

**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

**April 26, 2011**

**9:00 AM**

**Fred W. Coyle** - BCC Chairman; Commissioner, District 4  
**Jim Coletta** - BCC Vice-Chairman; Commissioner, District 5; CRAB Chairman  
**Donna Fiala** - BCC Commissioner, District 1; CRAB Vice-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 Richard Rogers - Unity of Naples 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. March 8, 2011 - BCC/Regular Meeting Minutes**

**C. March 22, 2011 - BCC/Regular Meeting Minutes**

**D. April 4, 2011 - BCC/Value Adjustment Board Minutes**

**E. April 6, 2011 - BCC/Parks and Recreation Master Plan Community Meeting**

**3. SERVICE AWARDS**

**A. EMPLOYEE**

**1. 20 Year Attendees**

**a. Debbi Maxon, Housing, Human & Veteran Services Pg. 1 - 1**

**b. Laurie McKenney, EMS Pg. 2 - 2**

**2. 25 Year Attendees**

**a. Richard D'Orazio, EMS Pg. 3 - 3**

**b. Walter Kopka II, EMS Pg. 4 - 4**

**3. 30 Year Attendees**

**a. Ricardo Garcia, EMS Pg. 5 - 5**

**b. Martha Ginter, EMS Pg. 6 - 6**

**c. David Kitchen, EMS Pg. 7 - 7**

**d. Thomas Maguire, EMS Pg. 8 - 8**

**4. PROCLAMATIONS**

**A. Proclamation designating April as Parkinson's Disease Awareness Month in Collier County. To be accepted by Michael and Gretchen Church. Sponsored by Commissioner Fiala. Pg. 9 - 10**

**B. Proclamation congratulating IslandWalk for receiving the Community of the Year Pg. 11 - 12**

**Award. To be accepted by Steve Anderson, Town Manager; Bonnie McNeill, Activities Director; Henry Nardone, External Community Affairs; Jeanie Bicanich, HOA President 2011; Roger Simm, HOA President, 2010; Tim McKowen, HOA Treasurer, Connie Greeley, Jerry Greeley and Roger Stanfield. Sponsored by Commissioner Henning.**

- C. Proclamation designating April 10 through April 16, 2011 as National Volunteer Week in Collier County. To be accepted by Mary Margaret Gruszka, Volunteer Coordinator for the Museum and other Volunteer Coordinators from the Public Services Division and their volunteers. Sponsored by Commissioner Coletta. Pg. 13 - 14**
- D. Proclamation designating May 7 through May 13, 2011 as Tourism Week in Collier County. To be accepted by Jack Wert, Tourism Director. Sponsored by Commissioner Hiller. Pg. 15 - 16**
- E. Proclamation designating April 2011 as Drowning Prevention Month. To be accepted by Dr. Todd Vedder, Chairman of the Safe & Healthy Children's Coalition of Collier County. Sponsored by Commissioner Coletta. Pg. 17 - 18**
- F. Proclamation congratulating Whole Foods Market for their continued contributions and efforts in recycling and Going Green mission. To be accepted by Dan Rodriguez, Solid Waste Management Director; Michael Muskat, Manager; Jessica Varnes, Marketing Team Leader and staff from Whole Foods Market. Sponsored by Commissioner Hiller. Pg. 19 - 20**
- G. Proclamation designating May 2011 as SCORE Naples Chapter Month. To be accepted by George Ahearn and Chick Heithaus. Sponsored by Commissioner Coletta. Pg. 21 - 22**

**5. PRESENTATIONS**

- A. Recommendation to recognize Jean Jourdan, Project Manager, Bayshore Gateway Triangle Community Redevelopment Agency, as the Employee of the Month for March 2011. Pg. 23 - 25**
- B. A presentation to recognize Collier County Housing, Human and Veteran Services, in partnership with Fun Time Early Childhood Academy, for the 2011 National Community Development Association, Gabe Zimmerman Award, for an excellent community development project utilizing Community Development Block Grant funds distributed by the US Department of Housing and Urban Development. Pg. 26 - 28**

**6. PUBLIC PETITIONS**

**7. BOARD OF ZONING APPEALS**

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

- A. *This item has been continued from the April 12, 2011 BCC meeting.* 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. DOA-PL2010-1052: Olde Cypress Development, LTD and Vita Pima, LLC, represented by Chris Mitchell of Pg. 29 - 244**

Waldrop Engineering, P.A. and Richard D. Yovanovich of Coleman, Yovanovich & Koester, P.A., is requesting a change to the previously approved Olde Cypress Development of Regional Impact DRI, in accordance with Florida Statutes, Subsection 380.06(19). The proposed modifications will add 63.9 acres into the DRI boundary, amend Map H, and remove the 3.9 acre park requirement to incorporate this change. The subject property consisting of 602± acres is located in Sections 21 and 22, Range 48 South, Township 26 East, Collier County, Florida. (Companion to PUDZ-PL2010-1054 and PUDA-PL2010-388)

## 8. ADVERTISED PUBLIC HEARINGS

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

- A. *This item has been continued from the April 12, 2011 BCC meeting.* 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. PUDZ-PL2010-1054: Vita Pima, LLC, represented by Christopher R. Mitchell, P.E. of Waldrop Engineering, P.A., and Richard D. Yovanovich, Esquire of Coleman, Yovanovich & Koester, P.A., is requesting a Rezone from the Residential Planned Unit Development (RPUD) zoning district with a Special Treatment (ST) Overlay for a project that is known as the HD Development RPUD, and the Agricultural (A) zoning district, to the RPUD zoning district to allow for development of a maximum of 125 single-family residential units and 33 multi-family units, and associated accessory uses. The 65.29± acre subject property is located along the north side of Immokalee Road (CR 846) approximately 330 feet east of Olde Cypress Boulevard in Section 21, Township 48 South, Range 26 East, Collier County, Florida. (Companion to DOA-PL2010-1052 and PUDA-PL2010-388) Pg. 245 - 393
- B. *This item has been continued from the April 12, 2011 BCC meeting.* 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. PUDA-PL2010-388, Olde Cypress Development, LTD, represented by Chris Mitchell of Waldrop Engineering, P.A. and Richard D. Yovanovich, Esquire of Coleman, Yovanovich & Koester, P.A., is requesting a PUD Amendment for the Olde Cypress PUD. The PUD Amendment request is to reduce the project density from 1,100 dwelling units to 942 dwelling units and remove the requirements of trails and a park (3.9 acres minimum) within the Olde Cypress PUD/DRI. The subject property is located in the Olde Cypress subdivision, Sections 21 and 22, Township 48 South, Range 26 East, Collier County, Florida. (Companion to: DOA-PL2010-1052, Olde Cypress DRI and PUDZ-PL2010-1054, HD Development RPUD) Pg. 394 - 601

## 9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of members to the Bayshore/Gateway Triangle Local Redevelopment Advisory Board. Pg. 602 - 618
- B. *This item to be heard at 11:30 a.m.* To discuss a private developer's closure of Mamie Street and the resulting cutting off of access to the historical Ted Smallwood's Store Pg. 619 - 633

and other residents of Chokoloskee and to recommend that the Board direct the County Attorney's Office to work with staff and Commissioner Coletta to investigate and review this matter, attempt to amicably resolve the issue, and report back to the Board for further direction. (Commissioner Coletta)

- C. Authorize the Chairman to sign a Resolution urging NCH, TRICARE and Humana to resolve their differences and encourage our elected , federal representatives to intervene to ensure fair reimbursement rates to medical providers through the TRICARE system and quality health care to our deserving active and retired military personnel. (Commissioner Coyle) Pg. 634 - 639

#### 10. COUNTY MANAGER'S REPORT

- A. Recommendation to approve criteria for establishing new district boundaries for the Board of County Commissioners. (David Weeks, Manager, Growth Management Division) Pg. 640 - 646
- B. Recommendation to consider determining a valid public emergency and directing the County Manager or designee to proceed with a re-evaluation of the FEMA-designated floodplain using the 2010 LiDAR and approve all necessary budget amendments. (Fiscal impact \$400,250) (Nick Casalanguida, Deputy Administrator, Growth Management Division) Pg. 647 - 654
- C. *This item has been continued from the April 12, 2011 BCC meeting.* Recommendation to enter into a contract for services for AIM Engineering to complete a feasibility study with conceptual plans for pedestrian or bicycle facilities at the I-75 and Immokalee Road Interchange in the amount up to \$315,000 (FDOT Project #416237-1-38-01). (Nick Casalanguida, Deputy Administrator, Growth Management Division) Pg. 655 - 706
- D. *This item to be heard at 1:00 p.m.* Recommendation to acknowledge and accept the changes in protocols instituted by the Collier County Medical Director. (Dan Summers, Director, Bureau of Emergency Services) Pg. 707 - 712
- E. *This item continued from the April 12, 2011 BCC Meeting.* Request to reconsider the award of RFP 10-5450—Asphalt Roadway, Concrete, Curb, Sidewalk and Driveway Installations. (Estimated annual expense is \$2,000,000) (Steve Carnell, Purchasing Director) Pg. 713 - 715
- F. Recommendation to authorize budget amendments reallocating \$4,511,627.84 from existing growth related projects to Park Impact Fee Fund 346 reserves for future debt service and other priority Park projects. (Marla Ramsey, Public Services Administrator) Pg. 716 - 720
- G. *This item to be heard at 11:00 a.m.* Recommendation to approve time and material Work Order to PBS&J under Contract 09-5262-CZ to develop locally-relevant and site-specific alternative water quality criteria for the Clam Bay estuary and provide continued technical support for the next 6 months to the Clam Bay technical work Pg. 721 - 731

team as outlined in the attached PBS&J proposal dated March 7, 2011 not to exceed \$77,148. (Gary McAlpin, Coastal Zone Management Director)

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 grant final approval of the roadway (private) and drainage improvements for the final plat of Twin Eagles, Phase One with the roadway and drainage improvements being privately maintained and authorizing the release of the maintenance security. Pg. 732 - 743
2. Recommendation to approve an impact fee reimbursement requested by EverBank for the Lusso Villas Condominium/Villas Pienza II project, totaling \$40,297.24, due to the downward revision to a building permit. Pg. 744 - 748
3. Recommendation to implement an auto-dialer system and additional options to assist in eliminating illegal signage use. (Estimated fiscal impact \$800) Pg. 749 - 755
4. Recommendation to approve final acceptance of the water utility facility for North Collier Regional Park, 15000 Livingston 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. 756 - 762
5. 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 increase from thirty miles per hour (30 mph) to thirty-five miles per hour (35 mph) on Vanderbilt Drive from 500 feet south of to 500 feet north of the Big Horse Pass Bridge (Bridge No. 30176) at a cost of approximately \$200. Pg. 763 - 773
6. Recommendation to terminate the contract awarded to Atkins North America, Inc. d/b/a Post, Buckley, Schuh & Jernigan, Inc. ("PBS&J") for "Professional CEI Services for SR84 from Radio Road to CR 951" Contract No. 07-3947, Project No. 60073; and, to terminate the contract awarded to KCCS, Inc. for "Professional CEI Services for Collier Boulevard from US 41 to Main Golden Gate Pg. 774 - 781

Canal” Contract No. 06-3947, Project No. 60001.

7. **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 two properties that no longer derive benefit from the MSTU's stated purpose, to add properties determined to derive benefit, and to create an advisory committee to provide input to county staff as to future projects within the MSTU.** Pg. 782 - 793
8. **Recommendation to execute the attached Supplemental Agreement to the Joint Participation Agreement (JPA) between the Florida Department of Transportation (FDOT) and Collier County to provide the final installment of funding in the amount of \$301,600 in FDOT Fiscal Year 2010/2011 for the Collier Area Transit (CAT) Intermodal Transfer facility at the Government Center, and approve a budget amendment to recognize these funds.** Pg. 794 - 830

**B. COMMUNITY REDEVELOPMENT AGENCY**

1. **Recommendation for the Community Redevelopment Agency (CRA) to approve a Request for Proposal (RFP) scope of work to permit the Bayshore/Gateway Triangle CRA to inquire if builders have an interest in purchasing CRA owned land for the purpose of building single-family homes; approve the Executive Director’s advertisement of the RFP through the Purchasing Department and return with recommendations.** Pg. 831 - 865
2. **Recommendation for the Community Redevelopment Agency (CRA) to approve a zero dollar change and modification to an approved Shoreline Stabilization Grant Application between the CRA and a Grant Applicant. (2736 Riverview Drive and 2772 Riverview Drive) Fiscal Impact: None.** Pg. 866 - 876

**C. PUBLIC UTILITIES DIVISION**

1. **Recommendation to approve Satisfactions of Lien for the 1991, 1992, 1993, 1994, 1995, and 1996 Solid Waste Collection and Disposal Services Special Assessments where the county has received payment in full satisfaction of the liens. Fiscal impact is \$158.50 to record the Satisfactions of Lien.** Pg. 877 - 896
2. **Recommendation to a) approve a Utility Work Agreement and a Utility Work by Highway Contractor Agreement with the Florida Department of Transportation for the relocation of water and wastewater lines to facilitate the widening of State Route 84 (Davis Boulevard); b) approve two Florida Department of Transportation standard form resolutions authorizing the Chairman of the Board of County Commissioners to execute each agreement; and, c) approve the requisite budget amendment.** Pg. 897 - 921
3. **Recommendation to approve a Hazard Mitigation Grant Program contract, agreement number 11HM-3E-09-21-01-026, with the State of Florida, Division of Emergency Management, in the amount of \$240,000, to apply towards the costs associated with the installation of 1,430 linear feet of six-inch High Density Polyethylene leachate pipe at the Collier County Landfill; and, to** Pg. 922 - 968

authorize the corresponding budget amendments.

**D. PUBLIC SERVICES DIVISION**

1. Recommendation to approve and authorize the Chairman to sign two (2) releases of lien for deferral of Collier County impact fees for owner occupied affordable housing dwelling units that have been repaid and authorize refund of overpayment in the amount of \$2,424.41 to U.S. Department of Agriculture, Rural Development. Pg. 969 - 990
2. Recommendation to approve and authorize the Chairman to sign a modification to Disaster Recovery Initiative Agreement #10DB-D4-09-21-01-K09 between the Florida Department of Community Affairs and Collier County to reallocate portions of the funds among and within the projects of the grant, update budget documents, work plans, number of beneficiaries, project numeration and sign associated subrecipient agreement amendments. Pg. 991 - 1018
3. To approve and authorize the Chairman to sign an amendment to the St. Matthew's House Subrecipient Agreement for the U.S. Department of Housing and Urban Development (HUD) Continuum of Care (CoC) Grant approved by the Board on October 27, 2009, Item 16-D5. This amendment will allow for a revision of the agreement's budget in Exhibit A by moving funds between line items to allow St. Matthew's House to more fully expend grant funds. The total CoC grant amount remains unchanged. Pg. 1019 - 1038
4. Recommendation to approve and execute documents necessary for the conveyance of the water utility infrastructure located at North Collier Regional Park to the Collier County Water-Sewer District, at a cost not to exceed \$200, Project 80602. Pg. 1039 - 1059

**E. ADMINISTRATIVE SERVICES DIVISION**

1. Recommendation to award ITB 11-5643, "Air Filtration Services," to Con-Air Industries, Inc., for an estimated annual amount of \$175,000. Pg. 1060 - 1093
2. Recommendation to approve and authorize the Chairman to sign the Assumption Agreement from Beck Disaster Recovery, Inc. to Science Applications International Corporation for FEMA Acceptable Monitoring for Disaster Generated Debris. Pg. 1094 - 1141
3. Recommendation to approve Request for Proposal (RFP) 10-5571 Environmental and Biological Studies and authorize the execution of contracts to Turrell, Hall and Associates, Inc, Boylan Environmental Consultants Inc, W. Dexter Bender and Associates, Passarella & Associates in an estimated annual amount of \$500,000. Pg. 1142 - 1289

**F. COUNTY MANAGER OPERATIONS**

1. Report to the Board of County Commissioners covering budget amendments impacting reserves in an amount totaling \$25,000 or less. Pg. 1290 - 1292



2. **Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2010-11 Adopted Budget.** Pg. 1293 - 1295
  3. **Recommendation to approve a budget amendment in the amount of \$25,000 together with a Memorandum of Understanding (MOU) implementing the Board's direction to provide funding to the Early Learning Coalition of Southwest Florida, Inc. (Coalition)** Pg. 1296 - 1300
- G. AIRPORT AUTHORITY**
1. **Recommendation that the Board of County Commissioners (BCC), acting as the Airport Authority, approve and authorize the Chairman to execute the attached Memorandum of Understanding between the Airport Authority and Collier County Parks and Recreation Department for use of approximately 305,000 square feet at the Immokalee Regional Airport for passive recreational purposes.** Pg. 1301 - 1309
  2. **Recommendation to approve a budget amendment for \$11,750 for engineering services needed to comply with South Florida Water Management District permit requirements at the Immokalee Regional Airport.** Pg. 1310 - 1313
- H. BOARD OF COUNTY COMMISSIONERS**
1. **Proclamation designating May 5, 2011 as National Day of Prayer. Commissioner Coletta will be delivering the proclamation on the steps of Everglades City Hall May 5, 2011.** Pg. 1314 - 1315
- I. MISCELLANEOUS CORRESPONDENCE**
1. **Miscellaneous items to file for record with action as directed.** Pg. 1316 - 1319
- J. OTHER CONSTITUTIONAL OFFICERS**
1. **Recommendation that the Board authorize the Chairman to sign Amendment Two with clarifying language to the Interlocal Agreement between the Board of County Commissioners and the Clerk of the Circuit Court for Collier County, Florida.** Pg. 1320 - 1326
  2. **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. 1327 - 1332
  3. **To obtain Board approval for disbursements for the period of March 26, 2011 through April 1, 2011 and for submission into the official records of the Board.** Pg. 1333 - 1348
  4. **To obtain Board approval for disbursements for the period of April 2, 2011 through April 8, 2011 and for submission into the official records of the Board.** Pg. 1349 - 1363

**K. COUNTY ATTORNEY**

1. **Recommendation to approve a Stipulated Final Judgment for Parcels 105 and 705 in the amount of \$200,000 in the lawsuit styled Collier County v. Highland Properties of Lee and Collier Limited, et al., Case No. 06-0563-CA (Santa Barbara Boulevard Project #62081). (Fiscal Impact: \$109,965)** Pg. 1364 - 1374
2. **Recommendation to authorize a counteroffer of \$25,000 to the business damage claim made by 951 Petroleum Corp. for Parcels 109FEE2 and 109TCE2 in the lawsuit styled Collier County v. A L Subs, Inc., et al., Case No. 10-3562-CA (Collier Boulevard Project 60092) (Fiscal Impact \$25,000).** Pg. 1375 - 1379
3. **Recommendation to authorize the County Attorney to advertise and bring back for future consideration an amendment to Ordinance No. 1975-16, as amended, relating to the placement and presentation of matters on the official agenda.** Pg. 1380 - 1385
4. **Recommendation to authorize the County Attorney to advertise an ordinance for future consideration which would amend Ordinance No. 76-48, as amended, which regulates the use of County parks, by eliminating the prohibition against the possession, transport, or discharge of a firearm as such regulatory authority has been preempted by Section 790.33(1), Florida Statutes.** Pg. 1386 - 1393
5. **Recommendation to authorize the County Attorney to advertise an ordinance for future consideration which would amend the Collier County Ethics Ordinance (Ordinance No. 03-53, as amended), to provide the opportunity for Commissioners to attend charitable functions and pay for only the actual cost to attend the event.** Pg. 1394 - 1417

**17. SUMMARY AGENDA**

**This section is for advertised public hearings and must meet the following criteria: 1) A recommendation for approval from staff; 2) Unanimous recommendation for approval by the Collier County Planning Commission or other authorizing agencies of all members present and voting; 3) No written or oral objections to the item received by staff, the Collier County Planning Commission, other authorizing agencies or the Board, prior to the commencement of the BCC meeting on which the items are scheduled to be heard; and 4) No individuals are registered to speak in opposition to the item. For those items which are quasi-judicial in nature, all participants must be sworn in.**

- A. **Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the Fiscal Year 2010-11 Adopted Budget.** Pg. 1418 - 1420

**18. ADJOURN**

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