

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, 3rd Floor
Naples FL 34112

February 12, 2013

9:00 AM

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

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**
 - 1.A. **Pastor Bob Scudieri - Faith Lutheran Church** Pg. 1 - 1
2. **AGENDA AND MINUTES**
 - 2.A. **Approval of today's regular agenda as amended.**
 - 2.B. **Approval of todays consent agenda as amended (Ex Parte Disclosure provided by Commission members for consent agenda.)**
 - 2.C. **Approval of today's summary agenda as amended (Ex Parte Disclosure provided by Commission members for summary agenda.)**
 - 2.D. **January 8-9, 2013 - BCC/Regular Meeting**
 - 2.E. **January 14, 2013 - BCC/CRA Joint Workshop**
3. **SERVICE AWARDS**
4. **PROCLAMATIONS**
 - 4.A. **Proclamation designating February 2013 as Career and Technical Education Month in Collier County. To be accepted by Yolanda Flores, Principal, Lorenzo Walker Institute of Technology and Denise Duzick, Administrator, Lorenzo Walker Institute of Technology. Sponsored by Commissioner Fiala.** Pg. 2 - 3
 - 4.B. **Proclamation designating February 2013 as Scouting Month in Collier County. To be accepted by Burt Saunders, Alligator District Chairman; James Giles, Alligator District Executive; Bill Coen, Vice President, Southwest Florida Boy Scouts of America; and Bill Poteet, Executive Board Member. Sponsored by Commissioner Henning.** Pg. 4 - 5
 - 4.C. **Proclamation designating February 17-23, 2013 as Engineers Week in Collier County. To be accepted by Ralph Verrastro, P.E., Calusa Chapter President; Norman Trebilcock, P.E., Calusa Chapter Vice President; Alison Bradford, P.E., Calusa Chapter Past President; and Marlene Messam, P.E. Calusa Chapter Past President. Sponsored by Commissioner Coyle.** Pg. 6 - 7
5. **PRESENTATIONS**
 - 5.A. **Presentation of the Collier County Business of the Month for February 2013 to the 360 Market. To be accepted by Rebecca Maddox, owner.** Pg. 8 - 9
 - 5.B. **Presentation to recognize contributions made by six Eagle Scouts to Conservation Collier Preserve lands.** Pg. 10 - 12
 - 5.C. **Presentation to recognize the local effort to promote the National Farm-City Council's mission to strengthen understanding of the farm-city connections that provide our food, fiber and shelter; to recognize the Collier County community's Farm City Barbeque organization and its Annual Farm City Barbeque; to announce the award of** Pg. 13 - 14

grants to the youth organizations benefiting from the Farm City Barbeque; to acknowledge the good work of the Farm City Barbeque; and for the Collier County Board of County Commissioners to promote and encourage the continued community support of the Annual Farm City Barbeque.

5.D. Presentation of a donation of artwork to the Board of County Commissioners from the Gallery on Fifth. To be presented by Olga Arkhangelskaya. (Commissioner Hiller) Pg. 15 - 15

5.E. Recommendation to recognize Kelly Arnold, Accountant, Public Utilities Division as the Supervisor of the Year 2012. Pg. 16 - 18

6. PUBLIC PETITIONS

6.A. *This item to be heard immediately following Item 10D.* Public Petition request from Bill D'Antuono regarding the use of spears to control the overpopulation of lion fish. Pg. 19 - 33

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.

8.A. *This item continued to the April 9, 2013 BCC Meeting.* Recommendation to consider the appeal of Zoning Verification Letter, ZLTR-PL20120002392, regarding the denial of a New or Used Motor Vehicle Dealer as a permitted use in the Two Lakes Plaza Planned Unit Development (PUD), Ordinance No. 2000-63, Collier County, Florida.

9. ADVERTISED PUBLIC HEARINGS

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

9.A. *This item continued to the March 26, 2013 BCC Meeting.* Recommendation to approve a "small-scale" amendment to the Golden Gate Area Master Plan Element of the Growth Management Plan, Ordinance 89-05, as amended, for transmittal to the Florida Department of Economic Opportunity. (Adoption Hearing) Pg. 34 - 35

10. BOARD OF COUNTY COMMISSIONERS

10.A. Appointment of members to the Isles of Capri Fire Control District Advisory Committee. Pg. 36 - 42

10.B. Appointment of member to the Environmental Advisory Council. Pg. 43 - 53

10.C. Appointment of a member to the Animal Services Advisory Board. Pg. 54 - 61

10.D. *This item to be heard before Item 6A.* Recommendation to adopt a Resolution in support of removing the ban on spearfishing in Collier County coastal waters, and requesting that the Florida Fish and Wildlife Conservation Commission (FWC) Pg. 62 - 97

repeal the special acts and/or rules designated as Chapters 27473 (1951) and 30665 (1955). (Commissioner Henning)

- 10.E. Recommendation to direct staff to negotiate and bring back to the Board at its next meeting a new Red Light Camera agreement between Collier County and American Traffic Solutions Incorporated (ATS), and that given the upcoming March 1st deadline with ATS, as well as the infrastructure and procedural processes in place, that the Board waive any requirement for formal competition for this work. (Commissioner Fiala) Pg. 98 - 106
- 10.F. Recommendation that the Board of County Commissioners direct the County Attorney to prepare an ordinance for board approval providing for a county Hearing Officer who shall be empowered to hear and rule on limited planning and zoning matters; that any decision of the Hearing Officer may be appealed to the Board of County Commissioners; that it be further directed that county staff develop a job description based on the legal definition of the newly created position, obtain board approval for funding the position, and immediately advertise the position upon board approval of the ordinance, all so that a Hearing Officer is hired and in place by April 15, 2013 with the intent of promoting administrative efficiency in rendering certain development related decisions by the county. (Commissioner Hiller) Pg. 107 - 109
- 10.G. Recommendation that the Board of County Commissioners ("Board") direct the County Attorney and the Clerk of Courts to jointly develop a county Purchasing Ordinance, to review the proposed Purchasing Ordinance with county staff, and to bring the final draft of the Purchasing Ordinance to the Board in the first meeting in March, 2013 for approval to advertise, and for final Board adoption at the second meeting in March, 2013. Ensuring that all county expenditures approved by the Board "shall" rather than "may" satisfy what is required by both legal and governmental accounting standards is an obligation, not an option of the Board. (Commissioner Hiller) Pg. 110 - 112
- 10.H. Recommendation that the County Manager's Ordinance be repealed in whole, that it be replaced with the provisions specifically enumerated in Florida Statute Chapter 125 as those provisions relate to the position of the County Administrator, and that the law be renamed the "County Administrator" Ordinance consistent with statute. Florida law provides that a constitutional county may administratively organize itself through the office of a County Administrator that answers to the Board of County Commissioners, and that where such an organizational structure is desired that the county shall adopt an ordinance that mirrors the guiding Florida statute so as to enable the Office of the County Administrator. As such, the current ordinance should be repealed and replaced with the applicable provisions of F.S. Chpt. 125 to provide unambiguous definition as to the role, powers and duties of the County Administrator. To further recommend that the Board direct that the County Attorney prepare and present a County Administrator's Ordinance conforming with F.S. Chpt. 125 to replace the current County Manager's Ordinance at the first meeting in March, 2013 for Board approval to advertise and for final Board adoption at the second meeting in March, 2013. (Commissioner Hiller) Pg. 113 - 136

- 10.I. Recommendation that the Board of County Commissioners (“Board”) direct the County Attorney (“CA”) to draft a County Attorney Ordinance to be brought back to the Board at the second meeting in February, 2013 for approval to advertise publicly, and then further to be brought forward for adoption by the Board at the first meeting in March, 2013. The ordinance shall provide in part that: 1. All legal information relating to the county shall be immediately forwarded to the CA upon receipt of such information by any member of the Board and/or county staff, including but not limited to matters related to threatened, pending or actual litigation, civil, criminal or administrative in nature. 2. The CA shall exclusively represent the county in all legal matters, and with Board approval shall retain outside counsel to assist in such representation. 3. All draft contracts, resolutions and ordinances shall be reviewed and approved by the CA prior to presentation to the Board, and all such reviewed documents shall be placed by staff after approval by the CA on the Board’s public agenda for Board approval prior to any Board vote. 4. The CA’s standard for review and approval of any and all matters presented to the Board shall be that it is “approved as to form and legality” rather than merely “approved as to form and legal sufficiency” and such approval shall cite with specificity any ordinance, statute or constitutional provision on which the proposed action is based. 5. The CA shall be responsible for ensuring the proper execution of all Board approved contracts, resolutions and ordinances, and shall ensure the preservation of the chain of custody of such documents from Board approval, to execution through recording in the Official Records of the Clerk of Courts. 6. The CA shall be the county’s registered agent in all instances included but not limited to CRA, MSTU, and District representation. Once the ordinance is adopted, the CA will immediately develop practices and procedures to implement the direction set by the ordinance which shall be respected by the Board and county staff going forward. (Commissioner Hiller)** **Pg. 137 - 176**
- 10.J. Recommendation that the Board of County Commissioners direct the County Attorney to draft a resolution stating that it is not the Board’s current intent to raise the Tourist Development Tax; to be presented for Board approval at the February 26, 2013 public meeting. Raising taxes on the Tourism Industry during this time of financial hardship goes against the county’s desire to promote and encourage economic development. For this reason, it is imperative that the Board of County Commissioners formally declare its intent to not raise taxes at this time. (Commissioner Hiller)** **Pg. 177 - 178**
- 10.K. Recommendation that the Board of County Commissioners direct the County Attorney to coordinate with the county’s newly hired Economic Development administrator to draft amendments to and extensions for the county’s economic development ordinances which are set to expire in 2013 and further, to include provisions with respect to the requirements of F.S. Chpt. 119 (Public Records) relating to economic development financial records disclosure exemptions. Specifically, and for example, the ordinance providing for a property tax exemption incentives was never approved by general referendum as required by Florida’s constitution/statute and as such is invalid - the cure is suspension of the ordinance pending the public’s vote of approval; the impact fee waiver incentive program ignores that the impact fee fund that would otherwise see a contribution of impact fees, has to be made whole by some alternative source of funding (otherwise the impact fee charged becomes an illegal tax) - the cure is to require, as part of the ordinance, that the county immediately make a fund transfer to the affected impact** **Pg. 179 - 206**

fee fund equal in amount to the awarded waiver; as an alternative to an impact fee waiver program, an additional provision should be added for an impact fee exemption program which could include an impact fee moratorium for select impact fees (public safety related impact fees should not be suspended given the paramount importance of those services); consideration should be given to have the local and state job creation incentive provisions mirror each other including all provisions relating to state required underwriting provisions; such underwriting provisions which include the production of financial statements and/or tax returns should also be included as a requirement under all incentive programs; and lastly, the applicability of the public records exemption relating to any applicant's financial information shall apply to all members of county staff and the public except for the individual County Commissioners, the County Attorney, the County Manager, the Economic Development administrator and the Clerk of Courts and designated employees of such elected officials and county staff. Further that the Economic Development administrator bring the draft amended ordinances to the Board of County Commissioners in April, 2013 for review and discussion along with any other proposals the Administrator may have in the way of programs for the Board's consideration. At such time, the Board can direct the legally conforming options be presented to the community for input and additional recommendations, all with the intent of developing a legally sound and financially feasible economic development program that reflects the will of the tax-paying public. (Commissioner Hiller)

11. COUNTY MANAGER'S REPORT

- 11.A. This item continued from the November 13, 2012 meeting. Recommendation to deny the formal protest objection and uphold the Purchasing Director's decision denying Poole & Kent Company of Florida the award of Invitation to Bid (ITB) #12-5931 Master Pump Station 312 Rehabilitation as Projects 72549 and 70050; prohibit Poole & Kent from benefiting from the Board's local vendor preference for one (1) year; and, approve the award for the above mentioned ITB to contractor Douglas N. Higgins, Inc. in the amount of \$5,961,000 and authorize the Chairwoman to execute the agreement. (Len Price, Administrative Services Administrator) Pg. 207 - 460
- 11.B. This item continued from the November 13, 2012 meeting. Recommendation to deny the formal protest objection and uphold the Purchasing Director's decision denying Poole & Kent Company of Florida the award of Invitation to Bid (ITB) #12-5952, Aerated Sludge Holding Tank (ASHT)/Flow Equalization Tank (FET), Projects 73950 and 70091; prohibit Poole & Kent from benefiting from the Board's local vendor preference for one (1) year; and, approve the above ITB award to contractor Mitchell & Stark Construction Co. in the amount of \$6,307,000 and authorize the Chairwoman to execute the agreement. (Len Price, Administrative Services Administrator) Pg. 461 - 710
- 11.C. *This item to be heard at 11:00 a.m.* Recommendation to approve proposed changes that would repeal and replace the Animal Control Ordinance (Ordinance No. 2008-51, as amended) and direct the County Manager or his designee to advertise ordinance changes to be approved by the Board at a future meeting (Amanda Townsend, Animal Control Services Director) Pg. 711 - 785

- 11.D. Recommendation to award a construction contract to Community Asphalt for Bid No. 12-5948R - Immokalee Road Safety Improvements Project No. 60016.4, in the amount of \$1,904,344. (Jay Ahmad, Transportation Engineering Director) Pg. 786 - 942
- 11.E. Recommendation to adopt a resolution authorizing the acquisition by gift, purchase or condemnation of those perpetual and temporary easement interests necessary for the construction of stormwater improvements known as the "Haldeman Creek and Crown Pointe Weirs" segment of the Lely Area Stormwater Improvement Project. (Project No. 51101.) Estimated fiscal impact: \$117,000. (Margaret Bishop, Transportation Engineering Sr. Project Manager) Pg. 943 - 1010
- 11.F. Recommendation to provide additional review of the next phase of system expansion for Emergency Medical Services and Law Enforcement requested by the Board at their November 13, 2012 public hearing for the Annual Update and Inventory Report (AUIR)/Capital Improvement Element (Capital Improvement Element (CIE) update on Public Facilities as provided for in Chapter 6.02.02 of the Collier County Land Development Code. (Michael Bosi, Planning and Zoning Interim Director) Pg. 1011 - 1059

12. COUNTY ATTORNEY'S REPORT

- 12.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, FEBRUARY 12, 2013. The session will be held at a time certain of 12:00 noon, in the Commission's Office Conference Room, 3rd Floor, W. Harmon Turner Administration Building F, Collier County Government Center, 3299 East Tamiami Trail, Naples, Florida, 34112. In addition to Board members, County Manager Leo Ochs, and County Attorney Jeffrey Klatzkow will be in attendance. The Board in closed executive session will discuss: Strategy session related to settlement negotiations and litigation expenditures in the pending cases of: Francis D. Hussey, Jr., et al. v. Collier County, et al., Second District Court of Appeal Case No. 2D11-1224; and Sean Hussey, et al. v. Collier County, et al., Second District Court of Appeal Case No. 2D11-1223. Pg. 1060 - 1061
- 12.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 and litigation expenditures in the pending cases of: Francis D. Hussey, Jr., et al. v. Collier County, et al., Second District Court of Appeal Case No. 2D11-1224; and Sean Hussey, et al. v. Collier County, et al., Second District Court of Appeal Case No. 2D11-1223. Pg. 1062 - 1078

13. OTHER CONSTITUTIONAL OFFICERS

- 13.A. Request discussion with the Board of County Commissioners regarding an Emergency issue in the Pelican Bay Services Division Elections and to ask the Board to adjust the dates of the events surrounding the Election to insure compliance. Pg. 1079 - 1080

14. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

14.A. AIRPORT

14.B. COMMUNITY REDEVELOPMENT AGENCY

- 14.B.1. Recommendation that the Community Redevelopment Agency (CRA) appoint Bradley Muckel as Interim Director for the Immokalee CRA and the Immokalee Lighting and Beautification Municipal Services Taxing Unit.** Pg. 1081 - 1084

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.

16.A. GROWTH MANAGEMENT DIVISION

- 16.A.1. Recommendation to not paint new and future galvanized steel mast arm and steel strain pole traffic signal assemblies east of County Road 951 (Collier Boulevard) and to continue to perform maintenance painting of all existing painted steel mast arm and steel strain pole traffic signal assemblies in Collier County.** Pg. 1085 - 1090
- 16.A.2. Recommendation to approve the release of two liens with a combined value of \$183,407.20 for payment of \$6,707.20, in the Code Enforcement Action entitled Board of County Commissioners vs. Sylvia Derrick Code Enforcement Case Numbers CEP20100009396 and CE20100009395, relating to property located at 616 92nd Avenue N, Collier County, Florida.** Pg. 1091 - 1096
- 16.A.3. Recommendation to approve the release of lien in the amount of \$248,998.14 for payment of \$1,448.14, in the Code Enforcement Action entitled Board of County Commissioners vs. Brian Christopher and Sylvia Christopher, Code Enforcement Case Number CEP20080003635, relating to property located at 431 Ibis Way, Collier County, Florida.** Pg. 1097 - 1100
- 16.A.4. Recommendation to approve the release of lien in the amount of \$74,081.15 for payment of \$1,331.15, in the Code Enforcement Action entitled Board of County Commissioners vs. Carlos and Diana O. Leon, Code Enforcement Case Number CESD20100005001, relating to property located at 5210 Jennings Street, Collier County, Florida.** Pg. 1101 - 1104
- 16.A.5. Recommendation to approve the release of two liens with a combined value of \$55,975.12 for payment of \$675.12, in the Code Enforcement Action entitled Board of County Commissioners vs. Elvis Camacho, Code Enforcement Case Numbers CEP20100017789 and CEP20110000638, relating to property located at 2725 70th Street SW, Collier County, Florida.** Pg. 1105 - 1110

- 16.A.6. Recommendation to approve the release of lien in the amount of \$62,330.57 for payment of \$530.57, in the Code Enforcement Action entitled Board of County Commissioners vs. Sandra S. Sage, Code Enforcement Case Number CELU20100019962, relating to property located at 3135 Ravenna Avenue, Collier County, Florida. Pg. 1111 - 1114
- 16.A.7. Recommendation to award Invitation to Bid (ITB) #12-5977 for Median Landscaping Services for Airport Road from Cougar Drive to Vanderbilt Beach Road to Florida Land Maintenance, Inc., and authorize the Chairwoman to execute the attached agreement. Pg. 1115 - 1129
- 16.A.8. 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 adopt a Resolution to hold a public hearing to consider vacating a portion of the Upland Recreational Open Space Easement (U.R.O.S), being a part of Tract "S" of Embassy Woods Golf and Country Club at Bretonne Park, Phase One, Plat Book 17, pages 47 through 49 of the Public Records of Collier County, Florida, Application No. VAC-PL20120002564. Pg. 1130 - 1146
- 16.A.9. Recommendation to award Invitation to Bid (ITB) #13-6030 for Golden Gate Parkway and I-75 Interchange from 60th Street SW to Affordable Landscaping Service and Design LLC, and authorize the Chairwoman to execute the attached agreement. Pg. 1147 - 1164
- 16.A.10. Recommendation to reject all bids for Invitation to Bid (ITB) #12-5974 for Concrete; Road Sidewalk Curb and Floor Installation and Repairs; and authorize staff to issue a modified ITB. Pg. 1165 - 1169
- 16.A.11. Recommendation to approve Funding Agreement No. 4600002780 with the South Florida Water Management District (SFWMD), which provides funding in the amount of \$600,000 for the construction of Outfalls 3 and 4 of the Lely Area Stormwater Improvement Project (LASIP), Project 51101. Pg. 1170 - 1186
- 16.A.12. Recommendation to authorize a budget amendment to recognize revenue for projects within the Transportation Supported Gas Tax Fund (313) in the amount of \$17,380. Pg. 1187 - 1189
- 16.A.13. 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 adopt a Resolution to hold a public hearing to consider vacating all of Preserve P-6 and a portion of Preserve P-8, as recorded in Official Record Book 2406, pages 0549 through 0589, of the Public Records of Collier County, Florida, all of Preserve/Replant areas PA94, PA95, a portion of Preserve/Replant areas PA96 and PA102, being a part of Tract 8 of Vanderbilt Country Club - 2, Plat Book 32, pages 42 through 55 of the Public Records of Collier County, Florida, and a portion of Preserve/Replant areas PA96 and PA102, being a part of Tract FD10 of Vanderbilt Country Club - 2, Plat Book 32, pages 42 through 55 of the Public Records of Collier County, Florida. Application No. Pg. 1190 - 1225

VAC-PL20120002603.

- 16.A.14. 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 Talis Park Tract J, Application Number PL20120002646, a replat of Tract J of Tuscany Reserve. Pg. 1226 - 1235
- 16.A.15. Recommendation to increase the Board-authorized annual expenditures for "Records Management Services" to Vital Records Control, LLC from \$90,000 to an estimated annual expenditure of \$110,000 per fiscal year and to approve a budget amendment from Fund 113 to pay for these contracted services. Pg. 1236 - 1261
- 16.A.16. Recommendation to accept the specific past Staff Clarifications of the Land Development Code (LDC) attached to this Executive Summary. Pg. 1262 - 1274
- 16.A.17. 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 Camden Lakes, Application Number PPL-PL20120000747 approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security. Pg. 1275 - 1293
- 16.A.18. Recommendation to approve disposal of surplus property associated with the Gateway Triangle Stormwater Improvements Phase II, Contract #10-5366, Project #51803. Pg. 1294 - 1297
- 16.A.19. Recommendation to approve a Rezone petition fee reduction request for the proposed Ohlis Rezone and provide direction to the County Manager or his designee to evaluate down zoning applications as part of the Hearing Officer analysis. Pg. 1298 - 1301
- 16.A.20. Recommendation to approve \$350,000 in eligible costs for the FY13 Hideaway Beach erosion control structure project based on the January 16, 2013 Proportionality Analysis conducted by Coastal Engineering Consultants and reviewed by Collier County staff, make a finding that this item promotes tourism and approve necessary budget amendments. Pg. 1302 - 1319
- 16.B. COMMUNITY REDEVELOPMENT AGENCY
- 16.C. PUBLIC UTILITIES DIVISION
- 16.C.1. Recommendation to approve a grant application to the Florida Division of Emergency Management, Hazard Mitigation Grant Program, in the amount \$37,945 to retrofit 33 overhead doors at the Public Utilities Division's Operations Center located at 4370 and 4420 Mercantile Avenue, Naples. Pg. 1320 - 1434
- 16.C.2. Recommendation to approve the Utility and Access Easement Agreement with Regent Park Villas I Association, Inc., for the acquisition of a Utility and Pg. 1435 - 1462

Access Easement; and, to accept the grant of a Right of Entry to accommodate the relocation and replacement of the existing wastewater collection system in the Regent Park Villas communities for a total cost not to exceed \$2,300, Project Number 70043.

- 16.C.3. Recommendation to approve the Utility and Access Easement Agreement with Regent Park Villas II Association, Inc., for the acquisition of a Utility and Access Easement; and, to accept the grant of a Right of Entry to accommodate the relocation and replacement of the existing wastewater collection system in the Regent Park Villas communities for a total cost not to exceed \$2,400, Project Number 70043. Pg. 1463 - 1528
- 16.C.4. Recommendation to approve the Utility and Access Easement Agreement with Regent Park Villas III Association, Inc. for the acquisition of a Utility and Access Easement and to accept the grant of a Right of Entry to accommodate the relocation and replacement of the existing wastewater collection system in the Regent Park Villas communities for a total cost not to exceed \$2,400, Project Number 70043. Pg. 1529 - 1576
- 16.C.5. Recommendation to approve a time and materials contract with Agnoli Barber & Brundage in the not-to-exceed amount of \$243,631 for Request for Proposal No. 12-5883, "Master Pumping Station 312 Professional Services During Construction," Project Number 72549. Pg. 1577 - 1656
- 16.C.6. Recommendation to approve a time and materials contract with Hole Montes in the not-to-exceed amount of \$898,000 for Request for Proposal No. 12-5867, "North County Water Reclamation Facility Construction Engineering and Inspection Services for the Aerated Sludge Holding Tank/Flow Equalization Tank Construction", Project 70091. Pg. 1657 - 1737

16.D. PUBLIC SERVICES DIVISION

- 16.D.1. Recommendation to approve the conveyance of water and wastewater utilities located at MarGood Harbor Park, 321 Pear Tree Avenue, Goodland Florida, and to approve the execution of the conveyance documents, at a cost not to exceed \$120. Pg. 1738 - 1754
- 16.D.2. Recommendation to approve an amendment to the FY 2011-2012 HOME Investment Partnerships (HOME) Program Grant Agreement between Collier County and the Collier County Housing Authority (CCHA) that modifies Exhibit A, Scope of Services, effective as of the original date of the agreement, to allow all available forms of match, and to correct a scrivener's error in the grant agreement number and match amount. Pg. 1755 - 1785
- 16.D.3. Recommendation to approve an amendment to the Developer Agreements with Habitat for Humanity of Collier County, Inc. for the Neighborhood Stabilization Program 1 (NSP1) and the Neighborhood Stabilization Program 3; and approve an amendment to the NSP3 Action Plan to update and clarify target area census tracts, demolition and landbanking activities. Pg. 1786 - 1818

- 16.D.4. Recommendation to approve seven (7) satisfactions of mortgage in the aggregate amount of \$66,192.50 of owner occupied dwelling units that have satisfied the terms of their affordability period. Pg. 1819 - 1836
- 16.D.5. Recommendation to approve an after-the-fact substantial amendment for the FY2010-2011 Collier County U.S. Department of Housing and Urban Development (HUD) Action Plan amending the City of Naples Neighborhood Parks improvement project. Pg. 1837 - 1841
- 16.D.6. Recommendation to approve to pay 2012 property taxes and proceed with closing on donation of a 10 acre parcel previously approved for the Conservation Collier Land Acquisition Program at a cost not to exceed \$100. Pg. 1842 - 1845
- 16.D.7. Recommendation to approve a Resolution superseding Resolution No. 2012-192 and authorize staff to honor the Elderly/Disabled reduced fare for the subcontracted transportation provider with the Florida Commission for the Transportation Disadvantaged that provides transportation services under the non-emergency transportation Medicaid contract for Collier County Pg. 1846 - 1856
- 16.D.8. Recommendation to adopt a Resolution repealing all previous resolutions establishing and amending parts of the Collier County Parks and Recreation Department Facilities and Outdoor Areas License and Fee Policy and establishing the policy anew to include the establishment of a commercial beach parking permit, a policy for balances left on accounts, incorporating Conservation Collier's fee schedule, and authorizing the Board to set fees for County-sponsored special events. Pg. 1857 - 1883
- 16.D.9. Recommendation to approve the submittal of a revised Congestion Management System/Intelligent Transportation Stakeholders (CMS/ITS) grant application, for the design and construction of up to 12 additional bus shelters within Collier County, in the amount of \$336,872. Pg. 1884 - 1894
- 16.D.10. Recommendation to execute the attached Supplemental Agreement to the Joint Participation Agreement (JPA) between the Florida Department of Transportation (FDOT) and Collier County to amend the local match to include in-kind funding in the amount of \$75,150 and cash match in the amount of \$205,850 for the Collier Area Transit (CAT) Intermodal Transfer facility at the Government Center. Pg. 1895 - 1905
- 16.D.11. Recommendation to approve a Resolution rescinding and replacing Resolution No. 2001-245 adopting the Disadvantaged Business Enterprise (DBE) Program and goal setting process to ensure that DBE's have an equal opportunity to receive and participate in Federal Transit Administration assisted contracts by ensuring nondiscrimination in their award and administration. Pg. 1906 - 1953
- 16.D.12. Recommendation to approve budget amendments recognizing Conservation Collier FY12 carry forward for planned projects. Pg. 1954 - 1956

- 16.D.13. Recommendation to approve a substantial amendment to the FY2012-2013 Action Plan to include three new projects to be funded from the Emergency Solutions Grant that support homeless programs in Collier County and modify funding allocated to the ESG Planning and Administration category as allowed by HUD. Pg. 1957 - 1963**
- 16.D.14. Recommendation to renew the Memorandum of Understanding between Collier County and the Collier Community Cat Coalition to coordinate a community-based Trap-Neuter-Return Program for feral cats. Pg. 1964 - 1971**
- 16.D.15. Recommendation to Terminate the June 14, 2011, Underground Facilities Conversion Agreement entered into between Collier County and Comcast of the South, Inc. Pg. 1972 - 1977**

16.E. ADMINISTRATIVE SERVICES DIVISION

- 16.E.1. Recommendation to approve award of Invitation to Bid (ITB) 12-5935 Fleet Vehicles to Tamiami Ford, Inc. Pg. 1978 - 2020**
- 16.E.2. Recommendation to approve the ranked list of selected firms for Request for Proposal (RFP) 09-5262-S2 Countywide Engineering Services for Coastal Engineering Services and direct staff to bring negotiated contracts to the Board for subsequent approval with Humiston and Moore Engineers and Turrell, Hall & Associates, Inc. Pg. 2021 - 2042**
- 16.E.3. Recommendation to approve a Resolution authorizing the Commission Chairwoman to execute Deed Certificates for the sale of burial plots at Lake Trafford Memorial Gardens Cemetery during the 2013 calendar year Pg. 2043 - 2047**
- 16.E.4. Recommendation to authorize the County Manager or his designee and the County Attorney's office to advertise an amendment to Ordinance No. 2009-23, "Regulation of Outdoor Burning and Incendiary Devices during Drought Conditions Ordinance," in order to allow the Chairman of the Board of County Commissioners to declare a burning ban on behalf of the Board in absentia and also clarify certain provisions of the Ordinance. Pg. 2048 - 2064**
- 16.E.5. Recommendation to adopt a Resolution and approval of a Lease Agreement with Congressman Mario Diaz-Balart for use of County-owned office space for two years for a total revenue of \$20. Pg. 2065 - 2078**
- 16.E.6. Recommendation to approve a budget amendment to facilitate the reimbursement of funds to the Golden Gate Estates Library and the Louise Hasse Community Center for completed work per previously approved agreements with the Golden Gate Estates Land Trust Fund (605). Total fiscal impact \$311,024.39. Pg. 2079 - 2088**
- 16.E.7. Recommendation to accept reports and ratify staff-approved change orders and changes to work orders. Pg. 2089 - 2121**

16.F. COUNTY MANAGER OPERATIONS

- 16.F.1. Recommendation to approve a report covering a budget amendment impacting reserves in an amount up to and including \$1,235.42 and budget amendment moving funds. Pg. 2122 - 2124**
- 16.F.2. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the Fiscal Year 2012-13 Adopted Budget. Pg. 2125 - 2128**

16.G. AIRPORT AUTHORITY

- 16.G.1. Recommendation to approve the attached Amendment to Commercial Aviation Operations License Agreement with History Flight Inc., for limited commercial aviation operations at the Marco Island Executive Airport. Pg. 2129 - 2140**
- 16.G.2. Recommendation that the Board of County Commissioners, in its capacity as the Airport Authority, approves the attached Agreement permitting Comcast Cable Communications Management, LLC to install, operate and maintain cable at the Immokalee Regional Airport. Pg. 2141 - 2144**
- 16.G.3. Recommendation to approve the attached Travel Request in the amount of \$1,119 for the Airport Authority Executive to attend the Florida Airports Council 2013 State Summit in Tallahassee, Florida. Pg. 2145 - 2157**

16.H. BOARD OF COUNTY COMMISSIONERS

- 16.H.1. Commissioners request for Board approval to attend the Florida Association of Counties Legislative Day Conference April 3-5, 2013. Pg. 2158 - 2160**
- 16.H.2. Commissioner Hiller requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Attended Viva 500 Florida Event on January 8, 2013 at the Port Royal Club, Naples, Florida. \$70 to be paid from Commissioner Hiller's travel budget. Pg. 2161 - 2167**
- 16.H.3. Commissioner Hiller requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. She will attend ZOObilee 2013 on March 9, 2013 at the Naples Zoo, Naples Florida. \$150 to be paid from Commissioner Hiller's travel budget. Pg. 2168 - 2170**
- 16.H.4. Commissioner Hiller requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. Will be attending the CATO Institute Seminar on January 30, 2013 at the Waldorf Astoria in Naples, Florida. \$75 to be paid from Commissioner Hiller's travel budget. Pg. 2171 - 2175**
- 16.H.5. Commissioner Hiller requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. She will be attending the Fifth Community Drug Free Awareness Luncheon at the Naples Hilton, Naples on March 7, 2013, Florida. \$21 to be paid from Commissioner Hiller's travel budget. Pg. 2176 - 2179**

- 16.H.6. Commissioner Hiller requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. She will be attending the Creating Timeless Travel Memories - David Lawrence Center on February 18, 2013. \$25 to be paid from Commissioner Hiller's travel budget. Pg. 2180 - 2183
- 16.H.7. Commissioner Hiller requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. She will be attending the FAC Legislative Update on April 4, 2013. \$110 to be paid out of Commissioner Hiller's FAC travel budget. Pg. 2184 - 2186
- 16.H.8. Commissioner Hiller requests Board Approval for Payment to Attend a Function Serving a Valid Public Purpose. She will be attending The Beach Ball Gala for the Children's Advocacy Center on February 23, 2013. \$100 to be paid from Commissioner Hiller's travel budget. Pg. 2187 - 2189
- 16.H.9. Commissioner Hiller requests Board approval for reimbursement regarding attendance at a function serving a Valid Public Purpose. The Commissioner will be attending the 2013 Government Accounting Conference in Tallahassee, FL on February 7 & 8, 2013. \$225 to be paid from Commissioner Hiller's travel budget. Pg. 2190 - 2192
- 16.I. MISCELLANEOUS CORRESPONDENCE
- 16.J. OTHER CONSTITUTIONAL OFFICERS
- 16.J.1. To obtain Board approval for disbursements for the period of January 5, 2013 through January 11, 2013 and submission into the official records of the Board. Pg. 2193 - 2207
- 16.J.2. To obtain Board approval for disbursements for the period of January 12, 2013 through January 18, 2013 and for submission into the official records of the Board. Pg. 2208 - 2221
- 16.J.3. To obtain Board approval for disbursements for the period of January 19, 2013 through January 25, 2013 and for submission into the official records of the Board. Pg. 2222 - 2232
- 16.J.4. Recommendation that the Board accept the investment status update report for the quarter ending December 31, 2012. Pg. 2233 - 2237
- 16.J.5. Recommendation that the Board of County Commissioners approve a budget amendment in the amount of \$342,000 to appropriate additional funding for the Clerk of Courts pay plan adjustments and COLA increases consistent with the County's Pay Plan. Pg. 2238 - 2239
- 16.K. COUNTY ATTORNEY
- 16.K.1. Recommendation to approve a Settlement Agreement in the sum of \$4,000 prior to trial in the lawsuit entitled Michael A. Padron III, v. Collier County, Pg. 2240 - 2247

filed in the Twentieth Judicial Circuit in and for Collier County, Florida (Case No. 12-CA-924) and authorize the Chairwoman to execute the Settlement Agreement and Release (Fiscal Impact: \$4,000).

- 16.K.2. Recommendation to approve and authorize the Chairwoman to execute a mediated Settlement Agreement and Release prior to trial in the lawsuit entitled Miguel Rojas and Luz Escudero v. Collier County, and Collier County, filed in the Twentieth Judicial Circuit in and for Collier County, Florida (Case No. 11-2901-CA) for the sum of \$25,000.

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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.

- 17.A. *This item continued from the January 22, 2013 BCC Meeting.* Recommendation to adopt an ordinance which would establish limitations, in addition to those set forth in Chapter 538, Part I, Florida Statutes, on the sale and/or purchase of secondhand goods (secondhand dealers).

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18. ADJOURN

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