

MINUTES OF THE MEETING OF THE CONSERVATION
COLLIER LAND ACQUISITION ADVISORY COMMITTEE

Naples, Florida, December 13, 2010

LET IT BE REMEMBERED, that the Conservation Collier Land Acquisition Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 9:00 A.M. in REGULAR SESSION at Administrative Building "F", 5th Floor, Collier County Government Complex Naples, Florida with the following members present:

CHAIRMAN: Bill Poteet
VICE CHAIRMAN: Michael Delate
Tony Pires
Jeffrey Curl
Jeremy Sterk
Thomas Sobczak
Annisa Karim
Clarence Tears (Excused)
Lauren Gibson

ALSO PRESENT: Alexandra Sulecki, Conservation Collier Coordinator
Steve Williams, Assistant County Attorney
Cindy Erb, Real Property Management
Melissa Hennig, Prin.Environmental Spec.,Program Man.
Mark Isackson, Director of Corporate Finance
Therese Stanley, Sr. Budget Analyst
Barry Williams, Dir., Parks and Recreation Dept.

Dwight Brock, Clerk of Courts
Crystal Kinzel, Dir., Finance and Accounting, Clerk of
Courts
Derek Johnssen, General Accounts Manager, Clerk of
Courts
Len Price, Administrator, Administrative Services Div.

I. Roll Call

Chairman Poteet called the meeting to order at 9:19AM. Roll call was taken and a quorum was established.

II. Approval of Agenda

Mr. Delate moved to approve the Agenda. Second by Mr. Pires. Carried unanimously 8-0.

III. Approval of November 8, 2010 minutes

Mr. Delate moved to approve the minutes subject to the following changes:

- Page 4, paragraph 7, line 3 from “(... 2014 if no credits not used).” to “(...2014 if no credits *are* used).”
- Page 6, paragraph 2, line 2 from “...12/26/10.” to “...*10*/26/10.”

Second by Mr. Curl. Carried unanimously 8-0.

IV. Old Business

A. Budget

Melissa Hennig, Principal Environmental Specialist, Program Manager provided the Executive Summary “*Budget Shortfall Projections and Advisory Sunset Provision*” dated December 13, 2010 and the following documents:

- “*Collier County Land Maintenance Fund (174) – Projected Revenue and Expenses FY 2011 -2020*” dated December 13, 2010.
- “*Collier County Land Maintenance Fund (174) – Projected Revenue and Expenses FY 2021 -2025*” dated December 13, 2010.
- “*Fiscal Year Carry Forward Analysis – Fund 172 – Conservation Collier*” dated December 13, 2010.
- Copy of newspaper article published November 28, 2010 titled “*Time for 20/20 Revisions*”

As outlined in the Executive Summary, Staff recommends the following:

- Immediately suspend all acquisitions, including those Unit 53 and Winchester Head parcels that are under contract and waiting for Board approval.
- Prepare a final recommended Active Acquisition List as a contingency plan if the economy or circumstances change.
- Report to the Board in January 2011, present a final recommended acquisition list and request direction regarding the sun setting of the CCLAAC.

- CCLAAC and staff prepare a prioritization of public amenities at each preserve for recommendation to the Board.

Melissa Hennig reviewed the rationale for the recommendations including:

- When the budget projections were prepared in May of 2010, taxable values for the County were expected to decrease 7% for FY11 (over FY10) and remain flat for FY 12 (over FY11).
- New projections indicate taxable values will decrease by 11.7% in FY 11, 7% in FY12 and remain flat for FY13.
- In May, it was estimated \$6.3M would be available for land acquisitions (\$1.9M for the remaining parcels in Unit 53 and Winchester Head and \$4.4M for new acquisitions).
- Projections now indicate \$4.7M will be available for acquisitions (\$2.8M will be available for new acquisition and \$1.9M available for Winchester Head and Unit 53 acquisitions).
- In May of 2010, interest rates were estimated at 1.5% for FY11 and to slowly increase to 3.67% by FY20.
- New projections indicate the interest rate will be .88% for FY11 and slowly increase to 3.00% by FY20.
- Preservation land needs to be managed to a certain level of service to support the species that inhabit them and provide the necessary public benefits (access to the property, etc.)
- Given the current projections, interest income from the Management fund may not be sufficient to provide the required level of service to the Preserves.
- Staff is concerned with the expenditure of funds on additional acquisitions until they are assured funds are available to properly manage the existing preserves.
- To assist in determining how any available funds may be expended in the future, Staff recommends prioritizing an acquisition list and the public amenities proposed for each Preserve.

Mr. Pires posed the following questions to Staff:

Q. Why is there a discrepancy in the figure of \$5.922M for FY11 revenue shown in the document "*Fiscal Year Carry Forward Analysis – Fund 172 – Conservation Collier*" dated December 13, 2010 versus the document updating projections provided at today's meeting ("*December 2010 Projections*") showing \$4.9M for FY11 – 13?

A. ***Staff will review and provide a report to the Committee – Melissa Hennig***

Q. How much revenue has the Program collected to date?

A. ***Staff will research and provide the information to the Committee – Mark Isackson.***

Q. What is the assumed inflation rate?

A. ***3.0% - Mark Isackson***

Q. Was the interest rate projected coordinated with the Office and Management Budget?

A. *Yes- Melissa Hennig*

Q. What is/will be the source of the funds for establishing the Caracara Preserve mitigation bank?

A. *Collier Conservation funds through various sources, ultimately reimbursed through selling of mitigation credits – Melissa Hennig.*

Q. Has there been any discussions to continue the Conservation Collier .25 tax mill levy beyond FY13 to fund the Jackson Labs project?

A. *Not to his knowledge – Mark Isackson*

Chairman Poteet expressed concern over Staff's rationale for anticipating decreases in taxable values over FY11 and FY 12 as real estate sales data over the past 4 – 8 months indicate the property values have "flattened out."

Dwight Brock, Collier County Clerk of Circuit Courts addressed the Committee and submitted the document "*Collier County Investment Portfolio as of 11/30/2010*" for informational purposes. He provided an overview on the County's concept of investing County funds which provide the interest revenue in question. He noted the purpose of taxation is not to invest money for the contributors, rather raise the funds necessary to operate the government. Therefore, the County has a very conservative approach for investing any available funds and invests the funds based on the best available situation at the time. This activity provides for a conservative return on investment.

Mr. Delate noted the Committee should determine what measures should be implemented to "close out" any existing multi parcel acquisition projects such as Unit 53 and Winchester Head.

Mr. Pires cited Section of the Ordinance governing the Committee which noted "*at such times there are insufficient uncommitted funds in the acquisition trust fund, to include another acquisition and all acquisition projects have been closed, the acquisition committee shall report to the Board of County Commissioners that its business has concluded.*"

He noted all acquisition projects have not been closed and recommended the discussion on Staff's recommendations be continued until the next meeting.

Mr. Sobczak agreed on the issue of completing multi parcel projects and expressed concern the interest projections provided in May of 2010 to the Committee should have been revised sooner than December.

Speakers

Ellie Krier, recommended the Committee postpone the item until their organization can complete polling data on public opinion of the Program. This would assist the Committee on developing recommendations.

Andrew McElwaine, Conservancy of Southwest Florida recommended continuing with the current acquisition process for those properties in the pipeline. The Program has strong public support and agreed on delaying the decision on any recommendations to the BCC until the Conservancy reviews the concept of the public polling recommended by Ms. Krier.

Mr. Pires expressed concern the lower interest rates were not available until this time and the recommendations posed are premature given the parameters of the Ordinance governing Conservation Collier. He stated with any recommendations posed should include that the BCC consider a voter referendum in 2012 on continuation of the Program.

Mr. Pires moved to table consideration of the recommendations to the next meeting. Second by Mr. Delate.

The Committee requested Staff provide:

- Data on the total amount of revenue collected by the Program to date.
- Clarification on the budget numbers in question in relation to *Fiscal Year Carry Forward Analysis – Fund 172 – Conservation Collier* dated December 13, 2010 and the updated projections provided today.
- If possible, updated budget projections for future taxable values.

Carried unanimously 8-0.

B. Real Property Management Update

Cindy Erb, Real Property Management provided the following updates:

Unit 53 – to date 63 parcels totaling 178.57 acres have been acquired (305.69 acres total within the project).

Winchester Head – to date 47 parcels totaling 65.33 acres have been acquired (158.67 acres total within the project).

Discussion occurred noting in fairness to existing landowners with signed contracts, the County should continue the process required to acquire the parcels.

Mr. Delate moved to recommend (to the Board of County Commissioners) the County execute the contracts for the Jackson, Navarro, Palacios, and Jordana/Molina parcels. Second by Mr. Sobczak. Carried unanimously 8-0.

The Committee determined the Lands Evaluation and Management Subcommittee should meet with representatives of the South Florida Water Management District for possible partnerships, etc. in the Unit 53 project.

C. Gordon River Greenway Project – Update

Jeff Curl reported the design plans are at 30 percent completion stage. The next formal review of project will be at the 60 percent completion stage.

Barry Williams, Director, Parks and Recreation Department noted the next Stakeholders meeting is scheduled for January 14, 2011.

Ellie Krier Southwest Florida Land Preservation Trust the "*Annual Celebration of the Gordon River Greenway*" will be held on March 23, 2011.

D. Preserve Use Ordinance - Update

Alex Sulecki provided an update noting:

- Staff will present an Executive Summary to the BCC on December 14, 2010 and recommend the "Preserve Use Ordinance" be incorporated into the Parks and Recreation Ordinance.
- Staff's rationale for incorporating the "Preserve Use Ordinance" into the Parks and Recreation Ordinance is it will be more efficient than a stand alone Ordinance.
- The Florida Fish and Wildlife Conservation Commission has indicated if there is an adopted County Ordinance, they may provide enforcement measures, as necessary.
- Staff will provide members a copy of the Executive Summary and related backup materials to Committee members via e-mail.

V. New Business

A. Cycle 8 Updates, notice of any member conflict, review of process

Alex Sulecki provided an overview of the document "*Questions and Answers on Properties from 11-08-10 CCLAAC*" dated December 13, 2010 which outlined updates on the properties nominated for acquisition. Landowner representatives provided updates as necessary.

Brad Boaz, Barron Collier Investments noted they have personnel available to remove the existing exotic vegetation on site at "cost." Said costs to be borne by Collier County.

Ron Zul, Worthington-Collier, LLC reported there has been no removal of the existing exotic vegetation on site.

B. Cycle 8 Property Ranking

Alex Sulecki presented the document "*Active Acquisition List Worksheet – December 10, 2010*" for assistance in ranking the properties for acquisition. She provided an overview of the ranking procedure noting:

- *A-List properties – Staff will actively pursue acquisition and will be ranked in priority (1 = High, 2 = Medium, 3 = Low.)*
- *B-List properties – Of interest to the Program, but will not be actively pursued and automatically re-ranked and considered in the next Cycle.*
- *C-List properties – Committee will not pursue, buy may be re-nominated by owners for acquisition in future Cycles.*

I-75/Gore properties- (ALM, LLC, Argay, Arias (2 parcels), Ayra, Berman, Blake, Faust, Fernandez, Gascon, Gore, Mayr, Mohabir, Velez)

Discussion occurred with some members in the opinion the properties should be placed on the C-List as some of the owners are no longer cooperating with the proposed acquisition, there are extensive amounts of exotic infestation on some parcels and there may be a better use of Staff time. Others felt they should be placed on the B-List given the location of the properties and this would provide an easier route to re-considering them should it become necessary if future conditions dictate.

Mr. Delate moved to consider the I-75 parcels together (ALM, LLC; Argay, Arias (2 parcel); Ayra; Berman; Blake; Faust; Fernandez; Gascon; Gore; Mayr; Mohabir; and Velez). Second by Ms. Karim. Motion carried 7 “yes” – 1 “no.” Mr. Sterk voted “no.”

Mr. Pires moved to place the I-75 parcels (ALM, LLC; Argay, Arias; (2 parcels) Ayra; Berman; Blake; Faust; Fernandez; Gascon; Gore; Mayr; Mohabir; and Velez) on the B-list. Second by Mr. Curl. Motion carried 5 “yes” – 3 “no.” Mr. Delate, Ms. Karim and Ms. Gibson voted “no.”

Barron Collier Investments, LTD – 2 parcels – Area I and Area II

Discussion occurred on the status of the mineral rights noting the landowner will retain the rights however permission to utilize the existing “easement” serving the parcels is only for existing uses including ranching, forestry and hunting. In order to exercise Oil Gas and Mineral rights, the owner is permitted under state law to access the property within environmental parameters and can develop a new road to do so The value of the mineral rights will be omitted from the appraised value of the property. The landowner may also utilize the existing easement to access area II for current uses, should they retain the property.

Mr. Pires moved to place the Barron Collier Investments, LTD parcel (235 acres known as Area I) on the A list. Second by Mr. Curl. Motion carried 5 “yes” – 3 “no.” Mr. Delate, Mr. Sobczak and Ms. Karim voted “no.”

Mr. Pires moved to place the Barron Collier Investments, LTD parcel (799.4 acres known as Area II) on the A list. Second by Mr. Curl. Motion carried 5 “yes” – 3 “no.” Mr. Delate, Mr. Sobczak and Ms. Karim voted “no.”

CDC Land Investments, Inc.

Mr. Delate moved to place the CDC Land Investments, Inc. parcel on the A list. Second by Mr. Curl. Motion carried 6 “yes” – 2 “no.” Ms. Karim and Mr. Sobczak voted “no.”

Gateway Shoppes II, LLC

Mr. Delate moved to place the Gateway Shoppes II, LLC parcel on the C list. Second by Mr. Curl. Motion carried 6 “yes” – 2 “no.” Chairman Poteet and Ms. Karim voted “no.”

Paskanik

Mr. Pires moved to place the Paskanik parcel on the A list. Second by Mr. Curl. Motion failed 2 “yes” – 6 “no.” Chairman Poteet, Ms. Gibson, Mr. Delate, Mr. Sterk, Ms. Karim and Mr. Sobczak voted “no.”

Mr. Delate moved to place the Paskanik parcel on the C list. Motion carried 5 “yes” – 3 “no.” Mr. Pires, Ms. Gibson and Mr. Sobczak voted “no.”

Worthington-Collier, LLC

Discussion occurred with some members opposed to acquiring the property as it is already in a “protected” state, contains primarily pastures which would add to management burdens for limited staff and located a long geographic distance from the populated areas of the County. Other members felt it should remain on the B list at this point in time.

Mr. Delate move to place the Worthington-Collier, LLC parcel on the C list. Second by Ms. Karim. Motion carried 6 “yes” – 2 “no.” Chairman Poteet and Mr. Pires voted “no.”

Approval of overall ranking by Committee

Mr. Pires moved to approve the ranking list for the properties identified above as follows:

- *A List – CDC Land Investments, Inc.; Barron Collier Investments, LTD., Areas I and II.*
- *B List - ALM, LLC; Argay, Arias; (2 parcels) Ayra; Berman; Blake; Faust; Fernandez; Gascon; Gore; Mayr; Mohabir; and Velez.*
- *C List – Paskanik, Gateway Shoppes II, LLC and Worthington-Collier LLC.*

Second by Ms. Karim. Motion carried 7 “yes” – 1 “no.” Mr. Sobczak voted “no.”

A – List prioritization

Mr. Delate moved to prioritize the A – list properties as follows:

- *1 - CDC Land Investments, Inc.*
- *2 - Barron Collier Investments, LTD., Area I*
- *3 - Barron Collier Investments, LTD., Area II.*

Second by Mr. Pires. Carried unanimously 8-0.

VI. Outstanding Advisory Committee Member Program

None

VII. Coordinator Communications

Alex Sulecki noted 3 member terms will be expiring in February (Mr. Poteet, Mr. Pires and Mr. Curl) and if they interested in continuing to serve on the Committee, please file the necessary documents.

VIII. Sub-Committee Meeting Reports

A. Outreach – Tony Pires, Chair

None

B. Lands Evaluation and Management – Michael Delate, Chair

There was a meeting held on November 13, 2010 where the Pepper Ranch Final Management Plan and capital expenditures on preserves were discussed.

C. Ordinance Policy and Procedures – Annisa Karim, Chair

None

IX. Chair Committee Member Comments

None

X. Public General Comments

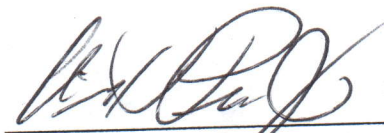
Dwight Brock, Collier County Clerk of Circuit Courts addressed the Committee, noting he had no input into the timing of the information provided to the Committee on the projected interest rates under item IV.A. His purpose was to provide an update on the status of fund investments within the County. If any member has any questions on the information provided, please contact him.

XI. Staff Comments

None

There being no further business for the good of the County, the meeting was adjourned by order of the chair at 11:37 A.M.

Conservation Collier Land Acquisition Advisory
Committee



Bill Poteet, Chairman

These minutes approved by the Board/Committee on Jan 10, 2011
as presented _____ or as amended Sulecki