

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



**AGENDA**

November 9, 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. Pastor Marty Moon - Gospel Baptist 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. October 12, 2010 - BCC/Regular Meeting Minutes
- C. October 13, 2010 - BCC/Pre-Legislative Session Workshop

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

**A. 20 Year Attendees**

- 1. Michael O'Hara, Wastewater

**B. 25 Year Attendees**

- 1. Georgina Mausen, Risk Management
- 2. Alamar Finnegan, Growth Management-Operations

**C. Advisory Committee Service Awards**

**1. 5 Years**

Larry D. Mieszcak, Collier County Code Enforcement.

**2. 10 Years**

George E. Fogg, Forest Lakes Roadway & Drainage Advisory Board.

William E. Arthur, Golden Gate Community Center Advisory Board.

William J. Dempsey, Historical/Archaeological Preservation Board.

**4. PROCLAMATIONS**

- A. Proclamation designating November 2010 as Baby Basics of Collier County Florida Month. To be accepted by Jean Ann Lynch and Sandra Buxton. Sponsored by Commissioner Henning.
- B. Proclamation designating November 10, 2010 as Corporal Robert John Newton Day in Collier County in memory of his service to our Country. To be accepted by Robert and Linda Newton, Jerry VanHecke and Jack Mischung. Sponsored by Commissioner Fiala.
- C. Proclamation designating November 2010 as Diabetes Awareness Month. To be accepted by LaVerne Franklin, Tonicia Morgan, Keith Upson, Akita Cannon, and Paul Getter. Sponsored by Commissioner Henning.
- D. Proclamation designating November 15, 2010 as America Recycles Day in Collier County. To be accepted by Dan Rodriguez, Solid Waste Management Director, and staff from Solid Waste Management, Pollution Control Department and Utility Billing and Customer Service. Sponsored by Commissioner Coletta.
- E. Proclamation designating November 8 through November 14, 2010 as National Drug Facts Week. To be accepted by Anne Frazier, Marla Ramsey, Maribel De Armas, and Chief Scott Salley. Sponsored by Commissioner Fiala.
- F. Proclamation designating November 21 through November 27, 2010 as Farm-City Week. To be accepted by Cyndee Woolley, Jessica Macera, Sheriff Rambosk, Russell Budd, and Steven Kissinger. Sponsored by Commissioner Coletta.

- G. Proclamation designating November 15 through 21, 2010 as Lacrosse Week in Collier County. To be accepted by Ralph Pryor, Sports Marketing Coordinator. Sponsored by Commissioner Halas.
- H. Proclamation designating Veterans Day (November 11, 2010) as a day of remembrance. To be accepted by Rick Torres, Manager, Veterans Services. Sponsored by Commissioner Halas.

**5. PRESENTATIONS**

- A. Presentation of the Collier County "Business of the Month" award to MediaBrains, Inc. for November 2010. To be accepted by Joseph Buckheit, CEO.

**6. PUBLIC PETITIONS**

- A. Public Petition request from Jim Gaitens representing the Naples International Festival sponsored by St. Peter the Apostle Church, requesting approval to sell beer at Sugden Park on February 26 and 27, 2011.
- B. Public petition request from Dylan Caldwell asking the Collier County Airport Authority to allow a private glider launch operation (Cross Country Soaring) to operate for three months this winter at the Immokalee Airport.

**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. *This item continued to the December 14, 2010 BCC meeting at staff's request. This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members.* Collier Davis, LLC, represented by Robert Andrea of Coastal Engineering Consultants, Inc., is requesting a rezone from the Estates (E) zoning district to the Mixed Use Planned Unit Development (MPUD) zoning district for a project to be known as the Davis Reserve MPUD to allow for the development a maximum of 234 dwelling units including affordable housing and a maximum of 35,000 square feet of commercial retail and office uses. The subject property, consisting of 22.83 acres, is located in the southeast quadrant of the intersection of Davis Boulevard and County Barn Road, in Section 8, Township 50 South, Range 26 East, Collier County, Florida. (Related to Item 16A4)

**9. BOARD OF COUNTY COMMISSIONERS**

- A. Discussion of potential complaint concerning paramedic testing irregularities. (Commissioner Coyle)
- B. Solicit understanding of County Commissioner intent in creating Rural Lands Stewardship Area (RLSA) as an incentive based program to front load public benefits with the expectation of finding a market to sell credits received in exchange for stripping development rights from the land upon which public benefits are created. (Commissioner Coletta)

- C. The filling of the Vice Chair position on the Board of County Commissioners. (Commissioner Halas)

**10. COUNTY MANAGER'S REPORT**

- A. Recommendation to approve and authorize the Chairman to sign the FY 2010-11 Agreement with the David Lawrence Mental Health Center, Inc. for the County to provide funding in the amount of \$1,034,195. (Marla Ramsey, Public Services Administrator)
- B. Recommendation to approve the Stakeholder Meeting schedule to provide adequate public input into the development of the Watershed Management Plans. (Nick Casalanguida, Deputy Administrator, Growth Management)

**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. GROWTH MANAGEMENT DIVISION**

- 1. Recommendation to approve final acceptance of the water utility facility for Heritage Bay Maintenance Facility, 10255 Heritage Bay Boulevard and to authorize the County Manager, or his designee, to release any Utilities Performance Security to the Project Engineer or the Developer's designated agent.
- 2. Recommendation to waive fines in excess of \$3.7 million, and release two Code Enforcement liens, consistent with the Boards direction during the May 11, 2010 meeting relating to the Bayshore Club (also known as Arboretum Village).
- 3. Recommendation to approve a budget amendment recognizing actual carryforward in excess of budget in the amount of \$140,947 within Transportation Fund (101) and moving these dollars to the newly created Right-Of-Way Permitting Fund (102) in order to establish sufficient beginning budget and cash for operations.
- 4. Recommendation to approve a request to remand to the Collier County Planning Commission (CCPC) for reconsideration of the rezoning petition, number PUDZ-2004-AR-6829, Petitioner: Collier Davis, LLC, who is requesting a rezone from the Estates (E) zoning district to the Mixed Use Planned Unit Development (MPUD) zoning district for a project to be known as the Davis Reserve MPUD.

5. Recommendation to approve Change Order No.1 in the amount of \$90,300.00 for Contract No. RFQ-08-5011-17 Forest Lakes Bond Project F-56 South Woodshire Blvd. Drainage Swale Piping and Restoration."
6. Recommendation to grant final approval of the roadway (public) and drainage improvements for the final plat of Lely Resort Phase Two Lely Cultural Parkway Four Lane Expansion with the roadway and drainage improvements being maintained by Collier County.
7. Recommendation to accept the donation of a drainage easement between 40th Street NE and the FAKA Union Canal in Unit 43 of Golden Gate Estates. (Fiscal Impact: Recording fees not to exceed \$40)
8. Recommendation to award Bid #10-5503 Installation and Maintenance of Traffic Signals and Roadway Lighting to Southern Signal & Lighting, Inc. as the primary contractor and E.B. Simmonds, Inc. as the secondary contractor for estimated annual expenditures of \$950,000.
9. Recommendation to accept a Speed Limit Study Report and adopt a Resolution of the Board of County Commissioners of Collier County, Florida, authorizing a speed limit decrease from fortyfive miles per hour (45 mph) to thirty-five miles per hour (35 mph) on Lake Trafford Road from SR 29 (N 15th St) to Carson Road at a cost of approximately \$600.
10. Recommendation to approve a Work Order for a construction project to Bonness, Inc. for the Progress Avenue/Livingston Road Intersection Improvements in the amount of \$210,663.74, Contract No. 09-5197, Project No. 60188.
11. Recommendation to award contract for ITB No. 10-5573, Traffic Sign Materials and Related items," to multiple firms in the estimated annual amount of \$75,000.

#### **B. COMMUNITY REDEVELOPMENT AGENCY**

1. Recommendation for the Community Redevelopment Agency (CRA) to approve and execute a Commercial Building Improvement Grant Agreement between the CRA and a Grant Applicant within the Bayshore Gateway Triangle area. (3570 Bayshore Drive, \$1,498)
2. Recommendation for the Community Redevelopment Agency (CRA) to approve and execute a Commercial Building Improvement Grant Agreement between the CRA and a Grant Applicant within the Bayshore Gateway Triangle area. (2479 Kirkwood Avenue, \$15,715)
3. Recommendation to approve the expenditure of Bayshore Beautification MSTU funds for emergent services per Bid No. 10-5387 for Bayshore Beautification MSTU Roadway Grounds Maintenance (Fund 163 Fiscal Impact: Estimated Annual Expenditure \$25,000).
4. Request that the Collier County Community Redevelopment Agency (CRA) approve the application and recipient agreement for the Immokalee CRA Commercial Faade Improvement Grant Program for reimbursement of \$19,954 for faade improvements to Florida Specialties, LLC located at 601 East Main Street in Immokalee, Florida which is owned by 328 Partners I, LLC dba Florida Specialties, LLC.

#### **C. PUBLIC UTILITIES**

1. Recommendation that the Board direct the Chairman to provide after-the-fact approval for the submittal of a Pre-Disaster Mitigation grant application to the State of Florida, Division of Emergency Management, to install hurricane shutters and supporting equipment on the North County Regional Water Treatment Plant for the total cost of \$30,634.21. The federal grant would be for \$22,975.66 with a local share of \$7,658.55. The local share would be funded from fund 412 with the NCRWTP Technical Support Project, project 71066.

2. Recommendation to award Bid No. 10-5516, in the amount of \$199,800, to International Baler Corporation to furnish and install a horizontal baler at the Naples Recycling Center, project number 59003.

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

1. Recommendation to approve the Release, Waiver of Liability, and Indemnity Agreement for the donation of skate park ramps from the Greater Marco Family YMCA, Inc. and authorize a budget amendment in the amount of \$40,000 to be used for improvements at Immokalee Community Park for site work and to prepare a concrete slab for placement of the ramps.
2. Recommendation to approve and authorize the Chairman to sign an agreement between the Collier County Board of County Commissioners and the Area Agency on Aging of Southwest Florida, sign the attached Attestation Statement and Verification of Emergency Preparedness Statement, and approve a budget amendment to recognize the grant revenue in the amount of \$41,470 for the Nutrition Services Incentive Program (NSIP).
3. Recommendation that the Board of County Commissioners approve and authorize the Chairman to sign a revised agreement with the Agency for Health Care Administration in the amount of \$2,270,911 to participate in the Medicaid Low Income Pool Program for services provided on behalf of the Housing, Human and Veteran Services Department in order to generate an additional \$340,637 in Federal matching funds.
4. Recommendation for approval for a Coastal Partnership Initiative (CPI) grant application to the Department of Environmental Protection for a Dune Restoration Project in the Clam Bay Park area.
5. Recommendation to reject four (4) bids received for Invitation to Bid 10-5554 NSP Lawn Care Program and approve award for Invitation to Bid 10-5554-R (rebid) NSP Lawn Care Program to Oliva Enterprises and Southwest Florida Landscape for activities to be funded under the Neighborhood Stabilization Program (approximate annual spending: \$100,000).
6. Recommendation to approve and authorize the Chairman to sign two (2) Subrecipient Agreements for the Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) projects previously approved for Department of Housing and Urban Development (HUD) funding in the 2010-2011 Action Plan.
7. Recommendation to accept the Retired and Senior Volunteer Program (RSVP) grant award and approve a budget amendment to recognize the grant revenue in the amount of \$68,152.
8. Recommendation to approve and authorize the Chairman to sign five (5) lien agreements for deferral of 100% of Collier County impact fees for owner occupied affordable housing dwelling units located in Collier County. Approval of this item will transfer previously approved deferral agreements from developer to owner occupants with a continuing fiscal impact of \$74,266.30.
9. Recommendation to award Bid #10-5558, Commercial Pool Care Program to Commercial Energy Specialists, Inc. in an amount not to exceed \$75,000 to provide preventative maintenance services at County-owned and operated pools.
10. Recommendation to approve and authorize the Chairman to sign four (4) releases of liens for deferral of 100 percent of Collier County impact fees for owner occupied affordable housing dwelling units.
11. Recommendation to reject the solicitation (ITB) 10- 5568 for Fitness Equipment Repair and Purchase and the associated proposals that were submitted and authorize the Purchasing Department to re-solicit for the services. The FY 2011 fiscal impact associated with this solicitation is \$17,500.

12. Recommendation to approve a contract with Alexs Pool Heating & Air Conditioning, LLC for \$64,300 to install new pool heaters associated with Immokalee Sports Complex and to authorize the necessary budget amendments appropriating funds for this purpose.
13. Recommendation to approve and authorize the Chairman to sign a modification to Disaster Recovery Initiative Agreement #07DB-3V-09-21-01-Z01 between the Florida Department of Community Affairs and Collier County. This modification will extend the grant period and update associated project work plans.

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

1. Recommendation to authorize the Chairman to sign the First Amendment to the Starnes Cattle Lease Agreement and a US Department of Agriculture Control of Agricultural Land Agreement, which would result in an annual savings to Collier County of approximately \$5,633.
2. Recommendation to select the Naples Daily News as the news media source to advertise delinquent real estate or property taxes (estimated annual advertising cost: \$90,000).
3. Recommendation to ratify Property, Casualty, Workers Compensation and Subrogation Claims settled and/or closed by the Risk Management Director pursuant to Resolution # 2004-15 for the fourth quarter of FY 10.
4. Recommendation to approve and execute an Agreement to provide the Collier County Parks and Recreation Department funding for the expansion of the Community Center located at Max Hasse Community Park which is located at 3390 Golden Gate Boulevard West in Golden Gate Estates. The amount to be provided is to be 60% of the total cost of the project, not to exceed \$300,000.
5. Recommendation to terminate the contract with EZ Lock Shutters & Glass Inc. and award bid #10-5457 for the purchase and installation of Roll Down Shutters for Collier Area Transit (CAT) Transfer Station and other County Facilities to Storm Smart Building Systems, Inc. in the amount of \$198,311.
6. Recommendation to authorize the necessary Budget Amendments for the emergency replacement of the Simplex Fire Alarm System at the Naples Regional Library in the amount of \$37,598.
7. Recommendation to accept reports and ratify staff-approved change orders and changes to work orders.

#### **F. COUNTY MANAGER OPERATIONS**

1. Recommendation to approve American Eurocopter as the sole source provider of parts for the Countys air ambulance helicopter for a period of five (5) years ending September 30, 2015 at an estimated cost of \$200,000 annually.
2. Recommendation to approve Change Order #2 to Inter-local Agreement for Management Services with The Pelican Bay Foundation, Inc. for the development of the Community Improvement Plan in the amount of \$31,652.50.
3. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2010-11 Adopted Budget.

#### **G. AIRPORT AUTHORITY**

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

- 1. Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended Naples Italian American Club Foundation Columbus Celebration Dinner to read proclamation on October 13, 2010 in Naples, FL. \$20 to be paid from Commissioner Fiala's travel budget.**
- 2. Commissioner Halas requests Board approval for reimbursement regarding attendance to a function serving a Valid Public Purpose. Attending American Red Cross Red, White & Brew on November 10, 2010; benefiting "Stockings for the Troops" in Naples, FL. \$50 to be paid from Commissioner Halas' travel budget.**
- 3. Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended the United Arts Council of Collier County Masquerade Magic event at the Naples Hilton in Naples, FL on October 30, 2010. \$75 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. Will attend the Economic Development Council of Collier County Pre-Legislative Luncheon on November 23, 2010 in Naples, FL. \$21 to be paid from Commissioner Fiala's travel budget.**
- 5. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Commissioner Coletta attended the Immokalee Annual Chamber Auction and Steak Dinner event on October 23, 2010; held at the Eagles Club, 405 West New Market Road, Immokalee, FL . \$100 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. Recommendation to endorse the United States Department of Justice and United States Department of Treasury combined Equitable Sharing Agreement and Certification through September 2011.**
- 2. To obtain Board approval for disbursements for the period of October 16, 2010 through October 22, 2010 and for submission into the official records of the Board.**
- 3. To obtain Board approval for disbursements for the period of October 23, 2010 through October 29, 2010 and for submission into the official records of the Board.**
- 4. Sheriff request to the Board of County Commissioners to direct the County Attorneys Office to work with the Sheriff and bring back to the Board at a future advertised public meeting an ordinance that restricts or regulates Pain Management Clinics.**

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

- 1. Recommendation to approve a Stipulated Final Judgment in the amount of \$19,589.60 for Parcels 104FEE1 and 104TCE1 in the lawsuit styled Collier County v. Lamartine Petit Monsieur., et al., Case No. 10-2681-CA (Collier Blvd. Project No. 68056) (Fiscal Impact \$7,618.35)**



2. Recommendation to accept the settlement offer proposed by Housing Development Corporation of SW Florida, Inc., formerly known as Collier County Housing Development Corporation, relating to litigation styled as Collier County, Florida v. Collier County Housing Development Corporation, et al. (Case No.10-2532-CA) now pending in the Circuit Court for the Twentieth Judicial Circuit in and for Collier County, Florida, whereby Housing Development Corporation of SW Florida, Inc., assigns all right, title and interest to the promissory note and second mortgage and security agreement, in the principal amount of \$320,000, given by Cirrus Pointe Partners, LLC, and direct the County Attorney to take whatever additional action is necessary to implement this settlement.
  3. Recommendation to Approve a Stipulated Final Judgment as to Parcels 158FEE and 158TCE in the Lawsuit Styled Collier County v. Timothy Maloney, et al., Case No. 10-2690-CA (Collier Boulevard Project No. 68056). (Fiscal Impact: \$84,116)
  4. 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 \$715,500.00 for the acquisition of Parcels 701R, 901R, 801N, 902AN, 902RA, 902RB, 703, 803RA, 803RB, 903, 704, 904, 705, 905, 830, 930, 831, 931, 832R, 932R in the lawsuit styled Collier County, Florida v. Vision & Faith, Inc., et al, Case No. 05-1275-CA (SCRWTP RO Wellfield Expansion Project #70892), and authorize the necessary budget amendment. (Fiscal Impact \$557,000)
  5. 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 \$170,000 for the acquisition of Parcels 806, 906, 807 and 907 in the lawsuit styled Collier County, Florida v. Vision & Faith, Inc., et al, Case No. 05-1275-CA (SCRWTP RO Wellfield Expansion Project #70892), and authorize the necessary budget amendment. (Fiscal Impact \$150,290)
  6. Recommendation to approve a global settlement agreement and mutual release for the cases styled John Carlo, Inc. v. Collier County, Florida, Case No. 07-311-CA (Immokalee Road Improvement Project No. 66042) and Collier County v. John Carlo, Inc., Case No. 09-8724-CA (Rattlesnake Hammock Road Project No. 60169).
  7. Recommendation to approve a Settlement Agreement with Insituform Technology Inc. (ITI) pertaining to contract number 03-3455, Trenchless Sewer System Rehabilitation Contracting Services, in the amount of \$563,277 to complete repairs related to ITIs rehabilitation of sewer lines in North Naples (Area I-3 and Area I-4), and to authorize the Chairman to execute the Settlement Agreement.
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-PL2010-1595, Marsilea Villas, to disclaim, renounce and vacate the County and the Public interest in that portion of a 30-foot wide easement for roadway as originally recorded in Official Record Book 218, page 734 of the Public Records Collier County, Florida being located in the southwest quarter of the northeast quarter of the southwest quarter of Section 13, Township 48 South, Range 25 East, Collier County Florida being more specifically shown in Exhibit A.
- B. *This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members:* DOA-PL2010-843: 850 NWN, LLC, CG II, LLC & CityGate Development Inc., represented by Josh Fruth of Davidson Engineering Inc., requesting an amendment to the City Gate DRI Development Order to conform to the City Gate Habitat Conservation Plan and the City Gate Federal Fish and Wildlife Permit. The amendment is to the City Gate DRI Development Order 90-4 [Collier County Resolution # 90-431], Section 4 entitled Vegetation and Wildlife/Wetlands, in particular paragraph c entitled Off-site Mitigation and paragraph d entitled Red Cockaded Woodpecker Management Plan. This project is located at the intersection of Collier Boulevard (CR 951) and City Gate Boulevard North in Section 35, Township 49 East, Range 26 South, Collier County, Florida. (Companion to PUDA-PL2010-845)
- C. *This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members:* PUDA-PL2010-845: 850 NWN, LLC, CG II, LLC & CityGate Development LLC, represented by Josh Fruth of Davidson Engineering Inc., are requesting an amendment to the Planned Unit Development (PUD) for the City Gate Commerce Park PUD. This amendment seeks to amend Ordinance No. 88-93 to remove Section VII, entitled Red Cockaded Woodpecker Management Plan, to recognize that said Management Plan has been revised to conform to the City Gate Habitat Conservation Plan and the City Gate Federal Fish and Wildlife Permit. The PUD, consisting of 287 acres, is located at the intersection of Collier Boulevard (CR 951) and City Gate Boulevard North in Section 35, Township 49 East, Range 26 South, Collier County, Florida. (COMPANION TO DOA-PL2010-843)
- D. *This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members.* CU-2008-AR-14078: Cemex Construction Materials Florida, LLC, represented by Robert J. Mulhere, AICP of RWA Consulting, Inc. and Will J. Dempsey, Esquire of Cheffy Passidomo, PA., is requesting a Conditional Use within the Rural Agricultural Zoning District with a Mobile Home Overlay and a Rural Land Stewardship Area Overlay (A-MHO-RLSAO), pursuant to Section 2.03.01.A.1.c.1 and Section 4.08.06.B.4.b. of the Collier County Land Development Code, to allow earth mining and related processing and production of material for a project to be known as the Immokalee Sand Mine. The 898-acre subject property is located on the north side of SR 82, approximately 1.2 miles west of the intersection with SR 29, in Sections 6 and 7, Township 46 South, Range 29 East, Collier County, Florida.
- E. Recommendation to adopt a resolution approving budget 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.