

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 14, 2023

9:00 AM

Commissioner Rick LoCastro, District 1; – Chair
Commissioner Chris Hall, District 2; – Vice Chair
Commissioner Burt Saunders, District 3
Commissioner Dan Kowal, District 4; – CRAB Co-Chair
Commissioner William L. McDaniel, Jr., District 5; – 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 minutes unless the time is adjusted by the chairman. Additional minutes may be ceded to an in-person speaker by other registered speakers who must be present at the time the speaker is heard. No public speakers will be heard for Proclamations, Presentations and Public Petitions. Speakers on Presentations are limited to 10 minutes, unless extended by the chairman. All persons wishing to speak on a Consent Item must register prior to the Board's Approval of the day's Consent Agenda, which is heard at the beginning of the meeting following the Pledge of Allegiance.

Anyone wishing to address the Board on Public Petition must submit the request in writing to the County Manager at least 13 days prior to the date of the meeting. The request shall provide detailed information as to the nature of the Petition. The Public Petition may not involve a matter on a future Board agenda, and must concern a matter in which the Board can take action. Public petitions are limited to a single presenter, with a maximum time of ten minutes, unless extended by the chairman. Should the petition be granted, the item will be placed on a future agenda for a public hearing.

Anyone wishing to address the Board on general topics not on this agenda or a future agenda must register to speak prior to the Public Comment portion of the agenda being called by the chairman. Speakers will be limited to three minutes, and no additional minutes may be ceded to the speaker. At the chairman's discretion, the number of public speakers may be limited to 5 for that meeting.

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 Scottlyn Hall, Daisy Hall, Sunee Hall, Shepherd Hall, and Miles Hall - Grandchildren of Commissioner Hall.

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 14, 2023, BCC Meeting Minutes

3. AWARDS AND RECOGNITIONS

3.A. EMPLOYEE

3.B. ADVISORY BOARD MEMBERS

3.C. RETIREES

3.D. EMPLOYEE OF THE MONTH

4. PROCLAMATIONS

4.A. Proclamation recognizing the 25th Anniversary for the Pace Center for Girls, Collier at Immokalee. To be accepted by Marianne Kearns, Executive Director, and other distinguished guests.

4.B. Proclamation designating March 2023 as American Red Cross Month in Collier County. To be accepted by Jill Palmer, Executive Director, South Florida Region, and Dennis Sanders, Community Volunteer Leader.

4.C. Proclamation designating March 18, 2023, as Save the Florida Panther Day in Collier County. To be accepted by Meredith Budd, Vice President of the Friends of the Florida Panther Refuge.

4.D. Proclamation designating March 14, 2023, as Gentle'men Against Domestic Violence Day in Collier County. To be accepted by Collier County Sheriff Kevin Rambosk.

4.E. Proclamation designating March 20-24, 2023, as Government Finance Professionals Week in Collier County, joining in the statewide recognition of government finance professionals. To be accepted by Derek Johnssen, Michael Netti, Christopher Day, and Kelly Jones of the Collier County Clerk's office.

5. PRESENTATIONS

5.A. ARTIST OF THE MONTH

5.B. Presentation of the Collier County Business of the Month for March 2023 to Day Adjusting & Consulting. The award will be accepted by Blake Day, owner. Also attending is Michael Dalby, CEO of the Greater Naples Chamber of Commerce.

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

10. BOARD OF COUNTY COMMISSIONERS

10.A. Recommendation to approve and authorize the Chairman to execute a Memorandum of Agreement and Escrow Agreement from the Florida Department of Veterans' Affairs (FDVA) for the County to appropriate \$30 million for the "State Veterans' Nursing Home" project using Infrastructure Sales Surtax Funding. (All Districts)

11. COUNTY MANAGER'S REPORT

11.A. * This Item to be heard at 10:00 AM. *** Recommendation to accept an update on the concrete crushing activities on the property located at the southeast corner of Santa Barbara Blvd and Davis Blvd (Taormina Reserve MPUD). (Jaime Cook, Director, Development Review Division) (All Districts)**

11.B. Recommendation to award Request for Proposal ("RFP") 22-7979, "Tourism International Representation - UK and Ireland Market" to OMMAC Ltd, authorize the Chairman to execute the Agreement for a term of three (3) years with two (2) one (1) year renewals options, and make a finding that this action promotes tourism. (Paul Beirnes, Tourism Division) (All Districts)

11.C. Recommendation to award Request for Proposal ("RFP") 22-7980, "Tourism International Representation - Germany Market" to DiaMonde e.K., authorize the Chairman to execute the Agreement, and make a finding that this action promotes tourism. (Paul Beirnes, Tourism Division) (All Districts)

11.D. Recommendation to authorize FY 2023 budget amendments in the total amount of \$29,859,500 to reallocate funding provided for debris removal and transfer additional reserves to support continued post Hurricane Ian recovery in FEMA Hurricane Fund (727), return funding to the Solid Waste Driveway Program Project (59001), and provide additional funding for unbudgeted storm related force account overtime; and to authorize future budget amendments for the reallocation of existing funding between cost centers within FEMA Hurricane Fund (727), Hurricane Ian Project (50280) to expedite recovery. (Christopher Johnson, Interim Director - Corporate Financial and Management Services) (All Districts)

- 11.E. **Recommendation to Adopt the FY 2024 Budget Policy and adopt a Resolution establishing a deadline of May 1, 2023, for budget submittals by the Supervisor of Elections, the Sheriff's Office, and the Clerk. (Ed Finn, Deputy County Manager) (All Districts)**
- 11.F. *****This Item continued from the September 13, 2022 BCC Meeting. ***
Recommendation to award Request for Proposal ("RFP") No. 21-7919-ST, "Construction Manager at Risk ("CMAR") for Collier County Mental Health Facility," to DeAngelis Diamond Construction LLC, for pre-construction services in the amount of \$207,965.00, and a fee of four-point seven five percent (4.75%) of the future to be determined Guaranteed Maximum Price ("GMP") proposal for construction services. (Ed Finn, Deputy County Manager) (All Districts)**
- 12. **COUNTY ATTORNEY'S REPORT**
- 13. **OTHER CONSTITUTIONAL OFFICERS**
- 14. **AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY**
 - 14.A. **AIRPORT**
 - 14.B. **COMMUNITY REDEVELOPMENT AGENCY**
 - 14.B.1. **Recommendation that the Board of County Commissioners (BCC), acting in its capacity as the Community Redevelopment Agency (CRA), approve the central boardwalk alignment, reject the Southern Boardwalk Alignment, and direct staff to engage professional design services to design and permit two parking areas to support the boardwalk connection from Bayshore Drive to Sugden Regional Park within the Bayshore Gateway Triangle Community Redevelopment Area. (Debrah Forester) (District 4)**
- 15. **STAFF AND COMMISSION GENERAL COMMUNICATIONS**
 - 15.A. **PUBLIC COMMENTS ON GENERAL TOPICS NOT ON THE CURRENT OR FUTURE AGENDA BY INDIVIDUALS NOT ALREADY HEARD DURING PREVIOUS PUBLIC COMMENTS IN THIS MEETING**
 - 15.B. **STAFF PROJECT UPDATES**
 - 15.B.1. **RED TIDE UPDATE**
 - 15.C. **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 (CONSENT)**

- 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 amended final plat of Esplanade by the Islands - Phase 2 Replat , (Application Number PL20220006144) approval of the standard form Construction and Maintenance Agreement and approval of the performance security in the amount of \$2,517,064.70. (District 1)**
- 16.A.2. Recommendation to approve final acceptance and accept the conveyance of the potable water and sewer utility facilities for Manatee Cove Phase 2, PL20210001317 and authorize the County Manager, or designee, to release the Final Obligation Bond in the total amount of \$4,000 to the Project Engineer or the Developer's designated agent. (District 1)**
- 16.A.3. Recommendation to approve a Resolution for final acceptance of the private roadway and drainage improvements for the final plat of Maple Ridge Phase 6A, Application Number PL20170002650, and authorize the release of the maintenance securities in the amount of \$597,454.58. (District 5)**
- 16.A.4. Recommendation to approve a Termination of Agreement Authorizing Affordable Housing Density Bonus and Imposing Covenants and Restrictions on Real Property for Summer Lakes Apartments II that has satisfied the terms of its affordability period. (District 2)**
- 16.A.5. Recommendation to authorize the Clerk of Courts to release a Performance Bond in the amount of \$28,080 which was posted as a guaranty for Excavation Permit Number PL20210002323 for work associated with Soluna. (District 3)**
- 16.A.6. Recommendation to seek approval for electronic submission by staff of a Small County Outreach Program for Rural Areas of Opportunities application with the Florida Department of Transportation to fund the construction of a paved shoulder project to improve safety on a segment of Immokalee Road (CR 846E) - in the amount of \$985,274.47. (District 5)**
- 16.A.7. Recommendation to hear a Land Development Code amendment at two regularly scheduled daytime hearings and waive the nighttime hearing requirement. (District 1, District 3, District 5)**
- 16.A.8. Recommendation to approve the selection committee's ranking and authorize staff to begin contract negotiations with CSA Ocean Sciences, Inc., related to Request for Professional Services ("RPS") No. 22-8015, "Professional Services for Nearshore Hardbottom Monitoring," direct staff to bring a proposed agreement back for the Board's consideration at a future meeting, and make a finding that this item promotes tourism. (All Districts)**

- 16.A.9. Recommendation to approve an expenditure of \$26,220 in Tourist Development Tax funds to Rick Croft Enterprises, Inc. dba Texas Trailers under Contract Number FSA20-EQU18.0 - Heavy Equipment (PiggyBack Contract 251) for the purchase of two (2) medium duty mobile cargo trailers for the storage of equipment and supplies used for beach maintenance activities, authorize the necessary budget amendment, and make a finding that this expenditure promotes tourism. (All Districts)**
- 16.A.10. Recommendation to approve a Work Order for CSA Ocean Sciences, Inc. to continue the required post-construction hardbottom monitoring for the Collier County Beach Nourishment Project in summer 2023 for time and materials not to exceed \$378,594.35 Tourist Development Tax funds under Contract No. 17-7188, authorize the Chairman to execute the Work Order, and make a finding that this item promotes tourism. (All Districts)**
- 16.A.11. Recommendation to approve the termination of Grant Contract No. F19AC00805 between Collier County and the U.S. Department of the Interior and the Florida Department of Environmental Protection and approve the required Budget Amendment to reduce grant funds in the amount of \$190,003.41 in the Growth Management Grant Fund (711). (All Districts)**
- 16.A.12. Recommendation to terminate Subrecipient Agreement Nos. IR031 and IR002 in the amounts of \$602,786.32 and \$591,374.00, respectively, with the Florida Department of Economic Opportunity (FDEO), Community Development Block Grant-Mitigation (CDBG-MIT) program and the Community Development Block Grant-Disaster Recovery (CDBG-DR) program totaling \$1,194,160.32 for the construction of the Immokalee Eden Gardens Stormwater Improvements, and the construction of the Immokalee North 3rd Street Drainage Improvements; Authorize the Chair to sign the termination letters to the Grantor, and approve necessary budget amendments to reduce grant funds totaling \$1,194,160.32 in the Growth Management Grant Fund (711). (District 5)**

16.B. COMMUNITY REDEVELOPMENT AGENCY (CONSENT)

16.C. PUBLIC UTILITIES DEPARTMENT (CONSENT)

- 16.C.1. Recommendation to approve proposal #10581, under Agreement 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 \$430,237.17 to replace the proprietary N2 Johnson Controls BMS with new BACnet Reliable Controls at the Collier County Courthouse Annex. (All Districts)**

- 16.C.2. Recommendation to approve a change order in the amount of \$16,302.96 and to add one hundred twenty (120) days to Agreement No. 20-7764, “North County Water Reclamation Facility (“NCWRF”) Aeration Basins 5 & 6 Diffuser System Replacement,” with U.S. Water Services Corporation, and authorize the Chairman to sign the attached change order. (District 2)**
- 16.C.3. Recommendation to approve a Fourth Amendment to Agreement No. 18-7429 for Security Services with Universal Protection Service, LLC to adjust the fee schedule to better align with market rates for the final renewal term of one year under the Agreement, and authorize the Chairman to sign the Amendment. (All Districts)**
- 16.C.4. Recommendation to authorize after-the-fact payment of \$170,916.00 to LJ Power, Inc., for emergency generator rental fees including shipping and fair markups that were in excess of the agreed upon Contract #18-7324 rates in response to Hurricane Ian, which was necessary to prevent a health safety emergency and potential for raw sewage spills, to ratify staff’s decision to procure the needed generators outside of the four corners of the agreement, and to waive any irregularity with the agreement. (All Districts)**

16.D. PUBLIC SERVICES DEPARTMENT (CONSENT)

- 16.D.1. Recommendation to approve “After-the-Fact” and authorize the Chairman to sign the Memorandum of Understandings with the Boys & Girls Club of Collier County, Florida, Inc. for the delivery of the 21st Century Learning Centers swimming skills and drowning prevention “Miracle 1 and Miracle 2” programs in Immokalee. (All Districts)**
- 16.D.2. Recommendation to approve the First Amendment for Sale and Purchase Agreement with Jim Howard Moody also known as Jim H. Moody and Linda Sue LeCount, as Trustee of the amended and restated trust of W. L. Crawford Revocable Trust U/A April 26, 1991, for 59.79 acres under the Conservation Collier Land Acquisition Program. (District 5)**
- 16.D.3. Recommendation to approve and authorize a Budget Amendment to recognize carry forward interest earned, in the amount of \$751.99, for the period of July 2022 thru September 2022 on advanced library funding received from the Florida Department of State to support library services for the use of Collier County residents. (All Districts)**
- 16.D.4. Recommendation to approve payment without further penalty to Housing Development Corporation of SW Florida, Inc., d/b/a HELP, under a Community Development Block Grant (CDBG) Subrecipient Agreement where the Performance Report (Exhibit C) did not properly reflect intended outcome goals. (All Districts)**

- 16.D.5. Recommendation to accept and recognize a grant donation from the Hsi-Yang Wu Memorial Fund through the Branch County Community Foundation in the amount of \$500 for the benefit of the Collier County Public Library and authorize the necessary Budget Amendments. (All Districts)
- 16.D.6. Recommendation to approve an “After-the-Fact” Second Amendment and attestation statement with the Area Agency on Aging for Southwest Florida, Inc. for Community Care for the Elderly grant program to decrease the contract amount by \$50,000 and revise the Annual Budget Summary (Attachment VIII). (All Districts)
- 16.D.7. Recommendation to authorize Budget Amendments totaling \$725,185; transferring reserves within the Local Provider Participation Fund (169) to remittances to other governments, for the purpose of remitting payment to the Agency for Health Care Administration as part of the Direct Payment Program Intergovernmental Transfers of State Fiscal Year (SFY) 2022-2023, pursuant to Senate Bill 2500, the General Appropriations Act of SFY 2022-2023. (All Districts)
- 16.D.8. Recommendation for the Board of County Commissioners to ratify Subrecipient Agreements and all amendments signed by the County Manager under the Local Fiscal Recovery Fund Grant to distribute reimbursement for expenses to eligible parties; approve the extension of time-limited personnel to carry out the remaining funded projects. (All Districts)
- 16.D.9. Recommendation to approve and authorize the Chairman to execute a Landlord Payment Agreement allowing Community and Human Services (CHS) to administer the Rapid Re-Housing and Homelessness Prevention Program through the Emergency Solutions and Rapid Unsheltered Survivor Housing Grants Program and authorize the necessary budget amendment in the amount of \$124,693.25 to support the required match funds. (All Districts)

16.E. ADMINISTRATIVE SERVICES (CONSENT)

- 16.E.1. Recommendation to approve the administrative report prepared by the Procurement Services Division for After-the-Fact procurements requiring Board approval to ratify/approve other items as determined by the County Manager or designee in accordance with Procurement Ordinance 2017-08 and Procurement Manual, as well as, to approve payment of \$3,433.06 in expenditures that have been incurred that were out of compliance with the contracts or procurement requirements and the associated invoices that have not been paid. (All Districts)
- 16.E.2. Recommendation that the Board approve extending, pursuant to Procurement Ordinance, Section 19, Contract Administration, subsection 4, Contract Extension, Agreement No. 17-7133 with Digitech Computer LLC for an additional one-year period to allow staff to competitively re-solicit these services, and authorize the Chairman to sign the attached Extension Agreement. (All Districts)

16.F. COUNTY MANAGER OPERATIONS (CONSENT)

- 16.F.1. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions, or insurance proceeds) to the FY22-23 Adopted Budget. (The budget amendments in the attached Resolution have been reviewed and approved by the Board of County Commissioners via separate Executive Summaries.) (All Districts)**
- 16.F.2. Recommendation to approve a report covering budget amendments impacting reserves up to and including \$25,000, and moving funds in an amount up to and including \$50,000. (All Districts)**

16.G. AIRPORT AUTHORITY (CONSENT)

16.H. BOARD OF COUNTY COMMISSIONERS (CONSENT)

16.I. MISCELLANEOUS CORRESPONDENCE (CONSENT)

16.J. OTHER CONSTITUTIONAL OFFICERS (CONSENT)

- 16.J.1. Recommendation to approve the use of \$5,000 from the Confiscated Trust Funds to support the Naples Ethics and Public Corruption Conference. (All Districts)**
- 16.J.2. Recommendation that the Board establish an auditor selection committee as required under Florida Statute § 218.391. (All Districts)**
- 16.J.3. 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 16, 2023 and March 1, 2023 pursuant to Florida Statute 136.06. (All Districts)**
- 16.J.4. Request that the Board approve and determine valid public purpose for invoices payable and purchasing card transactions as of March 8, 2023. (All Districts)**

16.K. COUNTY ATTORNEY (CONSENT)

- 16.K.1. Recommendation to appoint a member to the Golden Gate City Economic Development Zone Advisory Board. (District 3)**
- 16.K.2. Recommendation to appoint a member to the Golden Gate Estates Land Trust Committee. (District 3, District 5)**
- 16.K.3. Recommendation to reappoint two members to the Immokalee Local Redevelopment Advisory Board. (District 5)**

- 16.K.4. Recommendation to approve a Stipulated Final Judgment in the total amount of \$100,000 plus \$25,892.55 in statutory attorney fees, litigation costs, apportionment attorneys' fees, and experts' fees and costs for the taking of Parcel 191FEE required for the Vanderbilt Beach Road Extension Project No. 60168, and delegate authority to the County Manager or her designee to process payment of additional statutory attorney's fees for supplemental proceedings not to exceed \$3,000, if any, as authorized by Ch. 73, Fla. Stat. (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 a resolution approving amendments (appropriating carry forward, transfers, and supplemental revenue) to the FY22-23 Adopted Budget. (The budget amendments in the attached Resolution have been reviewed and approved by the Board of County Commissioners via separate Executive Summaries.) (All Districts)**

18. ADJOURN

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