

**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, 3<sup>rd</sup> Floor  
Naples FL 34112

**February 08, 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 Executive Manager to the BCC *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. **Reverend Don Treglown - Faith Lutheran Church** **Pg. 1**
  
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. **June 23, 2010 - BCC/IAMP Meeting**
  - C. **July 28, 2010 - BCC/GMP Hearing**
  - D. **November 10, 2010 - BCC/AUIR Hearing**
  - E. **January 11, 2011 - BCC/Regular Meeting**
  - F. **January 12, 2011 - BCC/CRA Workshop**
  
3. **SERVICE AWARDS**
  
4. **PROCLAMATIONS**
  - A. **Proclamation designating February 19, 2011 as Pastor Don Treglown Day. To be accepted by Pastor Don Treglown. Sponsored by Commissioner Coyle.** **Pg. 2 - 3**
  - B. **Proclamation designating February 8, 2011 as Golden Gate Task Force Team Day. To be accepted by Code Enforcement Supervisor Jeff Letourneau and Corporal Robert Capizzi. Sponsored by Commissioner Henning.** **Pg. 4 - 5**
  - C. **Proclamation designating February, 2011 as Career and Technical Education Month in Collier County. To be accepted by Jeanette Johnson. Sponsored by Commissioner Fiala.** **Pg. 6 - 7**
  
5. **PRESENTATIONS**
  - A. **Recommendation to recognize Pamela Libby, Operations Manager, Water Department, as the Supervisor of the Year for 2010.** **Pg. 8 - 10**
  - B. **Presentation of the Collier County "Business of the Month" award to Sunshine Ace Hardware for February 2011. To be accepted by Michael Wynn, Sunshine Ace Hardware President.** **Pg. 11**
  - C. **Presentation of the "Above and Beyond" Community Volunteer Award to Margaret Lauzon for extraordinary community service. Sponsored by Commissioner Hiller.**
  
6. **PUBLIC PETITIONS**

**7. BOARD OF ZONING APPEALS**

**Item 7 to be heard no sooner than 1:00 pm unless otherwise noted.**

**8. ADVERTISED PUBLIC HEARINGS**

**Item 8 to be heard no sooner than 1:00 pm unless otherwise noted.**

- A. Recommendation to adopt a Resolution amending Schedules One, Two, Three, Six, and Seven of Appendix A to Section Four of Collier County Ordinance No. 2001-73, as amended, the Collier County Water-Sewer District Uniform Billing, Operating and Regulatory Standards Ordinance. These amendments include proposed rates for water and wastewater services with effective dates of October 1, 2011, and October 1, 2012, for Schedules One, Three, and Six; provides effective dates of April 1, 2011, October 1, 2011, and October 1, 2012, for Schedule Two; and provides an effective date of March 1, 2011, for Schedule Seven. Pg. 12 - 52**
- B. Recommendation to adopt a Resolution amending the Collier County Water-Sewer District Impact Fee Rates, established by Ordinance No. 2007-57, as amended, by reducing the water impact fee by \$285 (-8%) to \$3,290 per Equivalent Residential Connection, and the wastewater impact fee by \$250 (-7.2%) to \$3,245 per Equivalent Residential Connection, for a total reduction of \$535 (-7.6%), with an effective date of February 14, 2011. This is a companion to Item 8D. Pg. 53 - 70**
- C. Recommendation to adopt a Resolution adjusting the Collier County Water-Sewer District Bulk Services Water Rates within the Hammock Bay Service Area, as authorized by the Potable Water Bulk Services Agreement between the Collier County Water-Sewer District and The City of Marco Island, dated May 9, 2006. Pg. 71 - 113**
- D. Recommendation to adopt an Ordinance amending Chapter 74 of the Collier County Code of Laws and Ordinances (The Collier County Consolidated Impact Fee Ordinance) by amending the Road Impact Fee rate schedule, which is Schedule One of Appendix A, to reflect the Phase II rate schedule as set forth in the "Collier County Transportation Impact Fee Cost and Credit Update Study" adopted on September 28, 2010, which provides for a reduction in rates; and providing for a delayed effective date of February 14, 2011. This item is a companion to Item 8B. Pg. 114 - 131**
- E. Recommendation to approve Growth Management Plan Amendment Petition CP-2006-11, David Torres, for Hacienda Lakes of Naples, LLC for transmittal to the Florida Department of Community Affairs (DCA) for review and objections, recommendations and comments (ORC) response. (Transmittal Hearing) Pg. 132 - 161**

**9. BOARD OF COUNTY COMMISSIONERS**

- A. Appointment of members to the Land Acquisition Advisory Committee. Pg. 162 - 179**
- B. Appointment of members to the Pelican Bay Services Division Board. Pg. 180 - 202**
- C. *This item continued from the January 25, 2011 BCC Meeting and is requested to be further continued indefinitely: Economic Health and Viability of Collier County.***

(Commissioner Coletta)

D. *This item continued from the January 25, 2011 BCC Meeting.* Motion that the County stops all further action with respect to Jackson Labs. (Commissioner Hiller)

E. Request by Commissioner Hiller to reconsider Item 10I from the January 25, 2011 BCC Meeting: 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 contract in the amount of \$2,350,000 following County Attorney Office approval. Pg. 203 - 204

10. COUNTY MANAGER'S REPORT

A. *This item continued from the January 25, 2011 BCC Meeting.* 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. 205 - 242

B. *This item to be heard at 10:30 a.m. This item continued from the January 25, 2011 BCC Meeting.* 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. (Dr. Tober, Medical Director of Emergency Medical Services) Pg. 243 - 254

C. Report to the Board of County Commissioners (BCC) pursuant to direction under Item 9C at the January 11, 2011 BCC Meeting providing an accounting of all public funds spent on the Jackson Laboratory Project. (Mark Isackson, Director, Corporate Financial and Management Services) Pg. 255 - 257

D. Recommendation to approve three impact fee reimbursements, totaling \$148,681.70, due to the cancellation of three building permits and the subsequent reapplications submitted under new, lower impact fee rate schedules. (Amy Patterson, Impact Fee Manager) Pg. 258 - 265

11. COUNTY ATTORNEY'S REPORT

12. OTHER CONSTITUTIONAL OFFICERS

13. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

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. Recommendation to approve final acceptance of the sewer utility facility for VeronaWalk Off-Site Force Main, Collier Blvd. (C.R. 951), 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. Pg. 266 - 272
2. Recommendation to approve final acceptance of the water utility facility for Tall Oaks, Phase 3B, 525 Barefoot Williams Road, 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. Pg. 273 - 278
3. Recommendation that the Board of County Commissioners approve one (1) Adopt-A-Road Program Agreement for Wilson Boulevard from CR 846 south for 1.5 miles, with two (2) recognition signs at a total cost of \$150 for the volunteer group, Golden Gate SDA Lights Pathfinder Club. Pg. 279 - 285

### B. COMMUNITY REDEVELOPMENT AGENCY

1. Recommendation to authorize the Community Redevelopment Agency Executive Director to negotiate land purchase agreements, subject to approval by the Community Redevelopment Agency, relating to the expansion of the Gateway Triangle stormwater management pond and approve an application for a Federal Emergency Management Agency grant to fund the purchase of the subject properties. Pg. 286 - 291
2. Recommendation for the Community Redevelopment Agency (CRA) to authorize the Bayshore Gateway Triangle Executive Director to advertise an RFP for professional services to update the 2000 CRA Redevelopment Plan and return with a contract for Board approval. Pg. 292 - 296

### C. PUBLIC UTILITIES DIVISION

1. Recommendation to approve Amendment A01 to Agreement No. 4600001937 between Collier County and the South Florida Water Management District, renewing the existing agreement for the supplemental collection of surface water quality samples in Collier County (estimated fiscal impact \$60,000 in earned revenue) and to approve the associated budget amendment. Pg. 297 - 302
2. Recommendation to approve Amendment No. A02 renewing the South Florida Water Management District Agreement No. OT061098, as amended by Amendment No. A01, to continue monitoring of ground water in Collier County in Fiscal Year 2011 (estimated fiscal impact \$116,000 in earned revenue). Pg. 303 - 308

**D. PUBLIC SERVICES DIVISION**

- 1. Recommendation to approve selection of firms under RFP 10-5572 for Wiggins Pass Permitting, Modeling & Inlet Management Plan to Coastal Planning & Engineering, Inc. (CP&E) and direct staff to bring a negotiated contract to the Board for subsequent approval.** Pg. 309 - 311
- 2. Recommendation to approve and authorize the Chairman to sign a Memorandum of Understanding for Implementation of Grant with the State of Florida Department of Children and Families to accept funding for the three year Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant in the amount of \$548,490.** Pg. 312 - 416

**E. ADMINISTRATIVE SERVICES DIVISION**

- 1. Recommendation to approve a Resolution authorizing the Commission Chairman to execute Deed Certificates for the sale of burial plots at Lake Trafford Memorial Gardens Cemetery during the 2011 calendar year.** Pg. 417 - 421
- 2. 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 first quarter of FY 11.** Pg. 422 - 450
- 3. Recommendation to accept reports and ratify staff-approved change orders and changes to work orders.** Pg. 451 - 482
- 4. Recommendation to approve a modification to the budget of the Energy Efficiency and Conservation Block Grant (EECBG) funded by the American Recovery and Reinvestment Act (ARRA), authorize the County Manager or his designee to reallocate the funding within the Board approved grant projects as necessary, and authorize the necessary budget amendments.** Pg. 483 - 499
- 5. Recommendation to authorize the chairman to sign a \$200,000 Florida Department of Environmental Protection (FDEP) Land and Water Conservation Fund (LWCF) Grant Application to partially fund the construction of the Gordon River Greenway Park Canoe/Kayak Launch.** Pg. 500 - 610

**F. COUNTY MANAGER OPERATIONS**

- 1. Recommendation to donate one surplus ambulance to Edison State College via the Edison State College Foundation (Estimated Value: \$6,000)** Pg. 611 - 618
- 2. Recommendation to approve and authorize the acceptance of insurance proceeds in the amount of \$59,570.59 and to authorize the necessary Budget Amendment to allocate funds for reimbursement of the cost of AEDs and upgrading EMS field computers.** Pg. 619 - 621
- 3. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2010-11 Adopted Budget.** Pg. 622 - 624

**G. AIRPORT AUTHORITY**

- 1. Recommendation to approve selection of firms under RFP 10-5600 for CEI Services for Marco Island Airport Taxiway to URS Corporation Southern (URS) and direct staff to bring a negotiated contract to the Board for subsequent approval. Pg. 625 - 627**
- 2. Recommendation to approve a change in the authorizing official for the Collier County Airport Authority in the Federal Aviation Administration (FAA) Electronic Clearing House Operation (ECHO) system from Theresa Cook to Chris Curry and authorize the Chairman to sign the required FAA form. Pg. 628 - 634**

**H. BOARD OF COUNTY COMMISSIONERS**

- 1. Proclamation designating January 29th and 30th, 2011 as CAPA/CRA Bayshore Festival of the Arts Day. To be presented by Commissioner Coyle at the festival. Sponsored by Commissioner Coyle. Pg. 635 - 636**
- 2. Proclamation designating January 29th through February 4, 2011 as The Band of the U.S. Airforce Reserve Week. Being presented by Commissioner Coyle at the CAPA/CRA Bayshore Festival of the Arts. Sponsored by Commissioner Coyle. Pg. 637 - 638**

**I. MISCELLANEOUS CORRESPONDENCE**

**J. OTHER CONSTITUTIONAL OFFICERS**

- 1. To obtain Board approval for disbursements for the period of January 8, 2011 through January 14, 2011 and for submission into the official records of the Board. Pg. 639 - 654**
- 2. To obtain Board approval for disbursements for the period of January 15, 2011 through January 21, 2011 and for submission into the official records of the Board. Pg. 655 - 667**
- 3. Recommend approval of the use of Confiscated Trust Funds for support of disaster preparedness, public safety education and other large scale incident support. Pg. 668 - 670**

**K. COUNTY ATTORNEY**

- 1. Recommendation to approve a Stipulated Order Taxing Fees and Costs in the amount of \$16,400 for Parcel No. 179RDUE in the lawsuit styled Collier County v. Armando B. Yzaguirre, et al., Case No. 07-2746-CA (Oil Well Road Project No. 60044) (Fiscal Impact \$16,400). Pg. 671 - 679**

2. **Recommendation to approve a contract with Trauner Consulting Services, Inc., for expert consulting services to the County in the amount of \$75,000 for the case of Ker Enterprises, Inc., d/b/a Armadillo Underground v. APAC-Southeast, Inc. v. Collier County, Case No. 09-8724-CA (Vanderbilt Beach Road Project No. 63051) (Fiscal Impact an additional \$75,000).** Pg. 680 - 691
  
3. **Recommendation to accept the Offer of Judgment from 524 Broadway Company, LP in the amount of \$55,000 for Parcels 122 and 123 in the lawsuit styled Collier County v. William Pilger, et al., Case No. 06-1125-CA (County Barn Road Project Number 60101). (Fiscal Impact \$26,152)** Pg. 692 - 696
  
4. **By request of the Collier County School Board, recommendation to amend the Town of Ave Maria Tri-Party Developer Contribution Agreement with Ave Maria Development, LLLP and The School District of Collier County, Florida, to incorporate recent changes to the Collier County Consolidated Impact Fee Ordinance allowing developer contribution impact fee credits to run with the land until used or transferred.** Pg. 697 - 711
  
5. **Recommendation to authorize a representative of the County Attorney's Office to bid on behalf of the County at four code enforcement lien foreclosure sales scheduled by the Clerk in BOARD OF COUNTY COMMISSIONERS v. JEAN CLAUDE MARTEL, Circuit Court Case No. 10-720-CA, in an amount not to exceed the value of the County's foreclosed lien interest (approximately \$409,000 for four parcels).** Pg. 712 - 718

## 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-PL2010-2196, to disclaim, renounce and vacate the County's and the Public's interest in a portion of a 20-foot wide Access Easement for drainage and maintenance crews, over Lot 26, Block B, Palm River Estates Unit No.7, according to the Plat thereof as recorded in Plat Book 12, Pages 28 through 30, of the Public Records of Collier County, Florida, situated in Section 23, Township 48 South, Range 25 East, Collier County, Florida, the subject portion of easement to be vacated is more specifically depicted and described in Exhibit "A".** Pg. 719 - 733
  
- B. **This item requires that all participants be sworn in and ex-parte disclosure be provided by Commission members. PUDZ-2007-AR-11381, Marsilea Villas, LLC, represented by Tim Hancock of Davidson Engineering, is requesting a rezone from an Agricultural Zoning District (A) and an Agricultural zoning district with a Special Treatment Overlay to the Residential Planned Unit Development (RPUD) zoning** Pg. 734 - 813



**district with removal of the Special Treatment Overlay for a project known as Marsilea Villas RPUD to allow development of up to 27 single-family dwelling units. The subject property, consisting of 10.25 acres, is located west of Livingston Road surrounded by Royal Palm International Academy just north of Imperial Golf Estates, Unit 5 in Section 13, Township 48 South, Range 25 East, Collier County, Florida.**

**18. ADJOURN**

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