

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

October 12, 2021

9:00 AM

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

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 Rabbi Ammos Chorny of Beth Tikvah Synagogue**
- 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. September 14, 2021 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 designating October 2021 as Domestic Violence Awareness Month in Collier County. The proclamation will be mailed to Linda Oberhaus, Chief Executive Officer, The Shelter for Abused Women & Children and copies to Kevin Rambosk, Collier County Sheriff and Crystal K. Kinzel, Clerk of the Circuit Court.**
 - 4.B. Proclamation designating October 2021 as "Careers in Construction" Month in Collier County. The proclamation will be mailed to Amelia Vasquez, Executive Officer, Collier Building Industry Association.**
 - 4.C. Proclamation designating October 10, 2021, as Republic of China (Taiwan) Day in Collier County. The proclamation was mailed to the Taipei Economic and Cultural Office (TECO) in Miami, Florida.**
- 5. PRESENTATIONS**
 - 5.A. Presentation of the Collier County Businesses of the Month for October 2021 to Ridgway Bar & Grill, Tony's Off Third, Bayside Seafood Grill & Bar, and Sukie's Wine Shop.**
- 6. PUBLIC PETITIONS**
- 7. PUBLIC COMMENTS ON GENERAL TOPICS NOT ON THE CURRENT OR FUTURE AGENDA**
- 8. BOARD OF ZONING APPEALS**

- 8.A. *** This Item to be heard no sooner than 1:00 p.m. *** FCC Beach & Yacht, LLC, filed an appeal of Official Interpretation INT-PL20210000943 that food trucks are permitted uses in the Commercial Convenience District (C-2) and Commercial Intermediate District (C-3) Zoning Districts. [PL20210002121], (Companion to items 8B & 8C) (District 4, All Districts)
- 8.B. *** This Item to be heard no sooner than 1:00 p.m. *** FCC Beach & Yacht, LLC, filed an appeal of the administrative approval of the Site Development Plan SDP-PL20200001903, pursuant to Code of Laws and Ordinances Section 250-58, which authorized the development of a food truck park in the Commercial Intermediate District (C-3) Zoning District. The subject properties are located at 300, 320, 322 Capri Boulevard and 218 Kon Tiki Drive in Section 32, Township 51 South, Range 26 East, Collier County, Florida. [PL20210001944], (Companion to items 8A & 8C) (District 1)
- 8.C. *** This Item to be heard no sooner than 1:00 p.m. *** Paul M. Grider and Tametha Grider, as trustees of the Grider Revocable Living Trust filed an appeal of Official Interpretation INT-PL20210000943 that food trucks are permitted uses in the Commercial Convenience District (C-2) and Commercial Intermediate District (C-3) Zoning Districts to clarify that the Official Interpretation is not site specific but applies County-wide to all properties designated within the C-2 and C-3 Zoning Districts. [PL20210002241] (Companion to items 8A & 8B) (District 1)

9. **ADVERTISED PUBLIC HEARINGS**

10. **BOARD OF COUNTY COMMISSIONERS**

11. **COUNTY MANAGER'S REPORT**

- 11.A. Recommendation to award Invitation to Bid (“ITB”) No. 21-7923, “Collier Beach Renourishment 2021-2022,” to Phillips and Jordan, Inc., in the amount of \$4,987,323.21, authorize the Chair to sign the attached Agreement, and make a finding that this item promotes tourism (Project Nos. 90066, 90068, and 50126) (Andrew Miller, Manager, Coastal Zone Management). (All Districts)
- 11.B. Recommendation to approve the Fiscal Year 2021-22 Strategic Marketing Plan for the Naples, Marco Island, Everglades Convention & Visitors Bureau (CVB) and make a finding that this plan promotes tourism. (Paul Beirnes, Tourism Division Director) (All Districts)
- 11.C. Recommendation to approve the Immokalee Road Corridor Congestion Study from Livingston Road to Logan Boulevard and authorize the County Manager or designee to pursue the recommended improvements. (Lorraine Lantz, Principal Planner; Capital Project Planning) (District 2, District 3, All Districts)

12. **COUNTY ATTORNEY'S REPORT**

- 12.A. *** This item must be heard prior to items 8A, 8B, and 8C *** Recommendation that the Board accept without comment four motions filed by the owner of the proposed Isles of Capri Food Truck Park and either (1) move directly to hearing the three publicly noticed appeals, or (2) remand the appeals to the Hearing Examiner. (District 1)

- 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. Recommendation to approve an Easement Agreement for the sale of an access easement over County property located on the southwest corner of Santa Barbara Boulevard and Painted Leaf Lane. (District 3)**
- 16.A.2. Recommendation to approve a Resolution for final acceptance of the private roadway and drainage improvements, and acceptance of the plat dedications, for the final plat of Vincent Acres Replat, Application Number PL20190001665 (f/k/a Vincent Acres, Application Number PL20150002012), and, and authorize the release of the maintenance security. (District 3)**
- 16.A.3. Recommendation to approve a Resolution for final acceptance of the private roadway and drainage improvements for the final plat of Palazzo at Naples, Application Number PL20130002119, acceptance of County maintenance responsibilities for all sidewalk easements (SW.E.) of Palazzo at Naples, and authorizing the release of the maintenance security. (District 3)**
- 16.A.4. Recommendation to approve final acceptance of the potable water utility facilities and accept the conveyance of a portion of the potable water utility facilities for Rookery Bay – Goodland Field Station Replacement, PL20210002089. (District 1)**
- 16.A.5. 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 Euclid Estates (Application Number PL20200002589) approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security. (District 2)**

- 16.A.6.** 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 SkySail - Phase One, (Application Number PL20210000065) approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security. (District 5)
- 16.A.7.** Recommendation to review and approve the Fiscal Year 2022 Capital Improvement Plan of the Big Cypress Basin (BCB), a part of the South Florida Water Management District (SFWMD). (District 1, All Districts)
- 16.A.8.** Recommendation to approve the release of a code enforcement lien with an accrued value of \$37,562.03 for payment of \$2,512.03 in the code enforcement action titled, Board of County Commissioners v. Peter A. Helff, Code Enforcement Case No. CEV20120016482 relating to property located at 2080 21st St SW, Collier County, Florida. (District 5)
- 16.A.9.** Recommendation to terminate for convenience Agreement No. 17-7200S with eTitle Agency, Inc. for Real Estate Title & Closing Services. (All Districts)
- 16.A.10.** Recommendation to approve the selection committee's ranking of Request for Professional Services ("RPS") No. 21-7900, "Design Services for Stormwater Improvements for the BCG&CC/CCN Areas", Project Number 60102 and authorize staff to begin contract negotiations with the top-ranked firm, Hole Montes, Inc., so that a proposed agreement can be brought back for the Board's consideration at a future meeting. (District 4)
- 16.A.11.** Recommendation to provide after-the-fact approval for Amendment 1 to the TIGER IX – Immokalee Complete Streets Grant Agreement with the US Department of Transportation/Federal Highway Administration Grant Award #693JJ32040007 (District 5)
- 16.A.12.** Recommendation to approve a budget amendment transferring \$290,000 from Fund (313) Project 60172 - Traffic Signal to Fund (313) Project 60252 – VBR at Logan Blvd Intersection Improvements (District 3)
- 16.A.13.** Recommendation to approve an amendment to the Department Funded Agreement (DFA) FM# 437103-1-88-01, which was renewed by the Board on June 22, 2021, between the Florida Department of Transportation (FDOT) and Collier County; to unencumber remaining unused funds initially allocated, in the amount of \$18,375; to execute a Resolution memorializing the Board's action. (All Districts)

16.B. COMMUNITY REDEVELOPMENT AGENCY

- 16.B.1.** Recommendation to terminate for convenience Contract No. 17-7208 with Ground Zero Landscaping Services, Inc. (District 4)

- 16.B.2. Recommendation to direct the County Attorney to advertise and bring back for future consideration an ordinance to amend Ordinance No. 2006-60, as amended, to expand the Haldeman Creek Maintenance Dredging Municipal Service Taxing Unit (MSTU) boundaries of the unit to include two parcels within the Courthouse Shadows Planned Unit Development. (District 4)**

16.C. PUBLIC UTILITIES DEPARTMENT

- 16.C.1. Recommendation to approve a Lease Agreement with 23-81 LNT, LLC, for warehouse storage space to be used by Facilities Management. (District 4)**
- 16.C.2. Recommendation to approve a First Amendment to Agreement No. 18-7416 for Public Utilities Lime Sludge Pond Cleaning to adjust the fee schedule rate during the remaining three-year renewal term of the Agreement. (District 5)**
- 16.C.3. Recommendation to approve an Assignment and Assumption of Lease Agreement between L3 Harris Technologies (Assignor) and the State of Florida Department of Management Services (Assignee). (District 5)**
- 16.C.4. Recommendation to approve the selection committee's ranking and authorize staff to enter into contract negotiations with Johnson Engineering, Inc., for Request for Professional Services ("RPS") No. 21-7904, "CEI Services for Hamilton Avenue and Danford Street," to bring a proposed agreement back for the Board's consideration at a future meeting. (District 4)**
- 16.C.5. Recommendation to authorize the necessary budget amendment from the Infrastructure Sales Tax Fund (318) to fund the Jail Buildings J1/J2/J3 & Parking Garage 1 (PG1) Fire Alarm Replacement project (Project No. 50237). (District 1)**
- 16.C.6. Recommendation to award Request for Professional Services ("RPS") No. 20-7749, "Domestic Animal Services Facility Design Services," to ADG Architecture, LLC in the amount of \$578,508, authorize the Chair to the sign the attached Agreement, and authorize the necessary budget amendments (Project No. 50145). (District 5)**

16.D. PUBLIC SERVICES DEPARTMENT

- 16.D.1. Recommendation to approve and authorize the Chairperson to sign two (2) Subrecipient Agreements between Collier County and (a) David Lawrence Mental Health Center, Inc in the amount of \$261,466.60 and (b) Collier County Sheriff's Office in the amount of \$845,280, for the Criminal Justice, Mental Health, and Substance Abuse grant program. (All Districts)**

- 16.D.2. Recommendation to approve and authorize the Chairman to sign agreements between Collier County and the David Lawrence Mental Health Center, Inc., in the amount of \$1,315,066 and NAMI Collier County, Inc., in the amount of \$146,700 pursuant to the state-mandated local match requirement for mental health services. (All Districts)**
- 16.D.3. Recommendation to approve the FY21-22 contract with the State of Florida Department of Health for the operation of the Collier County Health Department in the amount of \$1,495,900. (All Districts)**
- 16.D.4. Recommendation to approve “After-the-Fact” contract Amendment, Attestation Statement, and Budget Amendment with the Area Agency on Aging for Southwest Florida, Inc., Alzheimer’s Disease Initiative grant program for the Collier County Services for Seniors to increase the allocation, revise Attachment II Exhibit 2 Funding Summary and Attachment IX Budget and rate Summary and the supporting Budget Amendment. (All Districts)**
- 16.D.5. Recommendation to approve and authorize the chairperson to sign two (2) mortgage satisfactions for the State Housing Initiatives Partnership loan program in the amount of \$38,250 and the associated Budget Amendment. (All Districts)**
- 16.D.6. Recommendation to approve one (1) Release of Lien for full payment of \$27,907.45 (\$22,325.96 plus interest), pursuant to Agreement for Deferral of 100% of Collier County Impact Fees for Owner-occupied Affordable Housing Dwellings. (All Districts)**
- 16.D.7. Recommendation to approve and authorize the Chairperson to sign the Second Amendment to the Subaward Agreement between Collier County and the Institute for Intergovernmental Research for the Building Bridges Between Jails and Community-Based Treatment for Opioid Use Disorder Demonstration Project. (All Districts)**
- 16.D.8. Recommendation to authorize a Budget Amendment to fund the restoration of Sugden Regional Park Dock #4 and recognize insurance proceeds. (District 4)**

16.E. ADMINISTRATIVE SERVICES

- 16.E.1. 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 recognize Lucia Martin, Growth Management Department, Development Review Division as the September 2021 Employee of the Month.**

- 16.F.2. Recommendation to approve the Federally Funded Subaward and Grant Agreement with the Florida Division of Emergency Management in the amount of \$2,650 under the Federal Emergency Management Agency Fire Assistance Program in the response to the 36th Avenue Fire in May 2020 and authorize the County Manager to execute subsequent modifications. (All Districts)**
- 16.F.3. Recommendation to authorize a budget amendment totaling \$17,100 from Fund (178) reserves to Public Defender's Fund (178) to cover Purchase Orders for laptops and desktops that did not make it on to Purchasing's Request to Carry Forward list. (All Districts)**
- 16.F.4. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the FY21-22 Adopted Budget. (All Districts)**
- 16.F.5. Recommendation to approve a Second Amendment to the long-term lease and operating agreement for the Golf and Entertainment Complex between CCB SG Naples, LLC ("BigShots") and Collier County to include an updated exhibit of the leased area for the BigShots facility, and the remaining portion of the golf course redevelopment project. (District 3)**
- 16.F.6. *** This item continued from the September 28, 2021 BCC Meeting Agenda. *** Recommendation to approve and authorize the Chairman to sign the Extension and Amendment of the Agreement with The Partnership for Collier's Future Economy, Inc. ("Partnership") in continued support of the established public-private partnership designed to advance the County's economic development efforts. (All Districts)**

16.G. AIRPORT AUTHORITY

- 16.G.1. Recommendation to award Invitation to Bid ("ITB") No. 21-7907, "Marco Terminal Punch List-Grant Funded," to O-A-K/Florida, Inc. d/b/a Owen-Ames-Kimball Company in the amount of \$78,885.00, and authorize the Chair to sign the attached agreement. (District 1)**
- 16.G.2. Recommendation to approve the document necessary to convey an easement to Florida Power & Light (FP&L) Company over property owned by Collier County at the Marco Island Executive Airport (District 1)**

16.H. BOARD OF COUNTY COMMISSIONERS

- 16.H.1. Recommendation to authorize routine and customary budget amendments appropriating carry forward budget in the amount of \$11,207,629.60 for approved open purchase orders into Fiscal Year 2022. (All Districts)**

- 16.H.2. Recommendation to approve Petition VAC-PL20210001116, to disclaim, renounce and vacate the County and the public interest in the sidewalk easement as recorded in Official Records Book 4523, Page 3037 of the public records of Collier County, Florida, located in Section 4, Township 47 South, Range 29 East, Collier County, Florida. (District 5)**

16.I. MISCELLANEOUS CORRESPONDENCE

- 16.I.1. October 12, 2021 Miscellaneous Correspondence (All Districts)**

16.J. OTHER CONSTITUTIONAL OFFICERS

- 16.J.1. 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 September 16, 2021 and September 29, 2021 pursuant to Florida Statute 136.06. (All Districts)**
- 16.J.2. Request that the Board approve and determine valid public purpose for invoices payable and purchasing card transactions as of October 6, 2021. (All Districts)**

16.K. COUNTY ATTORNEY

- 16.K.1. Recommendation to reappoint a member to the Golden Gate Estates Land Trust Committee. (District 5)**
- 16.K.2. Recommendation to reappoint two members to the Golden Gate Beautification Advisory Committee. (District 3)**
- 16.K.3. Recommendation to approve and authorize the Chair to execute a Settlement Agreement in the lawsuit styled Paula Yoanys Alpizar Gomez v. Collier County Board of Commissioners, (Case No. 19-CA-3709), now pending in the Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida, for the sum of \$65,000. (All Districts)**
- 16.K.4. Recommendation to approve a Stipulated Final Judgment in the total amount of \$330,000 plus \$55,358.75 in statutory attorneys' fees and costs and expert fees and costs, for the taking of Parcel 215FEE, required for the Vanderbilt Beach Road Extension Project, Project No., 60168, and delegate authority to the County Manager or his designee to process payment of additional statutory attorney's fees for supplemental proceedings, if any, as authorized by Ch. 73, Fla. Stat. (District 5)**
- 16.K.5. Recommendation to approve a Stipulated Final Judgment in the amount of \$75,000 plus \$15,820 in statutory attorney and experts' fees and costs for the taking of Parcel 239FEE, required for the Vanderbilt Beach Road Extension Project No. 60168. (District 5)**
- 16.K.6. Overview of Agenda Item 7, Public Comments on General Topics not on the Current or Future Agenda. (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 creating the Collier County Public Art Committee to advise the Board on all matters relating to the public art within the entire unincorporated area of the County, including the Bayshore Gateway Triangle Community Redevelopment area. (All Districts)**
- 17.B. Recommendation to adopt a resolution approving amendments (appropriating carry forward, transfers and supplemental revenue) to the FY21-22 Adopted Budget. (All Districts)**
- 17.C. *** This item has been continued from the September 28, 2021 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)**

18. ADJOURN

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