

**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

**March 13, 2012**

**9:00 AM**

**Fred W. Coyle** - BCC Chairman; Commissioner, District 4  
**Jim Coletta** - BCC Vice-Chairman; Commissioner, District 5; CRAB Chairman  
**Donna Fiala** - BCC Commissioner, District 1; CRAB Vice-Chairman  
**Georgia Hiller** - BCC Commissioner, District 2  
**Tom Henning** - BCC Commissioner, District 3

**NOTICE:** All persons wishing to speak on Agenda items must register prior to speaking. Speakers must register with the Executive Manager to the BCC *prior* to presentation of the Agenda item to be addressed. All registered speakers will receive up to three (3) minutes unless the time is adjusted by the chairman.

Collier County Ordinance No. 2003-53 as amended by ordinance 2004-05 and 2007-24, requires that all lobbyists shall, before engaging in any lobbying activities (including but not limited to, addressing the Board of County Commissioners), register with the Clerk to the Board at the Board Minutes and Records Department.

Requests to address the Board on subjects which are not on this agenda must be submitted in writing with explanation to the County Manager at least 13 days prior to the date of the meeting and will be heard under "Public Petitions." Public petitions are limited to the presenter, with a maximum time of ten minutes.

Any person who decides to appeal a decision of this Board will need a record of the proceeding pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, the provision of certain assistance. Please contact the Collier County Facilities Management Department located at 3335 East Tamiami Trail, Suite 1, Naples, Florida, 34112-5356, (239) 252-8380; assisted listening devices for the hearing impaired are available in the County Commissioners' Office.

*Lunch Recess scheduled for 12:00 Noon to 1:00 P.M*

**1. INVOCATION AND PLEDGE OF ALLEGIANCE**

**A. Reverend Richard Rogers - Unity of Naples**

**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. February 14, 2012 - BCC/Regular Meeting**

**3. SERVICE AWARDS**

**4. PROCLAMATIONS**

**A. Proclamation recognizing IBERIABANK for its community involvement through the "i Gives Back" initiative and its 125th birthday. To be accepted by Keith Short, Keith Dameron, Yvette Saco and Sara Dewberry. Sponsored by Commissioner Fiala.** Pg. 2 - 4

**B. Proclamation designating March 18-25, 2012 as Florida Surveyors and Mappers Week in Collier County. To be accepted by Marcus L. Berman, P.S.M. Sponsored by Commissioner Coyle.** Pg. 5 - 6

**C. Proclamation designating March 11-17, 2012 as Sunshine Week in Collier County. To be accepted by Robert St. Cyr, Director of Community Outreach, Clerk of the Collier County Circuit Court. Sponsored by the Board of County Commissioners.** Pg. 7 - 8

**D. Proclamation designating March 4-11, 2012 as Bascom Palmer Eye Institute Save Your Vision Week. To be accepted by Dr. Eduardo Alfonso, Chairman, Bascom Palmer Eye Institute; Dr. Stephan Schwartz, Director, Bascom Palmer Eye Institute; and Ileana Daly-Bronstein, Director of Development, Bascom Palmer Eye Institute. Sponsored by Commissioner Hiller.** Pg. 9 - 10

**E. Proclamation designating February 18, 2012 as Covenant Church of Naples (NCA) Project Serve Day. To be accepted by Project Serve Committee Members Skip Schoenhals, Dan Herwig, Bill Barnett and Dr. Bob Petterson, Senior Pastor. Sponsored by Commissioner Hiller.** Pg. 11 - 12

**F. Proclamation designating March 17, 2012 as Junior Deputy Day at the Collier County Fair. To be accepted by Sheriff Kevin Rambosk; Ellie Krier, Executive Director, Collier County Junior Deputies League; Wayne Arnold, President of the Collier County Junior Deputies League; and Junior Deputies League Board Members. Sponsored by Commissioner Fiala.** Pg. 13 - 14

**5. PRESENTATIONS**

**A. Presentation of the Collier County Business of the Month for March 2012 to Collier 211. Accepting the award is Colleen Murphy, CEO of Collier 211, Chris Bray, Chair of Collier 211, Mario Valle, Jo Anna Bradshaw, Bill Lange, Christine Flynn, John Sorey, Kathy Kircher, Pat Jilk, Claudia Polzin, Bill Brock, Vicky Tracy and Steve Sanderson.** Pg. 15 - 15

- B. **Presentation by Steve Hart on behalf of the Energy Task Force on the status of the Property Assessed Clean Energy (PACE) program.** Pg. 16 - 123

**6. PUBLIC PETITIONS**

- A. **Public Petition request from Rob Samouce, Attorney for Quincy Square at Madison Park Homeowners Association, requesting credit toward future water bills.** Pg. 124 - 133
- B. **Public Petition request from John Lundin regarding red light cameras.** Pg. 134 - 147
- C. **Public Petition request from Rayburn Cadwallader regarding the future of Immokalee.** Pg. 148 - 150

**7. PUBLIC COMMENTS ON GENERAL TOPICS**

**8. BOARD OF ZONING APPEALS**

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

**9. ADVERTISED PUBLIC HEARINGS**

Item 9 to be heard no sooner than 1:00 pm unless otherwise noted.

- A. ***This item continued from the February 28, 2012 BCC Meeting.* This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. PUDA-PL2011000047: Sabal Bay MPUD -- An Ordinance of the Board of County Commissioners of Collier County, Florida amending Ordinance No. 05-59, the Sabal Bay Mixed Use Planned Unit Development, by amending the PUD Document, Exhibit A, to provide for: changes in development standards including right of way widths and sidewalks; addition of general permitted uses to include outside storage and telecommunication facilities; removal of golf as a permitted use; addition of car wash, post office, docks and electric boats as allowable uses in the recreation/village center tract; increase of preserve by 45 acres; increase in floor area ratio for adult living facility and increase in height; removal of affordable housing and removal of Bald Eagle Management Plan and Gopher Tortoise Relocation Management Plan on property located south of Thomasson Drive, south and west of U. S. 41, north and west of the Wentworth PUD, and east of the Naples Bay intercoastal waterway in Sections 23, 24, 25, 26 and 36, Township 50 South, Range 25 East, and Section 19, Township 50 South, Range 26 East, Collier County, Florida, consisting of 2,416 +/- acres; and providing an effective date.** Pg. 151 - 556

**10. BOARD OF COUNTY COMMISSIONERS**

- A. **Appointment of members to the Black Affairs Advisory Board.** Pg. 557 - 572
- B. **Appointment of members to the Radio Road Beautification MSTU Advisory Committee.** Pg. 573 - 586

- C. **Appointment of a member to the Emergency Medical Services Policy Advisory Board.** Pg. 587 - 595
- D. **Appointment of member to the Animal Services Advisory Board.** Pg. 596 - 606
- E. **Appointment of member to the Vanderbilt Beach Beautification MSTU Advisory Committee.** Pg. 607 - 615
- F. **Reconsideration of appointments to the Code Enforcement Board.** Pg. 616 - 644
- G. **To discuss the County/Fire District Interlocal Agreement at the April 26, 2012 BCC-EMS Fire Service Workshop. (Commissioner Henning)** Pg. 645 - 661
- H. **Recommendation to direct the County Attorney to draft a Resolution calling for a straw ballot referendum to be placed on the August 14, 2012 Primary Election concerning Collier County's Red Light Running Camera Enforcement System. (Commissioner Coletta)** Pg. 662 - 664
- I. **Advisory Board Vacancies press release March 8, 2012, with a deadline for acceptance of March 29, 2012.** Pg. 665 - 667

#### 11. COUNTY MANAGER'S REPORT

- A. **Recommendation to award Contract #12-5801R for the construction of the Collier Area Transit Intermodal Transfer station at the Government Center, to Manhattan Construction (Florida), Inc., in the amount of \$3,844,449. (Michelle Arnold, Director, Alt Transportation Modes)** Pg. 668 - 877
- B. **Recommendation to approve Change Order No. 6 to Contract # 10-5206, with Atkins North America, Inc., for Design Services for Collier Area Transit Transfer Station, in the amount of \$79,900 for post design services; to extend the contract by five hundred ninety seven (597) days to account for the inclusion of construction and the completion schedule; and to authorize the chair to execute the change order. (Michelle Arnold, Director, Alt Transportation Modes)** Pg. 878 - 888
- C. **Recommendation to accept the third annual report on the "Impact Fee Program for Existing Commercial Redevelopment" and approve a resolution extending the program for one year, to sunset March 24, 2013, unless otherwise extended. (Amy Patterson, Impact Fee and Economic Development Manager)** Pg. 889 - 901
- D. ***This item to be heard at 11:30 a.m.* Recommendation to approve the Collier County 2012 Federal Legislative Agenda and policy priorities. (Debbie Wight, Legislative Affairs Coordinator)** Pg. 902 - 907
- E. **Recommendation to adopt a Resolution which replaces and supersedes Resolution 2010-101 so as to incorporate amendments directed by the Board of County Commissioners relating to the criteria for code enforcement lien settlement and release. (Diane Flagg, Director, Code Enforcement)** Pg. 908 - 914

- F. **Recommendation to direct the County Manager or designee to advertise and bring back a proposed ordinance establishing the adoption of the required State mandated Building Code 2010 update effective March 15, 2012 and incorporate existing local amendments and the updated County wind maps. Exemptions identified in Ordinance 2009-59 will remain in full effect until the filing of the new Ordinance. (Jamie French, Director, Operations and Regulatory Management, Growth Management Division)** Pg. 915 - 924
- G. **Recommendation to waive competition and declare Naples Physician Hospital Organization Inc. d/b/a Community Health Partners, Inc. a sole source for the provision of integrated Health Advocacy, Disease Management, Workers' Compensation Managed Care and Physician Hospital Network Services in an estimated amount of \$382,319.28 in calendar year 2012. (Jeff Walker, Director, Risk Management)** Pg. 925 - 948
- H. **Recommendation to approve, and authorize the Chairman to sign, an Interlocal Agreement with the Florida Fish and Wildlife Conservation Commission in order to facilitate managed public hunting at Caracara Prairie Preserve. (Melissa Hennig, Principal Environmental Specialist, Department of Facilities Management)** Pg. 949 - 1004
- I. **Recommendation to approve Tourist Development Council (TDC) FY13 (October 1, 2012 - September 30, 2013) Grant Application changes for Category B and C-2 as recommended by the TDC. (Jack Wert, Director, Tourism)** Pg. 1005 - 1062
- J. **Recommendation to approve a Settlement Agreement and Release with RWA, Inc. pertaining to consulting services provided under Contract No. 07-4112, in connection with Project No. 51803, Gateway Triangle Stormwater Improvements - Phase 2 Construction, and to authorize payment. (Norman Feder, Administrator, Growth Management)** Pg. 1063 - 1070
- K. **Recommendation to approve submittal of an application and Memorandum of Understanding for a 3 year Safe Havens: Supervised Visitation and Safe Exchange Grant in the amount of \$350,000 from the United States Department of Justice and authorize the Chairman to execute all related grant documents required for submittal. (Kim Grant, Interim Director, Housing, Human and Veteran Services)** Pg. 1071 - 1125

**12. COUNTY ATTORNEY'S REPORT**

**13. OTHER CONSTITUTIONAL OFFICERS**

- A. ***This item to be heard at 10:45 a.m.* Presentation of the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2011.** Pg. 1126 - 1159

**14. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY**

**A. AIRPORT**

**B. COMMUNITY REDEVELOPMENT AGENCY**

- 1. **Election or re-election of the Collier County Community Redevelopment Agency (CRA) Chair and Vice-Chair for 2011.** Pg. 1160 - 1161

2. Recommendation to approve a budget amendment to recognize grant revenue awarded to the Immokalee Community Redevelopment Agency in the amount of \$810,000 through the CDBG grant program (Grant Award # CD-10-13) for the Immokalee CRA Public Facility First Street Plaza Project. Pg. 1162 - 1193

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. Recommendation to approve for recording the final plat of Tract E, Brentwood Two. This subdivision will result in three commercial Tracts within the Brentwood PUD. Pg. 1194 - 1199
2. Recommendation to approve the release of a \$15,800 lien for payment of \$3,912.38, in the Code Enforcement Action entitled Board of County Commissioners vs. Joshua S. Lainhart and Melanie D. Meyer, Code Enforcement Special Magistrate Case No. CESD2010-00003657, relating to property located at 2170 20th Avenue NE, Collier County, Florida. Pg. 1200 - 1203
3. Recommendation to approve the release of a \$40,200 lien for payment of \$9,912.29, in the Code Enforcement Action entitled Board of County Commissioners vs. Estate of Alan D. Montgomery, Code Enforcement Special Magistrate Case No. CEROW2009-0015230, relating to property located at 5133 20 Ct. SW, Collier County, Florida. Pg. 1204 - 1207
4. Recommendation to approve the release of a \$97,600 lien for payment of \$450, in the Code Enforcement Action entitled Board of County Commissioners vs. J.H. Prettyman, Code Enforcement Board Case No. CEB 2007-11, relating to property located at 1294 Snook Aly, Chokoloskee, Florida. Pg. 1208 - 1211
5. Recommendation to approve and execute an agreement between Collier County and the Florida Commission for the Transportation Disadvantaged Shirley Conroy Rural Area Capital Equipment Support Grant for the amount of \$35,000, for the purchase and installation of security cameras on-board the paratransit vehicles; authorize the Chairman of the Board to sign the grant agreement and approve the necessary Budget Amendment. Pg. 1212 - 1241
6. Recommendation to approve a refund of inspection fees requested by Davidson Engineering, Inc., totaling \$33,869.66, due to the cancellation of the Fishermans Village (AR-13199) project. Pg. 1242 - 1270

7. Recommendation to approve post load restrictions of “Single Unit Truck; 31 tons” and “Combination Truck 34; tons” on bridge numbers 030138, 030139, 030140 and 030141 east of S.R. 29 on Immokalee Road, Project Number 66066. Pg. 1271 – 1279
- B. COMMUNITY REDEVELOPMENT AGENCY**
- C. PUBLIC UTILITIES DIVISION**
- D. PUBLIC SERVICES DIVISION**
1. Recommendation to approve a Work Order with Coastal Engineering Consultants (CEC) to permit a long term maintenance program to reshape the beach on Marco Island under contract 09-5262-CZ for a not to exceed amount of \$35,190, authorize the County Manager or his designee to execute the Work Order and approve all necessary budget amendments. Pg. 1280 – 1286
2. Recommendation to approve and authorize structural pilings inspection to the Clam Bay Draw Bridge, approve a budget and a budget amendment of \$15,000 to complete this work, and make a finding that improvements to this beach park facility promotes tourism. Pg. 1287 – 1305
3. Recommendation to approve one (1) release of lien for Affordable Housing Density Bonus agreement for a unit sold which is no longer subject to the terms of the agreement. Pg. 1306 – 1312
4. Recommendation to approve fifteen (15) releases of lien for deferral of Collier County impact fees for owner occupied affordable housing dwelling units that were transferred from the developer to the new owner. Pg. 1313 – 1330
5. Recommendation to accept funds and enter into an agreement with the State of Florida Department of Children and Families (DCF) accepting Challenge grant funds, and approving corresponding sub-recipient agreements with not-for-profit organizations and corresponding budget amendment to administer the grant funds. The Challenge Grant is used to address homeless needs and homelessness prevention. Pg. 1331 – 1376
6. Recommendation to approve two (2) releases of lien for deferral of 100 percent of Collier County impact fees for owner occupied affordable housing dwelling units that have been repaid in full. Pg. 1377 – 1400
- E. ADMINISTRATIVE SERVICES DIVISION**
1. Recommendation to piggyback on the State of Florida contract with Wright Express Financial Services Corporation for Fleet Fuel Card Services to purchase fuel and fleet-related items with estimated purchases of \$150,000 annually. Pg. 1401 - 1457
2. Recommendation to accept reports and ratify staff-approved change orders and changes to work orders. Pg. 1458 – 1485

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|---|---|------------------------|
| 3.                                      | <b>Recommendation to approve delegation of authority for County Division Administrators to sign Certificate of Entitlement related to Direct Material Purchases (DMP).</b>  | <b>Pg. 1486 – 1494</b> |
| <br>                                    |   |                        |
| <b>F. COUNTY MANAGER OPERATIONS</b>     |   |                        |
| <br>                                    |   |                        |
| 1.                                      | <b>Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2011-12 Adopted Budget.</b>  | <b>Pg. 1495 – 1497</b> |
| 2.                                      | <b>Recommendation to approve a report covering budget amendments impacting reserves in an amount up to and including \$25,000.</b>  | <b>Pg. 1498 - 1500</b> |
| <br>                                    |   |                        |
| <b>G. AIRPORT AUTHORITY</b>             |   |                        |
| <br>                                    |   |                        |
| <b>H. BOARD OF COUNTY COMMISSIONERS</b> |   |                        |
| <br>                                    |   |                        |
| 1.                                      | <b>Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Will attend The Emerald Ball 27th Anniversary Celebration at the Ritz Carlton Golf Resort in Naples, Florida on March 17, 2012. \$250 to be paid from Commissioner Coletta's travel budget.</b>                        | <b>Pg. 1501 – 1504</b> |
| 2.                                      | <b>Commissioner Coletta requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Will attend the Collier County Medical Society Spring General Membership meeting at Arthrex, Inc. in Naples, FL on March 15, 2012. \$30 to be paid from Commissioner Coletta's travel budget.</b>                      | <b>Pg. 1505 – 1509</b> |
| 3.                                      | <b>Commissioner Hiller requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended Driven to Triumph a Tribute to Our Area's Own Holocaust &amp; WWII Veterans, at the Rolls Royce showroom, Naples, Florida on February 28, 2012. \$125 to be paid from Commissioner Hiller's travel budget.</b> | <b>Pg. 1510 – 1514</b> |
| 4.                                      | <b>Commissioner Hiller requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Will attend The Greater Naples AAUW Celebrating Women of Achievement at Grey Oaks Country Club, in Naples, Florida on March 8, 2012. \$29.20 to be paid from Commissioner Hiller's travel budget.</b>                   | <b>Pg. 1515 – 1517</b> |
| 5.                                      | <b>Commissioner Hiller requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Will attend The Zoobilee Gala Event at the Naples Zoo, in Naples, Florida on March 10, 2012. \$140 to be paid from Commissioner Hiller's travel budget.</b>   | <b>Pg. 1518 – 1520</b> |
| 6.                                      | <b>The Board of County Commissioners request Board approval to attend a conference serving a valid public purpose, Florida Association of Counties Conference in Orlando, Florida.</b>  | <b>Pg. 1521 – 1523</b> |



**I. MISCELLANEOUS CORRESPONDENCE**

- 1. Miscellaneous correspondence to file with action as directed. Document(s) have been routed to all Commissioners and are available for review in BCC office until approval. Pg. 1524 - 1525**
- 2. Advisory board minutes and agendas to file with action as directed. Document(s) have been routed to all Commissioners and are available for review in BCC office until approval. Pg. 1526 - 1529**

**J. OTHER CONSTITUTIONAL OFFICERS**

- 1. To obtain Board approval for disbursements for the period of February 11, 2012 through February 17, 2012 and for submission into the official records of the Board. Pg. 1530 - 1544**
- 2. To obtain Board approval for disbursements for the period of February 18, 2012 through February 24, 2012 and for submission into the official records of the Board. Pg. 1545 - 1557**
- 3. Recommendation that the Board of County Commissioners approve the State of Florida Annual Local Government Financial Report for the fiscal year ended September 30, 2011 as required by Florida Statute 218.32. Pg. 1558 - 1568**

**K. COUNTY ATTORNEY**

- 1. Request for authorization to advertise and bring back for future consideration an ordinance amending Ordinance No. 75-16, as amended, as it relates to procedures for reconsideration of agenda items. Pg. 1569 - 1572**
- 2. Recommendation to approve a Settlement Agreement and Joint Motion for Order Approving Same in the lawsuit styled William G. Lhota et al. v. The School District of Collier County, et al, Case No. 08-8359-CA Consolidated with Branch Banking and Trust Company v. Clotilde Perez and Zenaida Perez, et al., Case No. 10-5560-CA. (Fiscal Impact -None ) Pg. 1573 - 1618**

**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. PUDA-PL2011-343: Tuscany Reserve PUD -- An Ordinance of the Board of County Commissioners of Collier County, Florida, amending Ordinance No. 2003-28, as Pg. 1619 - 1811**

amended by 2004-47, the Tuscany Reserve Planned Unit Development (PUD), by amending the PUD Document, Exhibit A, to provide for: amendments to cover page; amendments to Property Ownership and General Description section; amendments to Project Development section; amendments to Residential "R" Development Areas section; amendments to Golf, Open Space (GO) section; amendments to Village Center section; amendments to General Development Commitments section; adding a deviation from the requirements for Mixed Use Planned Unit Development Standards; providing for amendments to Master Plan; and providing an effective date. Subject property is located in Section 12, Township 48 South, Range 25 East, Collier County, Florida consisting of 461.29 acres. No increase in density or number of authorized dwelling units is proposed.

- B. Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the Fiscal Year 2011-12 Adopted Budget. Pg. 1812 - 1815

18. ADJOURN

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