

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

March 22, 2022

9:00 AM

Commissioner William L. McDaniel, Jr., District 5; – Chair – CRAB Co-Chair
Commissioner Rick LoCastro, District 1; – Vice Chair
Commissioner Andy Solis, District 2
Commissioner Burt Saunders, District 3
Commissioner Penny Taylor, District 4; – CRAB Co-Chair

NOTICE: All persons wishing to speak on Agenda items must register 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.

Requests to petition 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.

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.

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 Division 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 Facilities Management Division.

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

- 1. INVOCATION AND PLEDGE OF ALLEGIANCE**
 - 1.A. Invocation by Reverend Tim Sensabaugh of Coastal Fellowship Church**
- 2. AGENDA AND MINUTES**
 - 2.A. APPROVAL OF TODAY'S REGULAR, CONSENT AND SUMMARY AGENDA AS AMENDED (EX PARTE DISCLOSURE PROVIDED BY COMMISSION MEMBERS FOR CONSENT AGENDA.)**
 - 2.B. February 22, 2022 - BCC Meeting Minutes**
- 3. AWARDS AND RECOGNITIONS**
 - 3.A. EMPLOYEE**
 - 3.A.1. 20 YEAR ATTENDEES**
 - 3.A.1.a. 20 Years, Melissa Henning - Service Award**
 - 3.A.2. 25 YEAR ATTENDEES**
 - 3.A.3. 30 YEAR ATTENDEES**
 - 3.A.4. 35 YEAR ATTENDEES**
 - 3.A.4.a. 35 Years, Tessie Sillery - Service Award**
 - 3.B. ADVISORY BOARD MEMBERS**
 - 3.C. RETIREES**
 - 3.D. EMPLOYEE OF THE MONTH**
 - 3.D.1. Recommendation to recognize John D'Elia, in the Code Enforcement Division, as the February 2022 Employee of the Month. (All Districts)**
- 4. PROCLAMATIONS**
 - 4.A. Proclamation designating April 2022 as Child Abuse Prevention Month in Collier County. To be accepted by Linda Goldfield, CEO, Youth Haven.**
 - 4.B. Proclamation designating March 2022 as American Red Cross Month in Collier County. To be accepted by Jill Palmer and Dennis Sanders, Florida Gulf Coast to Heartland.**
- 5. PRESENTATIONS**
- 6. PUBLIC PETITIONS**

7. **PUBLIC COMMENTS ON GENERAL TOPICS NOT ON THE CURRENT OR FUTURE AGENDA**
8. **BOARD OF ZONING APPEALS**
9. **ADVERTISED PUBLIC HEARINGS**
 - 9.A. ***** This item is being continued to the April 12, 2022 BCC Meeting Agenda. *** A Resolution of the Board of County Commissioners proposing amendments to the Collier County Growth Management Plan, Ordinance 89-05, as amended, relating to the Rural Fringe Mixed Use District Restudy and specifically amending the Urban Mixed Use District, Urban Residential Fringe Subdistrict and the Rural Fringe Mixed Use District of the Future Land Use Element to require Transfer of Development Rights for Comprehensive Plan amendments for increased residential density; amending the Urban Mixed Use District, Urban Residential Fringe Subdistrict to remove the density bonus cap on residential in-fill and remove the requirement to use Transfer of Development Rights within one mile of the Urban boundary; and amending the Rural Fringe Mixed Use District of the Future Land Use Element to change development standards and requirements, to increase density on Receiving Lands located along Immokalee Road, increase density on Receiving Lands for affordable housing, add Transfer of Development Rights Credits, add uses in Receiving areas, and add a conditional use for recreation in Sending Lands, and to amend development standards for Rural Villages; and create the Belle Meade Hydrologic Enhancement Overlay; and furthermore directing transmittal of the amendments to the Florida Department of Economic Opportunity. [PL20200002234] (District 1, District 3, District 5)**
10. **BOARD OF COUNTY COMMISSIONERS**
 - 10.A. **Recommendation to nominate and appoint four members to the County Government Productivity Committee. (All Districts)**
11. **COUNTY MANAGER'S REPORT**
 - 11.A. ***** This item to be heard at 10:30 AM or immediately following the Court Reporter Break. *** Recommendation to accept the after-action report for the 2022 Florida legislative session and provide guidance as preliminary planning begins for the next legislative cycle. (John Mullins, Communications, Government, and Public Affairs Division Director) (All Districts)**
 - 11.B. **Recommendation to approve FY 2022 Budget Amendments to re-allocate Parks Capital Fund (306) dollars from projects which are either finished with residual budget or can be deferred and funded in FY 2023, in an amount up to \$1,700,000, to Parks operating accounts for necessary community park maintenance and aesthetic improvements, plus ensure that sufficient dollars exist to fund seasonal summer camp staff. (Dan Rodriguez, Deputy County Manager) (All Districts)**
 - 11.C. **Recommendation to approve the award of Invitation to Bid ("ITB") No. 21-7922, "Pelican Bay Services Maintenance Facilities Improvements" to RAM General Contracting & Development, Inc., in the amount of \$3,832,911.78, and authorize the Chair to sign the attached Construction Services Agreement. (Neil Dorrill, Pelican Bay Services Division Administrator) (District 2)**

- 11.D. Recommendation to approve the purchase of insurance for property, boiler & machinery, terrorism, and watercraft hull for a one-year period effective April 1, 2022, in the estimated amount of \$4,768,339.42. (Jeff Walker, Risk Management Division Director) (All Districts)**

12. COUNTY ATTORNEY'S REPORT

- 12.A. Recommendation that the Board vacate the January 13, 2022, RFP which solicited for Special Magistrate services; and either (1) extend the Agreement for Special Magistrate Brenda C. Garretson, or (2) direct staff to convene the Special Magistrate Review Board to bring back a recommendation to the Board, or (3) direct Procurement to work with the County Attorney to reissue a modified RFP that is consistent with the Special Magistrate Ordinance, or (4) direct any other action the Board deems appropriate. (All Districts)**

13. OTHER CONSTITUTIONAL OFFICERS

14. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY

14.A. AIRPORT

14.B. COMMUNITY REDEVELOPMENT AGENCY

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 DEPARTMENT

- 16.A.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 Shadowwood – Plat One (Application Number PL20210001045) approval of the standard form Construction and Maintenance Agreement and approval of the performance security in the amount of \$2,467,157.80. (District 1)**
- 16.A.2. Recommendation to approve final acceptance of the potable water and sewer facilities, and accept the conveyance of the potable water and sewer facilities for Founders Square, PL20210000700. (District 3)**
- 16.A.3. Recommendation to approve final acceptance of the potable water and sewer facilities, and accept the conveyance of the potable water and sewer facilities for Isles of Collier Preserve Phase 15A, PL20210003000. (District 4)**

- 16.A.4. Recommendation to authorize the Clerk of Courts to release a Performance Bond in the amount of \$71,520 which was posted as a guaranty for Excavation Permit Number PL20190002561 for work associated with Silverwood at Ave Maria Phase 2. (District 5)**
- 16.A.5. Recommendation to authorize the Clerk of Courts to release a Performance Bond in the amount of \$62,326.32 which was posted as a guaranty for Excavation Permit Number PL20210001256 for work associated with Twin Eagles Golf Course Improvements. (District 3)**
- 16.A.6. Recommendation to approve an agreement for the purchase of four tracts of land from the Greater Naples Fire Rescue District (Parcels 120FEE, 121FEE, 122FEE and 123FEE) required for construction of the Lake Park Flow Way (Project 60246). Estimated Fiscal Impact: \$695,000. The source of funds is Stormwater bonds. (District 1)**
- 16.A.7. Recommendation to award Invitation to Bid (“ITB”) #21-7920, “Bus Wraps and Decals for CAT Vehicles,” to Doral Digital Reprographics, Corp. and Mega Graphx Inc. with an anticipated annual expenditure of \$35,000 which is funded with Federal Capital Grant dollars and authorize the Chairman to sign the attached agreements. (All Districts)**
- 16.A.8. Recommendation to approve the submittal of a Derelict Vessel Removal grant application to the Florida Fish and Wildlife Commission for the removal of one (1) derelict vessel from Collier County waterways in the amount of \$9,400.00 and authorize the Chairman to execute the grant application. (Note: The total grant funds for the prior 11 vessels total \$165,456.) (All Districts)**
- 16.A.9. Recommendation to approve a resolution authorizing the temporary closing of a portion of State Road 29 and determining that the closure is necessary for the Collier County Museums’ annual Immokalee Cattle Drive & Jamboree on March 26, 2022 to fulfill a Florida Department of Transportation (FDOT) temporary road closure permit application requirement. (District 5)**

16.B. COMMUNITY REDEVELOPMENT AGENCY

- 16.B.1. Recommendation that the Collier County Community Redevelopment Agency and the Board of County Commissioners review and accept the 2021 Annual Reports for the two component areas: Bayshore Gateway Triangle and Immokalee Community Redevelopment Areas (CRA) and publish the reports on the appropriate websites. (District 4, District 5)**

16.C. PUBLIC UTILITIES DEPARTMENT

- 16.C.1. Recommendation to approve and authorize the Chairman to sign a Donation Agreement with Carol L Rudnick for a 1.59-acre parcel under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$700. (Conservation Collier Fund 172) (All Districts)**

- 16.C.2. Recommendation to approve an Agreement for Sale and Purchase with Alice M. Gorman, for 1.14 acres under the Conservation Collier Land Acquisition Program at a cost not to exceed \$19,500. (Conservation Collier Fund 172) (All Districts)
- 16.C.3. Recommendation to approve proposal No. 9723, under Contract No. 19-7592, Building Automation Energy Management Services, from Juice Technologies, Inc. d/b/a Plug Smart, and authorize the issuance of a Purchase Order in the amount of \$307,017.50, to replace the proprietary N2 Johnson Controls Metasys Building Automation System with new BACnet Reliable Controls at the Collier County Sheriff's Office ("CCSO") Jail (J1) building at the Collier County Government Center. (Project No. 50221). (All Districts)
- 16.C.4. Recommendation to approve a First Amendment to Agreement No. 19-7622, "Annual Agreement for Wastewater Pump Station Repair and Renovation," with Quality Enterprises USA, Inc., Douglas N. Higgins, Inc., Precision Lift Stations, Inc., and U.S. Water Services Corporation. (All Districts)
- 16.C.5. Recommendation to approve the award of Request For Quote ("RFQ") No. 21-7842, "Deep Injection Well (DIW) Site Improvements," to Quality Enterprises USA, Inc., in the amount of \$608,472.30, approve the issuance of a purchase order in that amount, and authorize the necessary budget amendment (Project 70219). A Notice to Proceed work will not be issued until the bonds required by section 22 of the contract are provided by Quality Enterprises USA, Inc. (District 5)
- 16.C.6. Recommendation to approve a Lease Agreement with the City of Marco Island for the District 1 Commissioner, Clerk of Courts and Supervisor of Elections in the amount of \$4,300 annually for office space within the Marco Island City Hall. (General Fund 001) (District 1)
- 16.C.7. Recommendation to approve an amendment to a Contribution Agreement with City Gate Naples, LLC ("CGNU"), pertaining to the Uline Corporation regional distribution facility, by amending numbered paragraph four of the Agreement to reduce the County's duty to reimburse City Gate for the construction of improvements on real property to be dedicated to the County, by providing a onetime reimbursement payment not to exceed \$575,000, in lieu of a previously agreed upon Tax Increment Financing ("TIF") credit, which is estimated to produce a net savings to the County of approximately \$900,000, and approve necessary budget amendments. (District 3)

16.D. PUBLIC SERVICES DEPARTMENT

- 16.D.1. Recommendation to approve and authorize the chairman to sign two (2) mortgage satisfactions for the State Housing Initiatives Partnership (SHIP) loan program and HOME Investment Partnerships Program (HOME) in the amount of \$23,638.04 and approve the associated Budget Amendments to appropriate repayment amount totaling \$23,638.04. (SHIP Grant Fund 791 and Housing Grant Fund 705) (All Districts)

- 16.D.2. Recommendation to approve updates to the Emergency Rental Assistance 1 and 2 programs from the U.S. Department of Treasury to expand allowable activities for households seeking assistance to include payments to collection agencies and allowing for the payment of fees required by landlords under these programs. (All Districts)**
- 16.D.3. Recommendation to approve a Resolution authorizing the County Manager to execute all U.S. Department of Housing and Urban Development required certifications, applications, reports, and other forms. (All Districts)**
- 16.D.4. Recommendation to award Request for Proposal No. 21-7903 “Preserve Area Maintenance,” to Earth Tech Environmental, LLC, and authorize the Chair to sign the attached agreement. (Estimated Annual Fiscal Impact \$75,000) (All Districts)**
- 16.D.5. Recommendation to approve and authorize the Chairperson to sign the First Amendment to the subrecipient agreement with Youth Haven, Inc., to extend the agreement end date and increase the assistance amount to clients from \$3,000 to \$5,000, under the U.S. Housing and Urban Development Emergency Solutions Grants Program. (Housing Grant Fund 705) (All Districts)**
- 16.D.6. Recommendation to approve and authorize the Chairperson to sign the First Amendment to the HOME Investment Partnerships Program subrecipient agreement between Habitat for Humanity of Collier County, Inc., and Collier County to correct a typographical error and increase the subrecipient match obligation. (Housing Grant Fund 705) (All Districts)**
- 16.D.7. Recommendation to accept an update on the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Fund and authorize programmatic funding reallocations to support the one time allowance to local government, Capital Equipment Purchases for Emergency Medical Services and Affordable Housing based on the Final Rule published by the US Treasury and authorize the submission of the updated and annual Performance Plan. (All Districts)**
- 16.D.8. Recommendation to authorize a Budget Amendment in the amount of \$150,000 transferring funds from Domestic Animal Services Donation Fund (180) Reserves to Domestic Animal Services Donation Cost Center 155414 for veterinarian fees. (Current available reserves \$507,600) (All Districts)**

16.E. ADMINISTRATIVE SERVICES

- 16.E.1. Recommendation to award Invitation to Bid (“ITB”) #20-7780S, Fleet Vehicle and Equipment Maintenance and Repair Services, to Voigt’s Service Center, Inc., and Southeast Power Systems of Ft Myers, Inc., to furnish maintenance services and repair parts for County vehicles and equipment on a primary/secondary basis per line item cost of services. (All Districts)**

16.E.2. Recommendation to approve Second Amendments to the Collier County Emergency Services Medical Director and Deputy Medical Director's respective Agreements with the County extending the term of expiration and adjusting the compensation for services rendered at \$157,500 and \$131,500 respectively for the first year, with a 5% increase in the second and third years. (All Districts)

16.E.3. Recommendation to approve the administrative reports prepared by the Procurement Services Division for change orders and other contractual modifications requiring Board approval. (All Districts)

16.F. COUNTY MANAGER OPERATIONS

16.F.1. Recommendation to adopt a resolution to enact an outdoor burning ban in accordance with the provision of County Ordinance No. 2009-43, as amended, for an indefinite period of time until conditions improve. (All Districts)

16.F.2. Recommendation to approve a report covering budget amendments impacting reserves and moving funds in an amount up to and including \$25,000 and \$50,000, respectively. (All Districts)

16.F.3. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the FY21-22 Adopted Budget. (All Districts)

16.F.4. Recommendation to approve an Assumption Agreement assigning all rights, duties and benefits, and obligations to Alfred Benesch & Company concerning Agreement No. 21-7868 "Impact Fee Studies & Fiscal Analysis." (All Districts)

16.G. AIRPORT AUTHORITY

16.H. BOARD OF COUNTY COMMISSIONERS

16.I. MISCELLANEOUS CORRESPONDENCE

16.I.1. March 22, 2022 Miscellaneous Correspondence (All Districts)

16.J. OTHER CONSTITUTIONAL OFFICERS

16.J.1. Recommendation that the Board of County Commissioners provide approval to authorize the acceptance of the Fall 2021 E911 State Grant Award, approve associated budget amendments and approve the Collier County Sheriff's Office to receive and expend the Fall 2021 E911 State grant funds. (All Districts)

16.J.2. Recommendation to approve the use of \$1,000 from the Confiscated Trust Funds to support the Florida Agricultural Crimes Intelligence Unit, Inc. (All Districts)

- 16.J.3. Recommendation to authorize execution of the budget amendment for \$832,396.15 for Communications Consoles Replacement (9-1-1). (All Districts)
- 16.J.4. To record in the minutes of the Board of County Commissioners, the check number (or other payment method), amount, payee, and purpose for which the referenced disbursements were drawn for the periods between February 24, 2022 and March 9, 2022 pursuant to Florida Statute 136.06. (All Districts)
- 16.J.5. Request that the Board approve and determine valid public purpose for invoices payable and purchasing card transactions as of March 16, 2022. (All Districts)

16.K. COUNTY ATTORNEY

- 16.K.1. Recommendation to appoint a member to the Vanderbilt Waterway MSTU Advisory Committee. (District 2)
- 16.K.2. Recommendation to appoint a member to the Golden Gate Estates Land Trust Committee. (District 5)
- 16.K.3. Recommendation to reappoint 2 members to the Haldeman Creek Dredging Maintenance Advisory Committee. (District 4)
- 16.K.4. Recommendation that the Board authorizes the County Attorney to engage in voluntary mediation concerning a July 28, 2010, Developer Contribution Agreement involving the Randall Blvd. Commercial Subdistrict, and potentially bring back proposed amendments to the Agreement. (District 5)
- 16.K.5. Recommendation to approve: (1) a Mediated Settlement Agreement and Mutual Release resulting from the pre-suit dispute resolution process in the Tri-Party Construction Agreement between WPM-Southern, LLC, the City of Naples, Florida, Collier County, Florida, and the design engineer on the Project, Q. Grady Minor & Associates, P.A., (2) an Interlocal Agreement acknowledging the City's relinquishment of \$300,000 in funds the County had appropriated to reimburse the City for construction costs on the West Goodlette-Frank Road Area Joint Stormwater-Sewer Project, (3) the attached budget amendment, and (4) to authorize the Chairman to sign the attached agreements. (All Districts)

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. Recommendation to adopt an ordinance amending Ordinance No. 02-61, as amended, to amend the external boundaries of the Fiddler's Creek Community Development District #2, pursuant to Chapter 190.046, Florida Statutes. (District 1)
- 17.B. Recommendation to adopt an amendment to Ordinance No. 2021-02, as amended, the County Government Productivity Committee Ordinance, to reduce the quorum requirement at meetings from six to four members. (All Districts)
- 17.C. This item requires that ex-parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve Petition PL20210002017, to disclaim, renounce and vacate the County and the public interest in the 100-foot right-of-way and easement, described as Tract "G" as recorded in Deed Book 23, Page 47 of the Public Records of Collier County, Florida, located south of Oil Well Road (C.R. 856) near the intersection of Oil Well Road and Oil Well Grade Road in Sections 23 and 24, Township 48 South, Range 28 East, Collier County, Florida. (District 5)
- 17.D. This item requires that ex parte disclosure be provided by BCC members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve an Ordinance of the Board of County Commissioners of Collier County, Florida, to allow a drive-thru restaurant instead of a carwash in the Immokalee 7-Eleven Commercial Planned Unit Development (CPUD) by amending Ordinance Number 2021-22 to add eating places with a drive-thru and grocery stores as permitted uses, remove the car wash use and related developer commitment, reduce the total commercial square footage from 5,650 to 5,250, and increase the maximum two-way PM peak hour net new trips generation limit from 157+/- to 167+/-, on property located at the northwest corner of Main Street (SR 29) and North 9th Street, Immokalee, in Section 4, Township 47 South, Range 29 East, Collier County, Florida, consisting of 3.04+/- acres; and by providing an effective date. (PL20210001637) (District 5)
- 17.E. Recommendation to adopt a Resolution of the Collier County Board of County Commissioners designating 2,258 acres in the Rural Land Stewardship Area Zoning Overlay District as a Stewardship Sending Area with a designation as "CLH & CDC SSA 18"; pursuant to the terms set forth in the Escrow Agreement, Stewardship Sending Area Credit Agreement for CLH & CDC SSA 18, and Stewardship Sending Area Easement Agreement for CLH & CDC SSA 18; approving a Stewardship Sending Area Credit Agreement for CLH & CDC SSA 18; approving a Stewardship Sending Area Easement Agreement for CLH & CDC SSA 18 approving an Escrow Agreement for CLH & CDC SSA 18; and establishing the number of stewardship credits generated by the designation of said Stewardship Sending Area. The subject property is located in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22 and 23, township 49 south, range 28 east. [PL20200001007] (District 5)

- 17.F. ***** This item has been continued from the January 25, 2022, February 8, 2022, February 22, 2022, and March 8, 2022 BCC Meetings and is further being continued to the March 22, 2022 BCC Meeting. This item is the first of two hearings. *** Recommendation to approve an Ordinance amending Ordinance number 04-41, as amended, the Collier County Land Development Code, to change the name of the Bayshore Mixed Use Overlay District to the Bayshore Zoning Overlay District and the name of the Gateway Triangle Mixed Use District to the Gateway Triangle Zoning Overlay District, to rename the Bayshore Gateway Triangle Redevelopment Area to the Bayshore Gateway Triangle Community Redevelopment Area; to add prohibited uses, add appearance standards for outdoor display and storage, add a boundary map for the Bayshore Zoning Overlay District and for the Gateway Triangle Zoning Overlay District, add architectural standards for single family homes, and change other development standards. [PL20210001222] (District 4)**
- 17.G. **Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the FY21-22 Adopted Budget. (All Districts)**

18. ADJOURN

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