

**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

**September 13, 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. **Trista Sue Kragh - Naples Embassy** Pg. 1 - 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. **July 26, 2011 - BCC/Regular Meeting**
3. **SERVICE AWARDS**
4. **PROCLAMATIONS**
  - A. **Proclamation designating September 12 through September 16, 2011 as Industry Appreciation Week. To be accepted by Beth Sterchi and Katie Betz. Sponsored by Commissioner Coyle.** Pg. 2 - 3
  - B. **Proclamation recognizing The United Way of Collier County for their outstanding contributions to the community and to wish them yet another year of great success as they kick off their 2011/2012 season. To be accepted by Ernie Bretzmann, United Way staff, and United Way Board of Directors. Sponsored by Commissioner Hiller.** Pg. 4 - 5
  - C. **Proclamation designating September 13, 2011 as Cody Anderson Day. To be accepted by Cody Anderson. Sponsored by Commissioner Coyle.** Pg. 6 - 7
5. **PRESENTATIONS**
  - A. **Recommendation to recognize Sheree Mediavilla, Administrative Assistant, Public Utilities Operations Department, as the Employee of the Month for July 2011.** Pg. 8 - 10
6. **PUBLIC PETITIONS**
  - A. **Public Petition request from Allan G. Reeves regarding the requirement of permits for the replacement of electric water heaters located in multi-family dwellings.** Pg. 11 - 13
  - B. **Public Petition request from Keith Roman seeking Board approval for a repayment settlement of \$2,000 for a State Housing Initiative Partnership (S.H.I.P.) loan of \$24,272.50, for his home at 7797 Esmeralda Way, Unit 201, Naples.** Pg. 14 - 17
  - C. **Public Petition request from David Delaney, requesting a "variance" from the Board of County Commissioners, to keep six adult dogs at his residence at 168 Skipping Stone Lane; thereby exceeding the limit of three adult dogs as permitted in the Land Development Code. Case was heard by the Collier County Special Magistrate on February 4, 2011.** Pg. 18 - 28
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. *This item has been continued to the September 27, 2011 meeting.* DRI-2006-AR-10147: Pg. 29 - 29  
Hacienda Lakes DRI -- A Resolution of the Board of County Commissioners of Collier County, Florida approving a Development Order for Hacienda Lakes, a Development of Regional Impact located in Sections 11 through 14 and 23 through 25, Township 50 South, Range 26 East, and Sections 19 and 30, Township 50 South, Range 27 East, Collier County, Florida which will allow up to 1,760 residential dwelling units including conversions to recreational vehicle park and senior housing for independent living, assisted living and nursing care, 327,500 square feet of retail use, 70,000 square feet of professional and medical office including a conversion of retail use to professional and medical office, a 135-room hotel including a conversion to business park, 140,000 square feet of business park or educational facility, a public school, and continuation of existing "Junior Deputy" passive recreation and existing "swamp buggy" attraction; providing for Findings of Fact; providing for Conclusions of Law; and providing an effective date. (Companion to Petitions PUDZ-2006-AR-10146 and CP-2006-11) (Coordinator: Kay Deselem, AICP, Principal Planner)
- B. This item requires that ex parte disclosure be provided by Commission members. Pg. 30 - 187  
Should a hearing be held on this item, all participants are required to be sworn in. PUDZ-PL2009-1017: Estates Shopping Center CPUD -- An Ordinance of the Board of County Commissioners of Collier County, Florida amending Ordinance No. 2004-41, as amended, the Collier County Land Development Code, which established 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 an Estates (E) zoning district with a Wellfield Risk Management Special Treatment Overlay to a Commercial Planned Unit Development (CPUD) zoning district with a Wellfield Risk Management Special Treatment Overlay for the project to be known as the Estates Shopping Center CPUD to allow up to 170,000 square feet of commercial development on property located in the northwest corner of the Golden Gate Boulevard and Wilson Boulevard intersection in Section 4, Township 49 South, Range 27 East, Collier County, Florida consisting of 41± acres; and providing an effective date (Companion to Petition CP-2008-01).
- C. This item requires that ex parte disclosure be provided by Commission members. Pg. 188 - 245  
Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve the 2010 Cycle of Growth Management Plan Amendments, including one 2008 Cycle Petition. (Adoption Hearing)
- D. *This item to be heard at 10:45 a.m.* This item requires that ex parte disclosure be Pg. 246 - 511  
provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to Consider and Adopt a Resolution Establishing New County Commission District Boundaries, Pursuant to Chapter 124, Florida Statutes, and the Florida Constitution.

## 9. BOARD OF COUNTY COMMISSIONERS

- A. Appointment of members to the Airport Authority Advisory Board. Pg. 512 - 527
- B. Appointment of member to the Conservation Collier Land Acquisition Advisory Committee. Pg. 528 - 538
- C. Appointment of member to the Value Adjustment Board. Pg. 539 - 547
- D. Appointment of member to the Pelican Bay Services Division Board. Pg. 548 - 558
- E. Appointment of members to the Water and Wastewater Authority. Pg. 559 - 571
- F. Appointment of member to the Black Affairs Advisory Board. Pg. 572 - 582
- G. Request for reconsideration of Item 16D4 from the July 26, 2011 BCC Meeting titled "Recommendation to approve the Category "A" Tourist Development Fund 183 Grant Applications for Beach Park Facilities for FY2011/12 in the amount of \$1,025,000, make a finding that the expenditure will promote tourism, and authorize the Chairman to sign necessary agreements following County Attorney approval. (Commissioner Hiller) Pg. 583 - 606

## 10. COUNTY MANAGER'S REPORT

- A. *This item to be heard at 5:00 p.m.* Recommendation to review and approve the Parks and Recreation Master Plan prepared by Tindale-Oliver and Associates, Inc. with the addition of citizen input meetings held April 6 and 7, 2011. (Marla Ramsey, Public Services Administrator) Pg. 607 - 850
- B. Recommendation to adopt a Resolution renaming the Gulf Coast Park, 5611 Warren Street, "Cindy Mysels Park." The renaming is sponsored by Mr. Anthony P. Feola, Vice President of the Gulf Coast Little League and supported by 1,288 residents of Collier County. (Mike Sheffield, Business Operations Manager, County Manager's Office) Pg. 851 - 863
- C. Provide a staff response to the question of using fluoride in the public potable water supply distributed by the Public Utilities Division's Water Department, as directed by the Board of County Commissioners during its June 14, 2011 meeting. (George Yilmaz, Public Utilities Administrator and Dr. Joan Colfer, Collier County Health Department Director) Pg. 864 - 1044
- D. Recommendation to award a construction contract in the amount of \$1,497,195.48 for the "North County Regional Water Treatment Plant Main Electrical Switchgear Replacement" to E.B. Simmonds Electrical, Inc., Bid Number 11-5747, Project Number 70069, and authorize a budget amendment in the amount of \$247,695.48 to Project Number 70069. (Tom Chmelik, Public Utilities Engineering Director) Pg. 1045 - 1155
- E. Recommendation to award Contract 10-5447 in the amount of \$574,996 for Phase One and Phase Two, and \$774,240 for Phase Three to EMA of Minnesota, Inc., with authorization to issue a purchase order for Phases One and Two for \$574,996, in support of "Public Utilities Asset Management," Projects 71012 and 73165. (George Pg. 1156 - 1202

Yilmaz, Public Utilities Administrator)

- F. Recommendation to direct the County Attorney to submit an appeal in response to a request from the Florida Department of Education, Food and Nutrition Management Section (FNMS) to reclaim 25,652 meals for program year 2009 and 31,582 meals for program year 2010 associated with the Summer Food Program. (Marla Ramsey, Public Services Administrator) Pg. 1203 - 1215

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 Cottessmore with the roadway and drainage improvements being privately maintained and authorizing the release of the maintenance security. Pg. 1216 - 1223
2. 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 Saturnia Falls - Phase One, approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security. Pg. 1224 - 1259
3. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Caldecott with the roadway and drainage improvements being privately maintained and authorizing the release of the maintenance security. Pg. 1260 - 1267
4. Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of Verona Pointe with the roadway and drainage improvements being privately maintained and authorizing the release of the maintenance security. Pg. 1268 - 1276
5. This is a recommendation to approve a Settlement Agreement and Release relative to the subdivision improvements associated with the final plats of Pg. 1277 - 1298

**Sapphire Lakes Units 4A, 4B and 4C.**

- 6. Recommendation to approve final acceptance of the water and sewer utility facilities for Seacrest Upper School Campus, 7100 Davis Boulevard, 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. 1299 - 1305**
- 7. Recommendation to approve final acceptance of the water utility facility for Naples Dodge/Mazda Storage Lot, 2451 J & C Blvd, 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. 1306 - 1311**
- 8. Recommendation to approve final acceptance of the water utility facility for Meridian Market Place, 3355 Meridian Place, 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. 1312 - 1317**
- 9. Recommendation to approve final acceptance of the water utility facility for American Momentum Center, 8625 Tamiami Trail North, 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. 1318 - 1323**
- 10. Recommendation to approve the release of lien in the Code Enforcement Action entitled Board of County Commissioners vs. Robert Custer, Code Enforcement Special Magistrate Case No. CEP-2009-0001763, relating to property located at 29 Covey Lane, Collier County, Florida.**

**Pg. 1324 - 1327**
- 11. Recommendation to approve the award of Contract #11-5639 in the amount of \$450,000 and authorize the Chairman to execute an agreement with TY Lin International, for "Design & Related Services for the Replacement of CR29 Bridge (#030161) over Chokoloskee Bay" for Project No. 66066.**

**Pg. 1328 - 1414**
- 12. Recommendation to approve Change Order No. 3 to Contract # 09-5278 in the amount of \$210,645 with Stanley Consultants, Inc., for Design & Related Services for the Intersection Capacity Improvements to the US 41 and SR/CR 951 Intersection and Resurfacing, Restoration and Rehabilitation roadway improvements to SR 951; project # 60116.**

**Pg. 1415 - 1441**
- 13. Recommendation that the Board of County Commissioners approve and authorize the Chairman to sign a Release of Lien for the Tuscan Isle Apartments (formerly Saddlebrook Village Phase II) due to the impact fees being paid in full in accordance with the Agreement for 100% Deferral of Collier County Impact Fees for Multi-Family Affordable Housing, as set forth by Section 74-401(e) and 74-401(g) (5) of the Collier County Code of Laws and Ordinances and the executed Settlement Agreement between Creative Choice Homes, XIV, Ltd. and Collier County.**

**Pg. 1442 - 1466**
- 14. PMC-PL2011-872: Heavenly PUD - Notification of staff's intent to approve a minor amendment to the Heavenly Planned Unit Development in accordance**

**Pg. 1467 - 1509**

with LDC Sections 10.02.13.E.6 and 8 to change the location and type of plantings and to revise the buffer standards to reduce the height of trees and plantings due to site conditions and conflicts with FPL lines, and to allow payment in lieu of sidewalks instead of construction of a sidewalk along Myrtle Road from North Trail Boulevard to the project entrance. The subject property is located at 6926 Trail Boulevard, and comprises the entire block bounded by Ridge Drive, West Street, Myrtle Road and Trail Boulevard in Section 3, Township 49 South, Range 25 East of Collier County, Florida.

15. Recommendation to award Bid #11-5737 for "Forest Lakes MSTU Sidewalks, Lighting & Planting - Phase I & IA" Project to 3-Rs Equipment (d/b/a Richards Company) in the amount of \$841,492.40 Pg. 1510 - 1720
16. Recommendation to provide after the fact approval for the submittal of a State of Good Repair (SGR) Bus and Bus Facilities grant application, for the amount of \$11,335,290, to the Federal Transit Administration (FTA) for construction of improvements at the Collier Area Transit (CAT) Administration and Maintenance Facility at 8300 Radio Road. Pg. 1721 - 1756
17. Recommendation for Board approval of Hole Montes, Inc., as the design professional short-list for RFP #11-5724 and to enter into negotiations between Collier County and Hole Montes Inc. for "Construction Engineer, Landscape Inspection and Site Restoration Services for Vanderbilt Beach MSTU: FPL Underground Conversion Project - Phase 1, 2, 3" pursuant to RFP #11-5724. Pg. 1757 - 1761
18. Recommendation to accept a Speed Limit Study Report and adopt a Resolution of the Board of County Commissioners of Collier County, Florida, establishing a speed limit of thirty-five miles per hour (35 mph) for the currently non-posted speed limit section of roadway of Bailey Lane from Coco Lakes Drive east to Airport-Pulling Road at a cost of approximately \$400. Pg. 1762 - 1776
19. 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 decrease from fifty-five miles per hour (55 mph) to fifty miles per hour (50 mph) on Collier Boulevard from Green Boulevard to Golden Gate Boulevard at a cost of approximately \$500. Pg. 1777 - 1794
20. 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 forty-five miles per hour (45 mph) to fifty miles per hour (50 mph) on Pine Ridge Road from Logan Boulevard to Collier Boulevard at a cost of approximately \$600. Pg. 1795 - 1813
21. This is a recommendation to approve for recording the final plat of Quarry Phase 3, approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security. Pg. 1814 - 1828
22. Recommendation to terminate the award of Bid # 10-5528 "Bus Shelter Installation" to AC Signs LLC, at the request of the contractor; to award Bid # Pg. 1829 - 1846

10-5528 to the second lowest bidder, Wm. J. Varian Construction Company, Inc.; and, to authorize the Chairman to execute the attached contract.

23. Recommendation to provide after the fact approval for the submittal of Shirley Conroy Rural Area Capital Equipment Support Grant in the amount of \$35,000, to the Florida Commission for Transportation Disadvantaged for the installation of security cameras on-board the paratransit vehicles and authorize the Chairman of the Board to sign the grant and all applicable documents. Pg. 1847 - 1870
24. Recommendation to award Request for Proposal (RFP) 11-5621 for Design Services for improvements at the Collier Area Transit (CAT) Administration and Operations Facility at 8300 Radio Road, to Atkins North America, Inc., and to authorize the Chairman to execute the attached contract in the amount of \$502,451.20. Pg. 1871 - 1970
25. Recommendation to advertise an amendment to Collier County Ordinance No. 2009-44, the Radio Road East of Santa Barbara Boulevard to Davis Boulevard Municipal Service Taxing Unit (MSTU) Ordinance, to remove the sunset provision of six years and provide that the MSTU be dissolved upon recommendation by the MSTU Advisory Committee and approval by the Board of County Commissioners. Pg. 1971 - 1977
26. Recommendation for the Board to approve termination of the Subrecipient Agreement for a Community Development Block Grant (CDBG), between The Growth Management Transportation Engineering Department and the Housing, Human and Veteran Services (HHVS) Department for the Naples Manor Sidewalk Installation Project. Pg. 1978 - 2010
27. Recommendation to approve Change Order #1 for the Work Order with Bonness, Inc. for the Construction of the Progress Avenue at Livingston Road Intersection Improvements, Project No. 60188-2, in the amount of \$40,906.26. Pg. 2011 - 2018
28. Request to authorize the Chairman to sign 30 day notification form letters to utility companies requesting relocation of facilities located in the County's Right-of-Way. Pg. 2019 - 2023
29. Recommendation to approve modifications to two Local Agency Program (LAP) funded contracts: 1) 11-5679 Intersection Improvements Lake Trafford Road and SR 29 and 2) 11-5674 Boston Avenue Sidewalk Improvements in order to fulfill the requirements of the granting agency. (Fiscal Impact: \$0) Pg. 2024 - 2034
30. Recommendation for the Board of County Commissioners to recognize FY 2011 Federal Transit Administration Section 5307 grant revenues in the amount of \$2,504,638 for Collier Area Transit, recognize auction proceeds from the sale of rolling stock in the amount of \$7,760 and approve the necessary budget amendment. Pg. 2035 - 2038

**B. COMMUNITY REDEVELOPMENT AGENCY**



1. Recommendation to approve and ratify Staff's Zero Dollar Time Extension to Contract No. 09-5333 for Professional Consulting Services in order to process the Consultant's final invoice for work completed on the Bayshore/Gateway Overlay Land Development Code Regulations with RWA, Inc., and to close out the Contract; and authorize the County Manager or his designee to sign the necessary documents. Pg. 2039 - 2091
2. This item was continued from the May 10, 2011 BCC meeting. 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. for another 5-years and to keep the Community of Immokalee within the South Central Rural Area of Critical Economic Concern designation. Pg. 2092 - 2109

**C. PUBLIC UTILITIES DIVISION**

1. Recommendation to authorize budget amendments in the amount of \$671,077 to transfer various projects between the water and wastewater capital funds in order to spend down and close out the 2006 Revenue Bond Proceeds Fund. Pg. 2110 - 2113
2. Recommendation to approve the purchase and installation of two clarifier mechanisms from Douglas N. Higgins, Inc. in the amount of \$220,800 for the North County Water Reclamation Facility (NCWRF) Technical Support Project, Project Number 73968; and approve a budget amendment in the amount of \$220,800 from Project Number 70050 Master Pump Station Technical Support to Project Number 73968. Pg. 2114 - 2127
3. Recommendation to award bid number 11-5668R, Collection and Recycling of Latex Paint, to Scott Paint Company, Inc., as primary vendor, and to E.Q. Florida, Inc., as secondary vendor. Expenditures are estimated to be \$54,000 annually. Pg. 2128 - 2132
4. Recommendation to approve and ratify staff's extension of Work Order No. 4500106888 with Q. Grady Minor & Associates, P.A., to process the consultant's final invoice of \$2,542.68 for work completed on the Roost Road Water Main Interconnect. Pg. 2133 - 2142
5. Recommendation to approve Contract 11-5720, South County Regional Water Treatment Plant Deep Injection Well IW-2 Tubing Replacement, Project 70088, in the amount of \$720,300 to Youngquist Brothers, Inc.; and authorize a budget amendment in the amount of \$720,300, for Project 70088. Pg. 2143 - 2243
6. Recommendation to award bid number 11-5678, "Palm Springs Water Distribution System Replacement," in the amount of \$794,538 to Southwest Utility, including the base bid of \$689,675 to rehabilitate the potable water distribution system, and the bid alternate of \$104,863 for stormwater management improvements serving the Palm Springs Subdivision, Project No 71010 (base bid) and Project No. 60113 (bid alternate). Pg. 2244 - 2368
7. Recommendation to approve a Resolution revising the procedure by which Collier County Water-Sewer District customers receive credit adjustments for Pg. 2369 - 2383

cooling tower water evaporation, superseding and replacing the current procedure established by Resolution No. 2002-365.

8. **Recommendation to approve a work order in the amount of \$343,620 to Douglas N. Higgins, Inc., for the Sub Master Pump Station 312.41 Rehabilitation, Project Number 70046, under contract 08-5011, Fixed-Term Underground Utilities Contract.** Pg. 2384 - 2393
9. **Recommendation to approve the purchase and installation of two motorized strainers and return activated sludge and waste activated sludge pumps from Mitchell and Stark Construction Company, Inc., in the amount of \$267,720 and \$245,728 respectively for the North County Water Reclamation Facility Technical Support Project Number 73968; and, approve a budget amendment in the amount of \$513,448 from Project Number 70050, Master Pump Station Technical Support, to Project Number 73968.** Pg. 2395 - 2418
10. **Recommendation to approve a Utility Easement from the School District of 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 Vineyards Elementary School property located within Vineyards Elementary School off Vanderbilt Beach Road in Naples, Florida at an estimated cost not to exceed \$30, Project Number 70062.** Pg. 2419 - 2426
11. **Recommendation to approve an Agreement with The District School Board of Collier County, Florida, and accept a Right of Entry for a groundwater monitor well and environmental monitoring purposes, in an amount not to exceed \$27.** Pg. 2427 - 2437
12. **Recommendation to approve a requisite Memorandum of Agreement with the Florida Department of Transportation and the Florida Department of Financial Services, Division of Treasury, to establish an interest bearing escrow account for the funds required to relocate Collier County Water-Sewer District-owned underground utility lines to accommodate the widening of State Road 84 between Santa Barbara Boulevard and Radio Road.** Pg. 2438 - 2463
13. **Recommendation to approve staff's proposed Deduct Change Order No. 2, to Contract No. 10-5441 with Douglas N. Higgins, Inc., for the Isles of Capri Water Main Replacement Phase 1 Project.** Pg. 2464 - 2536
14. **Recommendation to approve budget amendments of \$108,300 and \$1,100 for Fund 408 (Collier County Water Sewer District) and Fund 441 (Goodland Water District) respectively, to reallocate budgeted operating expenses within the funds for reimbursement to the Federal Emergency Management Agency / State of Florida for Tropical Storm Fay expenses also paid by insurance.** Pg. 2537 - 2539
15. **Recommendation to approve a Utility and Access Easement from Collier County to the Collier County Water-Sewer District to improve current access and to install a water line for fire protection for Master Pumping Station 312 for a total cost not to exceed \$27, Project Number 72549.1.** Pg. 2540 - 2547

**D. PUBLIC SERVICES DIVISION**

1. Recommendation to authorize reimbursement to the grantor agency, Corporation for National & Community Service, for an unauthorized \$300 expenditure for musical entertainment at the RSVP recognition event. Pg. 2548 - 2551
2. Recommendation to approve Amendment No. 6 to the FDEP Cost Share Contract No. 05CO1 yearly monitoring cost reimbursement of the Collier County Beach Renourishment and authorize the Chairman to sign Amendment No. 6. This Contract Amendment will result in a \$300,075 reduction in Contract value from the State close out of completed contract work. Pg. 2552 - 2565
3. Recommendation to approve and ratify staff's Zero Dollar Time Extension Change Order for Professional Engineering Services with Atkins (previously known as PBS&J) to Work Order No. 4500100227 in order to process final invoice for work completed for "Clam Pass/Bay Estuary". Pg. 2566 - 2571
4. Recommendation to reject solicitation (ITB) 11-5723, and the associated proposal that was submitted and authorized by the Purchasing Department for the Golden Gate Canal new pathway. Pg. 2572 - 2576
5. Recommendation to waive boarding fees in the amount of \$16,400 associated with the kenneling of two declared dangerous dogs, in exchange for dismissal of a pending dangerous dog appeal, and in order for the dogs to be reunited with their owners, who currently live out-of-county. Pg. 2577 - 2580
6. Recommendation to authorize a budget amendment in the amount of \$100,000 for pool tank repair at North Collier Regional Park Sun N Fun Lagoon. Pg. 2581 - 2583
7. Recommendation to approve and authorize the Chairman to sign the Trademark License Agreement with the National Down Syndrome Society (NDSS) for the Second Annual Buddy Walk at North Collier Regional Park on October 22, 2011. Pg. 2584 - 2598
8. *This item was continued from the July 26, 2011 BCC Meeting.* Request that the Board of County Commissioners review and approve the County Attorney's recommendation to waive any potential ethics conflict for a Code Enforcement Board member based on Ch. 112, Florida Statutes. Pg. 2599 - 2602

**E. ADMINISTRATIVE SERVICES DIVISION**

1. Request for authorization to advertise and bring back for future consideration an ordinance regulating the public's use of "preserve lands" managed by Conservation Collier and the Collier County Parks and Recreation Department. Pg. 2603 - 2617
2. Recommendation to award ITB 11-5696, "Paint and Related Items," to Sherwin-Williams for an estimated annual amount of \$65,000. Pg. 2618 - 2621
3. Recommendation to award ITB 11-5715, "Plumbing Parts and Supplies," to Ferguson Enterprises, Inc., as the primary, Plumbmaster, Inc., as the secondary, Pg. 2622 - 2627

and First Class Plumbing of Florida, Inc., as the tertiary for an estimated annual amount of \$185,000.

4. **Recommendation to waive the formal competitive process in the best interest of the County and approve a negotiated contract with Robert Flinn Records Management Center (approximate annual spend: \$48,000).** Pg. 2628 - 2642
5. **Recommendation to approve the proposals received for the Letter of Interest (LOI) 11-5731 Food Service for Collier County from Russell's Clambakes, Jason's Deli, Subway Candito Management and Country Caterers BBQ Inc, for events that are related to emergencies and disasters.** Pg. 2643 - 2647
6. **Recommendation that the Board terminate contract 08-5034 Tee Shirts with North Coast Imagewear, Inc. (approximate annual spend \$40,000).** Pg. 2648 - 2653
7. **Recommendation to Award Bid No. 11-5699, Part A, Medical Director to Dr. Gregory E. Leach MD, and Part B, Employment Physicals & Drug Testing to Advanced Medical Center, LLC. (Estimated annual fiscal impact \$50,000)** Pg. 2654 - 2658
8. **Recommendation to award Invitation to Bid (ITB) 11-5721 to Scripps Media dba Naples Daily News as the news media source to advertise delinquent real estate or property taxes (estimated annual advertising cost: \$90,000).** Pg. 2659 - 2662
9. **Recommendation to approve the assumption of Contract from Gruelle Construction, Inc. to Honc Marine Services, Inc. d/b/a Honc Destruction for Demolition of Commercial and Residential Structures.** Pg. 2663 - 2685
10. **Recommendation to rename the Conservation Collier Limpkin Marsh Preserve to the Redroot Preserve.** Pg. 2686 - 2694
11. **Recommendation to authorize the County Manager, or his designee, as the Board of County Commissioner's agent, to apply for Florida Fish and Wildlife Conservation Commission Antlerless Deer Permits to facilitate Pepper Ranch Preserve Hunt Program events.** Pg. 2695 - 2698
12. **Recommendation to approve and authorize the Chairman to sign, an Interlocal Agreement with the Florida Fish and Wildlife Conservation Commission and an Interlocal Agreement with Corkscrew Regional Ecosystem Watershed Land and Water Trust in order to facilitate managed public hunting at Caracara Prairie Preserve.** Pg. 2699 - 2740
13. **Recommendation to establish standards and criteria for the use of Peer Reviews of designs for major capital projects.** Pg. 2741 - 2747
14. **Recommendation to recognize and appropriate special service revenues in the amount of \$53,188 and approve all necessary Fiscal Year 2011 budget amendments.** Pg. 2748 - 2750
15. **Recommendation to approve the artist's renderings to be used in the construction of a bronze bust of former County Manager James V. Mudd** Pg. 2751 - 2756

donated by Abbas Asli (landlord of the former Property Appraiser's office building) for placement in the James V. Mudd Emergency Services Center.

16. Recommendation to accept reports and ratify staff-approved change orders and changes to work orders. Pg. 2757 - 2797
17. Recommendation to ratify Property, Casualty, Automobile, Workers' Compensation and Subrogation Claims settled and/or closed by the Risk Management Director pursuant to Resolution # 2004-15 for the third quarter of FY11. Pg. 2798 - 2809

**F. COUNTY MANAGER OPERATIONS**

1. Board ratification of Summary, Consent and Emergency Agenda Items approved by the County Manager during the Board's scheduled recess. (In Absentia Meeting dated August 9, 2011) Pg. 2810 - 2819
2. *This item was continued from the July 26, 2011 BCC Meeting.* Recommendation to approve and authorize the Chairman to sign Amendment #2 to the Friends of Rookery Bay, Inc., FY11 Tourist Tax Development Tax Grant Agreement to extend the agreement until January 31, 2012, change the current funding source from Category C-2 to Tourism Promotion Fund 184 as a Category B marketing grant, clarify reimbursement requirements in the agreement, and waive the \$25,000 funding limit and 80% second request guidelines in the Category B grant application for FY 11 and FY12. Pg. 2820 - 2841
3. Recommendation to approve a Florida Emergency Medical Services County Grant Application, Grant Distribution Form and Resolution for the funding of Medical/Rescue Equipment and Supplies in the amount of \$38,919 and to approve a Budget Amendment. Pg. 2842 - 2855
4. Recommendation to approve a Memorandum of Understanding between Collier County and First Baptist Church of Naples, Inc in support of Emergency Management activities related to natural and manmade hazards emergency response. Pg. 2856 - 2861
5. Recommendation to accept report to the Board of County Commissioners covering Budget Amendments from reserves in the amount less than \$25,000. Pg. 2862 - 2864
6. Recommendation to approve a budget amendment for the contribution of \$53,447 to the Pelican Bay Irrigation and Landscaping Fund (322), Program (50066) Pelican Bay Hardscape to pay for the construction of a crosswalk. Pg. 2865 - 2866
7. Recommendation to approve and authorize the Chairman to sign Amendments to FY 11 Tourist Development Tax Category B and C-2 Grant Agreements to clarify reimbursement requirements. Pg. 2867 - 2985
8. Recommendation to approve and ratify the Collective Bargaining Agreement with the Professional Firefighters of the Everglades International Association of Firefighters, Local 3670. Pg. 2986 - 3050

9. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2010-11 Adopted Budget Pg. 3051 - 3053

**G. AIRPORT AUTHORITY**

1. Recommendation that the Board of County Commissioners, acting as the Airport Authority, adopt and authorize the Authority's Executive Director to execute and promulgate the attached Leasing Manual for Aircraft Storage Space at the Marco Island Executive Airport, Immokalee Regional Airport, and Everglades Airpark. Pg. 3054 - 3073
2. Recommendation that the Board of County Commissioners, acting as the Airport Authority, approve and authorize the Airport Manager(s) to execute the attached standard self-fueling permit for the Marco Island Executive Airport, Immokalee Regional Airport and Everglades Airpark. Pg. 3074 - 3083
3. Recommendation that the Board of County Commissioners, acting as the Airport Authority, amend the 2011 rates and charges for the Everglades Airpark, Immokalee Regional Airport and Marco Island Executive Airport to add a \$1,000 non-refundable fee for the Authority to start processing a self-fueling permit application. Pg. 3084 - 3097
4. Recommendation to approve the two (2) attached Sub-Lease Agreements between the Collier County Airport Authority and Gregory Shepard for parcels of land improved with buildings at the Immokalee Regional Airport. Pg. 3098 - 3125
5. Recommendation to approve the conveyance of a Utility Easement to Immokalee Water & Sewer District for providing water service to the Immokalee Airport USDA Building located at 190 Airpark Boulevard, Immokalee at a cost not to exceed \$18.50. Pg. 3126 - 3133
6. Recommendation to approve the conveyance of an Underground Easement (Business) to Florida Power & Light Company for providing electrical service at the Marco Island Airport located at 2005 Mainsail Drive, Naples, Florida at a cost not to exceed \$35.50. Pg. 3134 - 3141

**H. BOARD OF COUNTY COMMISSIONERS**

1. Commissioner Fiala requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Will attend the Economic Development Council 2011 Excellence in Industry Awards Luncheon on September 15, 2011 at the Hilton Naples in Naples, FL. \$15 to be paid from Commissioner Fiala's travel budget. Pg. 3142 - 3148
2. Appointment of members to the Southwest Florida Workforce Development Board, Inc. Pg. 3149 - 3157
3. To authorize the Chairman of the Board of County Commissioners to sign a Pg. 3158 -

letter of concurrency for the Florida Department of Children and Families for the State of Florida Refugee Services Targeted Assistance Grant Program and the utilization of these funds in Collier County through the Catholic Charities. 3168

**I. MISCELLANEOUS CORRESPONDENCE**

1. Miscellaneous Correspondence to file for record with action as directed. Pg. 3169 - 3170
2. Advisory Board Minutes and Agendas to file for record with action as directed. Pg. 3171 - 3174

**J. OTHER CONSTITUTIONAL OFFICERS**

1. To obtain Board approval for disbursements for the period of July 21, 2011 and July 22, 2011 and for submission into the official records of the Board. Pg. 3175 - 3180
2. To obtain Board approval for disbursements for the period of July 23, 2011 through July 29, 2011 and for submission into the official records of the Board. Pg. 3181 - 3196
3. To obtain Board approval for disbursements for the period of July 30, 2011 through August 5, 2011 and for submission into the official records of the Board. Pg. 3197 - 3211
4. To obtain Board approval for disbursements for the period of August 6, 2011 through August 12, 2011 and for submission into the official records of the Board. Pg. 3212 - 3225
5. To obtain Board approval for disbursements for the period of August 13, 2011 through August 19, 2011 and for submission into the official records of the Board. Pg. 3226 - 3240
6. To obtain Board approval for disbursements for the period of August 20, 2011 through August 26, 2011 and for submission into the official records of the Board. Pg. 3241 - 3255
7. Recommendation to authorize the Collier County Supervisor of Elections to accept federal election activities funds in the amount of \$32,213.21 with a 15% matching contribution in the amount of \$4,831.98 and that the Board direct its Chairman to sign the Certificate Regarding Matching Funds. Pg. 3256 - 3274
8. Recommendation to approve an Interlocal Agreement for Election Services pertaining to services and voting equipment used by the City of Everglades City in connection with an election to be held on November 22, 2011. Pg. 3275 - 3283

**K. COUNTY ATTORNEY**

1. Recommendation to approve a Mediated Settlement Agreement in the lawsuit styled Berkshire Lakes Master Association, Inc. v. Wilson Miller, et al., Case No. 10-1270-CA (Fiscal Impact: None). Pg. 3284 - 3290

2. **Request for authorization to advertise and bring back for future consideration ordinances which repeal or amend certain Collier County ordinances relating to the regulation of firearms and ammunition in order to comply with recent amendments to Section 790.33, Florida Statutes, which preempts all such regulatory powers to the State of Florida effective October 1, 2011, and that following such future public hearing the Board considers referring two Special Acts dealing with firearms to the Legislative Delegation, with a request that the Legislature review them for possible repeal.** Pg. 3291 - 3332
3. **Recommendation that the Board of County Commissioners approve a Retention Agreement for legal services on an “as needed” basis with the law firm of Hopping, Green & Sams, P.A.** Pg. 3333 - 3348
4. **Recommendation to approve a settlement in the lawsuit entitled Jennifer Ressel, as Parent and Natural Guardian of Joshua Friedman, a Minor v. Collier County, A Political Subdivision of the State of Florida, filed in the Twentieth Judicial Circuit in and for Collier County, Florida, for the sum of \$8,000 and authorize the Chairman to execute the Settlement Agreement.** Pg. 3349 - 3359
5. **Recommendation to authorize staff to prepare and submit Declarations of Continued Use to maintain service mark registrations with the United States Patent & Trademark Office to preserve the County’s advertising, logos, phrases and slogans.** Pg. 3360 - 3363
6. **Recommendation that the Board consider the withdrawal of the designation of the Stewardship Sending Area known as Half Circle L Ranch Partnership (“HCLRP”) SSA #8 and the termination of the Stewardship Sending Area Credit Agreement and the Stewardship Easement Agreement, and the canceling of the Stewardship credits generated by the designation of said Stewardship Sending Area.** Pg. 3364 - 3383

## 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. CU-PL2010-166: Yahl Mulching & Recycling, Inc. - A Resolution of the Board of Zoning Appeals of Collier County, Florida providing for the establishment of a Conditional Use to allow a collection and transfer site for resource recovery within an Agricultural (A) zoning district pursuant to Subsection 2.03.01.A.1.C.12 of the Collier County Land Development Code for property located in Section 31, Township 49 South, Range 27 East, Collier County, Florida.** Pg. 3384 - 3641



- B. **Recommendation to adopt resolutions approving the preliminary assessment rolls as the final assessment rolls, and adopting same as the non-ad valorem assessment rolls for purposes of utilizing the uniform method of collection pursuant to Section 197.3632, Florida Statutes, for Solid Waste Municipal Service Benefit Units, Service District Number I and Service District Number II, Special Assessment levied against certain residential properties within the unincorporated area of Collier County, the City of Marco Island, and the City of Everglades City, pursuant to Collier County Ordinance 2005-54, as amended. Revenues are anticipated to be \$18,527,700. For FY2012, the total special assessment proposed for Solid Waste Municipal Service Benefit Units, Service District I is \$173.49 and Service District II is \$165.28 per residential unit. These assessment amounts are the same as those approved by the Board in FY2011.** Pg. 3642 - 3656
  
- C. **Recommendation to approve a resolution designating the Close-Out of nine (9) adopted Planned Unit Developments (PUDs) which have fully completed all or an independent portion of development pursuant to their development orders constructing up to the authorized density and/or intensity and have been found by county staff to be compliant with their specific developer commitments.** Pg. 3657 - 3671
  
- D. **Recommendation to approve a resolution designating the Close-Out of five (5) adopted Planned Unit Developments (PUDs) which have fully completed all or an independent portion of their developments pursuant to their development orders constructed up to the authorized density and/or intensity and have been found by county staff to have only one transportation commitment remaining which will be tracked through the Commitment Tracking System.** Pg. 3672 - 3684
  
- E. **Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the Fiscal Year 2010-11 Adopted Budget.** Pg. 3685 - 3687

**18. ADJOURN**

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