

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

January 10, 2023

9:00 AM

Commissioner William L. McDaniel, Jr., District 5; – Chair – CRAB Co-Chair
Commissioner Rick LoCastro, District 1; – Vice Chair
Commissioner Chris Hall, District 2
Commissioner Burt Saunders, District 3
Commissioner Dan Kowal, District 4

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 the 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 Father Michael Orsi - St. Agnes Catholic 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. Recommendation that the Board authorize the new Chairs for both the Board of County Commissioners and the Community Redevelopment Agency to execute all documents approved at both this meeting and those documents which were previously approved but are pending signature.**
- 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 January 16, 2023, as a day to remember and celebrate Rev. Dr. Martin Luther King Jr.'s dream. To be accepted by Vincent Keays, President, Collier County Branch of the NAACP, and other distinguished guests.**
 - 4.B. Proclamation designating January 2023 as Human Trafficking Awareness Month in Collier County. To be accepted by Linda Oberhaus, Chief Executive Officer, The Shelter for Abused Women & Children.**
- 5. PRESENTATIONS**
 - 5.A. Presentation of the Collier County Business of the Month for January 2023 to the Inn at Pelican Bay. The award will be accepted by Steve Dorcy, General Manager. Also attending are Michael Dalby, CEO, and Bethany Sawyer, Vice President of Membership and Investors, the Greater Naples Chamber of Commerce.**
 - 5.B. ARTIST OF THE MONTH**
- 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 to be heard following the completion of items under sections 11 and 12. *** This item requires that all participants be sworn in, and ex parte disclosure be provided by Commission members. Recommendation to deny an Ordinance amending Ordinance Number 2004-41, as amended, the Collier County Land Development Code, by changing the zoning classification of the herein described real property from a Commercial Intermediate District (C-3) Zoning District to a Mixed Use Planned Unit Development (MPUD) Zoning District for the project to be known as Isles Of Capri MPUD, to allow construction of mixed-use development up to 168 feet in actual height including a maximum of 108 multi-family dwelling units, up to 10,000 square feet and 200 seats of restaurant and membership clubs, a marina including up to 64 wet slips, a 258-unit dry boat storage facility, and a ships store and dockmaster's office limited to 1,000 square feet, and 6,000 square feet of general offices, plus accessory indoor and outdoor recreation uses and parking structures without limitation. The subject property is located on the Isles of Capri on both north and south of Capri Boulevard, consisting of 5.32± acres; providing for repeal of Resolution No. 92-588 relating to setback variances and Resolution No. 93-370 relating to a parking variance for boat slips; and by providing an effective date. [PL20210002314] (This is a companion item to Item 9B, GMPA-PL20200002313 Isle of Capri Mixed Use Infill Subdistrict Growth Management Plan Amendment.) (District 1)**

9.B. * This Item to be heard following the completion of items under sections 11 and 12. *** Recommendation to approve an Ordinance amending Ordinance No. 89-05, as amended, the Collier County Growth Management Plan by changing the Land Use Designation of property to Urban, Urban Mixed Use District, Isles of Capri Mixed Use Infill Subdistrict to allow construction of a maximum of 108 residential units, up to 10,000 square feet and 200 seats of restaurant and Membership Clubs, a Marina including up to 64 wet slips, a 258-unit dry boat storage facility and a ships store, retail and/or Dockmaster's office limited to 1,000 square feet and 6,000 square feet of C-3, Commercial Intermediate District uses. The subject property is located on the Isles of Capri on both North and South of Capri Boulevard, consisting of 5.32± acres; and furthermore, directing transmittal of the adopted amendment to the Florida Department of Economic Opportunity; providing for severability and providing for an effective date. [PL20210002313] (Adoption Hearing) (This is a companion to Item 9A, PL20210002314). (District 1)**

9.C. Recommendation to consider an ordinance repealing Ordinance No. 22-43, which requires residential landlords to provide 60 days written notice of a rental increase over 5% to tenants with leases of one year or longer. (All Districts)

10. BOARD OF COUNTY COMMISSIONERS

10.A. Recommendation to adjust the Board's calendar by eliminating the summer recess and thus provide for year-round meetings. (All Districts)

- 10.B. Recommendation to direct the County Attorney to advertise, and bring back for a public hearing, an Ordinance which would create the unpaved private road emergency repair municipal service taxing unit by authorizing a levy of not to exceed one (1.0) mil of ad valorem taxes per year. (All Districts)**

11. COUNTY MANAGER'S REPORT

- 11.A. Recommendation to award Construction Invitation to Bid ("ITB") No. 22-7992R, "Palm River Public Utilities Renewal Project Areas 1 and 2," to Haskins, Inc., in the amount of \$15,579,339.85, authorize the Chairman to sign the attached Agreement, and approve the necessary budget amendments. (Matt McLean, Public Utilities Engineering Division Director) (This is a companion to Item 11B) (District 2)**
- 11.B. Recommendation to award Request for Professional Services ("RPS") No. 22-7998, "Construction Engineering and Inspection Services for Palm River Public Utilities Renewal Project," to Stantec Consulting, Inc., in the total amount of \$7,148,209.57, authorize staff to issue an initial purchase order in the amount of \$2,521,148.57, to be followed by future purchase order modifications subject to Board approval, and as dictated by Board-approved funding under Projects 70257 and 60234. (Matt McLean, Public Utilities Engineering Division Director) (This is a companion to Item 11A) (District 2)**
- 11.C. Recommendation to direct the County Manager to bring an agreement with Comcast Cable Communications, LLC, (Comcast) to a future Board of County Commissioners (Board) meeting to expand broadband and other cable-related services to identified underserved portions of Collier County. (James French, Growth Management and Community Development Department Head) (All Districts)**
- 11.D. Recommendation that the Board of County Commissioners, acting ex-officio as the Governing Board of the Collier County Water-Sewer District adopt a resolution accepting the proposal of JPMorgan Chase Bank, N.A., to purchase from the Collier County Water-Sewer District (District) a Series 2023 taxable bond in order to refund all of the District's Water and Sewer Refunding Revenue Bonds, Series 2016, for net present value interest savings; approve the form of a bond purchase and exchange agreement (with respect to the Series 2026 tax-exempt bond); authorize the issuance of a Collier County Water and Sewer District Refunding Revenue Bond, Series 2023 in the principal amount of not to exceed \$52,000,000 and providing for the potential exchange of such Series 2023 Bond for a Collier County Water and Sewer District Refunding Revenue Bond, Series 2026 in 2026; delegate certain authority to the Board Chairman and other appropriate officers of the County for the execution and delivery of the bond purchase and exchange agreement; authorize the execution and delivery of an escrow deposit agreement and appointment of an escrow agent thereto; and authorize all necessary budget amendments. (Edward Finn, Deputy County Manager) (All Districts)**

12. COUNTY ATTORNEY'S REPORT

- 12.A. Report to the Board by the County Attorney on the Issue of Paying Full Appraised Value for Conservation Collier properties. (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

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.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. Recommendation to authorize a budget amendment to recognize carry forward for projects within the Transportation Supported Gas Tax Fund (313) and Transportation & CDES Capital Fund (310) in the amount of \$40,081.63 (Projects 60085, 60088, 69333, and 69336). (All Districts)**
- 16.A.2. Recommendation to approve final acceptance of the potable water and sewer utility facilities and accept the conveyance of a portion of the potable water facilities and appurtenant utility easement, for the Christ the King Church, PL20220003254. (District 1)**
- 16.A.3. Recommendation to approve final acceptance of the potable water utility facilities and accept the conveyance of the water facilities and appurtenant utility easements, for Christ the King Church Offsite Watermain, PL20220002981. (District 1)**
- 16.A.4. Recommendation to approve a Resolution for final acceptance of the private roadway and drainage improvements for the final plat of Del Webb Naples Parcels 203-204, Application Number PL20150001882, and Del Webb Naples Parcel 204, Application Number PL20160001451, and authorize the release of the maintenance securities in the amount of \$75,589.96 and \$12,368.07, respectively. (District 5)**
- 16.A.5. 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 Maple Ridge Amenity Center at Ave Maria, Application Number PL20170000724 and Application Number PL20160001559, and authorize the release of the maintenance security in the amount of \$288,627.77. (District 5)**

- 16.A.6. Recommendation to approve final acceptance of the potable water and sewer utility facilities and accept the conveyance of a portion of the potable water facilities for Motor Condos at Naples Boulevard, PL20220005629. (District 2)**
- 16.A.7. Recommendation to approve final acceptance of the potable water and sewer utility facilities and accept the conveyance of the potable water and a portion of the sewer utility facilities, and appurtenant County Utility Easements, for Tree Farm Apartments, PL20220004818. (District 3)**
- 16.A.8. Recommendation to approve final acceptance of the potable water and sewer utility facilities for Uline, PL20220006207. (District 3)**
- 16.A.9. 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 Maple Ridge at Ave Maria Phase 7B Replat, (Application Number PL20220003332) approval of the standard form Construction and Maintenance Agreement, and approval of the performance security in the total amount of \$249,615.49. (District 5)**
- 16.A.10. Recommendation to authorize the Clerk of Courts to release a Performance Bond in the amount of \$25,760 which was posted as a guarantee for Excavation Permit Number PL20200002319 for work associated with City Gate Commerce Park Phase Three Replat No. 4. (District 3)**
- 16.A.11. Recommendation to authorize the Clerk of Courts to release a Performance Bond in the amount of \$25,000 which was posted as a guarantee for Excavation Permit Number PL20220000677 for work associated with Batch Plant Replacement. (District 5)**
- 16.A.12. Recommendation to approve administrative Change Order # 17 to Agreement No. 11-5626, "One Hundred (100) Year Flood Elevations for Five (5) Basins in Collier County," project with Tomasello Consulting Engineers, Inc., for a zero-dollar time extension of an additional 365 days for the completion of the ongoing update of the Federal Emergency Management Agency Digital Flood Insurance Rate Map (All Districts)**
- 16.A.13. Recommendation to approve the release of five code enforcement liens, with an accrued value of \$264,229.83 for payment of \$100,000 in the code enforcement actions titled, Board of County Commissioners v. Stephen Schessler, relating to property located at 1216 Rosemary Lane, Collier County, Florida. (District 4)**

16.B. COMMUNITY REDEVELOPMENT AGENCY (CONSENT)

16.C. PUBLIC UTILITIES DEPARTMENT (CONSENT)

- 16.C.1. *** This Item continued from the June 28, 2022, BCC Meeting and further continued from the September 13, 2022, BCC Meeting. *** Recommendation to approve a Second Amendment to the Major User Agreement for Delivery and Reuse of Irrigation Quality ("IQ") Water with the Riviera Golf Club/Lucky Two Golf, LLC, to provide a revised termination date due to facility closure. (District 4)**
- 16.C.2. Recommendation to approve a Resolution removing uncollectible accounts receivable and their respective balances from the financial records of Collier County Public Utilities Department in the amount of \$8,539.44 within Water-Sewer District Operating Fund (408) and Landfill Operating Fund (470). (All Districts)**
- 16.C.3. Recommendation to approve administrative Change Order No. 1 for time extension and utilization of \$125,659.20 of the Design Contingency under the Professional Services Agreement 21-7884 with Matern Professional Engineering, Inc., for the New Chiller Plant Building K. (Project No. 50214.1) (District 4)**
- 16.C.4. Recommendation to approve the termination and release of a temporary construction easement acquired by the County for the construction of the County's Production Well No. 10 (SRO 25) in the Eminent Domain case styled Board of County Commissioners of Collier County, Florida v. Vision & Faith, Inc., et al., Circuit Court Case 05-CA-1275, (Project #70892). (District 1)**
- 16.C.5. Recommendation to accept a project update on the Collier County Sports Complex being built under Agreement No. 17-7198, with Manhattan Construction (Florida), Inc. (Project 50156) (District 3, District 5)**
- 16.C.6. Recommendation that the Board of County Commissioners, acting in their capacity as Trustee of the GAC Land Trust, executes an Agreement and authorizes a Budget Amendment in the amount of \$352,000 to provide the Collier County Emergency Medical Services Division funding for the purchase of an ambulance, stretcher, and cardiac monitor for EMS Station 74 located at the intersection of DeSoto Boulevard and Golden Gate Boulevard. (District 5)**

16.D. PUBLIC SERVICES DEPARTMENT (CONSENT)

- 16.D.1. Recommendation to approve and authorize the removal of uncollectible accounts receivables in the amount of \$53,747.18 from the financial records of the Library Division in accordance with Resolution No. 2006-252 and authorize the Chairman to execute the attached Resolution. (All Districts)**

- 16.D.2. Recommendation for the Board of County Commissioners to approve Amendment Seven to the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Fund Plan, approve a reallocation of funds, and authorize the County Manager or designee to continue to execute any sub-award agreements and payment requests necessary to distribute reimbursement for expenses to eligible parties. (All Districts)**

16.E. ADMINISTRATIVE SERVICES (CONSENT)

- 16.E.1. Recommendation to approve the administrative report prepared by the Procurement Services Division for disposal of property and notification of revenue. (All Districts)**
- 16.E.2. Recommendation to approve the administrative report prepared by the Procurement Services Division for contractual modifications requiring Board approval. (All Districts)**
- 16.E.3. Recommendation to approve an Assumption Agreement assigning all rights, duties, benefits, and obligations from HealthCare Impact Associates, LLC, to Equifax Workforce Solutions LLC, concerning Agreement No. 15-6505, "Affordable Care Act Data Reporting Services." (All Districts)**

16.F. COUNTY MANAGER OPERATIONS (CONSENT)

- 16.F.1. Recommendation to approve modifications to the County Manager Agency and EMS Non-Union 2023 Fiscal Year Pay & Classification Plans which consist of changes made from October 8, 2022, through December 31, 2022, and to authorize an increase in deferred compensation matching for Executive Coordinators to Commissioners; regular full- and part-time employees below the Assistant County Attorney level in the County Attorney's Office; and regular full- and part-time employees below the Division Director level in the County Manager's Agency effective January 1, 2023. (All Districts)**
- 16.F.2. Recommendation to approve a Memorandum of Understanding between Collier County and the State of Florida, Department of Health, Collier County Health Department, for mutual participation in the acquisition, mobilization, and disaster assistance for a mobile oxygen generating system. (All Districts)**
- 16.F.3. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions, or insurance proceeds) to the FY22-23 Adopted Budget. (All Districts)**

16.G. AIRPORT AUTHORITY (CONSENT)

- 16.G.1. Recommendation to approve and authorize the removal of uncollectible accounts receivable in the amount of \$2,050.36 from the financial records of the Airport Authority Fund (495) in accordance with Resolution 2006-252 and authorize the Chair to execute the attached Resolution. (All Districts)**

16.H. BOARD OF COUNTY COMMISSIONERS (CONSENT)

16.I. MISCELLANEOUS CORRESPONDENCE (CONSENT)

16.J. OTHER CONSTITUTIONAL OFFICERS (CONSENT)

- 16.J.1. Recommendation that the Board designate the Clerk's website as the county's official publicly accessible website for purposes of the notices and advertisements required under Florida Statute 50.011. (All Districts)**
- 16.J.2. 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 December 1, 2022, and December 14, 2022, pursuant to Florida Statute 136.06. (All Districts)**
- 16.J.3. Request that the Board approve and determine valid public purpose for invoices payable and purchasing card transactions as of December 21, 2022. (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 December 15, 2022, and December 28, 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 January 3, 2023. (All Districts)**

16.K. COUNTY ATTORNEY (CONSENT)

- 16.K.1. Recommendation to appoint a member to the Bayshore/Gateway Triangle Local Redevelopment Advisory Board. (District 4)**
- 16.K.2. Recommendation to appoint two members to the Historic/Archaeological Preservation Board. (All Districts)**
- 16.K.3. Recommendation to reappoint five members to the Ochopee Fire District Advisory Committee. (District 5)**
- 16.K.4. Recommendation to appoint a member to the Collier County Planning Commission, representing Commission District 3. (District 3)**
- 16.K.5. Recommendation to approve a Stipulated Final Judgment in the total amount of \$129,000 plus \$25,468 in statutory attorney and experts' fees and costs, for the taking of Parcel 1130FEE required for the Vanderbilt Beach Road Extension Project No. 60168. (All Districts)**

- 16.K.6. Report to the Board of County Commissioners in response to Public Comments at the December 13, 2022, Regular Meeting regarding potential conditions required by a COVID-19 Extra Mile Migrant Farmworker grant. (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. (All Districts)**

18. ADJOURN

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