendation to adopt a Bond Resolution authorizing the issuance of revenue bonds for the Jackson Laboratory project in order to initiate a bond validation proceeding to determine whether the use of bond proceeds for such project constitutes a valid public purpose under the laws of the State of Florida. (Mark Isackson, Director, Corporate Financial and Management Services, County Manager's Office)
- C. Recommendation to authorize a budget amendment to reallocate funds in the amount of \$4,000,000 from Reserves to the South Reverse Osmosis Raw Water Wellfield Pipeline Project, project number 70030, and to declare a valid public emergency with regard to the continued provision of project-related services by Malcolm Pirnie Inc. (Jim DeLony, Public Utilities Administrator)
- D. Recommendation to approve staff's proposed enhancement to purchasing practices to compel vendors responding to offers to provide services in response to Invitations to Bid (ITB) and Requests for Proposals (RFP) to use the Department of Homeland Security's E-verify system to ensure that their employees meet federal eligibility criteria to work in the United States. (Len Price, Administrative Services Administrator)

- E. Recommendation to grant a one-time exception of policy from the Consolidated Impact Fee Ordinance, Ordinance Number 2001-13, as amended, to provide a wastewater impact fee payment option for the applicant of permit number 2010070017. (Jim DeLony, Public Utilities Administrator)
- F. Recommendation to review and approve the proposed Collier County 2011 State Legislative Priorities. (Debbie Wight, Legislative Affairs Coordinator)

11. PUBLIC COMMENTS ON GENERAL TOPICS

12. COUNTY ATTORNEY'S REPORT

13. OTHER CONSTITUTIONAL OFFICERS

14. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

- A. Recommendation that the Community Redevelopment Agency (CRA) approve the purchase of two adjoining vacant parcels at the corner of South 9th Street and West Eustis Avenue as part of the downtown Immokalee portion of the Immokalee StormWater Master Plan, and authorize all necessary budget amendments to recognize the total grant award in the amount of \$3,533,124 and appropriate expenditures. This purchase will be funded by a dedicated Immokalee Community Redevelopment Agency Grant Fund (715) with a subsequent reimbursement from the CDBG/DRI Grant Fund (705) in the amount of \$474,000 (plus associated closing costs).
- B. Recommendation that the Board of County Commissioners, acting as the Airport Authority, award Bid No. 10-5498 Marco Island Executive Airport Construction of Taxiway and Ramp Expansion in the amount of \$5,959,000.02 to DeAngelis Diamond Construction Inc. and authorize its Chairman to execute the standard contract after approval by County Attorney.

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. GROWTH MANAGEMENT DIVISION

- 1. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Sterling Oaks Phase 4 with the roadway and drainage improvements being privately maintained.
- 2. Recommendation to approve final acceptance of the water utility facility for Gridley Medical Building, 12250 East Tamiami Trail, Naples, Florida.
- 3. 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. This is a recommendation to approve for recording the final plat of Autozone Store #4885 at Home Depot of Naples located at 2251 Pine Ridge Road.

4. Recommendation to award contract for Invitation to Bid (ITB) 10-5529, Purchase of Limerock and Fill Materials, to Florida Dirt Source LLC, Better Roads, Inc., Younquist Brothers Rock, Inc. and Stock Development LLC in the estimated annual amount of \$350,000.
5. Recommendation to find Waterways Joint Ventures V (Developer) in default of the Developer Contribution Agreement (DCA) between Collier County (County) and the Developer to construct the Tree Farm, Woodcrest and Massey alternative roadway project (Project) approved as a companion item to Summit Lakes RPUD.
6. Recommendation to adopt a resolution requesting that the Florida Department of Transportation quitclaim to Collier County certain right-of-way situated in the southeast quadrant of the Immokalee Road and Interstate I-75 interchange and declaring that the right-of-way is to be used for public purpose only. (Project No. 60109.) Estimated fiscal impact: \$35.50.
7. Recommendation to terminate the Fee Payment Assistance Agreement between Collier County and Arthrex Manufacturing, Inc., at the companys request; additionally, authorize the reimbursement \$47,444 of General Government Buildings Impact Fees (Fund 390) and \$11,510.28 of Law Enforcement Impact Fees (Fund 385) paid by the property owner related to the building permit which has subsequently expired and approve a budget amendment to transfer the \$1,054,449.65, paid on behalf of Arthrex Manufacturing, Inc., from Fund 339 (Road Impact Fee District 5) to General Fund 001, which was the original funding source for the payment, and upon completion of the transfer, execute a satisfaction of lien for the subject property.
8. Recommendation to approve Change Order No. 4 to Professional Service Agreement No. 03-3553 in the amount of \$950,330.35 with CH2MHILL, Inc., for the design of Collier Boulevard Road Improvements from Davis Boulevard to Golden Gate Main Canal, combining this project with FDOT Davis Boulevard Improvements and Post Design Services, Projects No. 60001 and 60092.

B. COMMUNITY REDEVELOPMENT AGENCY

1. Recommendation for the Community Redevelopment Agency (CRA) to approve a Request for Proposal (RFP) scope of work to build single-family homes on CRA owned land; approve the Executive Directors advertisement of the RFP through the Purchasing Department and return with recommendations.

C. PUBLIC UTILITIES

1. Recommendation to enter into an Interlocal Agreement between Collier County and the City of Marco Island requiring the City to adopt the Collier County Recycling Ordinance, Ordinance No. 2009-56, as amended.
2. Recommendation to authorize sole source purchase of replacement pumps, warranty related repair and other parts and materials not available through an aftermarket source for approved submersible lift station pumps in the estimated annual amount of \$500,000 for a period of five years.
3. Recommendation to approve an Agreement with Blessed, LLC, and accept a Right of Entry for a groundwater monitor well and environmental monitoring purposes in an amount not to exceed \$4,050.

D. PUBLIC SERVICES

- 1. Recommendation to approve the conveyance of a piece of land located at 425 1st Street North, Immokalee, from Collier County to the David Lawrence Mental Health Center, Inc.; at no cost to the County.**
- 2. Public notice of intent to consider final disposition of Neighborhood Stabilization Program residential properties, consistent with the requirements of Collier County Ordinance No. 2009-63 and 125.35(3), Florida Statutes.**
- 3. Recommendation to approve and authorize the Chairman to sign an agreement with the U.S. Department of Justice Bureau of Justice Assistance to accept funding for the Adult Drug Court Discretionary Grant Program: Enhancement in the amount of \$197,614, and approve a budget amendment to allocate the funding.**
- 4. Recommendation to accept the Rural Health Outreach Special Congressional Initiative from the United States Department of Health and Human Services in the amount of \$594,000 and approve the necessary budget amendment to recognize the revenue.**
- 5. Recommendation to approve a Hazard Mitigation Grant Program (HMGP) agreement between the State of Florida Division of Emergency Management and the Board of County Commissioners for a Wind Retrofit project at the East Naples Community Park and Senior Center in the amount of \$74,640 and authorize budget amendments.**

E. ADMINISTRATIVE SERVICES

- 1. Recommendation to terminate contracts with Anchor Health Centers, P.A. (Anchor Health) for contract numbers 10-5488 Medical Director for Occupational Health & Wellness Programs (approximately \$25,000 annually) and 10-5407 Employment Physicals and Drug Testing (approximately \$11,000 annually) and enter into an agreement with Dr. Julia K. Harris M. D. for both services.**
- 2. Recommendation to reject award for Invitation to Bid (ITB) 10-5511 for Hardware and Related Items and authorize staff to purchase hardware through more efficient and effective means.**
- 3. Recommendation to approve Purchase Order 4500118122 to Suncoast Moving & Storage, Inc. under Bid #10-5443, Full Service Professional Movers, in the amount of \$58,728 for moving the County Property Appraisers offices and to authorize the continued use of the referenced contract.**
- 4. Recommendation to approve a Resolution establishing a policy for the acceptance of monetary payment and land donations by the Conservation Collier Land Acquisition Program in lieu of meeting off-site native retention requirements, as set forth in recent amendments to the Land Development Code (LDC), Section 3.05.07.**
- 5. Recommendation to approve the Panther Walk Preserve Final Management Plan under the Conservation Collier Land Acquisition Program.**
- 6. Recommendation to accept reports and ratify staff-approved change orders and changes to work orders.**
- 7. Recommendation to authorize routine and customary budget amendments appropriating \$8,718,432.18 of FY2010 carry forward for approved open purchase orders into Fiscal Year 2011 for operating budget funds.**

F. COUNTY MANAGER OPERATIONS

- 1. Recommendation that the Board approve Agreement #11-CP-03-09-21-01-000 between the State of Florida, Division of Emergency Management and Collier County accepting \$7,300 for the preparation of Hazards Analysis Reports for facilities storing extremely hazardous substances within Collier County and approve the necessary budget amendment.**
- 2. Recommendation that the Board of County Commissioners approve Grant Agreement 2010CKWX0107 in the amount of \$800,000 from the United States Department of Justice, Office of Community Oriented Policing Services (COPS) Technology Program for public safety technology equipment and approve all necessary budget amendments.**
- 3. Recommendation to award Bid # 10-5411R to multiple vendors for EMS Expendable Medical Supplies and Equipment. Fiscal impact \$400,000.**
- 4. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2010-11 Adopted Budget.**
- 5. Recommendation to waive formal competition under Purchasing Policy Section V.A.4 and approve a Hosted Application Service and License Agreement with Sarasota County and a Statement of Work with Method Factory, Inc. for Implementation and Maintenance Services to upgrade GovMax budgeting software to version 5.0 for the total cost of \$198,233.**
- 6. Recommendation to approve a proposed policy establishing operational guidelines for submitting interagency concerns between County emergency services providers and independent fire departments to outside authorities.**

G. AIRPORT AUTHORITY

- 1. Recommendation that the Board of County Commissioners, acting as the Airport Authority, approve Disadvantaged Business Enterprise (DBE) goals of 2.8 percent for the Marco Island Executive Airport, and 2.7 percent for Everglades Airpark for Federal Aviation Administration (FAA) funded airport improvement projects (AIP) during fiscal year 2011.**

H. BOARD OF COUNTY COMMISSIONERS

- 1. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended the Urban Land Institute - What is the Future of Master Planned Communities in Southwest Florida? To be held on September 9, 2010 at The Quarry Golf Club in Naples, FL. \$10 to be paid from Commissioner Coletta's travel budget.**
- 2. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended The Leadership Collier Kick off Reception Leadership Class 2011 on September 23, 2010 at The Naples Community Hospital Telford Center Club, 350 7th St. North in Naples, FL. \$25 to be paid from Commissioner Coletta's travel budget.**
- 3. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended Physician Led Access Network of Collier County Appreciation Night 2010 on September 24, 2010 at Naples Yacht Club, 700 14 Avenue, Naples, FL. \$25 to be paid from Commissioner Coletta's travel budget.**
- 4. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Commissioner Coletta attended United Way of Collier County, 2010 Campaign Recognition Breakfast on October 6, 2010 at Hilton Naples, 5111 Tamiami Trail North, Naples, FL. \$20 to be paid from Commissioner Coletta's travel budget.**

5. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Commissioner Coletta will attend the National Association for the Advancement of Colored People (NAACP), 28th Annual Collier County Freedom Fund Banquet on October 16, 2010 at Hilton Naples, 5111 Tamiami Trail North, Naples, FL. \$65 to be paid from Commissioner Coletta's travel budget.
6. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Commissioner Coletta will attend the 16th Annual Blue Chip Recognition Luncheon on November 4, 2010 at Harborside Event Center, 1375 Monroe Street, Ft. Myers, FL. \$10 to be paid from Commissioner Coletta's travel budget.

I. MISCELLANEOUS CORRESPONDENCE

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

J. OTHER CONSTITUTIONAL OFFICERS

1. To obtain Board approval for disbursements for the period of September 18, 2010 through September 24, 2010 and for submission into the official records of the Board.
2. To obtain Board approval for disbursements for the period of September 25, 2010 to October 1, 2010 and for submission into the official records of the Board.
3. Recommendation to authorize a Budget Amendment appropriating \$29,900 that will provide funding for the Legal Aid Society within the Courts System to cover Article V revenue shortfall for FY2010.

K. COUNTY ATTORNEY

1. Recommendation to approve a Mediated Settlement Agreement and a Stipulated Final Judgment to be drafted incorporating the same terms and conditions as the Mediated Settlement Agreement in the amount of \$125,000 for the acquisition of Parcels 100FEE, 100SUE, 101FEE and 101SUE in the lawsuit styled Collier County, Florida v. Waterways of Naples Homeowners Association, Inc., et al, Case No. 07-4112-CA (Oil Well Road Project 60044). (Fiscal Impact \$65,578) [Companion to item 16K2]
2. Recommendation to Approve a Settlement Agreement and Release in the lawsuit styled Collier County, Florida v. Waterways of Naples Homeowners Association, Inc., et al, Case No. 07-4112-CA (Oil Well Road Project 60044). (Fiscal Impact \$281,622) [Companion to item 16K1]
3. Recommendation to waive interest and authorize the Chairman to sign a satisfaction of civil judgment entered against Angel and Blanca Carrasco, relating to litter violations at 1801 55th Terrace SW, Collier County, Florida.

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. Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the Fiscal Year 2010-11 Adopted Budget.

18. ADJOURN

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