

**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

**June 14, 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 Sammy Mosquera - United Pentecostal 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. May 10, 2011 - BCC/Regular Meeting**
- C. May 25, 2011 - BCC/Collier County School Board Joint Meeting**

**3. SERVICE AWARDS**

**4. PROCLAMATIONS**

- A. Proclamation designating June 14, 2011 as Youth Leadership Collier Day. To be accepted by Bob Sandy, Joan Cox, and Michael Giusto and 38 students from the 2011 Youth Leadership Collier Class. Sponsored by Commissioner Coyle. Pg. 1 - 2**

**5. PRESENTATIONS**

- A. Presentation by Tricia Dorn, Key Account Executive of LCEC (Lee County Electric), presenting an equity payout of \$20,168.08 to the Board of County Commissioners.**
- B. Presentation of the Collier County Business of the Month award to Yamron Jewelers. Accepting the award will be Ursula Pfahl, Chief Operating Officer of Yamron Jewelers. Pg. 3 - 3**
- C. Recommendation to recognize Gary Kessler, Program Leader, Parks and Recreation Department, as the Employee of the Month for May 2011. Pg. 4 - 6**

**6. PUBLIC PETITIONS**

- A. Public Petition request from Mr. Dale Johnson, Chairman of the Radio Road East of Santa Barbara to Davis Boulevard MSTU Advisory Board, requesting that the Board of County Commissioners support the advisory committee's effort in obtaining financing to allow construction of the landscaping beautification project to begin sooner. Pg. 7 - 12**
- B. Public Petition request from Mr. Robert D. Pritt representing the Barefoot Beach Club Condominium Owners Association, requesting that the Board of County Commissioners direct staff to work with the petitioner on a plan for modest trimming of mangroves. Pg. 13 - 24**
- C. Public Petition request from Bethesda Corkscrew Seventh Day Adventist Church requesting that their conditional use permit be reinstated. Pg. 25 - 32**
- D. Public Petition request from Mr. Frank Oakes expressing his concerns regarding the use of fluoride in County water. Pg. 33 - 35**

**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. **Advisory Board Vacancies as advertised in the Press Release May 26, 2011.** Pg. 36 - 40
- B. ***This item to be heard at 9:45 a.m.* The Black Affairs Advisory Board will report to the Board of County Commissioners on the recent outreach meeting and public comments received from the meeting.** Pg. 41 - 46
- C. ***This item to be heard immediately following Item 9B.* Recommendation that the Board of County Commissioners approve the 2011 Finance Subcommittee Report of the Affordable Housing Advisory Committee as assigned previously by the Board.** Pg. 47 - 49
- D. **The annual performance appraisal for the Executive Manager to the Board of County Commissioners.** Pg. 50 - 105
- E. **Recommendation to approve a Resolution of the Board of County Commissioners of Collier County, Florida, expressing opposition to provisions in Senate Bill 550 passed in 2010 requiring statewide septic tank inspections. (Commissioner Henning)** Pg. 106 - 117
- F. ***This item to be heard at 1:05 p.m.* To direct the County Attorney to draft a resolution calling for the placement of a referendum on the Spring 2012 Presidential Primary ballot that authorizes the Board of County Commissioners to grant ad valorem tax exemptions to qualifying businesses within Collier County as an incentive for encouraging capital investment and job growth, as required by Sec. 196.1995 F.S. and the Florida Constitution. (Commissioner Hiller)** Pg. 118 - 134
- G. **Appointment of member to the Radio Road Beautification MSTU Advisory Committee.** Pg. 135 - 144

**10. COUNTY MANAGER'S REPORT**

- A. **Recommendation to approve a Sixth Amendment to the Landfill Operating Agreement to extend the Disposal Capacity Agreement with the Okeechobee Landfill, Inc., a Florida Corporation (a subsidiary of Waste Management Inc., of Florida), for a term of ten years with successive ten year extension options, thereby providing the County with additional disposal capacity of 960,000 tons of solid waste and the ability to divert debris generated by a disaster. (Dan Rodriguez, Solid Waste Director)** Pg. 145 - 162
- B. ***This item to be heard at 10:45 a.m.* Recommendation that the Board of County** Pg. 163 - 213

Commissioners direct the County Manager or designee to develop a fertilizer ordinance. (Mac Hatcher, Sr. Environmental Specialist, Growth Management Division/Planning & Regulation)

- C. Recommendation to award a construction contract in the amount of \$25,935,470.53 to Astaldi Construction Corporation and reserve \$3,315,000 on the purchase order for funding allowances, for a total of \$28,220,238.93 for ITB No. 10-5342 – “SR 84 (Davis Boulevard) Radio Road to Collier Boulevard; SR/CR 951 Intersection improvements; Collier Boulevard (SR/CR 951) North to Magnolia Pond Drive; and CR 951 (Collier Boulevard) North to the E Golden Gate Canal”, Project No. 60073 and Project No. 60092. (Nick Casalanguida, Growth Management Deputy Administrator) Pg. 214 - 507
- D. *This item to be heard at 10:00 a.m. Wednesday, June 15.* Recommendation to award Contract 10-5572 for Wiggins Pass Channel Straightening - Design and Permitting to Coastal Planning and Engineering (CP&E) and authorize the Chairman to execute the standard contract after County Attorney approval in the amount of \$177,489. (Gary McAlpin, Coastal Zone Management Director) Pg. 508 - 568
- E. *This item to be heard at 9:00 a.m. Wednesday, June 15.* Recommendation to endorse the recommendation of the Clam Bay work group and the Coastal Advisory Committee on the marking of Clam Pass/Bay; provide direction on permitting, installation and maintenance of the Clam Pass/Bay markers; and authorize staff to proceed with Florida Wildlife Commission (FWC); United States Army Corps of Engineers (USACE); Florida Department of Environmental Protection (FDEP); and the United States Coast Guard (USCG) permitting. (Gary McAlpin, Coastal Zone Management Director) Pg. 569 - 579
- F. *This item to be heard at 2:00 p.m.* Recommendation to approve \$29,729 in design alternative studies for the Vanderbilt Beach park/restroom facility as directed at the March 8, 2011 BCC meeting. (Gary McAlpin, Coastal Zone Management Director) Pg. 580 - 600
- G. Recommendation to approve the Conservation Collier Program Public Amenity Work Plan. (Melissa Hennig, Environmental Specialist) Pg. 601 - 613
- H. Recommendation to adopt a resolution authorizing the condemnation of those perpetual and temporary easement interests necessary for the construction of stormwater improvements for the US-41 Ditch segment of the Lely Area Stormwater Improvement Project. (Project No. 51101.) Estimated fiscal impact: \$1,927,569. (Jay Ahmad, Transportation Engineering Director) Pg. 614 - 674

## 11. COUNTY ATTORNEY’S REPORT

- A. *12:00 P.M. Time Certain Notice of Closed Session.* Notice is hereby given that pursuant to Section 286.011(8), Fla. Stat., the County Attorney desires advice from the Board of County Commissioners in closed attorney-client session on TUESDAY, JUNE 14, 2011. The session will be held for a time certain of 12:00 noon, in the Commission Conference Room, 3rd Floor, W. Harmon Turner Building, Collier County Government Pg. 675 - 676

Center, 3299 East Tamiami Trail, Naples, Florida. In addition to Board members, County Manager Leo Ochs, County Attorney Jeffrey A. Klatzkow, and Litigation Section Chief Jacqueline W. Hubbard will be in attendance. The Board in executive session will discuss: Strategy session related to settlement negotiations in the pending case of KER Enterprises, Inc., d/b/a Armadillo Underground v. APAC-Southeast, Inc., et al v. Collier County, Case No. 08-3496-CA, now pending in the Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida.

- B. **1:00 P.M. Time Certain Return From Closed Session. For the Board of County Commissioners to provide direction to the County Attorney regarding settlement negotiations in the pending case of KER Enterprises, Inc., d/b/a Armadillo Underground v. APAC-Southeast, Inc., et al v. Collier County, Case No. 08-3496-CA, now pending in the Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida.** Pg. 677 - 677

**12. OTHER CONSTITUTIONAL OFFICERS**

- A. **Recommendation that the Board of County Commissioners provide after-the-fact approval of the Sheriff's Office submittal to the U.S. Department of Justice for the FY 2011 COPS Hiring Program Grant.** Pg. 678 - 731
- B. **Approve a budget amendment recognizing \$1,546,000 in revenues and expenditures in the Sheriff's FY 2011 General Fund Budget.** Pg. 732 - 733

**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. **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 final plat of Bucks Run Reserve, approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security.** Pg. 734 - 742
2. **Recommendation to adopt a Resolution amending the Collier County Administrative Code Fee Schedule of development-related review and processing fees as provided for in The Code of Laws and Ordinances, Section 2-11.** Pg. 743 - 787

3. **Recommendation to authorize a budget amendment to recognize revenue for projects within the Transportation Supported Gas Tax Fund (313) in the amount of \$36,925.** Pg. 788 - 790
4. **Recommendation to approve and ratify Staff's extension of Contract # 01-3290 "Fixed Term Professional Engineering Services" with Johnson Engineering, Inc., and approval of a time extension change to Work Order # JEI-T-3290-06-01 in order to process the Consultant's final invoice for work completed for the "Rich King Memorial Greenway."** Pg. 791 - 797
5. **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 final plat of Artesia Naples, Phase 2.** Pg. 798 - 808
6. **Recommendation to authorize a budget amendment to recognize revenue through reimbursement from Florida Department of Transportation (FDOT) for the CR-901 Vanderbilt Drive Bridge Project.** Pg. 809 - 908
7. **Recommendation to consider approving a Resolution, amending the Collier County Vehicle for Hire Administrative Policy Manual, providing for the allowance of lettering on the rear windshields of the Charter Service Vehicles.** Pg. 909 - 938
8. **Recommendation to receive and approve the Collier County Floodplain Management Plan 2010 Progress Report and adopt the 2011 Action Plan.** Pg. 939 - 953
9. **Recommendation to approve the purchase of a Perpetual, Non-Exclusive Road Right-of-Way, Drainage and Utility Easement (Parcel No. 442RDUE) which will be required for the four-laning of Golden Gate Boulevard between Wilson Boulevard and DeSoto Boulevard. Project No. 60040 (Fiscal Impact: \$3,283).** Pg. 954 - 972
10. **Recommendation that the Board of County Commissioners endorse changes to the Code Enforcement Board's Rules and Regulations and Special Magistrate's Rules and Regulations.** Pg. 973 - 998
11. **Recommendation to approve the Collier Metropolitan Planning Organization's (MPO) Operating Budget for FY 2011/12, and budget amendments to recognize grant revenues in the amount of \$1,019,577, and \$5,000 in local funding.** Pg. 999 - 1010
12. **Recommendation to request the Board of County Commissioners waive false alarm citation fees for the District School Board of Collier County.** Pg. 1011 - 1014
13. **Recommendation to approve the de-obligation of the Federal Transit Administrative (FTA) Grant Funds for 49 U.S.C. §5316 (JARC) and 49 U.S.C. §5317 (New Freedom) Programs.** Pg. 1015 - 1019
14. **Recommendation to approve the Release of Liens in the Code Enforcement Actions entitled Board of County Commissioners vs. Carolina M. Alvarez, Code Enforcement Case Numbers CEP20080005933 and CERR20080006426,** Pg. 1020 - 1025

relating to property located at 724 109th Avenue North, Collier County, Florida.

15. Recommendation to approve and ratify Staff's extension of Contract # 06-3969 "Fixed Term Professional Engineering Services" with Pitman-Hartenstein, Inc. and approval of a time extension change to Work Order # 4500117579 in order to process the Consultant's final invoice for work completed for the "Progress Avenue / Livingston Road Intersection Improvements." Pg. 1026 - 1031
16. Recommendation to approve and ratify Staff's extension of Contract # 09-5197 "Annual Contract for Roadway Contractors" with Better Roads, Inc. and approval of a time extension change to Work Order # 4500117578 in order to process the Contractor's final invoice for work completed for the "2010 Countywide Sidewalk Improvements." Pg. 1032 - 1039
17. Recommendation to award ITB # 11-5646 "Nuisance Abatement Services," to Neal's Lawn and Landscaping Maintenance, Inc., A-Nolan Landscaping and Lawn, A & M Property Maintenance, LLC, Ameri-Pride, Inc., Walker Exotic Tree Eradication, Environmental Restoration Consultants, Inc., and Environmental Mowing, Inc., in the estimated combined annual amount of \$160,800. Pg. 1040 - 1079
18. Recommendation to award a construction contract to Better Roads, Inc. for Bid No. 11-5661 - Progress Avenue Roadway Improvements from Airport-Pulling Road to Commercial Boulevard, , Project No. 60188-3, in the amount of \$475,243.02 Pg. 1080 - 1090
19. Recommendation that the Board approve and authorize the Chairman to sign an Underground Facilities Conversion Agreement with Comcast of the South, Inc ("Comcast") for Phase One Project as stipulated by Florida Public Service Commission Tariff 6.310 for the conversion of overhead electric distribution facilities and other non-electrical utilities located on utility poles within the Vanderbilt Beach Municipal Service Taxing Unit (the 'MSTU') Underground distribution and to approve payment to Comcast in the amount of \$331,351.25 to cover the construction cost for conversion of Comcast from overhead utilities to underground. Pg. 1091 - 1111
20. Recommendation to award Bid 11-5641, "Rock Road MSTU Lime Rock Road Maintenance" to Earthtech Enterprises, Inc. in the estimated amount of \$67,036.15 Pg. 1112 - 1116
21. Recommendation to authorize a budget amendment in the amount of \$127,177 for the required 50% local match to the Federal Transit Administration Sections 5307 FY 10 Grant. Pg. 1117 - 1134
22. To update the Board of County Commissioners on Public Petition Item #6A discussed at the Board of County Commissioners meeting on January 11, 2011 by Anton Karaba and Eva Karabova seeking approval to retain the ten-foot fence built on property located at 12243 Fuller Lane. Pg. 1135 - 1188
23. Recommendation to approve defined maintenance responsibilities for specific public, but unaccepted unplatted roadways in Collier County. Pg. 1189 - 1197

24. Recommendation to approve the purchase of three fixed-route buses with trolley decal wraps for Collier Area Transit in the amount of \$1,123,911 funded with FTA 5307 FY10 grants. These buses are scheduled replacements and are consistent with the adopted 2010 Transit Development Plan (TDP). Pg. 1198 - 1251
25. Recommendation to waive formal competition, approve and authorize the Chairman to sign Change Order #2 to Contract #08-5009 with Sire Technologies, Inc. in the amount of \$129,150, and authorize a budget amendment from the Development Services Building Permit Fund 113 reserves for \$112,000, with the remaining balance of \$17,150 to be expended from current Fund 113 operating expenses, for the purpose of extending the County's Electronic Content Management (ECM) system for the implementation of ActiveReview, an Electronic Plan Submittal and Review system (EPSR) designed for land use and building permit applications, and for enterprise management of capital project plans. Pg. 1252 - 1275

**B. COMMUNITY REDEVELOPMENT AGENCY**

1. Recommendation to the Board of County Commissioners to approve a budget amendment authorizing the Immokalee Community Redevelopment Agency to commit \$212,000 of CDBG Grant Award # CD 10-66 for FY2010-2011, Job Creation Project, to Fund 715 for the Immokalee Business Development Center (IBDC). Pg. 1276 - 1307
2. A Resolution by the Board of County Commissioners of Collier County, Florida, designating the parcels of land depicted in the attached Exhibits A-G associated with the Immokalee Enterprise Zone as a Brownfield Area of Collier County for the purpose of economic development and environmental rehabilitation; authorizing the County Manager or his designee to notify the Department of Environmental Protection of said designation; and providing for an effective date. Pg. 1308 - 1320
3. Recommendation to award Bid #11-5691 for the construction of the Bayshore Drive South Corridor Improvements in the amount of \$943,599.42. Pg. 1321 - 1453

**C. PUBLIC UTILITIES DIVISION**

1. Recommendation to reject all quotes for Lift Station 103.01 Rehabilitation Project and re-quote Project 70046. Pg. 1454 - 1457
2. Recommendation to approve a Utility Easement from Collier County to the Collier County Water-Sewer District for Irrigation Quality (IQ) Water pipeline and associated infrastructure including telemetry antennae, electrical panel, meter assembly, electrical conduit, and for access on, over and across a portion of the Veterans Park property located within Veterans Park off Immokalee Road in Naples, Florida at an estimated cost not to exceed \$44, Project Number 70062. Pg. 1458 - 1467
3. Recommendation to approve a contract between the Florida Department of Pg. 1468 -



**Environmental Protection and the Collier County Board of County Commissioners for the disposal of reclaimed waste from the Isles of Capri Park Project. The waste will be disposed of at the Collier County Landfill on a fee schedule basis of \$50.58 per ton for residential municipal solid waste, as defined in the FY 2011 Rate Resolution, in an amount not to exceed \$100,000.** 1494

**D. PUBLIC SERVICES DIVISION**

- 1. Recommendation to approve a budget amendment recognizing \$64,391.41 in revenue generated as program income when conveying properties acquired under the Neighborhood Stabilization Program, in addition to reallocating funds within the program commitment items to accurately reflect ongoing program expenses. (Fiscal impact \$64,391.41)** Pg. 1495 - 1497
- 2. Recommendation to approve and authorize the Chairman to sign one (1) Subrecipient Agreement in the amount of \$170,000 with Immokalee Non-Profit Housing d/b/a Immokalee Housing & Family Services using a Home Investment Partnership Program (HOME) grant.** Pg. 1498 - 1529
- 3. Recommendation to approve and authorize the Chairman to sign a U.S. Housing and Urban Development Community Development Block Grant Agreement providing funds to David Lawrence Mental Health Center, Inc., d/b/a David Lawrence Center for \$397,375 to provide energy improvements at three (3) of its sites within Collier County.** Pg. 1530 - 1566
- 4. Recommendation to approve and authorize the Chairman to sign Agreement 11-5693 with Collier County Child Advocacy Council, Inc. d/b/a Children's Advocacy Center of Collier County (CAC) to continue providing supervised visitation services funded by a grant from the United States Department of Justice, Office on Violence against Women and terminate Agreement 10-5385 with the CAC for convenience to accurately cover grant funding years.** Pg. 1567 - 1600
- 5. Recommendation to approve and authorize the Chairman to sign an amendment to the 2010 Community Development Block Grant (CDBG) Subrecipient Agreement with the Community Redevelopment Agency (CRA) Immokalee approved on October 26, 2010 (Item 16D6). This amendment will correct a scrivener's error and revise the scope of services on the original agreement to include travel costs.** Pg. 1601 - 1633
- 6. Recommendation to approve and authorize the Chairman to sign contract amendments between the Area Agency on Aging of Southwest Florida, Inc. and Collier County to extend the grant period by ninety days, approve budget amendments to reflect funding for the FY11-12 State General Revenue Seniors Programs in the amount of \$838,546, and authorize the continued payment of grant expenditures. (Fiscal impact \$838,546)** Pg. 1634 - 1646
- 7. Recommendation to approve and authorize the Chairman to sign an Agreement with Physician Led Access Network (PLAN) of Collier County for \$488,000 to provide a shared information network for PLAN participants in Collier County. Services will be paid on behalf of the PLAN program through a \$594,000 grant** Pg. 1647 - 1666

awarded by the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA).

8. Recommendation to approve a budget amendment in the amount of \$11,625.13 to recognize revenue and its appropriate expenditures from the collection of co-payments and contributions from the Housing, Human and Veteran Services, Services for Seniors program. Total fiscal impact \$11,625.13. Pg. 1667 - 1669
9. This item is continued from the May 24, 2011 BCC Meeting. Recommendation to approve and authorize the Chairman to sign an amendment to the Collier County Hunger and Homeless Coalition (HHC) Subrecipient Agreement for the U.S. Department of Housing and Urban Development (HUD) Homeless Prevention and Rapid Re-Housing (HPRP) Grant approved by the Board on September 15, 2009, Item 16D19. This amendment will allow for a revision of the Subrecipient Agreement to accommodate the HHC request to no longer include Homeless Management Information System (HMIS) activities and to allow HHC to more fully expend grant funds. Pg. 1670 - 1708

**E. ADMINISTRATIVE SERVICES DIVISION**

1. Recommendation to approve and authorize the Chairman to sign the Assumption Agreement from Municipal Software Corporation to N. Harris Computer Corporation as it relates to Contract #06-3962 "New Divisional Software System for Community Development and Environmental Services (CDES)." Pg. 1709 - 1788
2. Recommendation to accept reports and ratify staff-approved change orders and changes to work orders. Pg. 1789 - 1848
3. Recommendation to authorize submittal of an Invasive Upland Plant Removal Program grant proposal to the Florida Fish and Wildlife Conservation Commission's Invasive Plant Management Section for contractor services to treat invasive exotic vegetation within Pepper Ranch Preserve - SSA 7 in the amount of \$76,000. Pg. 1849 - 1856

**F. COUNTY MANAGER OPERATIONS**

1. Recommendation to approve and authorize the Chairman to sign an addendum to Contract # 10-5440 for enhancements to Book Direct Hotel Booking Service with Jack Rabbit Systems for an annual expenditure of \$18,250 for a total three year agreement cost of \$60,065. Pg. 1857 - 1866
2. Recommendation to approve and authorize the Chairman to sign an Agreement between Collier County and the Florida Division of Emergency Management accepting a Grant award for \$105,806 for Emergency Management Program Enhancement and approve the associated budget amendment. Pg. 1867 - 1904
3. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2010-11 Adopted Budget. Pg. 1905 - 1907

4. Recommendation that the Board of County Commissioners approve a budget amendment transferring \$118,000 from the Clam Bay Fund (320) Reserve/Transfers to the Clam Bay Fund (320) Ecosystem Enhancements. Pg. 1908 - 1913
- G. AIRPORT AUTHORITY**
1. Recommendation to approve a budget amendment in the amount of \$5,000 to recognize revenue from the Immokalee Community Redevelopment Agency (CRA) for repairs to a modular building located at the Immokalee Regional Airport to be used as the Immokalee Business Development Center (IBDC). Pg. 1914 - 1916
- 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 Economic Development Council Post-Legislative Luncheon on May 25, 2011 at the Moorings Park Grill Room in Naples, FL. \$15 to be paid from Commissioner Fiala's travel budget. Pg. 1917 - 1924
2. Commissioner Henning requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended the Women's Council of Realtors' Wine and Food Extravaganza on May 25, 2011 at the Estuary at Grey Oaks, 1473 Anhinga Pointe, Naples, FL. \$40 to be paid from Commissioner Henning's travel budget. Pg. 1925 - 1928
- I. MISCELLANEOUS CORRESPONDENCE**
1. Miscellaneous items to file for record with action as directed. Pg. 1929 - 1930
- J. OTHER CONSTITUTIONAL OFFICERS**
1. To obtain Board approval for disbursements for the period of May 7, 2011 through May 13, 2011 and for submission into the official records of the Board. Pg. 1931 - 1945
2. To obtain Board approval for disbursements for the period of May 14, 2011 through May 20, 2011 and for submission into the official records of the Board. Pg. 1946 - 1958
3. To obtain Board approval for disbursements for the period of May 21, 2011 through May 27, 2011 and for submission into the official records of the Board. Pg. 1959 - 1975
4. Recommendation that the Board of County Commissioners approve the fifteenth year SCAAP letter delegating authority to Sheriff Kevin Rambosk to be the official grant applicant and contact person, or his designee, and to receive and expend the payment of the fifteenth year of State Criminal Alien Assistance Program (SCAAP) grant funds. Pg. 1976 - 1979
- K. COUNTY ATTORNEY**

1. **Recommendation to approve a Stipulated Final Judgment for Parcel No. 27T in the lawsuit styled Board of County Commissioners v. Collier HMA, Inc., et al., Case No. 06-0013-CA and approve a Settlement Agreement and Release between Collier County and Wal-Mart Stores East LP relating to the inverse condemnation claim in the same case (CR 951 Water Transmission Mains Project). (Fiscal Impact \$20,000 after reimbursement)** Pg. 1980 - 2000
2. **Recommendation to hire outside trial counsel Bricklemeyer, Smolker & Bolves, P.A. in the matter of Collier County v. First National Bank of Naples, Case Numbers 04-3587 and 04-3588 under contract # 06-4047 "Eminent Domain Legal Services".** Pg. 2001 - 2004
3. **Request by the Housing Finance Authority of Collier County for re-approval of a resolution authorizing the Collier Authority to participate in the Lee County Housing Finance Authority to issue single-family mortgage revenue bond program to assist qualified buyers of single family homes in participating counties, including Collier County, and authorizing the Collier Authority to enter into an interlocal agreement with the Lee Authority.** Pg. 2005 - 2019
4. **Recommendation that the Board of County Commissioners adopt a Resolution fixing the date, time and place for the Public Hearing for approving the Special Assessment (Non-ad valorem Assessment) to be levied against the properties within the Pelican Bay Municipal Service Taxing and Benefit Unit.** Pg. 2020 - 2030
5. **Recommendation to authorize the making of an Offer of Judgment to Respondent, Pocchi Construction, Inc., for Parcel Nos. 106FEE and 106TCE in the amount of \$17,400 in the lawsuit styled Collier County v. Annette Pocchi, et al., Case No. 10-2682-CA (Collier Boulevard Project No. 68056) (Fiscal Impact \$5,000).** Pg. 2031 - 2036
6. **Recommendation to approve settlement of the lawsuit captioned Collier County Board of County Commissioners v. Kim Christine Mudge in County Court in and for Collier County, Florida (Case No. 10-1075-CC), to settle a property damage claim resulting from an automobile accident for the total settlement amount of \$5,222.09, payable to the County, and authorize the Chairman to sign a Partial Release of Property Damage Claim.** Pg. 2037 - 2041
7. **Recommendation to approve in principal a Settlement Agreement with Bennett Cinquegrana et al. that settles in full the litigation styled: Bennett Cinquegrana, Rita Siegel, on behalf of themselves and all other persons similarly situated v. Collier County, American Traffic Solutions, LLC and ATS American Traffic Solutions, Inc., Case No. 09-7628-CA, now pending in the Circuit Court for the Twentieth Judicial Circuit in and for Collier County, Florida.** Pg. 2042 - 2117
8. **Recommendation that the Board of County Commissioners authorizes an increase in the purchase order for Carlton Fields, P.A. to exceed the \$100,000.00 cap in the case of Collier County v. John Reynolds & Sons, Inc., et al., Case No. 10-6658-CA (South Reverse Osmosis Raw Water Wellfield Pipeline Project No. 70030)(Fiscal Impact an additional \$150,000).** Pg. 2118 - 2119

## 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. PUDZ-2007-AR-12292: Cope Reserve RPUD -- An ordinance amending Ordinance Number 2004-41, the Collier County Land Development Code, which includes the comprehensive zoning regulations for the unincorporated area of Collier County, Florida by amending the appropriate zoning atlas map or maps; by changing the zoning classification of the herein described real property from the Estates (E) Zoning District to the Residential Planned Unit Development (RPUD) Zoning District for a project to be known as the Cope Reserve RPUD. The project proposes a total of 43 single-family detached dwelling units in Section 8, Township 50 South, Range 26 East, Collier County, Florida, consisting of 14.3± acres; and by providing an effective date. Pg. 2120 - 2237
- B. 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. ABW-PL2011-0568, Silver Spot Theatre, a Resolution of the Board of Zoning Appeals of Collier County, Florida, relating to Petition Number ABW-PL2011-0568, granting a waiver pursuant to Section 5.05.01.A.6 of the Land Development Code, concerning two establishments selling alcohol for on-site consumption and deriving less than fifty-one percent of their sales from food items and having a minimum separation distance of less than 500 feet from another such establishment, which are located at units 8205 and 8210 in the Mercato Mixed Use Planned Unit Development in Section 34, Township 48 South, Range 25 East, Collier County, Florida. Pg. 2238 - 2268
- C. 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. CU-PL2010-1949, Hitching Post, A Resolution of the Board of Zoning Appeals of Collier County, Florida, providing for the establishment of a Conditional Use to allow a coin operated amusement arcade within a C-3 Zoning District pursuant to Subsection 2.03.03.C.1.c.4 of the Collier County Land Development Code for property located in Section 33, Township 50 South, Range 26 East, Collier County, Florida. Pg. 2269 - 2331
- 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) providing for modifications to the provisions related to the annual payments required to obtain and maintain a Certificate of Public Facility Adequacy. A report to the Board of County Commissioners will be provided, on program/development activity one year after the effective date of the changes, as directed by the Board of County Commissioners on May 10, 2011. Additionally, that the Board of County Commissioners direct the County Attorney and the County Pg. 2332 - 2346

**Manager, or his designee, to prepare the necessary amendments to the Collier County Land Development Code, to accommodate these types of payment changes and specify Chapter 74 of the Collier County Code of Laws and Ordinances as the controlling provisions, to be included as part of the next scheduled update cycle.**

- E. Recommendation that the Board of County Commissioners approve an amendment to Ordinance Number 09-22, the Planned Unit Development (PUD) time limits and time limit extension requirements as found in Section 10.02.13.D of the Collier County Land Development Code (LDC). Pg. 2347 - 2356**
- F. Recommendation that the Board approve 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. 2357 - 2369**
- G. Recommendation to adopt an ordinance amending Chapter 49 of the Collier County Code of Laws and Ordinances, relating to economic development, which will establish additional criteria to be evaluated (1) when there is a request to lessen or waive certain requirements in existing economic development ordinances and programs, and (2) when there is an application seeking grants and/or other incentives which fall outside existing economic development ordinances and programs. Pg. 2370 - 2379**

**18. ADJOURN**

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