

**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

**May 10, 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. 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. April 7, 2011 - BCC/Parks and Recreation Master Plan Community Meeting**

**C. April 12, 2011 - BCC/Regular Meeting**

**D. April 13, 2011 - BCC/Regular Meeting Carryover**

**3. SERVICE AWARDS**

**A. ADVISORY BOARD MEMBERS**

**1. 5 Year Attendees**

**a. Kenneth Kelly, Collier County Code Enforcement Board and the Affordable Housing Advisory Committee: Rick Medwedeff, Tourist Development Council: Edward J. Olesky, Tourist Development Council: Sharon Kenny, Historic and Archaeological Preservation Board: Lindsey J. Thomas, Bayshore/Gateway Triangle Local Redevelopment Advisory Board.**

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**2. 10 Year Attendees**

**a. Robert M. Slebodnik, Lely Golf Estates Beautification Advisory Committee: George C. Mohlke, Jr., Health Facilities Authority: N. Rex Ashley, Health Facilities Authority.**

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**4. PROCLAMATIONS**

**A. Proclamation designating May 25th as National Missing Children's Day. To be accepted by Amelia Vasquez, National Center for Missing & Exploited Children; Sgt. Ken Becker, Collier County Sheriff's Office; Special Agent Tracy Maurer, Florida Department of Law Enforcement; Chief Thomas Weschler, Naples Police Department; Lt. Matt Fletcher, Naples Police Department; Captain John Adams, Naples Police Department; Sgt. Dave Sugrue, Naples Police Department; and Jennifer Casciano, Naples Police Department. Sponsored by Commissioner Henning.**

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**B. Proclamation designating May as National Bike Month. To be accepted by Michelle Avola, Executive Director, Naples Pathways Coalition. Sponsored by Commissioner Hiller.**

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**C. Proclamation designating May 2011 as Supervised Visitation Month. To be accepted by Gail Tunnock and Jackie Stephens from the Children's Advocacy Center, Lisa Reddick and Linda Oberhaus from the Shelter for Abused Women & Children, and**

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**Marcy Krumbine, Director of Housing, Human and Veteran Services. Sponsored by Commissioner Coletta.**

- D. Proclamation designating May 21 through May 27, 2011 as Safe Boating Week. To be accepted by Andy Evva. Sponsored by Commissioner Coletta. Pg. 9 - 10**
- E. Proclamation designating May 2011 as Motorcycle Safety Awareness Month. To be accepted by Marie and Bill Ratcliff. Sponsored by Commissioner Coletta. Pg. 11 - 12**
- F. Proclamation designating May 14, 2011 as Mother Annie Mae Perry Day. To be accepted by Frank Cummings and Vaughn Young. Sponsored by Commissioner Coyle. Pg. 13 - 14**
- G. Proclamation designating May 16 through May 22, 2011 as National Association of Insurance Women International Week. To be accepted by Betty Curry. Sponsored by Commissioner Hiller. Pg. 15 - 16**
- H. Proclamation designating May 16 through May 20, 2011 as SCORE Naples and Small Business Development Center, National Small Business Week. To be accepted by Chick Heithaus, George Ahearn, Dan Regelski, Suzanne Specht and Julio Estremeria. Sponsored by Commissioner Hiller. Pg. 17 - 18**
- I. Proclamation designating May 15 through May 21, 2011 as Collier County Emergency Medical Services Week. To be accepted by Jeff Page, Chief, Emergency Medical Services. Sponsored by Commissioner Fiala. Pg. 19 - 20**
- J. Proclamation designating May 10, 2011 as Dr. Robert Boyd Tober Day. To be accepted by Dr. Robert Tober. Sponsored by Commissioner Coyle. Pg. 21 - 22**
- K. Proclamation designating May 15 through May 21, 2011 as Water Reuse Week. To be accepted by Dr. George Yilmaz, Wastewater Department Director; Danette Huff, Wastewater Reuse Manager; Dale Waller, Plant Manager North County Water Reclamation Facility; Jon Pratt, Plant Manager, South County Water Reclamation Facility; Paul Mattausch, Water Department Director; and Lisa Koehler, Media/Outreach Specialist, Big Cypress Basin/South Florida Water Management District. Sponsored by Commissioner Coletta. Pg. 23 - 24**
- L. Proclamation designating May 2011 as National Drug Court Month. To be accepted by Judge Christine Greider and the Collier County Drug Court Team. Sponsored by Commissioner Henning. Pg. 25 - 26**
- M. Proclamation designating May 6 through 12, 2011 as National Nurses Week. To be accepted by representatives of the nursing profession. Sponsored by Commissioner Coletta. Pg. 27 - 28**

## **5. PRESENTATIONS**

- A. Recommendation to recognize Jay Kim, Database Administrator, Information Technology Department, as the Employee of the Month for April 2011. Pg. 29 - 31**
- B. Presentation by Corporal Sylee Gibson, Collier County Sheriff's Office, regarding the**

home "makeover" that occurred at the residence of "Miss Amy" Atkins thanks to the efforts of the Sheriff's Office, Lowe's Home Improvement, Tropic Disposal, Thomas Amendola General Contractors and several other dedicated and caring residents of the community.

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.

9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of members to the Collier County Coastal Advisory Committee. Pg. 32 - 60
- B. Appointment of member to the Black Affairs Advisory Board. Pg. 61 - 70

10. COUNTY MANAGER'S REPORT

- A. Recommendation to award Invitation to Bid #11-5652 MarGood Harbor Park in the amount of \$1,119,823.52 to Brooks and Freund, LLC for park improvements. (Vicky Ahmad, Project Manager, Parks and Recreation Department) Pg. 71 - 179
- B. Recommendation to award a construction contract in the amount of \$25,935,470.53 to Mitchell & Stark Construction Corporation and reserve \$3,315,000 on the purchase order for funding allowances, for a total of \$29,250,470.53 for ITB No. 10-5342 - "SR 84 (Davis Blvd) Radio Road to Collier Blvd; SR/CR 951 Intersection improvements; Collier Blvd (SR/CR 951) North to Magnolia Pond Drive; and CR 951 (Collier Blvd) North to the E Golden Gate Canal", Project No. 60073 and Project No. 60092. (Marlene Messam, P.E., Sr. Project Manager, TECM) Pg. 180 - 437
- C. *This item to be heard at 11:00 a.m.* Recommendation to consider the request by the Economic Development Council of Collier County to provide a Job Creation and Fast Track incentive package (creation of 15 full-time jobs at 131% of the current Collier County private-sector average wage) to Collier Scrap Metal Recycling, Inc. and approve the incentives in accordance with Florida Statute Section 125.045 for the proposed project to be located at 2011 Seward Avenue (Fiscal Impact: \$30,000) (David Jackson, Executive Director, Economic and Business Development and Tammie Nemecek, President, Economic Development Council) Pg. 438 - 477
- D. Request for authorization to advertise and bring back for future consideration an amendment to Ordinance No. 2001-13, as amended, the Collier County Consolidated Impact Fee Ordinance, which would modify provisions related to the annual payments required to obtain and maintain a Certificate of Public Facility Adequacy. (Amy Patterson, Impact Fee and Economic Development Manager, Growth Management Division) Pg. 478 - 487

- E. Recommendation that the Board approve a Change Order to facilitate Staff's continued efforts to complete the I-75 Interchange Justification Report (IJR). (Fiscal Impact \$125,110) (Nick Casalanguida, Deputy Administrator, Growth Management) Pg. 488 - 501

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 water utility facility for Cascada at Fiddler's Creek 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. 502 - 507
2. Recommendation to approve final acceptance of the water utility facility for Marquesa Royale at Tiburon 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. 508 - 513
3. Recommendation to approve final acceptance of the water utility facility for Legacy at Lely Resort, 6450 Legacy Circle, 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. 514 - 519
4. Recommendation to award Bid #10-5520 to "Motorola Central Control Irrigation Supplies and Services" to Ag-Tronix, Inc. The annual expenditures are estimated to be \$75,000. Pg. 520 - 529
5. Recommendation to adopt a resolution and to quitclaim to the Florida Department of Transportation compensating turn lane right-of-way on Davis Boulevard (SR-84) east of the entrance to Madison Park. (Fiscal Impact: None) Pg. 530 - 539
6. Recommendation to approve the release of lien in the Code Enforcement Action entitled Board of County Commissioners vs. Susan B. Williams, Code Enforcement Board Case No. 2007060820, relating to property located at 1705 Tarpon Bay Drive S., Collier County, Florida. Pg. 540 - 543

7. **Recommendation to approve a Resolution to petition Governor Scott to extend the "Rural Area of Critical Economic Concern" designation awarded to Florida's Heartland Regional Economic Development Initiative, Inc. Region another 5-years and to keep the Community of Immokalee within the South Central Rural Area of Critical Economic Concern designation. This item is being placed on the agenda at the request of the Economic Development Council of Collier County.** Pg. 544 - 549
8. **Recommendation to approve a purchase agreement for the purchase of right-of-way required for the construction of Oil Well Road and terminate the agreement with the former owner. Project No. 60044. (Fiscal Impact: \$30,600)** Pg. 550 - 569
9. **Recommendation to approve a Work Order under Contract #09-5262 with Agnoli, Barber and Brundage Inc. ("ABB, Inc."), to provide professional engineering services related to design, bidding assistance, and construction services of the Wing South Airpark Channels portion of the Lely Area Stormwater Improvement Project (LASIP) in the amount of \$199,922, Project #51101.** Pg. 570 - 585
10. **Recommendation to declare a valid public emergency and direct 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)** Pg. 586 - 593

**B. COMMUNITY REDEVELOPMENT AGENCY**

1. **Recommendation that the Community Redevelopment Agency approve an Event Grant Agreement between the CRA and Bayshore CAPA Center, Inc. to support the 2012 "Bayshore Festival of the Arts" event at Sugden Regional Park; approve a grant of up to \$15,000 from the Bayshore Gateway Triangle Trust Fund (Fund 187) FY12 Marketing & Promotions budget to fund certain event costs, and declare that the grant and event serves a valid public purpose. Fiscal Impact Fund 187: \$15,000.** Pg. 594 - 613

**C. PUBLIC UTILITIES DIVISION**

1. **Recommendation to approve a Florida Department of Environmental Protection Certification of Financial Responsibility Form for the South County Regional Water Treatment Plant Injection Well, IW-2.** Pg. 614 - 626
2. **Recommendation to authorize a one-time exception to Ordinance No. 2005-54, for nine properties located within Courtside Commons of Wyndemere, pertaining to the annual Solid Waste Collection and Disposal Services Special Assessment for the collection, disposal, and administration of municipal solid waste due to a billing error, and to direct the County Manager or his designee to take all actions necessary to implement the exception.** Pg. 627 - 631

**D. PUBLIC SERVICES DIVISION**

1. **Recommendation to approve attached budget amendment enabling** Pg. 632 - 642

expenditure of \$204,627 State Aid to Libraries Grant awarded Collier County Public Library.

2. **Recommendation to approve an agreement with the District School Board of Collier County for transporting school-age recreation program participants at an estimated cost of \$52,000.** Pg. 643 - 648
3. **Recommendation to approve and authorize the Chairman to sign an Agreement with the Collier County Sheriff's Office to participate with the operation of the Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant. Funding has been provided through Memorandum of Understanding #LHZ25 from the Florida Department of Children and Families.** Pg. 649 - 661
4. **Recommendation to approve and authorize the Chairman to sign a modification to Disaster Recovery Initiative Agreement #08DB-D3-09-21-01-A03 between the Florida Department of Community Affairs and Collier County. This modification will extend the grant period.** Pg. 662 - 725
5. **Public notice of intent to consider final disposition of Neighborhood Stabilization Program residential properties, consistent with the requirements of Collier County Ordinance No. 2009-63 and §125.35(3), Florida Statutes.** Pg. 726 - 729
6. **Recommendation to approve and authorize the Chairman to sign a U.S. Housing and Urban Development (HUD) Community Development Block Grant-Recovery (CDBG-R) Agreement providing American Recovery and Reinvestment Act (ARRA) funds to Big Cypress Housing Corporation(BCHC) for \$467,788 to provide energy improvements at Main Street Village (MSV) and Eden Gardens Apartments in Immokalee, FL.** Pg. 730 - 761

**E. ADMINISTRATIVE SERVICES DIVISION**

1. **Recommendation to approve and authorize the Chairman to sign the Assumption Agreement from R.W. Beck, Inc. to SAIC Energy, Environment & Infrastructure, LLC for Engineering Technical Support and Financial Consulting Services for Solid Waste.** Pg. 762 - 821
2. **Recommendation to recognize and appropriate revenues for specialty facility maintenance services in the amount of \$106,594.03 to the Facilities Management Department cost center and approve all necessary Fiscal Year 2011 budget amendments.** Pg. 822 - 824
3. **Recommendation to accept a bronze bust of former County Manager James V. Mudd from Abbas Asli (landlord of the former Property Appraiser's office building) for placement in the James V. Mudd Emergency Services Center.** Pg. 825 - 827
4. **Recommendation to approve, and authorize the Chairman to sign, Gopher Tortoise Short-Term Protected Recipient Site Permit Number GTSR-11-00003, the Conservation Collier Caracara Prairie Preserve Gopher Tortoise Recipient Site Policy Resolution, and the Interlocal Agreement between Collier County and Corkscrew Regional Ecosystem Watershed Land and Water Trust.** Pg. 828 - 842

5. **Recommendation to reject vendor quotes for Invitation to Bid (ITB) 11-5629 Background Checks New Hires and Vehicle for Hire Owners and Drivers and to approve outstanding payment of three invoices to Sterling InfoSystems, Inc totaling \$6,374.82.** Pg. 843 - 874
6. **Recommendation to accept reports and ratify staff-approved change orders and changes to work orders.** Pg. 875 - 906
- F. COUNTY MANAGER OPERATIONS**
1. **Recommendation to approve a Memorandum of Understanding between Collier County and Hodges University in support of Emergency Management activities related to natural and manmade hazards emergency response.** Pg. 907 - 913
- G. AIRPORT AUTHORITY**
- H. BOARD OF COUNTY COMMISSIONERS**
1. **Proclamation designating May 10, 2011 as Conservancy of Southwest Florida "Saving Southwest Florida" Campaign Celebration Day. To be presented at the Conservancy of Southwest Florida event May 10, 2011 by Kristi Bartlett. Sponsored by Commissioner Coyle.** Pg. 914 - 915
- I. MISCELLANEOUS CORRESPONDENCE**
1. **Miscellaneous items to file for record with action as directed.** Pg. 916 - 917
- J. OTHER CONSTITUTIONAL OFFICERS**
1. **To obtain Board approval for disbursements for the period of April 9, 2011 through April 15, 2011 and for submission into the official records of the Board.** Pg. 918 - 933
2. **To obtain Board approval for disbursements for the period of April 16, 2011 through April 22, 2011 and for submission into the official records of the Board.** Pg. 934 - 945
3. **To present to the Board of County Commissioners the State Revenue Sharing Application for Fiscal Year 2011-2012 and to obtain approval for the Chairman to sign the application.** Pg. 946 - 950
- K. COUNTY ATTORNEY**
1. **Recommendation to Approve a Stipulated Final Judgment in the Amount of \$297,500 for the Acquisition of Parcel 111 in the Lawsuit Styled Collier County v. NB Holdings Corporation, et al., Case No. 06-0658-CA (Santa Barbara Boulevard Project No. 62081). (Fiscal Impact: \$314,737)** Pg. 951 - 961
2. **Authorize the making of an Offer of Judgment to Respondent, National City Mortgage Company, for Parcel No.'s 162FEE and 162TCE in the amount of \$14,500 in the lawsuit styled Collier County v. Tania Cantin, Sr., et al., Case No.** Pg. 962 - 967



10-2646-CA (Collier Boulevard Project No. 68056) (Fiscal Impact \$2,400).

3. **Authorize the making of an Offer of Judgment to Respondent, Annette Pocchi, for Parcel No.'s 105FEE and 105TCE in the amount of \$25,000 in the lawsuit styled Collier County v. Annette Pocchi, et al., Case No. 10-2682-CA (Collier Boulevard Project No. 68056) (Fiscal Impact \$4,200).** Pg. 968 - 973
4. **Recommendation to approve a Stipulated Final Judgment in the amount of \$4,200 for Parcel 145RDUE in the lawsuit styled Collier County v. Lamartine Petit Monsieur., et al., Case No. 10-2681-CA (Collier Boulevard Project No. 68056) (Fiscal Impact \$700)** Pg. 974 - 980
5. **Recommendation to approve and authorize the Chairman to execute the attached Settlement Agreement and Mutual Release with Surety Construction to recover damages incurred by the County as a result of contracted work for the repair to the Pollution Control Laboratory in Building "H" 3rd Floor in the amount of \$88,559.49.** Pg. 981 - 986
6. **Recommendation to approve a Stipulated Final Judgment for Parcel Nos. 112RDUE and 112TCE in the amount of \$356,263 in the lawsuit styled Collier County v. Kaye Homes, Inc., et al., Case No. 10-2680-CA (Collier Boulevard Project No. 68056) (Fiscal Impact \$66,963).** Pg. 987 - 1008

#### 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 an ordinance 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. 1009 - 1033
- B. **Recommendation to adopt an Ordinance amending 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. 1034 - 1042
- C. **Recommendation to adopt an Ordinance amending Ordinance No. 1975-16, as amended, relating to the placement and presentation of matters on the official agenda.** Pg. 1043 - 1049

#### 18. ADJOURN

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