

COLLIER COUNTY
Board of County Commissioners
Community Redevelopment Agency Board (CRAB)
Airport Authority



AGENDA

Board of County Commission Chambers
Collier County Government Center
3299 Tamiami Trail East, 3rd Floor
Naples FL 34112

January 25, 2011

9:00 AM

Fred W. Coyle - BCC Chairman; Commissioner, District 4
Jim Coletta - BCC Vice-Chairman; Commissioner, District 5; CRAB Vice-Chairman
Donna Fiala - BCC Commissioner, District 1; CRAB Chairman
Georgia Hiller - 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 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 proceeding 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, the provision of certain assistance. Please contact the Collier County Facilities Management Department located at 3335 East Tamiami Trail, Suite 1, Naples, Florida, 34112-5356, (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 Michael Bannon - Crossroads Community Church of Naples**

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 9, 2010 - BCC/Regular Meeting**
 - C. **December 14, 2010 - BCC/Regular Meeting**

3. **SERVICE AWARDS**
 - A. **EMPLOYEE**
 1. **20 Year Attendees**
 - a. **Edward Musser IV, Wastewater** Pg. 1 - 2
 2. **25 Year Attendees**
 - a. **James Mac Hatcher, GMD- Engineering & Environmental Services** Pg. 3 - 4
 - b. **Frank Terilla, Wastewater** Pg. 5 - 6

4. **PROCLAMATIONS**
 - A. **Proclamation designating February 2011 as K is For Kids Foundation's Bring a Book, Bring a Friend for Children's Literacy Month. To be accepted by Karen Clawson, Founder & Executive Director, K is For Kids Foundation, Inc. Sponsored by Commissioner Henning.** Pg. 7 - 8
 - B. **Proclamation designating January 27, 2011 as International Holocaust Remembrance Day. To be accepted by Joan Hogan, Holocaust Museum & Education Center of Southwest Florida. Sponsored by Commissioner Coyle.** Pg. 9 - 10

5. **PRESENTATIONS**
 - A. **Presentation of Collier County "Business of the Month" award to GoldCoast Salads for January 2011. To be accepted by Peter Radno, Jr., President.** Pg. 11 - 12
 - B. **Presentation by Clarence S. Tears, Director Big Cypress Basin, regarding current hydrologic conditions going into the dry season.**

6. **PUBLIC PETITIONS**

7. **BOARD OF ZONING APPEALS**
 - A. **This item requires that ex parte disclosure be provided by Commission members.** Pg. 13 - 104

Should a hearing be held on this item, all participants are required to be sworn in. A Resolution of the Board of Zoning Appeals of Collier County, Florida, providing for the establishment of a Conditional Use to allow a golf driving range within an Agricultural (A) zoning district pursuant to Subsection 2.03.01. A.1.c.17 of the Collier County Land Development Code for 29.6 acres of property located at 6500 Airport Road North in Section 12, Township 49 South, Range 25 East, Collier County, Florida.

8. ADVERTISED PUBLIC HEARINGS

9. BOARD OF COUNTY COMMISSIONERS

- A. Recommendation that the Collier County Airport Authority rescind Collier County Airport Authority Administrative Code Policy No. 631 and require that all rates and fees charged at the airports be set, and all airport related agreements and leases be approved by the Collier County Airport Authority. (Commissioner Hiller) Pg. 105 - 110**
- B. Recommendation to direct the Office of the County Attorney to work with staff to prepare a policy prohibiting the donation of money or tangible property by vendors under contract with the County to charitable organizations closely affiliated with Collier County Public Officials. (Commissioner Hiller) Pg. 111 - 240**
- C. Discussion concerning appointment of Commissioners to selected advisory boards and/or committees. (Commissioner Coyle)**
- D. Appointment of member to the Collier County Code Enforcement Board. Pg. 241 - 250**
- E. Appointment of members to the Library Advisory Board. Pg. 251 - 262**
- F. Appointment of alternate member to the Horizon Study Oversight Committee. Pg. 263 - 272**
- G. Appointment of member to the Ochopee Fire Control District Advisory Committee. Pg. 273 - 282**

10. COUNTY MANAGER'S REPORT

- A. Recommendation to obtain Board direction regarding the initiation of the Golden Gate Area Master Plan (GGAMP) Restudy process and the funding required for the project including any necessary budget amendments. (Mike Bosi, Comprehensive Planning Manager, Growth Management Division) Pg. 283 - 290**
- B. Recommendation that the Board of County Commissioners approve the Conservation Collier Cycle 8 Active Acquisition List and provide the County Manager or his designee with guidance on suspending all Conservation Collier acquisitions and preparing a Master Plan to ensure sufficient management funds in perpetuity for all existing Conservation Collier preserves. (Len Price, Administrator, Administrative Services) Pg. 291 - 314**
- C. Recommendation to approve an Agreement for Sale and Purchase with Aymee J. Jordana and Carlos R. Molina for 1.14 acres under the Conservation Collier Land Acquisition Program at a cost not to exceed \$12,000. (Melissa Hennig, Environmental Specialist) Pg. 315 - 334**

- D. Recommendation to approve an Agreement for Sale and Purchase with Edith Jackson for 2.27 acres under the Conservation Collier Land Acquisition Program at a cost not to exceed \$17,000. (Melissa Hennig, Environmental Specialist) Pg. 335 - 354**
- E. Recommendation to approve an Agreement for Sale and Purchase with Bill Navarro (formerly known as Isabelo V. Navarro) and Lydia R. Navarro, his wife, for 1.59 acres under the Conservation Collier Land Acquisition Program at a cost not to exceed \$12,500. (Melissa Hennig, Environmental Specialist) Pg. 355 - 374**
- F. Recommendation to approve an Agreement for Sale and Purchase with Manuel Palacios and Aida Jauregui for 4.06 acres under the Conservation Collier Land Acquisition Program at a cost not to exceed \$25,000. (Melissa Hennig, Environmental Specialist) Pg. 375 - 394**
- G. This item to be heard at 10:00 a.m. Request to reconsider Agenda Item number 10H which was previously heard by the Board of County Commissioners at the October 26, 2010 BCC meeting regarding North Naples Fire Control and Rescue District's Application for COPCN – motion to reconsider and bring back at the next BCC meeting following the Blue Ribbon Committee's Final report – heard January 11, 2011. (Dan Summers, Director, Bureau of Emergency Services and Emergency Management) Pg. 395 - 406**
- H. Recommendation to review the proposed legislation created to provide a process for consolidation of the independent fire control and rescue districts in Collier County. (Debbie Wight, Legislative Affairs Coordinator) Pg. 407 - 442**
- I. Recommendation to approve the award of RFP # 10-5541 to Paradise Advertising and Marketing, Inc. for Tourism Marketing Services and authorize the Chairman to sign the standard contract in the amount of \$2,350,000 following County Attorney Office approval. (Jack Wert, Tourism Director) Pg. 443 - 446**
- J. Recommendation to endorse the recommendation of the Coastal Advisory Committee on how to proceed with the permitting and installation of the proposed Clam Bay navigational markers based on recent regulatory findings and agency requirements. (Gary McAlpin, Director, Coastal Zone Management) Pg. 447 - 450**
- K. This item to be heard at 11:00 a.m. Recommendation to approve award of Bid No. 11-5633 for Wiggins Pass Maintenance Dredging to Southwind Construction Corporation for a not to exceed contract total of \$750,000 and authorize the Chairman to execute the standard contract after County Attorney review and approval. (Gary McAlpin, Director, Coastal Zone Management) Pg. 451 - 458**
- L. Recommendation to adopt a resolution seeking authority to acquire by gift or purchase those perpetual and temporary easement interests necessary for the construction of stormwater improvements for the Outfall 3 and 4 segments of the Lely Area Stormwater Improvement Project. (Project No. 51101.) Estimated fiscal impact: \$1,556,500. (Jay Ahmad, Director, Transportation Engineering) Pg. 459 - 470**
- M. Recommendation to award Contract No. 11-5615 - Royal Wood and Whitaker Road Stormwater Improvements to Southwest Utility Systems, Inc. in the amount of Pg. 471 - 476**

**\$1,088,170 plus a ten (10) percent contingency of \$108,817 totaling \$1,196,987,
Project Number 51101. (Jay Ahmad, Director, Transportation Engineering)**

11. COUNTY ATTORNEY'S REPORT

12. OTHER CONSTITUTIONAL OFFICERS

- A. Recommendation to amend the Interlocal Agreement with the Clerk of the Circuit Court to include audit services in the defined scope of services to be provided and to provide funding for these services for the remainder of FY11 in the amount of \$263,300 and approve all necessary budget amendments. Pg. 477 - 478**

13. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

A. COMMUNITY REDEVELOPMENT AGENCY

- 1. Community Redevelopment Agency FY2010 annual performance appraisal review for the Bayshore Gateway Triangle CRA Executive Director. Pg. 479 - 510**

14. PUBLIC COMMENTS ON GENERAL TOPICS

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. Michel Saadeh of the Vineyards Development Corporation is requesting a clarification of VA-PL2009-1460 Conditions of Approval number 6 to accept landscape plantings between a golf course maintenance building and an abutting residential district; and to accept landscape plantings that are located in an abutting residential district instead of on the required maintenance building property. The subject properties are located at 400 Vineyards Boulevard, and in Clubside Reserve in Section 5, Township 49 South, Range 26 East, Collier County, Florida. Pg. 511 - 524**
- 2. Request for authorization to advertise a proposed amendment to Collier County Ordinance No. 2006-56, the Rock Road Improvement Municipal Service Taxing Unit, to amend the geographical boundaries of the MSTU to remove properties that no longer derive benefit from the MSTU's stated purpose and to create an advisory committee to provide input to county staff as to future projects within the MSTU. Pg. 525 - 536**
- 3. Recommendation to approve a Resolution to declare February 25th, 2011 Collier Area Transit's Ten Year Anniversary and to provide complimentary rides to all transit riders during this day. Pg. 537 - 542**

4. 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 revised final plat of Lakoya, approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security. Pg. 543 - 558
5. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Valencia Phase One with the roadway and drainage improvements being privately maintained and authorizing the release of the maintenance security. Pg. 559 - 568
6. Recommendation to grant Conditional final approval of the roadway (private) and drainage improvements for the final plat of Quail West Phase III, Unit Seven. The roadway and drainage improvements will be privately maintained. Pg. 569 - 578
7. Recommendation to approve the partial release of lien in the Code Enforcement Action entitled Board of County Commissioners vs. Herbert A. Salgat, Jr., Code Enforcement Board Case No. CESD20100002534, relating to property located at 3660 23rd Avenue SW, Collier County, Florida. Pg. 579 - 582
8. 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 have the Board of County Commissioners approve a temporary construction access into Lely Resort from Rattlesnake Hammock Road. Pg. 583 - 588

B. COMMUNITY REDEVELOPMENT AGENCY

C. PUBLIC UTILITIES DIVISION

1. Recommendation to approve the Satisfactions of Lien for the 1996, Account numbers 19017, 24167, 25933, and 27821 Solid Waste Collection and Disposal Services Special Assessments where the county has received payment in full satisfaction of the liens. Fiscal impact is \$58.50 to record the Satisfactions of Lien. Pg. 589 - 598
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. Pg. 599 - 604
3. Recommendation to approve, execute and record a Satisfaction of a Notice of Claim of Lien for Sanitary Sewer System Impact Fee. Fiscal impact is \$18.50 to record the Satisfaction of Lien. Pg. 605 - 610
4. Recommendation to award contract number 11-5625 to Vaccaro Consulting, Inc. for consulting services and planning assistance. Pg. 611 - 618

D. PUBLIC SERVICES DIVISION

1. **Recommendation to approve and authorize the Chairman to sign Grant Agreement number 10235 from the Florida Boating Improvement Grant Program in the amount of \$13,020 to remove derelict vessels; and approve all necessary budget amendments.** Pg. 619 - 642
2. **Recommendation to reject solicitation (ITB) 11-5622, for the construction of boat trailer parking and repair of the existing boat ramp at Port of the Islands.** Pg. 643 - 652
3. **Recommendation to approve and authorize the Chairman to sign an Area Agency on Aging for Southwest Florida, Inc. "Standard Contract" and approve budget amendments to reflect the actual grant award for the Older Americans Act Program Title III in the amount of \$934,162.** Pg. 653 - 710
4. **Approve Change Order No. 1 to Contract 08-5083 with Heart of Adoptions Alliance, Inc. for Distribution of Choose Life Funds.** Pg. 711 - 732
5. **Recommendation to approve award of Bid No. 11-5634 for Doctors Pass North Jetty Rehabilitation to Kelly Brothers, Inc. for \$653,200 and authorize the Chairman to execute the standard contract after County Attorney review and approval.** Pg. 733 - 738
6. **Recommendation to approve award of Bid No. 11-5637 for Naples Berm Restoration to Eastman Aggregate Enterprises, LLC for \$946,167.20 and authorize the Chairman to execute the standard contract after County Attorney review and approval.** Pg. 739 - 744
7. **Recommendation to approve a budget amendment recognizing \$863,854.48 in revenue generated in the form of program income when conveying properties acquired under the Neighborhood Stabilization Program.** Pg. 745 - 750
8. **Recommendation to approve the renewal of the Interlocal Mutual Aid Agreement between the Independent, Municipal and Dependent Fire Districts.** Pg. 751 - 760

E. ADMINISTRATIVE SERVICES DIVISION

1. **Recommendation to approve adding the loan option to the 457 Plan Agreements with ICMA-RC and Nationwide Retirement Solutions, Inc., and authorize the Chairman to execute the attached implementing Resolution and other required agreement documents.** Pg. 761 - 792
2. **Recommendation to reject solicitation (ITB) 10-5588 for the Purchase and Delivery of Fungicides, Pesticides and Herbicides and the associated quotes that were submitted. The annual impact associated with this solicitation is approximately \$350,000.** Pg. 793 - 796
3. **Recommendation to adopt a Resolution providing for the acceptance of rebates from Employee Book Fairs.** Pg. 797 - 802
4. **Recommendation to approve an Agreement with the City of Marco Island for** Pg. 803 - 808

the use of Mackle Park Facility, Room A for a Town Hall Meeting with Commissioner Fiala.

F. COUNTY MANAGER OPERATIONS

1. **Recommendation to accept an awarded Volunteer Fire Assistance Matching (50/50) Grant from the Florida Division of Forestry for the purchase of required wildfire protective clothing and firefighting foam, and authorize the necessary budget amendments.** Pg. 809 - 816
2. **Recommendation to approve the annual five percent (5%) increase in Consultant Fees for the Medical Director of Emergency Medical Services as described in the Emergency Medical Services Medical Consultant Contract for a total of \$110,775 for FY11.** Pg. 817 - 828
3. **Recommendation to approve and authorize the Chairman to sign Change Order #2 for Communications Consultants, Inc. d/b/a BCF of Florida, Inc. Contract 07-4175 in the amount of \$25,000 for a new Public Relations project to develop and produce the "Journey Through Paradise" promotion.** Pg. 829 - 836
4. **Recommendation to approve and authorize the Chairman to sign Change Order # 4 to Contract 06-4037 with Miles Media Group, Inc. in the amount of \$33,588 for production of the 2011 Visitor Guide.** Pg. 837 - 846
5. **Recommendation to approve and authorize the Chairman to sign Change Order #3 to Contract 07-4169, Research Data Services, Inc. for additional research projects totaling \$25,000 for enhanced Return on Investment (ROI) reporting and additional focus group studies and related expenses for the consumer and group meetings market.** Pg. 847 - 854
6. **Recommendation that the Board approves a prepayment of the Naples Park Area Stormwater Improvement Assessment Bond, Series 1997 in the amount of \$175,000; plus interest accrued.** Pg. 855 - 858

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 the East Naples Civic Association Annual Banquet on January 24, 2011 at Naples Lakes Country Club in Naples, FL. \$40 to be paid from Commissioner Fiala's travel budget.** Pg. 859 - 862
2. **Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended the Opera Naples Tea with Lucia Presentation on January 12, 2011 at Brambles Tea Room in Naples, FL. \$35 to be paid from Commissioner Fiala's travel budget.** Pg. 863 - 866
3. **Commissioner Coletta's proclamation presentation to the NAACP for their 14th** Pg. 867 - 868

annual Dr. Martin Luther King Jr., Parade and Celebration. Sponsored by Commissioner Coletta.

4. Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended East Naples Civic Association Annual Banquet at Naples Lakes Country Club in Naples, FL. \$40 to be paid from Commissioner Coletta's travel budget. Pg. 869 - 872
5. Commissioner Henning requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Will attend Cato Perspectives 2011 at the Ritz Carlton Golf Resort in Naples, FL on February 9, 2011. \$100 to be paid from Commissioner Henning's travel budget. Pg. 873 - 878

I. MISCELLANEOUS CORRESPONDENCE

J. OTHER CONSTITUTIONAL OFFICERS

1. To obtain Board approval for disbursements for the period of December 25, 2010 through December 31, 2010 and for submission into the official records of the Board. Pg. 879 - 894
2. To obtain Board approval for disbursements for the period of January 1, 2011 through January 7, 2011 and for submission into the official records of the Board. Pg. 895 - 908
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. Pg. 909 - 918

K. COUNTY ATTORNEY

1. Recommendation to approve Amendments to Agreements for Legal Services relating to Contract No. 06-4047 Eminent Domain Legal Services with the law firms of Fixel, Maguire & Willis and Bricklemyer, Smolker & Bolves extending the expiration dates to April 22, 2013. There is no new fiscal impact associated with these Amendments. Pg. 919 - 942
2. Request by the Collier County Industrial Development Authority for approval of a resolution authorizing the Authority to issue revenue bonds for healthcare facilities at Naples Community Hospital. Pg. 943 - 966
3. Recommendation to authorize the County Attorney to file a lawsuit, on behalf of the Collier County Board of County Commissioners, against DAD Development Corp., regarding Pebblebrooke Lakes, for failure to comply with the Developer Agreement dated October 14, 2008, which requires the Developer to extend a wall and install a landscape buffer within a preserve area bordering adjacent residential properties. Pg. 967 - 990
4. Recommendation to authorize the County Attorney to file a lawsuit on behalf of the Collier County Board of County Commissioners, against RODNEY R. Pg. 991 - 992

BONARD, in the Twentieth Judicial Circuit in and for Collier County, Florida, to recover the damages to County owned guardrails in the amount of \$2,988.99, plus costs of litigation.

- 5. Recommendation to authorize the County Attorney to file a lawsuit on behalf of the Collier County Board of County Commissioners, against JUSTINA T. MENACHIO and RANISHA L. KNOWLES, in the Twentieth Judicial Circuit in and for Collier County, Florida, to recover the damages to a County owned fence in the amount of \$2,935.30, plus costs of litigation. Pg. 993 - 994**
- 6. Recommendation to approve a schedule for submission of non-routine documents by staff to the County Attorney for legal review prior to submittal for Board action. Pg. 995 - 998**
- 7. Recommendation to approve release of the order recorded in the code enforcement action entitled Board of County Commissioners vs. Dale and Keri Ann Ochs, Code Enforcement Board Case No. CEVR20090000974, relating to property located within the Big Cypress National Preserve, Collier County, Florida. Pg. 999 - 1002**

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 approve an Ordinance amending Ordinance 92-60 as amended, the Collier County Tourist Development Tax Ordinance, in order to reduce the Tourism Emergency Reserve Fund 196 ceiling and eliminate the year end sweep of funds from Tourism Administration Fund 194 to Fund 195 and 183, and redirect those funds to Tourism Promotion Fund 184 for tourism marketing and promotion. Pg. 1003 - 1012**
- B. Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the Fiscal Year 2010-11 Adopted Budget. Pg. 1013 - 1016**

18. ADJOURN

Inquiries concerning changes to the Board's Agenda should be made to the County Manager's Office at 252-8383.